



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Tuesday, 16 February 2010.

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DÁIL ÉIREANN

Dé Máirt, 16 Feabhra 2010.
Tuesday, 16 February 2010.

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

Paidir.
Prayer.

Ceisteanna — Questions.

Freedom of Information.

1. **Deputy Enda Kenny** asked the Taoiseach the number of freedom of information requests which were processed by his Department to date in 2010; the number which have been acceded to; and if he will make a statement on the matter. [48383/09]

2. **Deputy Eamon Gilmore** asked the Taoiseach the number of applications made to his Department under the freedom of information legislation during 2009; the number of requests that were granted; the way these figures compare to each year from 2002 to 2009; and if he will make a statement on the matter. [3176/10]

3. **Deputy Caoimhghín Ó Caoláin** asked the Taoiseach the number of freedom of information requests acceded to; the number refused in his Department to date in 2010; and if he will make a statement on the matter. [3455/10]

The Taoiseach: I propose to take Questions Nos. 1 to 3, inclusive, together.

Seven freedom of information requests were received in my Department to date in 2010. Of these, two were part granted and the remaining five are still being processed.

As regards FOI requests received in the years 2002 to 2009, the following table shows the number received in each of those years and the number that were granted and part granted.

All FOI requests received in my Department are processed by statutorily designated officials in accordance with the Freedom of Information Acts. I have no role in processing requests.

Year	Received	Granted	Part Granted
2002	146	49	35
2003	142	38	46
2004	45	14	10
2005	61	22	18
2006	54	36	10

[The Taoiseach.]

Year	Received	Granted	Part Granted
2007	71	23	17
2008	83	38	26
2009	99	51	28

Note regarding table: Decisions on the remainder of requests received are categorised as either no records, withdrawn, transferred or refused. (Records are refused when they are exempt from release under the FOI Act.)

Deputy Enda Kenny: Does the Taoiseach attribute any validity on the comments of the Information Commissioner, Ms Emily O'Reilly, and the Department of Finance in respect of freedom of information, FOI, and the structures and costs relating thereto? Ms O'Reilly stated:

If FOI is about replacing a culture of secrecy with a culture of openness in the Irish public service, I have to say that this objective is being frustrated by the continued exclusion from FOI of several key public institutions.

At a conference on FOI held in June of last year, comments made by the Information Commissioner and officials of the Department of Finance are extremely relevant to the Taoiseach's initial reply, particularly in the context of his and other Departments. On that occasion, the Information Commissioner stated that the Ryan commission's inquiry into the abuse of children in institutions might not have been required if freedom of information legislation had existed. She also inquired as follows:

What might have been the outcome if 30 years ago, FoI legislation had allowed the public to rip away the secretive bureaucratic veils that hid the industrial schools and other institutions from clear view and exposed the practices therein?

She further stated: "Other records would have revealed the complaints made and ignored, the low levels of educational attainment and other issues that took until the year 2009 to emerge into the daylight."

The Taoiseach is not responsible for the fact that freedom of information legislation did not exist 30 years ago and the Information Commissioner made that point. Given that she was appointed by the Government, the remarks made by Ms O'Reilly should carry some weight. At the conference to which I refer, a senior official from the Department of Finance made the point that FOI requests are costly to process and that the Government would be obliged to consider ways of improving the Freedom of Information Act. The same official made the point that this would include publishing information outside the provisions of the Freedom of Information Act.

What weight or validity does the Taoiseach attribute to public comments made by the Information Commissioner? What weight does he attribute to the formal advice offered by the Department of Finance to the effect that information should be provided outside the provisions of the Freedom of Information Act, particularly in view of the costs involved in processing claims? What additional information could, as suggested by the Department of Finance, be published by Departments of State in order to make the Act more relevant and more meaningful?

The Taoiseach: The policy in respect of freedom of information legislation is decided initially by Government and then subsequently by the Oireachtas. While one takes into account what might be stated in the annual reports of the Ombudsman or the Information Commissioner to

the Minister for Finance — who deals with these matters — ultimately it is the responsibility for the Government and the Oireachtas to make decisions on these issues.

As the Deputy will be aware, there have been many major extensions to the Act — and various bodies — since it was first placed on the Statute Book. That has been a good development because it has been possible, as a result of experience gained, to broaden the remit of the legislation and prepare Departments and agencies which come within its remit for the statutory duties imposed upon them. I am of the view that the current system works satisfactorily. Compliance is achieved by means of the work done by the various statutorily designated officers whose task it is to compile the necessary information on foot of requests received under the legislation.

I would surmise that the official from the Department of Finance to whom Deputy Kenny referred was highlighting the need to provide as much information as possible — through websites, policy documents and the review documents that emanate from Departments and public bodies — on an ongoing basis rather than having a system whereby the Freedom of Information Act is used for obtaining general information. The Freedom of Information Act was originally introduced to benefit citizens by ensuring their rights in interacting with the State so that personal information would be made available to them in an appropriate way. We have extended its remit considerably since then.

Deputy Enda Kenny: The question related in part to the response given by a Department of Finance official who stated that freedom of information requests are costly to process. I can understand that because if the Freedom of Information Act has a structural impediment whereby information that might be relevant is not given out freely, it means that further information is requested and therefore officials must spend further time compiling it. In respect of what was stated by the Department of Finance, which is the Department with responsibility for the Freedom of Information Act, what is the Taoiseach's view on publishing information outside the Act? This would lessen the requirement for requests within the Act which are costly to process. Does the Taoiseach have a general view that it would be in everybody's interest for relevant information to be published outside the Freedom of Information Act readily without having to resort to it in the first place?

I am quite sure that as a Minister who served in many Departments over the years, the Taoiseach discussed with the Secretaries General of those Departments the fact that Deputies who table parliamentary questions should be given as much information as possible. The replies to many of the questions, which are vetted on behalf of Ministers by Secretaries General, are meaningless. This means that Deputies or other interested persons must then resort to freedom of information requests, which mean further time and cost and more red tape. If the Taoiseach were to tell his Cabinet colleagues to instruct the Secretaries General to be as flúirseach as possible with the information and make it as relevant as possible in the first instance, it might lessen the number of freedom of information requests.

The Taoiseach: The point to make on freedom of information is that the idea that some issues require freedom of information requests does not suggest that people are unduly secretive about the information that is available. The nature of some of the requests under the Freedom of Information Act is by definition personal or confidential; those requests may relate to the health records of the individual seeking them. The idea of the Freedom of Information Act is to make what would normally be confidential, such as personal records, available to citizens as and if they require. Therefore, that fact that one must make a freedom of information

[The Taoiseach.]

request to get the information is good; it should not be something that is available in the normal way.

Information obtained through the channel of freedom of information legislation is appropriately dealt with in that way; it is not appropriate simply to put everything up on a website. There is personal and confidential information, and there is information that is more general. Issues of general policy and general reporting requirements can be provided on a website and should be available. It does not stop Deputies who table parliamentary questions or people making freedom of information requests using those opportunities even though that information might now be available in other formats for people to look for it or to check the websites. One cannot legislate for every person's personal preference on how they want to obtain information.

The fact that we do not have any real parameters for parliamentary questions means that many parliamentary questions are diverted for the purpose of being answered. Some are important and some are of lesser importance. Some can be provided for by way of ordinary correspondence if statistical information is required. As we know, the preference of Deputies is for the limited timeframe in which a parliamentary question has to be replied to, as it gives them access to the information more speedily than through a normal correspondence process. Again, it is a question of us using the privileges we have as Members in a way that is appropriate and not in a way that would be wasteful of taxpayers' money.

We cannot legislate for that. It is an entitlement people have and a discretion that some use wisely and others, I would suggest, less wisely.

Deputy Eamon Gilmore: Arising from the Taoiseach's reply and his reference to the remit of the Freedom of Information Act, I ask him to respond to the Labour Party's proposal that the financial regulatory bodies of the State should be covered by that Act. We have proposed that the Central Bank, the Financial Regulator, the NTMA, the NPRF and the State Claims Agency should be subject to freedom of information provisions. Specifically in regard to the NTMA, which is at present not subject to freedom of information provisions, what are the implications of the Government's decision, which is still to be acted on, to delegate some of the Minister for Finance's functions pertaining to banking to that agency? Currently, these functions are subject to the Act but this will no longer be the case if they are transferred, unless the NTMA is brought within the Act's remit. What is the Government's intention for these functions in regard to the application of the Freedom of Information Act?

The Taoiseach: I am not aware of any intention to accommodate that. The issue in question could well be addressed by parliamentary questions in any event. The functions of the NTMA are a matter of organisation for the Minister for Finance. Obviously, the Minister and other agencies, such as the Central Bank, will continue to advise generally on these kinds of matters in so far as they are appropriate to their remit. In the context of the engagement that is currently taking place, the Minister believes the NTMA has the expertise and wherewithal to deal with these functions efficiently. Rather than allowing the possibility of people going to five or six different places to make entreaties, it is best to deal with one organisation and the NTMA is best placed to manage this issue. That is the thinking behind that decision. At the end of the day, the Minister is accountable for all actions that will derive from those arrangements.

On the Labour Party's proposal to extend the Freedom of Information Act to cover a range of matters which could have clear implications for commercially sensitive information, it is not

my function as Taoiseach to give detailed answers regarding possible extensions of the Act. That is the line responsibility of the Minister for Finance. However, my initial instinct would be to tread cautiously before extending the Act to some of the areas referred to by the Deputy.

Deputy Eamon Gilmore: I understand that it is the Taoiseach's natural instinct not to extend the Freedom of Information Act. That has been clear for some time from the responses he has given on this subject. It is probably a fair summary of his position to say that he does not like it, but that is not a good reason for not extending it.

I want to specifically pursue the functions which are going to the NTMA. We have not yet seen a delegation order for the transfer of these functions but clearly they are at present covered by the Act. The Taoiseach will recall a recent freedom of information release which caused some embarrassment because it made clear that the IMF had not given the green light to NAMA to the extent claimed by the Government. If the Act is not extended to cover the NTMA after these functions are transferred to it, that kind of freedom of information request will no longer be possible. That may be good news for the Government in that it can conceal information that would otherwise be in the public domain but I do not think it is in the public interest to transfer matters that are at present subject to the Freedom of Information Act to the NTMA, at which point they will no longer be subject to the legislation.

The Taoiseach: I do not subscribe to the Deputy's conspiracy theory. First, as Minister for Finance, the terms of the freedom of information legislation were historically widened beyond those set by any of my predecessors or successors. I have broadened the application of the Freedom of Information Act to far more bodies than was the case when Deputy Gilmore's party introduced it. I contend that my record on the extension of freedom of information is far better than anyone else in the House. The record will show that. The fact that is the case does not mean I believe it should be extended willy-nilly if there are good policy reasons why it should not be. Therefore, one's commitment to an effective and efficient freedom of information legislation is not determined by the number of bodies to which one applies it. It is determined by those bodies to whom it has been extended and the good policy reasons why it does not have to be extended to everyone. I have given an initial reaction. It is a matter for the Minister for Finance to reply to in detail by way of parliamentary question on what the policy considerations would be regarding the hesitancy of applying it to some of the institutions referred to by Deputy Gilmore. I can think of a couple of obvious ones off the top of my head.

On the question on the International Monetary Fund and National Asset Management Agency, nothing could be further from the truth. In fact, the correspondence to which Deputy Gilmore referred confirmed that the IMF said that if NAMA was not being formed by the Government it would have suggested something of that kind in any event. It was fully supportive of NAMA. Again, when the full correspondence is considered the interpretation which Deputy Gilmore gave to the release of that information is at variance with the facts.

On the question of the delegation orders for the functions of the National Treasury Management Agency, as I indicated the Minister will be fully accountable to the House for all actions in the normal way. That is an arrangement he has brought forward in an effort to ensure that the dealings with the banks and the issues that are under consideration at present are carried out efficiently and effectively and are not done by a variety of bodies that would be listening to the same sets of arguments.

Deputy Caoimhghín Ó Caoláin: Could the Taoiseach confirm that the Freedom of Information Act allows for a citizen to seek information on salaries, expenses claimed, travel abroad,

[Deputy Caoimhghín Ó Caoláin.]

a whole raft of issues relating to remuneration and expenses of all employees in his Department? Could he also advise that no such provision applies to those who have been entrusted to oversee and manage the National Asset Management Agency?

What is his reaction to the revelation last month that the banks lobbied extensively to ensure that on its establishment NAMA would not come under the freedom of information legislation? What is the factual position in regard to that? Is the Taoiseach willing to look once again at the recommendation of the Information Commissioner, that all State bodies and agencies should come under the remit of the Freedom of Information Act immediately on their establishment and that the logic of that is that NAMA should be included under the FOI? If it is the case that the Taoiseach is unwilling, because of commitments made to the banks or any other position he may have adopted, to include the business of NAMA under the remit of the FOI, would he include the administration and management of NAMA under the FOI, in other words that we would not have a situation where this body, that is now being entrusted with the risk management of billions of taxpayers' moneys, now and perhaps generationally into the future, will not be amenable to information requests? Will he advise us of what action he proposes to take in that regard, and his clarification regarding the banks' lobby?

The Taoiseach: I have not received any such lobbying whatever from the banks on that matter. It is clear that bank confidentiality rules have to apply for the efficient and effective running of these bodies. The same applies to any other operation of this kind and, for a whole lot of obvious reasons, that is the rationale behind it. The FOI Act should not automatically apply to every body that is created. It is a matter for decision and consideration by the Minister for Finance and the public service in the first instance before, ultimately, being brought before the House. I do not believe the Act should be applied to the financial institutions, as suggested by the Deputy.

Deputy Caoimhghín Ó Caoláin: It is a little ironic that under the FOI Act we have evidence, contrary to the Taoiseach's response, that the representatives of the banking interests lobbied that the Act should not apply to NAMA.

The Taoiseach: They did not lobby me.

Deputy Caoimhghín Ó Caoláin: It is not a case of only lobbying the Taoiseach.

The Taoiseach: I refer to the facts within my knowledge.

Deputy Caoimhghín Ó Caoláin: Is the Taoiseach not aware, for example, that the Irish Banking Federation, in an explicit statement to the Department of Finance described as a "confidential submission", argued strenuously that the FOI Act should not apply to NAMA? There was no reference whatsoever to freedom of information in the legislation presented regarding NAMA. We had to depend on a query under the FOI Act to even know that such a submission had been received in the first place and this was exposed last month. It strikes me as strange that the Taoiseach would not know this because it is not an unimportant matter.

We are looking for transparency surely. I thought the collective objective in matters pertaining to banking institutions and their management and conduct is that we would have complete transparency but, only for the FOI query, we would not have known. If that evidence had not been exposed last month, the Taoiseach's reply would have scotched the very notion. That is most unsatisfactory. There was an extensive lobby of the Department of Finance on

the part of banking interests through the Irish Banking Federation. Is the Taoiseach indicating to the House that he had no knowledge of that matter at any time, that the Minister for Finance did not discuss this matter with him at any time and that, up to my tabling the question this afternoon, he had no knowledge whatsoever that there had been such a lobby to hold NAMA out from under the scrutiny of the FOI Acts? These are important matters and they require an indication on the Taoiseach's part that he is willing, at the very least, to ensure the same scrutiny that applies to employees in his Department applies to the management-administration of NAMA, if not the business itself. It should apply to the business also, but the Taoiseach is not of a mind to do so.

The Taoiseach: The Deputy is correct. I do not subscribe to the view that there should be freedom of information in regard to the operations of NAMA for obvious reasons such as bank confidentiality and so on. To enact legislation contrary to bank confidentiality rules would ensure the agency would not work at all. Perhaps that is what the Deputy wants to happen since he does not support the operation of NAMA but if the agency is to be effective, it has to have those arrangements in place. It is no different from other financial institutions and financial information that applies. There is full accountability by the Minister for Finance to the House and that would probably be the view of the Department of Finance as well for obvious reasons. The fact that people in the industry were of that view does not mean that is the reason the Department of Finance takes that view. It may well coincide with a view already held by the Department on the matter. I can see good and objective reasons for that, quite apart from the view of the Irish Banking Federation or any other organisation.

3 o'clock

Departmental Expenditure.

4. **Deputy Enda Kenny** asked the Taoiseach the projected cost in 2010 of the communications unit in his Department; and if he will make a statement on the matter. [48388/09]

5. **Deputy Eamon Gilmore** asked the Taoiseach the projected cost of his Department's communications unit for 2010; if he is planning a change in the role of the communications unit; and if he will make a statement on the matter. [3177/10]

6. **Deputy Caoimhghín Ó Caoláin** asked the Taoiseach the cost of the communications unit in his Department in 2010; and if he will make a statement on the matter. [3456/10]

The Taoiseach: I propose to take Questions Nos. 4 to 6, inclusive, together.

The projected cost of the communications unit in 2010 is €242,269, with a direct cost to the Department of €112,220 and the balance being paid by three other Departments which have staff seconded to the unit. The projected cost for 2010 represents a reduction of 6% on the 2009 cost, 20% on the 2008 cost and 27% on the 2007 cost. In fact, it is the lowest cost since 2003. This has been achieved through greater efficiency in the operation of the unit and the application of Government policy on reducing staff numbers. I have no plans at present to change the role of the unit.

Deputy Enda Kenny: The Taoiseach has explained many times the role of the communications unit, which is to alert him, as Head of Government, and the Ministers in his Cabinet to issues emerging in the media about which they should be informed. I thank the Taoiseach for his response on the cost of the unit. Arising from this, did the communications unit alert the Taoiseach to media reports on 21 December last to the effect that a Minister had been

[Deputy Enda Kenny.]

forced to admit he had submitted a sworn but false and defamatory affidavit to the High Court, and that he had been forced to apologise to the injured party?

An Ceann Comhairle: I must advise the Deputy——

Deputy Enda Kenny: I am asking the Taoiseach——

An Ceann Comhairle: This matter will be the subject of a personal statement later.

Deputy Enda Kenny: I am asking the Taoiseach if the communications unit——

An Ceann Comhairle: It is not intended to allow any discussion to develop on this subject.

Deputy Enda Kenny: I am well aware of the regulations and I am not making a personal charge against anybody. I am asking the Taoiseach if the communications unit brought it to his attention on 21 December last that a member of his Cabinet had apologised to an injured party for having submitted a false affidavit to the High Court. What did the Taoiseach do when that information was brought to his attention? Did he call the Minister involved before him? Did he discuss the matter with the Minister? Is he happy, as the person who lays down standards, that the code of ethics and the code of conduct for officeholders were not breached and that the law was not breached?

An Ceann Comhairle: This matter will be the subject of a personal statement later today and much of the detail sought by the Deputy will be contained therein.

Deputy Enda Kenny: Arising from the fact that this may have been brought to his attention by the communications unit, is the Taoiseach happy that there is not a person sitting at his Cabinet table who may be guilty of perjury?

An Ceann Comhairle: I must advise the Deputy that if any allegation against a Member of this House is to be made——

Deputy Enda Kenny: Did I make an allegation?

An Ceann Comhairle: There was the suggestion of an allegation. If an allegation is to be made, it must be done by substantive motion.

Deputy Enda Kenny: This is about the communications unit. I asked the Taoiseach if this had been brought to his attention by the communications unit, as is its remit and responsibility. I want to know whether the Taoiseach received the reports of 21 December indicating that a Cabinet Minister had admitted that an affidavit submitted by him was false and that he was obliged to apologise to the injured party. Arising from the reception of that report by the Taoiseach, what did he do about it? Is he satisfied that the code of ethics and the code of conduct for officeholders were not breached and that the law was not breached? I want to know the answer to that question.

The Taoiseach: As a matter of interest, I do not recall being informed of this by the communications unit, but I am satisfied the Minister is not in breach of any of those arrangements.

Deputy Enda Kenny: The Taoiseach has explained to the House on more than one occasion the role and responsibility of the communications unit for which the public pays. The Taoiseach

has outlined the costs that apply to the communications unit. This was a matter of national and public interest, and I assume the communications unit did bring it to the attention of the Taoiseach. Is he confirming to me now that it did not do so?

The Taoiseach: I just said to the Deputy that I did not recall being informed of this matter by the communications unit on 21 December.

Deputy Enda Kenny: I ask the Taoiseach to check his records and confirm whether this was mentioned in the daily bulletin to him, as Taoiseach, from the communications unit. This was public information, given that it had been broadcast and that subsequent media reports referred to the decision, the withdrawal and an admission by a member of the Cabinet that he had submitted a false affidavit to the High Court. He is not just a Joe Soap. He is a constitutional officeholder and a member of the Taoiseach's Cabinet.

It is more than two months since this matter would have been brought to the Taoiseach's attention by the communications unit. Either we are discussing blatant neglect of responsibility or the Taoiseach's usually sharp memory has slipped somewhat. Will the Taoiseach confirm that he will examine the bulletin of 21 December given to him by the information unit to verify whether it contained this information? This is a matter of standards, trust, belief and national importance at a time of great depression.

The Taoiseach: Certainly, if it is a matter of standards, perhaps the Deputy will defer a little bit from some of the more obvious intimations he is making in terms of what he has to say. I have already said that I believe there has been no breach by the Minister in any of the issues that arise. He will make a personal explanation of that in the House today.

Deputy Enda Kenny: All I asked the Taoiseach was——

An Ceann Comhairle: Deputy Kenny.

Deputy Enda Kenny: This is my final comment.

An Ceann Comhairle: I must tell the Deputy that I will not allow him to circumvent——

Deputy Enda Kenny: I am well aware——

An Ceann Comhairle: ——the long-standing principle in the House that allegations against a Member must be made by a substantive motion.

Deputy Enda Kenny: The Ceann Comhairle is overstepping the mark.

An Ceann Comhairle: I will not allow it.

Deputy Leo Varadkar: It is not an allegation.

Deputy Paul Kehoe: It is a fact.

Deputy Enda Kenny: The Ceann Comhairle is overstepping his mark.

An Ceann Comhairle: I am not.

Deputy Enda Kenny: I have not made a personal allegation.

An Ceann Comhairle: I am protecting the interests of Members of the House.

Deputy Leo Varadkar: The Minister admitted to making a false statement. It is not an allegation.

Deputy Enda Kenny: I have asked the Taoiseach whether the communications unit brought this public information to his attention on 21 December. The Taoiseach has stated that he does not recall it being brought to his attention.

The Taoiseach: It is not relevant whether it did or not.

Deputy Enda Kenny: It is relevant.

The Taoiseach: No, it is not because I do not believe that anything has been breached by the Minister anyway.

Deputy Enda Kenny: If the unit brought it to the Taoiseach's attention that a member of his Cabinet had admitted to making a false sworn affidavit to the High Court,—

An Ceann Comhairle: I must advise Deputy Kenny that we will have a personal statement on this matter later today. I ask him to await that statement.

Deputy Enda Kenny: —then this is a matter of the most serious import.

Deputy Leo Varadkar: When is the Taoiseach going to make a statement?

Deputy Enda Kenny: If the communications unit failed to bring the matter to the Taoiseach's attention, it should be abolished. This is a matter concerning a Cabinet Minister.

An Ceann Comhairle: We need to move on from this matter. It will be dealt with adequately later in the House.

Deputy Enda Kenny: I repeat — I have not made personal allegations against anyone. I have asked the Taoiseach to confirm whether the communications unit, for which the taxpayer pays, brought this public information to his attention. He has replied that he cannot recall.

The Taoiseach: Yes, but it is not relevant one way or the other.

Deputy Enda Kenny: It is relevant.

The Taoiseach: It is not.

Deputy Paul Kehoe: Maybe the Taoiseach is like previous taoisigh, he cannot remember.

An Ceann Comhairle: We must move on from this matter.

Deputy Enda Kenny: I could give the Taoiseach a list of times when Ministers were dismissed from office for a hell of a lot less than this.

An Ceann Comhairle: Deputy Gilmore is next.

Deputy Enda Kenny: Deputy Charles Flanagan has pointed this matter out numerous times.

Deputy Enda Kenny: Perhaps the Taoiseach has a bad memory. Selective.

Deputy Eamon Gilmore: In response to Deputy Kenny, the Taoiseach stated that he does not recall the communications unit bringing the issue of the Minister, Deputy O’Dea, to his attention. Did the communications unit bring this issue to his attention at any time? His response related to 21 December when the matter first appeared in newspapers. If he does not recall the communications unit bringing it to his attention on 21 December, when was he informed about it? Did he know about it before——

An Ceann Comhairle: I must advise Deputy Gilmore, as I advised Deputy Kenny, that I will not allow this question to be used to pursue the issue of the Minister, which both Deputies have been doing.

Deputy Eamon Gilmore: No.

An Ceann Comhairle: This matter will be the subject of a personal statement later.

Deputy Michael D. Higgins: It is a matter of public record.

An Ceann Comhairle: If Members of the House are dissatisfied at that stage, they have a remedy.

Deputy Paul Kehoe: Statements.

Deputy Leo Varadkar: Will the Minister take questions?

Deputy Eamon Gilmore: I am not——

Deputy Charles Flanagan: I am dissatisfied with the correspondence I have received so far on this issue. I have sought further information from the Ceann Comhairle’s office and I must regrettably say that I am not hopeful.

An Ceann Comhairle: There is a remedy.

Deputy Eamon Gilmore: I am not getting into the detail of the issue of the Minister, Deputy O’Dea, at all. I am sticking with the communications unit.

Deputy Michael D. Higgins: Yes.

Deputy Eamon Gilmore: May I point out to the Ceann Comhairle that there is precedent for this? I distinctly recall that Deputy Kenny and I pursued questions about the withdrawal of the London flights from Shannon Airport——

Deputy Michael D. Higgins: That is right.

Deputy Eamon Gilmore: ——and the respective state of knowledge of the Taoiseach and the Minister for Transport. This is a value for money question. Given that €250,000 of taxpayers’ money is being spent on the communications unit, we are entitled to probe what is value for money of that expenditure.

The issue here is did the Taoiseach get any information from the communications unit about this matter and, second, when was he told about the Minister O’Dea issue? He seemed to imply to Deputy Kenny that he did not know anything about it on 21 December. Did he know about it before 21 December when he cannot recall whether the communications unit told him about it, or was he told about it after 21 December?

The Taoiseach: I am sorry if I don't have the recall the Deputy would have about what he read on 21 December from whatever briefing he would get from his press office. If that is what I am expected to have, fair enough. However, the bottom line is that when this matter was brought to my attention, I spoke to the Minister about it and I am satisfied that the personal explanation he will give later this evening will clear up the matter.

Deputy Charles Flanagan: Even before the Minister makes his statement? The Taoiseach has made up his mind already even before the Minister makes his statement.

The Taoiseach: The Deputy has his mind made up already.

Deputy Charles Flanagan: I have not.

The Taoiseach: The Deputy must be joking.

Deputy Charles Flanagan: That is why I have refrained from doing so because this is place to deal with the issue.

An Ceann Comhairle: Deputy Flanagan, please desist.

Deputy Charles Flanagan: This is a farce. The Taoiseach knows that because he has orchestrated it.

An Ceann Comhairle: Deputy Flanagan, Deputy Gilmore has possession.

The Taoiseach: I know the Deputy too long. Senator Regan——

Deputy Charles Flanagan: I know the way the Taoiseach operates.

Deputy Eamon Gilmore: If the conversation with the Minister for Defence, to which the Taoiseach referred, took place before the Minister made a settlement with the person involved in the allegation and it was subsequently reported by the newspapers——

The Taoiseach: No, it would have been afterwards.

Deputy Eamon Gilmore: It took place after it was reported in the newspapers.

The Taoiseach: It was after the settlement was made.

Deputy Eamon Gilmore: That was after it was reported in the newspapers.

The Taoiseach: I presume it was.

Deputy Eamon Gilmore: Did the Minister not tell the Taoiseach before——

The Taoiseach: I just explained to the Deputy when I had the conversation with the Minister.

Deputy Eamon Gilmore: Did the Minister not tell the Taoiseach about it before——

The Taoiseach: If it was before, in the middle or after the settlement, it does matter to the Deputy. It was afterwards and I spoke to the Minister about it.

Deputy Eamon Gilmore: It is a matter of public interest, it is not about whether——

The Taoiseach: That is the answer I have given the Deputy. I have answered his question.

An Ceann Comhairle: A personal statement will be given later, therefore, I ask Members to let the matter rest until then. I call Deputy Ó Caoláin.

Deputy Caoimhghín Ó Caoláin: This is a gravely serious matter. If the communications unit did not bring the information regarding Minister O’Dea’s withdrawal of the allegation in the affidavit he presented to the High Court earlier in the year and the Minister did not inform the Taoiseach prior to his apology and retraction in the High Court——

An Ceann Comhairle: I will not allow a debate develop on this matter. There are recognised procedures for dealing with it and I will not allow a debate on it now.

The Taoiseach: The Minister was acting in his private capacity, not in pursuance of his ministerial duties.

Deputy Caoimhghín Ó Caoláin: I will ask the questions and the Taoiseach can then answer them. On where does the Taoiseach rely for information flow if his Ministers do not give him at least a heads up regarding such a serious matter or the communications unit does not bring it to his attention? It brings into question the Minister, in the first instance, and the focus of this set of questions regarding the communications unit. If the unit is not bringing such matters to the Taoiseach’s attention, what matters does it bring to his attention? What is its role or function? This is a situation where a Minister had wrongly damned a citizen in the full prose of an election campaign——

An Ceann Comhairle: I will not allow the Deputy to make allegations across the floor, if he wishes to make allegations like this——

Deputy Caoimhghín Ó Caoláin: It is not an allegation.

An Ceann Comhairle: ——this will have to be done by way of substantive motion.

Deputy Caoimhghín Ó Caoláin: It is a fact already established.

An Ceann Comhairle: That is the way this is going to be.

Deputy Caoimhghín Ó Caoláin: In terms of the focus of these questions, sadly there is more that should be addressed here at this point. Will the Taoiseach offer the House a sample of exactly what the communications unit present and bring to his attention? We have no evidence of what it does only what we have learned today, namely, that it does not bring such matters of grave importance to the Taoiseach’s attention.

The Taoiseach: They are not signed by P. O’Neill.

Deputy Caoimhghín Ó Caoláin: That is what the Taoiseach has indicated to us.

The Taoiseach: There is no P. O’Neill working in it.

Deputy Caoimhghín Ó Caoláin: What does the communications unit do and what does it report to the Taoiseach? What information does it provide to him on a daily basis to justify the expenditure on it of so much public money?

The Taoiseach: I have answered this on a number of occasions regarding the communications unit. It is on the record of the House every time I am asked about it so I do not have to repeat it.

With regard to the matter raised by Deputy Ó Caoláin, in this case the Minister was acting in a private capacity. It was not in pursuance of his ministerial duties that this issue arose. He has dealt with the matter and will give a personal explanation to the House later.

Deputy Caoimhghín Ó Caoláin: The Taoiseach is stating that Ministers have two different lives; they can divorce political commentary in their respective constituencies from their role as Ministers. I find the answer incredible. The code of ethics and conduct that applies to Ministers must be in effect at all times with regard to their holding an office. There cannot be a relaxation to the point that they can publicly — in an interview with the media — falsely accuse an innocent party who happens to be a candidate for election at the same time as the Minister. That is an outrageous claim on the part of the Taoiseach.

An Leas-Cheann Comhairle: The Ceann Comhairle has ruled on this. He has already indicated how this matter must be dealt with.

Deputy Caoimhghín Ó Caoláin: It is outrageous to claim the Minister has no accountability for such actions and utterances. Ministers should at all times be accountable.

An Leas-Cheann Comhairle: I will allow a brief final reply.

Deputy Charles Flanagan: The Leas-Cheann Comhairle is shutting the Deputy down.

An Leas-Cheann Comhairle: We are now into the time for Priority Questions but I will allow the Taoiseach the time to reply.

The Taoiseach: To clarify, the Minister was acting in a private capacity as it was a private action that arose.

Deputy Charles Flanagan: He was not. He is a public representative.

The Taoiseach: If I may be allowed to continue, there has been no breach of the code under which he operates as a Minister.

Deputy Charles Flanagan: Mr. Haughey sacked people for less.

Deputy Leo Varadkar: The last days of the Roman Empire.

Priority Questions.

Diplomatic Representation.

70. **Deputy Billy Timmins** asked the Minister for Foreign Affairs the number of embassies that are based here. [7358/10]

Minister for Foreign Affairs (Deputy Micheál Martin): There are currently 56 resident bilateral diplomatic missions in Ireland. In addition, the Government last year approved the establishment of an embassy in Dublin by the United Arab Emirates and the first resident ambassa-

dor is expected to present credentials to President McAleese this week. A full list of resident bilateral diplomatic missions will be placed on the record of the House.

Additional information not given on the floor of the House.

Resident bilateral diplomatic missions

1.	Argentina
2.	Australia
3.	Austria
4.	Belgium
5.	Brazil
6.	Bulgaria
7.	Canada
8.	Chile
9.	China
10.	Croatia
11.	Cuba
12.	Cyprus
13.	Czech Republic
14.	Denmark
15.	Egypt
16.	Estonia
17.	Ethiopia
18.	Finland
19.	France
20.	Germany
21.	Greece
22.	Holy See
23.	Hungary
24.	India
25.	Iran
26.	Israel
27.	Italy
28.	Japan
29.	Kenya
30.	Korea, Republic of
31.	Latvia
32.	Lesotho
33.	Lithuania
34.	Malaysia
35.	Malta
36.	Mexico
37.	Morocco
38.	Netherlands
39.	Nigeria
40.	Norway
41.	Pakistan
42.	Poland
43.	Portugal
44.	Romania

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Resident bilateral diplomatic missions

45.	Russia
46.	Slovak Republic
47.	Slovenia
48.	South Africa
49.	Spain
50.	Sweden
51.	Switzerland
52.	Turkey
53.	Ukraine
54.	Great Britain
55.	United States
56.	General Delegation of Palestine

Deputy Billy Timmins: I thank the Minister for his reply. I wish to ask some brief supplementary questions. Did the Minister have any forewarning that the Swedish embassy is to close in August this year and if so, has he taken any steps to address the matter? Does the Minister have regular contact with ambassadors based in Ireland? For example, we are aware of the well-documented difficulties with respect to Greece over the past few weeks and the doubts about its financial returns. Does the Minister have any contact with the Greek ambassador to express Irish concerns in that regard or is it an issue that would be taken up?

An Leas-Cheann Comhairle: This is a great broadening of the question about the number of embassies.

Deputy Billy Timmins: The Minister has a very broad remit and intellect and I am sure he will not be hassled in answering the questions. Does the Minister have any view on the recent controversy concerning our own embassy in Ottawa?

Deputy Micheál Martin: On the matter of the Swedish embassy, I had contact with the Swedish Foreign Minister, Carl Bildt, who made contact with me in advance of the decision, albeit only 24 hours in advance of the publication of the decision. I expressed my regret at the decision. I conveyed the view we had taken in Ireland that as members of the European Union and as a manifestation of solidarity between member states and a policy objective, there should be some presence of member states in other member states. This comes from the perspective of co-ordinating policies across Europe and so forth.

He explained that he is facing budgetary constraints and additional expenditure in a variety of locations, some relating to security. He was also closing facilities in Bratislava, Luxembourg, Sofia, Dakar and Ljubljana. There were other issues in the Caucuses, the Balkans and Africa and in that context, he made his decision. We do not decide on the basis of what others do. We decide in respect of our strengths. It is a matter for each country to decide where it locates according to its strategic objectives. However, we were disappointed and I articulated that to the Swedish foreign minister.

I have regular contact with embassies and we meet all ambassadors on a regular basis. I often meet them in groups, and I recently met with the African ambassadors for a working lunch, where we discussed diplomatic, political and economic issues. I also had meetings with Latin American ambassadors on similar themes, and on how to enhance relations between our two regions.

We are not just talking about a residence in Ottawa, but an embassy with very substantial conference facilities for use by State agencies such as the IDA, Enterprise Ireland, and Bord Bia to promote goods and services that we want to sell abroad. Canada is a particularly important location for our exports.

Deputy Billy Timmins: I do not doubt the importance of investing in proper facilities abroad. However, what happened in Ottawa seems to be over and above what was actually required.

The Minister mentioned that an ambassador from Dubai was coming to Ireland. Did the Minister have any contact with him?

Deputy Micheál Martin: He is on his way.

Deputy Billy Timmins: Has the Minister had any contact with the authorities?

Deputy Micheál Martin: He is expected to present credentials to President McAleese this week. I was in Dubai last year with the President, and we indicated that we were opening an embassy in the UAE. The government in that country independently indicated its own decision to——

Deputy Billy Timmins: When he meets the ambassador, will he speak about the alleged use of Irish passports in the assassination or murder of a member of Hamas in Dubai in the last few weeks? Does he have any concerns that Irish passports were falsely used in this? Does he have any information for the House on this matter?

An Leas-Cheann Comhairle: That is a great use of a question.

Deputy Micheál Martin: I can relate some information on that to the Deputy. We have already had contact with officials in the UAE, and our ambassador, Mr. Ciarán Madden, has sought clarification on the media reports of the issue. We have not been able to verify any of these reports yet.

Deputy Billy Timmins: Did the Minister contact the ambassadors of other countries that used passports to find out the extent of all this? It is a very serious matter that Irish passports may have been falsely used.

Deputy Micheál Martin: The Deputy should have no doubt that we will pursue these issues.

Overseas Development Aid.

71. **Deputy Michael D. Higgins** asked the Minister for Foreign Affairs if his attention has been drawn to the media reports which suggest that a court in Switzerland has found that a family (details supplied) is entitled to millions of dollars held in bank accounts in that country, money which had been previously awarded to aid groups; his views on these reports; and if it is proposed that the EU would make its stance on this known and oppose the ruling. [7361/10]

Deputy Micheál Martin: On foot of a request by the Haitian authorities, the Swiss Federal Office of Justice decided in February 2009 that funds linked to the former president of Haiti, Jean Claude Duvalier, should be returned to the people of Haiti. The Swiss Federal Criminal Court upheld this decision in August, confirming that the funds in question were of criminal origin. Following a further appeal, the Federal Supreme Court ruled that the funds should not be returned to Haiti. The Federal Supreme Court did not call into question the decision regarding the criminal origins of the assets, but found that the statute of limitations on any crimes committed by the Duvalier family would, according to Swiss law, have expired in 2001.

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The Swiss Government responded quickly to the decision of the Federal Supreme Court. As no further appeal was possible under the Swiss legal system, the Government invoked a provision in its constitution which enabled it to issue an emergency decree to block the release of the funds. The Swiss Government has also instructed its Federal Department of Foreign Affairs to finalise the text of draft legislation regarding the confiscation of illegal assets. It aims to present the new draft law to the Swiss Parliament for its consideration as soon as possible and that in the meantime, the funds will remain frozen.

I welcome the swift response of the Swiss Government to block the release of the assets in this case. I also welcome the fact that the drafting of new legislation concerning the confiscation of illegally acquired assets is underway. Given the scale of the challenges facing Haiti in the wake of the recent devastating earthquake, it is a matter of regret that legal constraints currently prevent the speedy transfer of the funds for the benefit of the Haitian people. The Swiss Government fully supports the return of the assets held in the Duvalier accounts to Haiti and I hope that this will be possible in due course.

Switzerland is an important contributor to the international relief effort for Haiti. The Swiss Government is providing over €5 million in humanitarian aid to Haiti. It has also pledged to provide further assistance to Haiti after the emergency relief phase is ended.

The EU has not adopted a formal position on this particular case. The recent ruling by the Federal Supreme Court and the subsequent response of the Swiss Government have not been jointly discussed by member states to date, nor has the EU raised the matter directly with the Swiss Government. However, I am satisfied that concerns at the implications of the Federal Supreme Court's decision will have been allayed by the speed with which the Swiss authorities moved to block the release of the funds.

Additional information not provided on the floor of the House.

By its actions, the Swiss Government has clearly demonstrated its commitment to ensuring that this money will be finally returned to the people of Haiti as soon as new domestic legislation empowering it to do so is in place.

The humanitarian needs of the Haitian people are enormous. Ireland's response to the crisis has been swift and effective. We have provided more than €3 million to the relief effort in Haiti through both direct financing and in-kind assistance. In addition, Ireland will make a significant multi-annual pledge at an international conference for the reconstruction of Haiti which will take place in April.

Deputy Michael D. Higgins: I am grateful for the Minister's reply. There is no difference between the Minister and I on the volume or quality of Irish aid in response to recent events in Haiti. However, I would like to ask about a co-ordinated response at EU level.

Between 1830 and 1947, Haiti paid reparations to slave owners through the banking system in Paris. The removal of Jean Bertrand Aristide from power in 2003 had the support of President Chirac. President Aristide, on behalf of the people of Haiti, had asked for the return of \$21.7 billion that had been paid by people in Haiti to former French slave owners. I have been concerned at the amnesia that has happened in respect of the people in Haiti. It is being suggested that they are just unfortunate people in a hurricane and earthquake prone region. The fact is that the country was exploited by France, thousands were killed in the 1930s by the US, and they had to get rid of the British.

Is the Minister asking at EU level for the Swiss Government to accede to the opening of what I call dictatorship accounts? The Duvalier family, who were dictators for 30 years, stand

to benefit to the extent of \$5.7 million, at a time when the people they robbed are starving. Will there be an Irish request for a common position at EU level? The Minister has stated that no such common position exists, and this might not be unrelated to the French participation in extracting payments for the benefit of slave owners.

Deputy Micheál Martin: We will be seeking such a common position, although Switzerland does not maintain an institutionalised political dialogue with the EU due to its traditional policy of neutrality. Having said that, there should be a common response from the EU on this issue and we will be raising it at the next available opportunity.

Switzerland is a traditional location for the transfer of such funds, due to banking secrecy rules and so on. There have been reforms in recent decades that have made it harder to hide money in Switzerland. There have been examples in Nigeria and the Philippines, where substantial sums of ill gotten gains by dictators were returned. I do not disagree with what the Deputy has said and I will be raising the issue at EU level.

Deputy Michael D. Higgins: Does the Minister agree that the Swiss position fundamentally changed when it decided, at a late stage, to join the United Nations, despite previously enjoying the benefit of having United Nations institutions located in Geneva? The issue is that dictatorship funds and illegal African debt — money robbed from aid organisations — have transferred through Liechtenstein and Luxembourg into Swiss banks. In the case of the Duvalier family, it is interesting that the French position was that it was happy to have the elected President of Haiti exiled to the Central African Republic while it supplied residence for the remnants of the Duvalier family which had been robbing the people of Haiti for two generations.

Deputy Micheál Martin: I am broadly in agreement and do not have any issue with the Minister — my apologies, the Deputy — and I am supportive of his impulse and instincts in this matter.

Human Rights Issues.

72. **Deputy Pat Breen** asked the Minister for Foreign Affairs if, in view of the entry into force of the Lisbon treaty and the refusal of the Israeli authorities to grant a visa to him to visit Gaza, the European Union will make a more concerted effort under the Spanish Presidency to reconstruct Gaza in view of the fact that the ongoing blockade is resulting in a deepening humanitarian crisis with four in five persons dependent on some form of foreign aid. [7362/10]

Deputy Micheál Martin: I have paid particular attention to the worsening conditions in Gaza, even before the conflict one year ago. I have stressed the humanitarian needs of the population and urgent necessity to end the blockade and open the border crossings not only to unrestricted humanitarian aid, but also to reconstruction materials and ordinary commercial traffic.

While the blockade of Gaza is unacceptable in itself, it is also politically counter-productive. It enriches militants through their control of smuggling but prevents ordinary citizens from rebuilding their homes and businesses. Virtually no reconstruction has been possible and families have been unable to rebuild their homes or even replace windows and doors. Economic life is virtually impossible so that an ever growing population is almost entirely dependent on outside aid.

The continuing blockade of Gaza is, in this sense, the collective punishment of a population of 1.5 million for the unacceptable actions of a small minority in their midst in launching indiscriminate and deadly attacks into Israel. It is also difficult to understand the reason, in

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periods such as now when the level of such attacks has been greatly reduced or minimised, the blockade continues unchanged.

I discuss these issues regularly with my European Union colleagues. The Foreign Affairs Council in December adopted detailed conclusions on the Middle East, including clear language on Gaza and the need for an immediate and unconditional opening of the crossing points. High Representative Ashton has responsibility under the Lisbon treaty for clearly articulating the European Union viewpoint on the Middle East and the need for urgent progress towards a negotiated two state solution.

It has always been my intention to visit Gaza and see the problems there for myself. I also wish to see the impact and effectiveness of the substantial assistance we give to Gaza from Irish Aid. My interest in a visit was only strengthened by the disastrous course of events in Gaza over the past year. I sought to make a visit last December which would have included Gaza as well as Israel and the West Bank. As Deputies know, the Israeli authorities refused to allow me permission to cross into Gaza. Israel contends that a visit to Gaza would serve to legitimise Hamas, irrespective of whether meetings with Hamas representatives took place. I continue to find this explanation unconvincing.

It is clear the Israeli authorities are refusing all political level visits to Gaza at this time. Supposed security considerations have also been cited. This is a matter of deep disappointment and concern to me. It is still my intention to make such a visit and I hope to be given a positive response in future. However, the main issue for me remains the unacceptable restrictions placed on the people of Gaza.

Deputy Pat Breen: I thank the Minister for his reply and commend him for highlighting problems in Gaza, specifically the refusal of Israel to allow him to visit Gaza. Since the Lisbon treaty entered into force, the European Union has a High Representative, Catherine Ashton. It is time to translate our words into actions. As the Minister noted, Gaza is experiencing a major humanitarian problem caused by the displacement of people, destruction of schools and factories and inhuman living conditions. Conditions are terrible, as an Irish delegation, which included me, observed on a visit to the region last year. I understand from people who visited Gaza in the past month that the position has not changed.

Does the High Representative intend to visit Gaza? Is Gaza high on the agenda of the new Spanish Presidency? It is vital that the European Union, the United States and non-governmental organisations work together to rebuild Gaza where people live in isolation in an open prison.

Deputy Micheál Martin: As the Deputy will be aware, I wrote to the Spanish Foreign Minister Moratinos on this issue and, given the incoming Spanish Presidency, the need for coordinated, collective action by European Union Foreign Ministers on visiting Gaza. The European Union, under the High Representative, is committed to doing everything possible to rebuild Gaza and provide substantial moneys, as pledged by the European Union in the donor conference held some time ago, to support reconstruction. It is clear the will is there.

Deputy Michael D. Higgins: The moneys are not allowed to be spent.

Deputy Micheál Martin: That is the key problem at the moment. We will do everything we can to ensure Gaza remains a key priority in the wider issue of the Middle East process. In the early months of last year, as a result of renewed optimism about the prospect of talks, people may have taken the view that Gaza would be unlocked once the talks process was unlocked. This has not occurred and, if anything, the position in Gaza has become worse.

At meetings of Foreign Ministers, most recently in December, we have consistently raised the issue of Gaza in discussions on the Middle East as a key humanitarian consideration and one which demands immediate action. Ireland was influential and partially responsible for the strong conclusions of the December meeting on Gaza.

Deputy Pat Breen: Of the \$4 billion pledged for Gaza, not one cent has been spent. Is the Minister aware of the problems with electricity in Gaza? Is it not the case that the \$97 million per annum the European Union provided towards the costs of operating a generator in Gaza been transferred to Ramallah? As a result of this decision, many residents only have electricity for eight hours per day, which exacerbates the problems they experience as a result of the war. I ask the Minister to endeavour to have the EU funding reallocated to the company which generates electricity in Gaza. The lack of access to electricity supplies is a major problem, as is the EU decision to cease providing funds to Gaza for this purpose.

Deputy Micheál Martin: I concur with the Deputy. The blockade has had a devastating impact on life in Gaza. As I noted, in essence the blockade constitutes collective punishment of 1.5 million people and is unacceptable. I am angry because in terms of international law and convention, humanitarian rights and so forth the blockade is unacceptable and without justification. It is also having the impact to which the Deputy referred.

Deputy Pat Breen: What is the position on European Union funding for Gaza?

Deputy Micheál Martin: I have no doubt the EU funding will continue to be available. I also have no doubt that the European Union has the capacity to do the work it wants to do, particularly in terms of infrastructural requirements such as sewage and water treatment plants, electricity supply and hospitals. The French Government made a key proposal on Gaza's hospitals. All the aid is waiting to get into Gaza and we will continue to maintain pressure as best we can to ensure a resolution is found to this unacceptable and unjustifiable situation.

Deputy Pat Breen: Is the Minister aware of the electricity problems being experienced in Gaza?

Deputy Micheál Martin: Yes.

Ireland's Role in Europe.

73. **Deputy Lucinda Creighton** asked the Minister for Foreign Affairs if he will establish an all party task force to implement the recommendations of the Sub-Committee on Ireland's Future in the European Union; and if he will make a statement on the matter. [7582/10]

Deputy Micheál Martin: The Oireachtas Sub-Committee on Ireland's Future in the European Union analysed the issues arising from the first Lisbon treaty referendum and its report was a major contribution to our understanding of those complex issues. The report unequivocally stated that Ireland's place is at the heart of the European Union and recommended that key concerns be addressed, that public understanding of the EU be improved and that the Oireachtas role in EU affairs should be enhanced.

In regard to the Lisbon treaty, the sub-committee identified a series of issues and options which were very relevant to the discussions leading to the legal guarantees agreed by the European Council in June 2009. The sub-committee also identified measures which could be taken at local, national and European levels to improve public, political and media understanding and engagement on European issues.

[Deputy Micheál Martin.]

The Government is committed to improving communication on Europe and this is reflected in the revised programme for Government which contains a specific commitment to further enhance Ireland's place at the heart of Europe by encouraging the deepening of engagement by civil society at a European level. My Department's own Communicating Europe Initiative provides financial support to non-governmental and educational bodies for events and activities which aim to raise awareness of the EU in their community. A call for such proposals for 2010 was advertised last weekend in the national and regional press and the application form is available on www.eumatters.ie, <http://www.eumatters.ie> the website created by my Department to provide easily accessible and reliable information about the European Union.

With regard to the role of the Oireachtas in European Union affairs, this House approved a motion on 10 December last on the implementation of new powers of national parliaments under the Lisbon treaty. This motion took note of the coming into effect of the Lisbon treaty and the European Union Act 2009 and also the Joint Report of the Joint Committees on European Affairs and European Scrutiny on Implementation of the Lisbon Treaty: Interim arrangements on the enhanced role of the Houses of the Oireachtas, of October 2008. The motion provides that detailed work to support the role of the House will continue to be undertaken by the relevant committees. I also understand that it is the intention of the joint committees to consult, over the coming period, with key stakeholders, including the Ceann Comhairle, the Cathaoirleach, the Government, party Whips, the Leader of the Seanad, party leaders and the Irish MEPs. I shall be happy to appear before the joint committees as part of this process.

In light of the positive developments since the sub-committee's report, and particularly in the context of the forthcoming comprehensive review of the role of the Oireachtas in European Union affairs, I would not see added value in the establishment of an all-party task force on its recommendations.

I take this opportunity to express again my appreciation of the work of the sub-committee which made a substantial contribution to the debate on the Lisbon treaty leading to the referendum last October. In deference to the House, there was a reluctance on my part to prescribe to the House what should happen. It is in the hands of the House to create its response to the Lisbon treaty.

Deputy Lucinda Creighton: I thank the Minister for his reply. It is important that we send a message to the people of Ireland, the electorate, that Europe is not just about referenda or treaties and that the role of Ireland in Europe is much more than that.

I appreciate the Minister's point on the role of the committees. There is an important role for the committees but there is a possibility that much talking can be done over an extended period. We can have debates in the Dáil, the Seanad, the Joint Committee on European Affairs and the Joint Committee on European Scrutiny. We can continue going around the Houses, so to speak, but there is an opportunity for the Government, and more specifically for the Minister as Minister for Foreign Affairs, to front-load much of that and to show a certain initiative in terms of implementation.

I do not want to go through the recommendations of the committee but, for example, would the Minister consider, and I raised this matter during Question Time some months ago, doing something to celebrate Europe Day such as inviting MEPs to address the Chamber, making it an occasion of national importance, putting these two Houses at the very centre of that and making it the focal point in that regard? That would be a positive move. The Minister might agree with me on that.

Deputy Micheál Martin: The Taoiseach, the Government and myself are keen to be proactive in response to proposals from this House on how we now implement the Lisbon treaty and enhance the role of the Oireachtas in terms of European Union affairs. That means more plenary sessions in this House on European Union matters. We would respond very positively to that. I am impatient. I would like the House to get on with it and come to us with clear proposals. I believe that is possible, particularly given the enhanced role from the legislative perspective in terms of the issue of subsidiarity, for example, and assessing each directive that comes through and the legislation proposed.

There is a need to ensure that we create the mechanisms within the House that enable us to deal efficiently and expeditiously with EU legislation in an informed way and also, in more general debates, to bring European Union issues more into the mainstream of Oireachtas work. It is a major problem here compared to other European Union states, which I believe get a greater hearing in their Parliaments.

Deputy Lucinda Creighton: I agree with what the Minister said, but this is not just a question of dealing with legislation and legislative proposals coming from the European Union. It is fair to say that both the Joint Committee on European Scrutiny and the Joint Committee on European Affairs have a large workload. We meet with both committees almost every week, which is unusual. Most committees do not meet as frequently as those two committees. It is not just about the legislative aspect, therefore. It is also about the communication aspect. I believe there is a bigger role for the House and for the Government. The Minister might share his thoughts with the House on having a European affairs office here in Leinster House, for example, as is the case in the Parliament in Denmark. School tours to Leinster House, for example, do not make it over to the European Commission office or the European Parliament office. They have no engagement. It would be a very constructive move for the Government to initiate something like that here in the House.

Deputy Micheál Martin: I am on record already as supporting the establishment of a European affairs office in the House. I understand it was recommended by the Joint Committee on European Scrutiny chaired by Deputy Perry, if my recollection is correct. It is a matter, therefore, for the parliamentary commission to prioritise and implement that, but I am supportive of it.

At Government level we are responding to the Lisbon treaty by enhancing the level of engagement with the European Union institutions at all levels, including Cabinet and inter-departmental level, to ensure the structures we have are robust and effective in terms of dealing with increasing volumes of directives and legislation.

I agree there should be more plenary sessions here on European Union issues. I would support that enthusiastically.

Irish Diaspora.

74. **Deputy Billy Timmins** asked the Minister for Foreign Affairs the estimated number of Irish diaspora. [7359/10]

Deputy Micheál Martin: The Government takes a broad and inclusive approach when it comes to defining our global community. The Irish diaspora is not limited to Irish-born people living overseas or to those who have activated Irish citizenship. Instead, it encompasses all those who believe they are of Irish descent and feel a sense of affinity with this country. I believe it is essential that we in Ireland value and affirm the validity of this sense of Irishness, felt by so many people abroad.

[Deputy Micheál Martin.]

Although it is not possible to put a precise figure on the numbers, it is widely estimated that up to 70 million people consider themselves to be part of the global Irish community. The most recent US census recorded 42 million US residents who claimed Irish origins; this includes 6 million who claim Scotch-Irish origins. A total of 124,000 Irish-born US residents were counted. The 2001 census in Britain showed that there were 750,000 Irish-born people living in Britain and it is estimated that a further 1.7 million people are born to Irish parents. There are also significant numbers of people with Irish ancestry living in Australia, New Zealand, Argentina and Canada. In 2009, some 580,000 Irish passports were issued, with 81,000 of these issued through our diplomatic missions abroad.

Supporting Irish communities abroad is a priority for the Government. Since 2004, almost €70 million has been allocated, cumulatively, through the emigrant support programme, mainly to Irish community organisations throughout the world. Despite the difficult economic position, a further €13 million has been allocated to the emigrant support programme for 2010.

The Government has also developed new initiatives aimed at creating a more strategic relationship with the global Irish, particularly in the economic sector. The Global Irish Economic Forum and the subsequent establishment of the Global Irish Network clearly demonstrate our commitment to achieving this objective.

Deputy Billy Timmins: The figure of 72 million people whom the Minister estimates have Irish connections is startling, although the criteria for the categorisation is rather broad in that people who feel they are Irish are also included. Many people who feel they are Irish may have no Irish connections but everyone is welcome. It is a resource that we should tap into and utilise.

The Minister set up the conference in Farmleigh and I understand the Global Irish Network has approximately 280 members. I assume the majority of those come from North America, and the United States in particular. Can the Minister give me any indication of the membership of the Global Irish Network, including its areas of expertise, because in trying to utilise this resource it is important that we look east and west rather than confining ourselves to the United States? Has the network put forward any proposals and strategies for the future? Has the Department brought forward any initiatives following the meeting in Farmleigh?

Deputy Micheál Martin: The Deputy is correct that the Global Irish Network has had close to 300 responses. I will get back to him on the precise figures in terms of the breakdown per destination, but I understand a substantial proportion are from the United States, United Kingdom, Asia, Australia and New Zealand. We launched the network only the week before last, during a one-day trip to London which took place as the marathon talks at Hillsborough were coming to an end.

As is the case with the conference at Farmleigh, our objective is to listen to what members of the network tell us in terms of how they envisage an engagement with Ireland and how that might add value to Irish economic, cultural and social thinking and artistic endeavour. We must not begin by being overly prescriptive. Having said that, our fundamental objective is that the network should have an advisory role in terms of providing solid ideas on how the Government should tackle various issues and identifying trends in technology and the markets that can be of value to us. The people involved are at the cutting edge of various sectors of industry and have a contribution to make in that respect. Following on from that, the other general objective is to develop an effective network that will assist the indigenous sector of the economy by providing advice to people who are endeavouring to penetrate foreign markets.

Deputy Billy Timmins: The Minister indicated in his response that more than 500,000 passports were issued last year, with approximately 81,000 of those issued through the diplomatic service abroad. I understand an extraordinarily high figure of some 35,200 passports were either lost, stolen or misplaced up to 4 December 2009. Has the Minister any indication of how many of these lost passports are part of the 81,000 issued abroad? Has he any proposals to reduce the number of misplaced passports, which equates to almost 7% of the 500,000 issued? It is worrying that more than 35,000 passports have fallen out of their owners' hands at a time when there are such concerns about international terrorism and security. That figure is startling.

An Leas-Cheann Comhairle: The Deputy has been creative in his supplementary question, but I will allow it.

Deputy Micheál Martin: He is in a very creative mood this afternoon.

Deputy Billy Timmins: My question followed on from the Minister's reply.

Deputy Micheál Martin: I expected the Deputy to have more detailed questions on the diaspora, but he has moved quickly to specific questions about passports. I will return to the House with detailed figures regarding the numbers lost and believed stolen. We must be cautious about drawing conclusions, particularly in respect of terrorism and so on. It is important to maintain perspective. I assure the Deputy that significant prioritisation is given to security aspects of passport production and so on. That is why it is retained in-house within the Department.

Other Questions.

International Agreements.

75. **Deputy Pádraic McCormack** asked the Minister for Foreign Affairs if his attention has been drawn to the crackdown on the use of various international websites (details supplied) in Libya; if this is in contravention of international agreements to which Libya has signed up; and if he will make a statement on the matter. [7245/10]

Deputy Micheál Martin: A report on 3 February by the respected non-governmental organisation, Human Rights Watch, stated that Libya has, since the end of January, blocked access from that country to certain websites based in other countries, including opposition Libyan websites and YouTube. This action, which was at first represented as a technical fault, is being interpreted as an attempt to prevent dissemination in Libya of opposition material or postings critical of the Libyan authorities.

Blocking access to websites is a reflex response of many regimes around the world to criticism and is usually a corollary to suppression of opinion at home. Libya has always been a tightly controlled society and although the country has to a slight extent opened up in recent years, this move represents a retrograde and disappointing development. The opening up to freedom of expression and the willingness to accept criticism is a central value of democracy and good governance, which Ireland and our European Union partners try to encourage in all states with which we have dealings. It is also enshrined in international instruments to which Libya is a party, such as the International Covenant on Civil and Political Rights and the African Charter on Human and People's Rights. Libya should respect these international obligations.

Deputy Pat Breen: It is of great concern that Libya is blocking specific websites, particularly given recent assurances that Colonel Gaddafi is now much more open and that his Administration would not return to the dark days of media control. It is interesting that the countries that have cracked down on media freedom, such as Libya, Burma and China, are the very countries about which there are serious human rights concerns. Is the Minister of the view that Libya has broken the international agreement it undertook in regard to press freedom?

Deputy Micheál Martin: As I said earlier, it is incumbent upon Libya to respect the international agreements to which it has signed up. In the context of any engagement between that country and the European Union, we would emphasise that issues of freedom of expression and access are a high priority. As both Deputy Breen and I observed, there were indications that Libya was opening up somewhat. This is a very retrograde step and one about which we have serious concerns.

Deputy Michael D. Higgins: Is the Minister aware of any report to the monitoring committee of the International Covenant on Civil and Political Rights on behalf of any European Union member state in regard to Libya?

Deputy Micheál Martin: Will the Deputy clarify his question?

Deputy Michael D. Higgins: Has a complaint been registered to Geneva or to the United Nations headquarters regarding a breach of the International Covenant on Civil and Political Rights by Libya?

Deputy Micheál Martin: Not to my knowledge, but I will clarify that for the Deputy. There have been serious human rights concerns in regard to Libya over the years, and those concerns are being addressed within the ongoing EU-Libya framework agreement negotiations.

Deputy Michael D. Higgins: To clarify, I raise this question in light of very serious reports regarding arbitrary imprisonment of dissidents.

Asia Strategy.

76. **Deputy Joan Burton** asked the Minister for Foreign Affairs the position regarding the Asia strategy following the conclusion of the first phase thereof; the objectives which he seeks for the second phase, including the advancement of human rights. [7144/10]

Deputy Micheál Martin: The Asia strategy was established in 1999 to improve Ireland's political and business contacts in the Asia-Pacific region, and to raise awareness of Ireland as an investment location and a source of high-quality exports. The 1998 report of the Asia strategy group, which provided the basis for the Asia strategy, stated that fundamental rights and freedoms were a factor in our relations with countries in Asia, and re-affirmed our commitment to promoting the principles embodied in the Universal Declaration of Human Rights, and other international instruments, through our foreign policy. As Ireland's relationship with countries in Asia has developed, my Department has worked to ensure this objective is pursued by way of the Asia strategy and by ongoing dialogue through other fora.

The focus of the first phase of the Asia strategy, from 1999 to 2004, was on raising awareness of Ireland in our target markets and assisting Irish companies to do business there. This transformed our relationship with countries in the region, with a marked increase in the number of trade missions, greater levels of trade, and an increase in high level political contacts. These helped durable political and business relationships to develop, particularly with China, and provided a context in which sensitive political issues could be discussed.

The second phase of the strategy, from 2005 to 2009, aimed to establish a coherent policy of engagement, on a political, social and cultural level, as well as on an economic and commercial level, with a particular focus on China, Japan, South Korea, Singapore, India, Malaysia, Indonesia and Vietnam. By the end of 2008, total exports to these priority countries had reached €11 billion, €2 billion in excess of the 2009 target outlined at the beginning of the second phase.

My Department has played a vital role in the Asia strategy since its inception, including through the organisation of awareness-raising projects by our embassies and consulates in the region, and the co-ordination of high level and official trade-related visits, which have helped to intensify and deepen our relations with the countries concerned. When we have specific issues regarding human rights, we also raise these with the governments and embassies of the countries in question through consultations and other forms of ongoing dialogue. They are also taken up by the EU in the context of formal human rights dialogues with a number of Asian countries and in regular discussions with others.

The Asia strategy has been very successful in raising awareness of Ireland in Asia, developing strong and meaningful relations, and increasing our trade with relevant countries. The high level group appointed by the Minister for Enterprise, Trade and Employment to oversee the implementation of the strategy is currently finalising its review of the second phase, and is developing a new strategy for trade and investment. This strategy will focus on increasing our exports to, and investment from, emerging high-growth markets, as well as our key existing trading partners. My Department is contributing to these efforts and will continue to work to ensure that political considerations, including the advancement of human rights, are taken fully into account.

Deputy Michael D. Higgins: In regard to the different phases of the Asia strategy which the Minister has given us, it is time to acknowledge that a serious mistake was made in deciding to accommodate the Burmese junta in terms of Asian thinking. It was a mistake to think that the military junta could be brought to the table, which did not happen. Now on the eve of the Burmese elections, we have recently had it explained to us by the party of which Aung San Suu Kyi is a member, who will probably not be able to participate in the election, that a constitution has been passed which is seriously restrictive in respect of democratic rights. Should an election take place, in order to change that constitution, a 75% majority is required but 25% of seats are allocated to the military so it is almost impossible. What is the Government's attitude to the forthcoming elections? Is it in favour of pursuing, through the Asian group, such constitutional mechanisms as would enable change to take place to enable even a semblance democracy?

The Minister would know that long before either phase of the strategy, there was a considerable educational relationship between some of the countries, including China, in respect of a fund for hydrology and so forth. This was kept open by the Department of Foreign Affairs for a very long time in so far as very senior Irish graduates are advising on flood prospecting in different Asian countries. On the educational side, is there a core set of proposals in regard to exchange of educational facilities and advice?

Deputy Micheál Martin: The Burmese question has never been seen or dealt with in the context of the Asia strategy.

Deputy Michael D. Higgins: That is right.

Deputy Micheál Martin: I met recently with representatives of the Burmese government in exile. As the Deputy will be aware, we have provided considerable support to it to organise and present its case to the wider world.

Deputy Michael D. Higgins: Yes.

Deputy Micheál Martin: I would be very concerned about the forthcoming elections given the timeframe that has been allocated. The timeframe is running out in terms of the rules of the game being published or people being given notice as to who can and cannot participate. The essential requirement is that there would be a release of the political prisoners, many of whom are the leading lights of the opposition. I take the Deputy's point about the weakness of the Asian structure to deal with this issue. That remains the case. Some engagement has been initiated by the American administration. Our view is one of caution in terms of engagement. I am aware that when Carl Bildt, the Swedish Foreign Minister, hosted the Presidency, he had initial contacts and met with the Burmese Foreign Minister in Brussels with a view to ascertaining the possibility of engagement. Again, our view is that we believe in the maintenance of sanctions and would not, at this stage, support the easing of sanctions in lieu of more engagement.

Deputy Billy Timmins: At the end of January, the Minister stated in a parliamentary reply that as we come to the end of the second phase of the Asian strategy, we will examine ways in which we can continue to develop relations with China. Will the Minister outline what are these ways? He also stated that he hoped to visit China in 2010. Does he have a definite date for such a visit? He referred to the St. Patrick's Day festivals in Shanghai and Beijing. The Fine Gael Party believes it is very important that Irish political representatives go abroad for St. Patrick's Day and they should not be fearful of what the media might say about it because, as an export nation, it is important. If I may add a little sting in the tail, they can do less damage abroad than at home.

Deputy Micheál Martin: In both Asia strategies the educational dimension has been very strong. In fact, there has been an expanded level of partnership and engagement between universities here and universities in Asia, particularly in Malaysia and China, to name but two.

Deputy Michael D. Higgins: Was there a disadvantage in relation to foreign students studying here because of our visa arrangements?

Deputy Micheál Martin: I share the Deputy's view that I believe in an expansive and creative approach to that.

An Leas-Cheann Comhairle: I think that is a matter for another question and another Minister.

Deputy Michael D. Higgins: I accept that.

Deputy Micheál Martin: The point is valid. It is an important dimension to the issue of expanding the whole education industry. We can gain more from it. The Minister for Education and Science, Deputy Batt O'Keeffe, is pursuing that issue vigorously.

Deputy Timmins asked about relations with China and the review of the second phase. In terms of trade, there has been growth and an enhancement of bilateral trade in particular of exports and of Irish companies who were creating bases in China and working from there. It

is early days yet but the IDA has an office there and its activity is beginning to bear fruit. However, it will take some more time before we begin to get investment here from Chinese multinationals. That is a priority we are seeking.

Deputy Billy Timmins: Is the Minister going to China?

Deputy Micheál Martin: I am. I am determined to get there in 2010. I was not in a position to go there last year because of the Lisbon treaty referenda and so on. Relations with Asia are very much about maintaining the political contacts on a regular basis — not on a once off basis and not doing it again for a few years. The Expo has created a problem with the timetable because the Chinese are anxious to keep visits both for and after the Expo. However, I will be going. I concur with the Deputy that it is absolutely essential to optimise and maximise the value that St. Patrick's Day gives us in terms of opening doors, promoting Ireland from food to tourism——

Deputy Michael D. Higgins: It is the year of the tiger.

Deputy Micheál Martin: ——to industry and in terms of Irish companies going abroad.

Deputy Billy Timmins: Perhaps the Minister for Defence, Deputy O'Dea, could be encouraged to go abroad for St. Patrick's Day as he has never been abroad for St. Patrick's Day.

Deputy Micheál Martin: I can assure the Deputy that from the time the Minister for Finance went to London last year, the recurring international feedback has been that the presence of Irish Ministers overseas has enhanced Ireland's image abroad and the perspective that international markets have of Ireland. That was in relation to Deputy Timmins' last comment.

Haitian Earthquake.

77. **Deputy Bernard J. Durkan** asked the Minister for Foreign Affairs if he has discussed with his EU colleagues the degree to which a satisfactory and effective emergency response took place in relation to the Haiti disaster, if the precise procedures to be followed by the European Union in response to such disasters in the future if required; and if he will make a statement on the matter. [7231/10]

83. **Deputy Catherine Byrne** asked the Minister for Foreign Affairs the action that has been taken at EU level to deal with the aftermath of the earthquake in Haiti; and if he will make a statement on the matter. [7295/10]

Deputy Micheál Martin: I propose to take Questions Nos. 77 and 83 together.

The earthquake of 12 January has been a devastating tragedy for the people of Haiti. It is estimated that well over 200,000 people have died. More than 1.2 million people are displaced, living in temporary shelters in and around the capital city, Port au Prince. A further 480,000 people are reported to have left the city and taken refuge in rural areas. Much of Haiti's key infrastructure has been damaged or destroyed.

It is agreed internationally that the United Nations should take the lead in the humanitarian response to such disasters and emergencies. In co-ordination with the United Nations, the European Union has taken decisive and comprehensive action to assist the people of Haiti. At the operational level, immediate support was provided through the deployment of search and rescue teams, and other expert personnel. EU member states and the European Commission

[Deputy Micheál Martin.]

quickly committed significant levels of emergency funding for emergency assistance, and airlifts of humanitarian supplies were organised.

On 18 January, the Monday after the earthquake, an extraordinary session of the EU Foreign Affairs Council was convened in Brussels to focus on the situation in Haiti. At the Council, the European Union pledged €122 million in humanitarian assistance, in addition to €100 million for the restoration of Government capacity in Haiti and €200 million for longer-term development. At its regular monthly meeting on 25 January, the Foreign Affairs Council reviewed the co-ordination of the European Union response, as well as contributions of member state military and security assets. In response to the needs identified by the UN, the Council agreed that the Union would provide a collective contribution of at least 300 police personnel to the UN stabilisation mission in Haiti, to be co-ordinated by the High Representative, Catherine Ashton.

The informal meeting of the European Council in Brussels last Thursday reviewed the EU response in Haiti. The Taoiseach and his colleagues were agreed that the European Union will have a key role to play in Haiti's recovery and rehabilitation over the medium and longer term. Together with the Haitian Government, the UN, the World Bank and the Inter-American Development Bank, the European Commission is now participating in a comprehensive post-disaster needs assessment. When completed, this assessment will provide an important framework for international support into the recovery phase.

The Irish people have shown remarkable generosity in response to the needs of the people of Haiti. On their behalf, the Government has also played an important role, directly and as part of the overall European Union response. The details of that response are well known to the House.

Looking ahead, it is important that the European Union and the wider international community examine the response to the earthquake in Haiti and identify ways in which operational effectiveness could be further improved in future emergencies. The response in Haiti, for example, reflected many of the lessons learned in coping with the effects of the terrible tsunami in Asia in 2004. Ireland will ensure that the lessons learned from Haiti further strengthen the role the EU can play in future, in close co-ordination with the United Nations and other agencies.

Deputy Billy Timmins: In the context of the reconstruction of Haiti, it is important the funding provided be in the form of grants rather than loans. We should use whatever channels are available — whether through the Minister for Finance or the EU — to ensure that Haiti's outstanding debts to the International Monetary Fund are written off. Has an opinion been formulated with regard to the effectiveness of the rescue and reconstruction efforts in Haiti? Did we learn lessons as a result of the tsunami in 2004 or will it be necessary to learn such lessons in the future? Have the recommendations that were put forward in the aftermath of the tsunami been implemented? The Minister will have met representatives of the aid agencies and I wonder if they provided him with their views on that matter.

Deputy Micheál Martin: In the first instance, we have learned lessons as a result of the tsunami and its aftermath and not least in the context of the emergency relief fund that is now in place and that is ready to be used when disasters of this nature occur. The prepositioning of supplies, etc., is also an indication of lessons learned.

The fundamental difficulty encountered in Haiti related to the infrastructural challenges that arose. I refer here to the collapse of physical infrastructure, namely, the port and so on, and the very real problems that arose early on in the context of getting supplies into the country. Of critical importance — we will be obliged to reflect further on how to deal with matters of this nature in the future — was the collapse of Government capacity in Haiti. Members of the Government there and officials from Government Departments were wiped out by the earthquake. This had a devastating impact in terms of the capacity to organise rescue and relief efforts in the immediate aftermath of the disaster.

Deputy Michael D. Higgins: Does it not reflect one of the great failures of United Nations reform that a civilian head of an emergency response unit was not in place in Haiti? My second question relates to the European media. The notion that there were serious infrastructural difficulties in Haiti which impeded the response to the disaster is partially contradicted by the fact that within 24 hours of the earthquake, 374 Cuban doctors — assisted by 400 Haitian interns — were providing relief to the people at two emergency field hospitals. The fact that this assistance has been available for a long time in Haiti proved an advantage.

Is the Minister not concerned that in the response of some European government, the emphasis shifted away from the importance of there being a civilian co-ordinator, responsible to the General Secretary of the United Nations, in place to co-ordinate the provision of aid? This deepens our previous discussions on the militarisation of aid, even emergency aid. Is it not evidence of an extraordinary blind spot on the part of the media that, with the exception of CNN, no one noticed the several hundred doctors who were able to provide care and man field hospitals within 24 hours of the earthquake?

Deputy Bernard J. Durkan: On that matter——

An Leas-Cheann Comhairle: I will take a final reply from the Minister.

Deputy Bernard J. Durkan: I do not propose to pose a further question.

An Leas-Cheann Comhairle: The Deputy has just arrived. I am bringing Question Time to a close.

Deputy Bernard J. Durkan: Question 77 was tabled in my name.

An Leas-Cheann Comhairle: It was but the Deputy was not here for it.

Deputy Bernard J. Durkan: I might have arrived late but I was watching proceedings on the monitor.

An Leas-Cheann Comhairle: I do not want——

Deputy Bernard J. Durkan: I merely wish to——

An Leas-Cheann Comhairle: The Deputy cannot just come into the House and take over.

Deputy Bernard J. Durkan: If the Leas-Cheann Comhairle had not intervened, I would have concluded my contribution by now.

An Leas-Cheann Comhairle: If the Deputy takes his seat, I will call him.

Deputy Bernard J. Durkan: I wish to echo the concerns raised by the previous speaker.

An Leas-Cheann Comhairle: No. The Deputy will sit down.

Deputy Michael D. Higgins: I thank the Deputy for his support.

Deputy Bernard J. Durkan: All I want is to echo the concerns raised by Deputy Higgins and have that recorded in the Official Report.

An Leas-Cheann Comhairle: The Deputy will sit down.

Deputy Bernard J. Durkan: If the Leas-Cheann Comhairle had not interrupted me, I would have finished what I had to say within ten seconds.

An Leas-Cheann Comhairle: I ask the Deputy to please take his seat.

Deputy Bernard J. Durkan: I must tell the Leas-Cheann Comhairle one thing, namely——

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

Deputy Bernard J. Durkan: —— that it is unacceptable and completely unnecessary for the Leas-Cheann Comhairle to become engaged in such an unseemly argument.

An Leas-Cheann Comhairle: It is a disgrace that the Deputy should arrive in after his question has been called — and following my calling two supplementary questions — and abuse the Chair in this manner.

Deputy Michael D. Higgins: I welcome the Deputy's support.

Deputy Bernard J. Durkan: The Leas-Cheann Comhairle could have at least——

An Leas-Cheann Comhairle: In terms of the conduct of proceedings, I ask that Members allow the Chair to conduct the business of the House. I would have called the Deputy.

Deputy Bernard J. Durkan: The Leas-Cheann Comhairle wasted approximately three minutes when all I needed was 30 seconds.

Deputy Micheál Martin: I am sure the Minister of State at my Department, Deputy Peter Power, would be anxious to be of assistance to Members in respect of this matter. In that context, it might be useful to engage, at a later date, in a debate on the situation in Haiti——

Deputy Michael D. Higgins: Yes.

Deputy Bernard J. Durkan: Hear, hear.

Deputy Micheál Martin: ——particularly in the context of how we might learn lessons with regard to how the aid was deployed, etc. I have read some first-hand accounts issued by aid agencies which indicate that a great deal of aid was brought into the country early on and was effective. However, there were infrastructural difficulties. Not least among these was that relating to the port, which was critical in the context of getting shipments of food and so forth into the country at an early date.

I am of the view that we should reflect on developing a coherent and cohesive approach, even from countries such as Ireland. I was taken aback by the plethora of organisations that were seeking donations from the public. Deputy Timmins and I have similar views on this

matter. A more coherent, cohesive approach might be better overall in the context of harnessing the public's generosity.

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 Pat Breen — the future of special needs assistants in schools in County Clare; (2) Deputies Brian Hayes, Pat Rabbitte and Charlie O'Connor — the withdrawal of teachers and special needs assistants at a special school in Dublin 24; (3) Deputy Denis Naughten — the need for the Minister for Health and Children to reverse structural management changes at Roscommon and Portlincolumbkille hospitals; (4) Deputy Michael Ring — to ask the Minister for Health and Children the plans there are to reduce the bed capacity in Áras Deirbhle and the district hospital in Belmullet, County Mayo; if any of the beds going to be taken out of use and ask that she make a full statement on the matter; (5) Deputy Pádraic McCormack — the proposals for deciding the preferred corridor for the construction of the new R336 road from Barna to Rosamhíl, Co. Galway; (6) Deputy Fergus O'Dowd — to ask the Tánaiste and Minister for Enterprise, Trade and Employment to make a statement to the Dáil on the proposed creation of over 300 jobs by Ryanair and to explain why she refuses personally to intervene with the Dublin Airport Authority and Ryanair to ensure that fruitful discussions take place immediately to ensure that the proposed jobs are in fact created in Dublin Airport rather than in another country; (7) Deputy Joe Carey — that the Tánaiste and Minister for Enterprise, Trade and Employment immediately call on the Competition Authority to investigate the practices of large retail outlets; (8) Deputy John Browne — the reduction in staff numbers at the Department of Social and Family Affairs' office in Wexford town; (9) Deputy Deirdre Clune — the need to ensure a greater uptake of science, maths and related subjects at leaving certificate level; (10) Deputy Seán Sherlock — the need to ensure that affordable housing stock in north Cork is properly disposed of through social or affordable schemes; (11) Deputy Mary Upton — the reason a person (details supplied) was refused disability payment and a medical card despite serious and ongoing medical conditions; (12) Deputy Dan Neville — child and adolescent psychiatric services; (13) Deputy Mattie McGrath — the lack of RTE coverage in the Kilmacomma area, near Clonmel, County Tipperary; and (14) Deputy James Bannon — the need for the Minister for Environment, Heritage and Local Government to update this House as to when he will be implementing and funding the river basin management plan for the Shannon River basin district, on which he signed off in October 2009.

The matters raised by Deputies Dan Neville, John Browne, Seán Sherlock and Brian Hayes, Pat Rabbitte and Charlie O'Connor have been selected for discussion.

Leaders' Questions.

Deputy Enda Kenny: Yesterday the Tánaiste and Minister for Enterprise, Trade and Employment laughed at the prospect of meeting Mr. Michael O'Leary. No one in north Dublin is laughing today.

An Ceann Comhairle: A special notice question relating to this matter is due to be taken later.

Deputy Enda Kenny: These are Leaders' Questions and I am engaging in preparatory work for the oral questions to be taken later.

Yesterday the Tánaiste and Minister for Enterprise, Trade and Employment laughed at the prospect of meeting Mr. Michael O'Leary. No one in north Dublin — real families and real workers with real jobs — is laughing today. The Government has not taken opportunities to secure jobs. The record of the Tánaiste and Minister for Enterprise, Trade and Employment in respect of this matter has been abysmal. Under her stewardship, unemployment has risen to 437,000 and up to 50,000 people have emigrated. The budgetary figures project a further 70,000 job losses this year.

Following much pressure, a meeting is due to take place this evening. That meeting relates to securing 300 high-tech jobs at Dublin Airport. In view of the abysmal record and gross incompetence of the Tánaiste and Minister for Enterprise, Trade and Employment in delivering and securing jobs for this country, is the Taoiseach prepared to take charge of this matter and ensure that the necessary action will be taken in order to secure these jobs for the workers of north Dublin, particularly those who were previously employed by SR Technics? Is he also prepared to demonstrate a willingness and sincerity in the context of doing what is necessary, on behalf of the Government, to secure 300 high-tech jobs at Dublin Airport?

Deputies: Hear, hear.

The Taoiseach: I reject the personalised attack by the Leader of the Opposition on the Tánaiste.

When SR Technics announced the closure 12 months ago of its operations in Dublin Airport the Tánaiste appointed the IDA and Enterprise Ireland as contact points for any company that wanted to maintain part of its operation there or had ideas for starting a similar business at the airport. As a result, many expressions of interest were received and two were considered worth pursuing. One involved Dublin Aerospace proceeding with a project that provides 250 jobs in that area——

Deputy James Reilly: Only 30 to date.

The Taoiseach: ——and has that prospect in mind. The other involved Ryanair, which is not prepared to negotiate with the DAA but we were prepared to use the IDA as an intermediary. This was a proposal to establish a maintenance operation for its own fleet which would initially employ 200, perhaps rising to 500 over a number of years. Certain conditions were attached to this proposal, one being insistence on the use of the largest hangar at the airport, hangar 6, to be secured for the project. This is problematic as the hangar in question was being used to provide line maintenance for the Aer Lingus fleet at the airport, which was carried out by SR Technics and is now done by Aer Lingus itself. It was the position of Aer Lingus, having a licence on the property, that it required the hangar for the maintenance of its own fleet and would give substantial employment in that respect. We also understand it is the only hangar in Dublin Airport suitable for wide-bodied aircraft used by Aer Lingus.

Nonetheless, the Tánaiste determined that every effort should be made to secure the project and much engagement and discussion took place between Ryanair, the IDA and the DAA and correspondence progressed between them also. The process culminated in a letter from the CEO of the IDA, Barry O'Leary, to Michael O'Leary, the CEO of Ryanair, clearly setting out the position on the options available to progress the project. To date Michael O'Leary has

continued to insist that hangar 6 be secured for the project, although he is aware that Aer Lingus has licence of the property and requires it for its maintenance purposes.

It is the Government's view that viable options exist for progressing the project on its own merits, including building a new hangar for the operation at the airport, and to do whatever is necessary to secure it as we believe it is in the interests of Ryanair and the airport, with the prospect of increasing employment at the airport. We strongly believe in re-engagement in discussions on the project, which the Tánaiste will facilitate later this evening with Mr. Michael O'Leary. This is part of the effort to find a viable way forward. If we can do so of course the Government will support it in every respect.

Deputy Enda Kenny: I am concerned about securing 300 high-tech jobs and not about political egos. It is not true to say that the Tánaiste determined that every effort should be made to secure these jobs because she laughed at the prospect of meeting Michael O'Leary. Do not fob this off to Barry O'Leary of the IDA. The stock response of the Government is to hand matters over to somebody else and for Ministers accept no responsibility for their duties.

Yesterday, Michael O'Leary gave me two commitments. The first was that he would be prepared to demonstrate and prove that by the end of summer he would have 300 high-tech engineers working on heavy maintenance in the hangar if it is leased to him. Aer Lingus does not do heavy maintenance at Dublin Airport, as the Taoiseach is aware. The second commitment was that he is prepared to sign a contract which states that whatever circumstances arise, if heavy maintenance of Ryanair aircraft was not being carried out in hangar 6 he would hand it back to the DAA or the IDA. I remind the Taoiseach that in the leasing agreements conducted by the DAA it is clear that it can take back space or building where it is required for aircraft operation or airport development.

Deputy Timmy Dooley: Read the next paragraph.

Deputy Michael Kennedy: With 12 months notice.

Deputy Enda Kenny: I have a copy of a lease from July 2009.

An Ceann Comhairle: Deputy Kenny without interruption.

Deputy Enda Kenny: The lease states it shall require to be taken back and other accommodation provided.

If the Tánaiste is serious about determining the security of these jobs, under the lease it is legally possible to take back hangar 6 because it is now required for aircraft development and maintenance. What can be more important in north Dublin than high-tech jobs in aircraft maintenance? If the Taoiseach is really serious about this, in view of the abysmal incompetence of the Tánaiste in dealing with Cadbury and Dell and now this offer from Ryanair, is he prepared to cancel what is in his diary, as he rightly did a couple of weeks ago on a matter of importance, take charge of this situation and do whatever is necessary to secure these 300 high-tech maintenance jobs for north Dublin?

At a meeting this morning, Deputies from north Dublin were shown pictures of hangar 6. The hangar was empty and the 95 jobs situated there could be accommodated in many other locations at Dublin Airport. This is the challenge for the Taoiseach. Is he prepared to take charge of this tonight because I do not believe in the competence of the Tánaiste to do anything

[Deputy Enda Kenny.]

to secure these high-tech jobs? Will the Taoiseach cancel what is in his diary, take charge of the situation, act as Taoiseach and secure these jobs for north Dublin?

Deputies: Hear, hear.

The Taoiseach: If life was as simple as Deputy Kenny thought it was he would probably be Taoiseach himself. The situation is different to that. On 17 September 2009 it was communicated by Ryanair that the condition of hangar 6 being part of the proposal was to be withdrawn on 24 September at Ryanair's AGM. In the aftermath of the Prestwick announcement it was stated by the CEO that the prospect of providing jobs in Dublin remains. I welcome that and we are anxious to discuss it with him. Deputy Kenny will accept not only the comments of the Tánaiste but also the comments of the CEO of the IDA, the DAA, others in the business of dealing with these matters on a daily and weekly basis and all users of the airport. Arrangements have also been made for the use of hangars 1 and 2 by Ryanair.

Deputy Pádraic McCormack: Hangar is right.

The Taoiseach: Rather than people getting involved in a personality assassination effort here, which I do not accept and I do not believe is relevant, the issue is a business one as to whether a viable option can be obtained consistent with the legal issues that arise and the licences and leases in the ownership of other companies on the property which Ryanair seeks to obtain. At the end of the day, we have to sit down in a sensible, rational and calm way to see in what way—

Deputy Pádraic McCormack: Stand up and be counted.

The Taoiseach: —we can find a viable project for this to go forward. I believe with common sense that would be possible. If conditions precedent exist similar to those which were in place prior to September when it could not be accommodated it is important that we examine the issues afresh to see in what way we can move forward. I do not question the bona fides of anybody in this matter but we must find a way forward that is consistent with what the situation is at present and how we might be able to provide a facility for this work to be brought to Dublin Airport.

Deputy James Reilly: It is about jobs and not personalities.

Deputy Eamon Gilmore: The Taoiseach is a repeat offender on this issue. Last spring, when SR Technics announced it would close down, the staff of SR Technics made a proposal whereby a package was put together which would continue aircraft maintenance and servicing.

On 1 April 2009, I put it to the Taoiseach in this House that 900 of the jobs at SR Technics could be saved if the Government supported that proposal and I argued that it should do so. In his response, the Taoiseach stated: "the Government will make every effort consistent with obtaining a viable proposal with the purpose of having an aircraft maintenance facility in Ireland." What did he do, however? The Dublin Airport Authority took hangar six back from SR Technics, thereby undermining the possibility of saving the jobs at that stage. This is the second time that hangar featured in the story.

We now know that Ryanair also made a proposal. We have heard all about this problem with hangar six, that problem with the DAA and correspondence between the IDA and the DAA, all of which culminated in the Tánaiste announcing as recently as yesterday that she was

not prepared to meet Ryanair or even pick up the telephone to ring its chief executive until she was embarrassed into doing so as a result of the publicity that arose in the course of the day.

This is the second time the Taoiseach, the Tánaiste and the Government have made a mess of the SR Technics situation and sacrificed jobs. These are no ordinary jobs. They involve people who can read an aircraft maintenance manual, something I doubt anybody in this House could make much sense of if it was put in front of us. When we speak grandiosely about the knowledge economy and new jobs, we are referring to these highly skilled people who can maintain an aircraft and get it back into the air. These jobs do not appear every day of the week. We had assembled a group of people at Dublin Airport who were capable of doing that work. SR Technics moved its operation to Switzerland and the jobs were lost as a result but the people were still available to carry out the work. All the Government had to do was show a bit of leadership by knocking heads together to ensure these jobs were not lost.

This story reveals what is at the heart of the problem with this Government and why it has become an obstacle to people keeping their jobs or returning to employment. The fact of the matter is that the Taoiseach, the Tánaiste and the Government did little or nothing to save those jobs in the first place. When a businessman came along with a viable proposal, all kinds of obstacles were put in his way and they did not come around to addressing the issue until the Tánaiste was embarrassed into doing so. My question to the Taoiseach is simple. I ask him whether he stands over the handling of the issue by the Tánaiste.

The Taoiseach: Of course I stand over the handling of the issue by the Tánaiste.

Deputy Pádraic McCormack: Lovely.

The Taoiseach: The contention by Deputy Gilmore that other viable projects were available at the time of the closure of SR Technics is not correct.

Deputy Shane McEntee: What was the deal between the DAA and SR Technics?

An Ceann Comhairle: Deputy McEntee, please, one speaker at a time.

The Taoiseach: There were expressions of interest and sincere efforts were made by the workers themselves——

Deputy Shane McEntee: Disclose the deal.

The Taoiseach: ——which involved having to provide some of the capital for the project by forgoing redundancy payments. Unfortunately, that did not provide the financial mix which would allow it to proceed, despite everyone's best efforts. I acknowledge those efforts but it is not just a question of knocking heads together and finding that a project is viable. A viable commercial project was proposed by people in that operation and Dublin Aerospace and it was supported by the Tánaiste, the IDA and all the agencies to the point where we have got it up and running. It will develop in due course and, I hope, increase its trade and capacity in the coming months and years. There was an outcome, therefore, albeit not one which involves the same number of jobs.

The other proposal considered by the Tánaiste and support agencies at the time was the Ryanair project, which came with conditions regarding hangar six. Deputy Gilmore referred to the fact that ownership of the hangar reverted to the DAA from SR Technics. As he will be aware, it was previously a TEAM Aer Lingus building. There was a retention of interest by

[The Taoiseach.]

Aer Lingus in the building and, as part of the arrangement to deal with legal issues and problems that had arisen in respect of ownership so as to provide a facility in due course and get over the post-SR Technics problem, a 20-year licence was issued to Aer Lingus in consideration of its continuing interest in the building. Aer Lingus states that its commercial requirements include the hangar for the purpose of line maintenance, in which regard former employees of SR Technics are involved in some of the ongoing aircraft maintenance in addition to what Shannon Aerospace is doing.

The questions also arise of how we can deal with the Ryanair project and whether we can find another viable way to proceed. It seems to me that the idea that it can only proceed on the basis of hangar six needs to be further explored given that Ryanair has dealt with the DAA regarding other activities in hangars one and two. We need to calmly and rationally discuss how a further 300 or 400 jobs can be created from the Ryanair project in due course by locating it at Dublin Airport, while recognising the issues that arise in regard to Aer Lingus's interest in and plans for the property.

Deputy Eamon Gilmore: That is all gobbledeygook.

Deputy Micheál Martin: It is not gobbledeygook. Be honest.

Deputy Eamon Gilmore: It is gobbledeygook.

Deputy Joan Burton: It is gobbledeygook. People lost their jobs because the Government did not understand the issues.

Deputy Dermot Ahern: Deputy Gilmore is hunting with the hounds while running with the hare.

Deputy Eamon Gilmore: TEAM Aer Lingus separated from Aer Lingus a long time ago and was subsequently sold to SR Technics. It is nonsense to suggest now that some kind of property legacy remains through which Aer Lingus has a hold on hangar six.

Deputy Micheál Martin: It is not.

Deputy Eamon Gilmore: The bottom line is that almost 1,200 people lost their jobs in a business that was viable. I acknowledge that certain issues had to be addressed and overcome and there was a necessity for modernisation. Everybody accepted that at the time. The maintenance and servicing of aircraft is a viable business but we have lost it. The Government lost it last April and it had ten months to conclude all the calm and rational discussion in which it is now offering to engage. That has not happened and 1,200 people have lost their jobs.

The Government failed to support and advance the proposal put forward by staff last year. The withdrawal by the DAA of hangar six was a key factor in undermining that proposal but the Government did not step in to prevent it from happening. On top of that, we now have a new proposal from Ryanair in respect of which 200 jobs have already been allowed to slip through the Government's fingers to Glasgow. It appears that until yesterday the Government was content to allow the remaining 300 jobs to slip through its fingers. It has made an unholy mess of this matter. These jobs should not have gone down the spout because they represent the kind of work which can be retained here.

It would be preferable had the Taoiseach acknowledged that the Government, the Tánaiste and Ministers made an absolute mess and then moved on rather than pretend that all kinds of

complicated property arrangements are preventing them from acting. During an unemployment crisis, they should be moving mountains to ensure that two separate business proposals to provide and save perfectly viable jobs had Government support rather than the kind of hamfisted and negligent treatment they have received thus far. People are losing their jobs and businesses are suffering because of the ensuing drop in income for north and west Dublin in particular.

The Taoiseach: I reject that innuendo and political charge. It does not stand up to scrutiny. We are prepared to move. We are prepared to sit down with Ryanair and discuss the provision of alternative hangar space in a way that is consistent with its requirements. We can sort this out if that is what people want. The idea that there is only one viable proposition is not correct.

Deputy Noel Dempsey: It is nonsense.

The Taoiseach: There are ways we can make this viable, such as to ensure there is vacant possession of the hangar space that is required to take on 300 people, and more, with further work taking place at Dublin Airport. That option is on the table if people are prepared to work through that issue commercially. The way one would get around the question of a particular hangar being required for whatever reason, even though there is not vacant possession of that hangar and others have an interest there, is to provide an alternative hangar space. We will deal with the issue in a way that is consistent with the commerciality of the project.

Deputy James Reilly: There is not one big enough.

The Taoiseach: That is what we are prepared to do and that is what we want to do. We have been prepared to do that from the time the proposal came forward——

Deputy Joan Burton: The Government did not even know SRT was leaving until months after the decision was made.

The Taoiseach: ——as we have been able to pursue the Dublin Aerospace project to a successful conclusion, and in the same way that a line maintenance facility has been provided by Aer Lingus as well. Let us do the very same with this company, which would be in its interests and in the interests of the Dublin Airport Authority——

Deputy Joan Burton: The Government gave away the hangar.

The Taoiseach: ——and come forward with a viable alternative, rather than having a row about something that cannot be simply resolved overnight.

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 number of notices under Standing Order 32. I will call on the Deputies in the order in which they submitted their notice to my office.

Deputy Fergus O'Dowd: I seek the adjournment of the Dáil to discuss an issue of major national importance, namely, the need for the Minister for Enterprise, Trade and Employment and the Minister for Transport to ensure the creation of more than 300 jobs by Ryanair at Dublin Airport, and for them to facilitate fruitful discussions——

Deputy Michael Kennedy: Would the Deputy's leader not speak for him?

Deputy Fergus O'Dowd: I gave notice of this matter before the leader decided what he was doing.

Deputy Billy Timmins: The Taoiseach speaks for Deputy Kennedy.

(Interruptions).

An Ceann Comhairle: Deputy O'Dowd should be allowed to speak without interruption.

Deputy Fergus O'Dowd: —between all relevant parties so that these jobs are created in Dublin rather than in another country.

Deputy Finian McGrath: I seek the adjournment of the Dáil under Standing Order 32 to discuss an issue of national importance and concern, namely, the urgent need to, first, support all victims of thalidomide, second, to support strongly the 32 families, and, finally, to call on the Minister for Health and Children to revisit the issue of State compensation as a matter of urgency.

An Ceann Comhairle: Having considered the matters raised, they are not in order under Standing Order 32.

Order of Business.

The Taoiseach: It is proposed to take No. 10, motion re proposed approval by Dáil Éireann of the terms of the agreement on social security between the Government of Ireland and the Government of Japan (back from committee); No. 11, motion re referral to select committee of proposed approval by Dáil Éireann of the Finance Act 2004 (Section 91) (Deferred Surrender to the Central Fund) Order 2010; and No. 22, Criminal Justice (Money Laundering and Terrorist Financing) Bill 2009 — Order for Report, Report and Final Stages.

It is proposed, notwithstanding anything in Standing Orders, that Nos. 10 and 11 shall be decided without debate; and Private Members' business shall be No. 3 — Committees of the Houses of the Oireachtas (Powers of Inquiry) Bill 2010 — Order for Second Stage and Second Stage, and the proceedings on Second Stage thereon shall, if not previously concluded, be brought to a conclusion at 8.30 p.m. on Wednesday, 17 February 2010.

An Ceann Comhairle: Is the proposal for dealing with Nos. 10 and 11, motion re proposed approval by Dáil Éireann of the terms of the agreement on social security between the Government of Ireland and the Government of Japan (back from committee) and motion re referral to select committee of proposed approval by Dáil Éireann of the Finance Act 2004 (Section 91) (Deferred Surrender to the Central Fund) Order 2010, without debate, agreed to?

Deputy Caoimhghín Ó Caoláin: It is not agreed.

Deputy Enda Kenny: I object to the Order of Business in its current form. I propose an amendment to it, that the Criminal Justice (Money Laundering and Terrorist Financing) Bill 2009 be suspended at 6.30 p.m. for the purpose of allowing the Minister for Defence to make a statement and to have a short period thereafter for question time. I propose also that, on the conclusion of the Adjournment debate, the Dáil would sit for a further 30 minutes to hear statements and questions in respect of the death of the Stability and Growth Pact and the regime that Europe now intends to put in place in respect of countries in serious financial difficulties.

Since 1964, some 11 Ministers have resigned from this House for one reason or another. I find it truly astonishing that two months after an issue in respect of a Cabinet Minister became public knowledge the Taoiseach did nothing about it. This is a matter of the most serious import. This is as much about the Taoiseach, his standards and what he oversees in his Cabinet as it is about anyone else. From that point of view, I find it completely unsatisfactory that in a situation where it is clear that a member of the Cabinet submitted a sworn affidavit that he subsequently said was false, he still continues in Cabinet——

An Ceann Comhairle: Deputy Kenny, I have to advise that we dealt with the matter earlier on Taoiseach's Question Time.

Deputy Enda Kenny: I am finished now.

Deputy James Reilly: Come on, a Cheann Comhairle.

Deputy Michael Creed: This is a serious issue.

Deputy Enda Kenny: It is a matter that cannot be dealt with just by having a personal explanation.

An Ceann Comhairle: There is a recognised procedure for dealing with matters such as this. A substantive motion can be introduced.

Deputy Enda Kenny: I appreciate that, a Cheann Comhairle. This matter became public on 21 December. I asked the Taoiseach today if the communications unit had brought this matter to his attention and he said he could not recall that. In the intervening two months he has known about this matter but he has done nothing about it, except possibly to ask the Minister to make a statement this evening. It is unsatisfactory to have the Minister give a personal explanation, to which he is fully entitled, and as is his right, without having questions asked about the seriousness of what is involved. This is not just an ordinary citizen. This is a person who has been elected for many years as a diligent Deputy by his constituency and who was appointed by the Taoiseach to the Cabinet. He is the holder of a Cabinet seal of office. He has a serious issue to answer——

An Ceann Comhairle: Subsequent to the statement, the Deputy can introduce a substantive motion——

Deputy Enda Kenny: ——and from that point of view the Taoiseach has failed to do anything for the past two months.

An Ceann Comhairle: ——rather than try to circumvent that arrangement now.

Deputy Enda Kenny: I object to the Order of Business being taken in this fashion. It is not satisfactory that a personal explanation can be considered sufficient in respect of a matter that is as serious and fundamentally important as this.

Deputy Eamon Gilmore: I understand from the replies given by the Taoiseach during Question Time that it is intended the Minister for Defence will make a statement later this evening on this issue. I also understand that it is not intended that there would be any opportunity for questions to be put to the Minister for Defence or for any statements to be made in response to his statement to the House. That is not an acceptable arrangement for dealing with this

[Deputy Eamon Gilmore.]

matter. For that reason, the Labour Party is opposed to the Order of Business the Taoiseach has put before us.

I also draw the Taoiseach's attention to the precedent that has already been established for dealing with statements from Ministers who find themselves in controversy of this kind. On 10 September——

An Ceann Comhairle: I advise Deputy Gilmore that the statement will be an explanation.

Deputy Olwyn Enright: How do you know that?

An Ceann Comhairle: Subsequent to the explanation, if Deputy Gilmore feels it is necessary to bring forward a motion to deal with the matter on the floor of the House, he is perfectly entitled to do it.

Deputy Joan Burton: No.

Deputy James Reilly: It is called perspicacity.

Deputy Eamon Gilmore: I am not talking about the statement, a Cheann Comhairle. I have not heard the statement and I do not intend to talk about it until I have heard it. What I am talking about is the Order of Business the Taoiseach has put before us for today. I am explaining to you why I am opposing the Order of Business the Taoiseach has put before us. The reason I am opposing it is because there is a precedent for dealing with statements from Ministers in these types of controversial circumstances. The precedent was established on 10 September 1997 when former Minister, Ray Burke, made a statement to the House.

Deputy Pádraic McCormack: We know where that finished.

Deputy Eamon Gilmore: On that occasion the Government proposed a formula to the House. It was part of the Order of Business. The formula proposed was that a personal statement would be made by the then Minister for Foreign Affairs, which would not exceed 20 minutes, "after which the Minister shall take questions". Then there was a provision by which the questions would be brought to a conclusion.

Deputy Pádraic McCormack: Draw a line in the sand.

Deputy Eamon Gilmore: The case I am making is that the Taoiseach should make a similar provision on today's Order of Business. There should be a proposal that the Minister for Defence makes a statement and takes questions for a time. Perhaps, having heard all of that, we might not have any need for the motion the Ceann Comhairle is inviting us all to table about the Minister.

Deputy Willie O'Dea: Some chance of that.

Deputy Charles Flanagan: It is unlikely.

Deputy Eamon Gilmore: We might not be disposed at all to table a motion about him but we would like to hear what he has to say and to have the opportunity of putting questions to him. The House should be given that opportunity but an arrangement whereby the Minister comes in at some hour later tonight, makes a statement and then disappears without question or comment from anybody is not an acceptable way of dealing with this matter.

An Ceann Comhairle: I have explained the procedure we will adopt in this regard. Having heard the statement this evening, if Members feel it is necessary to proceed with a substantive motion, the provision is there to do it and it will be facilitated.

Deputy Caoimhghín Ó Caoláin: Whatever about the statement to be heard, the facts themselves are damning. A Cabinet Minister made a sworn affidavit to the High Court——

An Ceann Comhairle: Deputy——

Deputy Caoimhghín Ó Caoláin: I will have the opportunity to speak as others have already spoken.

An Ceann Comhairle: I cannot allow the Deputy to make derogatory remarks across the floor.

Deputy Caoimhghín Ó Caoláin: I am not making derogatory remarks; I am stating the facts.

An Ceann Comhairle: I have a duty, as Chair of this Assembly, to protect the standards in this House. I protect not alone Ministers but individual Deputies as well.

Deputy Leo Varadkar: The Ceann Comhairle is allowed to protect Fianna Fáil

Deputy Caoimhghín Ó Caoláin: I am making no false accusation about anybody. I am recording what we know to be the case. A Cabinet Minister misled the High Court with a sworn affidavit falsely claiming that he did not make a grossly defamatory statement against an individual citizen who was then a candidate in the local government elections.

An Ceann Comhairle: The Deputy is anticipating what we will in the statement his evening.

Deputy James Reilly: He is stating facts.

An Ceann Comhairle: There will be statements for an hour or an hour and a half.

Deputy Caoimhghín Ó Caoláin: That is what happened.

An Ceann Comhairle: I ask the Deputy to refrain from making these allegations.

Deputy Caoimhghín Ó Caoláin: It is not an allegation. The Minister subsequently withdrew the affidavit and, indeed, admitted the defamation. He did this while a Cabinet Minister. This was not a case between two members of the public, as the Taoiseach would have——

An Ceann Comhairle: If the Deputy wishes to pursue this matter, he can table the motion to deal with it, subsequent to the statement this evening. That is the proper procedure for dealing with it and this is the procedure that will be before the House.

Deputy Caoimhghín Ó Caoláin: This is not, as the Taoiseach would have had us believe earlier this afternoon, a matter between two private citizens.

An Ceann Comhairle: I cannot allow the Deputy to cast aspersions across the floor against individual Members and I will not allow it.

Deputy Leo Varadkar: The Minister swore the affidavit.

Deputy Caoimhghín Ó Caoláin: This action was taken and performed by a sitting member of the Cabinet. Make no mistake about it. This is a serious matter and, as others have said, the facilitation of a statement alone is totally inadequate. The right of Members to properly question the Minister is something that should be upheld by the Taoiseach and insisted upon by the Ceann Comhairle. Furthermore, based on the facts that we know——

An Ceann Comhairle: I have advised the House several times as to how we will proceed if necessary.

Deputy Caoimhghín Ó Caoláin: ——the Minister should either take the appropriate action of standing down or the Taoiseach take the action of standing him down.

Deputy Pádraic McCormack: That could not be hard.

Deputy Charles Flanagan: On the same matter, I have had discussions with the Ceann Comhairle's office——

An Ceann Comhairle: There can only be one Fine Gael speaker on the proposal and the leader of the Deputy's party has spoken. He will have ample opportunity at a later time to raise these matters. I am not allowing the Deputy.

Deputies: He is raising a point of order.

Deputy Charles Flanagan: On a point of order, this is a carefully contrived whitewash and I hope the Ceann Comhairle's office is not complicit in this because he has not——

Deputy Micheál Martin: Withdraw that remark.

An Ceann Comhairle: I ask Deputy Flanagan to withdraw that remark or leave the House.

Deputy Charles Flanagan: I said I hoped that——

An Ceann Comhairle: I ask Deputy Flanagan to withdraw that remark or leave the House.

Deputy Charles Flanagan: I said I hoped the Ceann Comhairle's office was not——

Deputy James Reilly: We all hope that.

An Ceann Comhairle: I ask Deputy Flanagan to withdraw that remark or leave the House.

Deputy James Reilly: Should we hope that?

An Ceann Comhairle: Deputy Flanagan is casting an aspersion on the Chair. I ask him to resume his seat and to withdraw that remark immediately.

Deputy James Reilly: He did not make any accusation.

An Ceann Comhairle: Will Deputy Flanagan withdraw the remark?

Deputy James Reilly: He expressed a hope.

An Ceann Comhairle: Deputy Flanagan will leave the House.

Deputies: For what?

Deputy James Reilly: He expressed a hope.

Deputy Charles Flanagan: I require an explanation.

An Ceann Comhairle: The Deputy will leave the House.

Deputy Charles Flanagan: The Ceann Comhairle failed to inform the House about the personal explanation the Minister for Defence is about to embark on this evening. This is nothing short of whitewash because the personal explanation to which the Ceann Comhairle refers, according to Standing Order 44(2), is “An explanation made under this Standing Order shall be brief, non-argumentative and strictly personal and shall not be such as would cause debate or give rise to further explanations”. That is a white-wash. I was in contact with the Ceann Comhairle’s office yesterday evening and this morning. The Ceann Comhairle is refusing to allow a debate on this issue.

5 o'clock

Deputy Leo Varadkar: That is shameful.

An Ceann Comhairle: The Deputy has cast an aspersion on the Chair in the wrong and improperly. I am naming him and I ask him to leave the House. I propose that he be suspended from the House.

Deputy Charles Flanagan: The Ceann Comhairle is in the House a long time. Former Taoiseach Haughey sacked a Minister for lying. The standard we are asking from these benches is less——

An Ceann Comhairle: The Deputy will be suspended from the House. He should resume his seat or leave the House.

Deputy Michael Creed: The Deputy cast no aspersion on the Chair. That is outrageous. The Deputy cast no aspersion on the Ceann Comhairle’s office.

Deputy Dermot Ahern: Fine Gael is returning to type going for the man.

Deputy Charles Flanagan: I said I hoped that the Ceann Comhairle’s office would treat this matter in the manner——

Suspension of Member.

An Ceann Comhairle: The Deputy clearly implied I was complicit. I move: “That Deputy Charles Flanagan be suspended from the service of the Dáil”.

Deputy Michael Creed: Methinks the Chair doth protest too much.

Deputy Charles Flanagan: That is outrageous.

Question put.

Deputy Enda Kenny: Vótáil.

An Ceann Comhairle: In accordance with Standing Orders, the division will take place at the beginning of business on the next sitting day.

Deputy Charles Flanagan withdrew from the Chamber.

Order of Business (Resumed).

Deputy Enda Kenny: I would like to bring to the Chair's attention that the Fine Gael spokesperson on justice, equality and law reform merely said that he hoped that the Ceann Comhairle's office——

An Ceann Comhairle: We have dealt with the matter now.

Deputy Enda Kenny: We have not dealt with it.

An Ceann Comhairle: We are proceeding with the Order of Business. I call the Taoiseach.

Deputy Enda Kenny: All the Deputy said was that he hoped that the Ceann Comhairle's office was not complicit in this matter——

An Ceann Comhairle: There was clear implication it was.

Deputy Enda Kenny: All he said was that he hoped that the Ceann Comhairle's office was not complicit. The Ceann Comhairle is wrong on this.

Deputy Noel Dempsey: That is an insinuation. The Deputy knew exactly what he was doing.

The Taoiseach: I would like to reply. As the Ceann Comhairle said, the facility of a personal explanation is available to a Member in the House under Standing Orders and if there were any requirement — and I believe there should not be — for political or other reasons to bring a motion to the House, that is a matter for other Members to consider.

Deputy Kenny referred to standards. I believe in standards. The Cabinet Handbook and the Code of Conduct for Office Holders refers to people in the performance of their duties. I obviously also accept that in regard to their private capacity, I expect Ministers to ensure where an error occurs, it is rectified, it is apologised for——

Deputy Leo Varadkar: When they are caught out on tape.

The Taoiseach: ——and it is accepted by the party concerned. There is an acceptance by the party concerned not in terms of how it is interpreted in this House that Deputy O'Dea acted innocently——

Deputy Michael Creed: He had it done under duress.

An Ceann Comhairle: The Taoiseach, without interruption.

The Taoiseach: The Deputies do not want to hear this quote because it does not suit their political purposes. That is their problem and that is the standard they go by.

Deputy Dermot Ahern: They did it to George Lee last week. Poor George.

Deputy James Reilly: He did not fall out of any tree the Minister was looking up.

The Taoiseach: However, the standard I want to explain is where a person admits an error and acts in good faith once the error is drawn to his or her attention and obtains the agreement of the party concerned that he or she acted innocently in the matter. Despite Deputy Rabbitte's guffawing, I will quote from the settlement. It is not suggested——

Deputy Pat Rabbitte: He has been lying in here for 25 years.

The Taoiseach: No; the lies are in *The Lost Revolution*.

Deputies: Hear, hear.

The Taoiseach: I read it over Christmas and the Deputy was fairly prominent in it.

Deputy Dermot Ahern: The Deputy did not welcome the INLA decommissioning.

The Taoiseach: I ask him to leave it. Let us not talk about lies or untruths.

Deputy Dermot Ahern: The Deputy did not welcome the INLA decommissioning, did he?

The Taoiseach: It is not suggested by Mr. Quinlivan——

Deputy Dermot Ahern: Neither did Deputy Gilmore or Lady Wicklow. They were very quiet.

Deputy Kathleen Lynch: It was SR Technics the Taoiseach should have been reading about.

The Taoiseach: ——that Deputy O’Dea acted other than innocently in making such a denial, and he accepts — that is, the party concerned accepts — that there was no intention to mislead on the part of Deputy O’Dea.

Deputy Brian Hayes: Are these the taxi drivers?

The Taoiseach: Those are the standards I expect from a person when an error is made.

Deputy Enda Kenny: He did not sign the affidavit.

The Taoiseach: He is admitting to it and is attempting to solve the problem and deal with it to the satisfaction of the aggrieved person.

Deputy Brian Hayes: He was caught out.

The Taoiseach: That is what I expect.

Deputy Enda Kenny: That is not good enough.

An Ceann Comhairle: We are proceeding with the Order of Business. I have an amendment from Deputy Kenny which is not in order. It is the Taoiseach’s prerogative under Standing Orders to introduce the proposal for the Order of Business.

Question put: “That the proposal for dealing with Nos. 10 and 11, without debate, be agreed to.”

The Dáil divided: Tá, 76; Níl, 65.

Tá

Ahern, Dermot.
Ahern, Michael.
Ahern, Noel.
Andrews, Barry.
Andrews, Chris.
Ardagh, Seán.
Aylward, Bobby.
Behan, Joe.
Blaney, Niall.
Brady, Áine.
Brady, Cyprian.
Brady, Johnny.
Browne, John.
Byrne, Thomas.

Calleary, Dara.
Carey, Pat.
Collins, Niall.
Conlon, Margaret.
Connick, Seán.
Coughlan, Mary.
Cowen, Brian.
Cregan, John.
Cuffe, Ciarán.
Cullen, Martin.
Curran, John.
Dempsey, Noel.
Devins, Jimmy.
Dooley, Timmy.

Tá—*continued*

Fahey, Frank.
 Finneran, Michael.
 Fitzpatrick, Michael.
 Fleming, Seán.
 Flynn, Beverley.
 Gogarty, Paul.
 Gormley, John.
 Grealish, Noel.
 Hanafin, Mary.
 Harney, Mary.
 Haughey, Seán.
 Healy-Rae, Jackie.
 Kelleher, Billy.
 Kelly, Peter.
 Kenneally, Brendan.
 Kennedy, Michael.
 Killeen, Tony.
 Kitt, Michael P.
 Lowry, Michael.
 McEllistram, Thomas.
 McGrath, Mattie.
 McGrath, Michael.
 McGuinness, John.
 Martin, Micheál.

Moloney, John.
 Moynihan, Michael.
 Mulcahy, Michael.
 Nolan, M.J.
 Ó Cuív, Éamon.
 Ó Fearghaíl, Seán.
 O'Connor, Charlie.
 O'Dea, Willie.
 O'Donoghue, John.
 O'Flynn, Noel.
 O'Hanlon, Rory.
 O'Keefe, Batt.
 O'Keefe, Edward.
 O'Rourke, Mary.
 O'Sullivan, Christy.
 Power, Seán.
 Roche, Dick.
 Ryan, Eamon.
 Scanlon, Eamon.
 Smith, Brendan.
 Treacy, Noel.
 Wallace, Mary.
 White, Mary Alexandra.
 Woods, Michael.

Níl

Barrett, Seán.
 Breen, Pat.
 Broughan, Thomas P.
 Burke, Ulick.
 Burton, Joan.
 Byrne, Catherine.
 Carey, Joe.
 Clune, Deirdre.
 Connaughton, Paul.
 Coonan, Noel J.
 Costello, Joe.
 Coveney, Simon.
 Crawford, Seymour.
 Creed, Michael.
 Creighton, Lucinda.
 D'Arcy, Michael.
 Deasy, John.
 Deenihan, Jimmy.
 Doyle, Andrew.
 Durkan, Bernard J.
 English, Damien.
 Enright, Olwyn.
 Feighan, Frank.
 Ferris, Martin.
 Flanagan, Terence.
 Gilmore, Eamon.
 Hayes, Brian.
 Hayes, Tom.
 Higgins, Michael D.
 Hogan, Phil.
 Howlin, Brendan.
 Kehoe, Paul.
 Lynch, Ciarán.

Lynch, Kathleen.
 McCormack, Pádraic.
 McEntee, Shane.
 McGinley, Dinny.
 McGrath, Finian.
 McManus, Liz.
 Mitchell, Olivia.
 Morgan, Arthur.
 Naughten, Denis.
 Noonan, Michael.
 Ó Caoláin, Caoimhghín.
 Ó Snodaigh, Aengus.
 O'Donnell, Kieran.
 O'Dowd, Fergus.
 O'Keefe, Jim.
 O'Shea, Brian.
 O'Sullivan, Jan.
 O'Sullivan, Maureen.
 Penrose, Willie.
 Perry, John.
 Quinn, Ruairí.
 Rabbitte, Pat.
 Sheahan, Tom.
 Sherlock, Seán.
 Shortall, Róisín.
 Stagg, Emmet.
 Stanton, David.
 Timmins, Billy.
 Tuffy, Joanna.
 Upton, Mary.
 Varadkar, Leo.
 Wall, Jack.

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

Question declared carried.

An Ceann Comhairle: Is the proposal for dealing with Private Members' business agreed?

Deputy Emmet Stagg: On that point, I understand that a statement will be made at 7 p.m., the time at which Private Members' business was to start. How does this affect the order to finish Private Members' time at 8.30 p.m.? Will the statement time be taken from the Private Members' business slot?

An Ceann Comhairle: The statement will be before 7 p.m.

Deputy Emmet Stagg: At what time?

An Ceann Comhairle: It depends on how we get on now. We have some more business to transact.

Deputy Seymour Crawford: That is no answer.

Deputy Pat Rabbitte: He wants an opportunity to record it.

(Interruptions).

An Ceann Comhairle: It will be as soon as possible. We have a special notice question with which to deal.

Deputy Emmet Stagg: I cannot hear the Ceann Comhairle.

An Ceann Comhairle: We have a special notice question to deal with and it may take some time.

Deputy Emmet Stagg: Has the Ceann Comhairle an indication of the time at which the statement will start?

An Ceann Comhairle: It is intended that it will be before 7 p.m.

Deputy Olivia Mitchell: What time is that?

Deputy Pat Rabbitte: At what time exactly?

An Ceann Comhairle: It is dependent on the special notice question, in which I am sure there is considerable interest, but it is intended to have it before 7 p.m.

Deputy Emmet Stagg: Does the Minister intend to slip in and make the statement without telling us the time?

An Ceann Comhairle: It is intended to be before 7 p.m.

Deputy Emmet Stagg: What is meant by "before 7 p.m."?

An Ceann Comhairle: Before 7 o'clock.

Deputy Emmet Stagg: Does that mean at 6 o'clock? "Before 7 p.m." includes 5 p.m. and 6 p.m. Does the Ceann Comhairle not know?

(Interruptions).

An Ceann Comhairle: It will be at 6.55 p.m.

Deputy Emmet Stagg: At five minutes before 7 p.m.

An Ceann Comhairle: Yes.

Deputy Paul Kehoe: On a point of order——

(Interruptions).

An Ceann Comhairle: Deputy Kehoe without interruption.

Deputy Paul Kehoe: It was indicated this morning that the Minister, Deputy O’Dea, would make a statement after Private Members’ business. As Whip, I then got a message that the statement would be made at 7 p.m. Now we do not know when it will be made.

The Taoiseach: When the long hand is at 11 and the short hand is at 7.

Deputy Paul Kehoe: I do not accept——

(Interruptions).

An Ceann Comhairle: We will have it before 7 p.m.

Deputy Paul Kehoe: May I finish? It is not acceptable——

(Interruptions).

Deputy Paul Kehoe: It is not acceptable that the Minister could enter the Chamber on a whim at any time to make his statement. It is important that we nail down a time as to when he will be in the House making his statement.

Deputy Charles Flanagan: Burn the *Sunday Independent*.

Deputy Noel Dempsey: We will send Deputy Kehoe a text.

Deputy Jim O’Keeffe: Could the Minister send an affidavit instead?

An Ceann Comhairle: We must move on.

(Interruptions).

Deputy Paul Kehoe: At what time will the Minister make a statement? When will he be in the House?

Deputy Dermot Ahern: In due course.

An Ceann Comhairle: We have indicated that a suitable time will be 6.55 p.m.

Deputy Pat Rabbitte: That clashes with “Nob Nation”.

An Ceann Comhairle: We estimate that it will take the Minister approximately five minutes to make the statement. It will be immediately prior to Private Members’ business.

Deputy Aengus Ó Snodaigh: Can the Ceann Comhairle give a commitment that Private Members’ time will be 90 minutes? This is the only commitment we seek.

A Deputy: That is sacrosanct.

An Ceann Comhairle: It is intended to respect that. Is the proposal agreed? Agreed.

Committees of the Houses of the Oireachtas (Powers of Inquiry) Bill 2010: Order for Second Stage.

Bill entitled an Act to confer on each House of the Oireachtas and on both of them acting jointly, through committees, a power to appoint inquiries into and to commission reports upon matters relevant to the exercise of the legislative power of the State including defects in social, economic or administrative systems and systems of governance within the State, for the purpose of proposing legislation to remedy any defects so identified and to make recommendations for the better regulation and governance of the State; and to provide for connected matters.

An Ceann Comhairle: I call on Deputy Rabbitte to move the order for Second Stage of this Private Members' Bill.

Deputy Pat Rabbitte: I thought the Ceann Comhairle was asking me to help out the Minister.

Deputy Dinny McGinley: Which one?

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

Question put and agreed to.

Order of Business (Resumed).

An Ceann Comhairle: We will move on to the motion re proposed approval by Dáil Éireann of the terms of the agreement on social security between the Government of Ireland and the Government of Japan. Could I call on the Minister to——

(Interruptions).

Deputy Emmet Stagg: What about the Order of Business?

Deputy Eamon Gilmore: Is the Ceann Comhairle not giving us an opportunity?

An Ceann Comhairle: I was proceeding on the basis——

Deputy Eamon Gilmore: The Ceann Comhairle is way ahead of himself.

An Ceann Comhairle: Deputy Kenny has the floor.

Deputy Enda Kenny: I will ask the Taoiseach three questions. Is it intended to allow time for statements on the announcement from Europe of assistance for Greece and the decision on that, the death of the growth and stability pact and the new regime to be implemented? This has important implications for Ireland and arrangements should be made to allow for an appropriate time for comment on this matter in the House.

I seek clarification from the Taoiseach on the comments made by the Minister for Social and Family Affairs. On Sunday she gave an indication in respect of the two by-elections for Donegal South-West and Dublin South, a referendum to be held on children's rights and on the legislation to provide for the mayoralty of Dublin. Has the Government firmed up on when they

[Deputy Enda Kenny.]

are likely to be held and will they all be held on the one day? Does the Taoiseach expect they will be held before or after the summer recess?

Does the Taoiseach have any idea as to when it is expected the Moriarty report will be published?

The Taoiseach: There are no decisions on the second matter raised by the Deputy. The first matter is one for the Whips. If Members want to have statements on that issue, that is a matter for the Whips to organise. Third, I expect the Moriarty report will be published perhaps in mid-March.

Deputy Eamon Gilmore: I agree with Deputy Kenny that an opportunity should be provided in the House to discuss the financial situation in Europe with particular reference to the difficulties in Greece. When my colleague, Deputy Burton, asked the Tánaiste about this on Thursday, she indicated that while normally there are not statements after an informal EU summit, perhaps on this occasion, given the gravity of the situation, there might be statements in the House. Perhaps the Taoiseach would consider either that or some other method by which we can have a discussion on what is happening in Greece and the implications of that in particular for the rest of the euro area.

I understand the report of the Joint Committee on the Constitutional Amendment on Children has been published. The previous report of 11 September 2008 recommended legislation should be prepared, but we have not yet seen such legislation. When will such legislation be prepared and brought before the House?

The third issue I wish to raise was also raised by Deputy Kenny. The Minister for Social and Family Affairs told the nation on Sunday night that the two by-elections and the election of a mayor of Dublin would be held at the back end of the year. Does the Taoiseach know when is the back end of the year? Given that the Minister was speaking on the Chinese New Year, was she talking about the Chinese year or the one with which we are all familiar? Will we ever see the two by-elections held and what is the Taoiseach's view with regard to them?

The Taoiseach: I presume the Minister was asked to give an idea or an opinion and she gave her opinion. Presumably she was talking about the second half rather than the first half of the year.

Deputy Ruairí Quinn: The second half of the back end of the year or the second half of the—

Deputy Eamon Gilmore: Is that the Year of the Tiger?

Deputy Denis Naughten: The tiger is on his last legs now.

An Ceann Comhairle: Allow the Taoiseach to reply without interruption.

The Taoiseach: No, the normal Julian calendar with which we deal. I do not know what former Communist international Deputy Gilmore was involved in that he had to know all these different dates.

Deputy Joan Burton: This is the Chinese New Year.

Deputy Denis Naughten: Maybe it is Old Moore's Almanac to which we should look.

The Taoiseach: There is no big deal for us, we will keep it simple.

Deputy Eamon Gilmore: We have seen the back end of the Celtic tiger and we will see the back end of the Year of the Tiger for the holding of the by-elections.

The Taoiseach: It is obviously an old habit of which the Deputy is finding it difficult to get rid. From our point of view it is the normal year.

On the question of the children's rights report, I first congratulate the chairperson, Deputy O'Rourke, and the committee on its excellent work, which has been ongoing for some time. This is the third interim report. The committee has spent two years working towards today's report. Obviously, there are complex legal and constitutional issues at the heart of this report. We will give it our attention, seek the Attorney General's views on it and so on but on the day of its publication I want to commend, in the first instance, all the members of the committee whom I know have worked hard not only on this report but on other reports which have suggested a legislative route for other aspects of vindicating children's rights. Progress is being made on all those areas and I commend the committee for that work.

Deputy Caoimhghín Ó Caoláin: In the context of the disgraceful incident where two kidneys and a pancreas intended for human transplant purposes in this State were not used and were sent abroad because the unit in Beaumont Hospital had no available beds, what action will the Taoiseach take to ensure that the Department of Health and Children and the Health Service Executive guarantee, which is their responsibility, that there will be adequate bed provision for people who are awaiting life-saving procedures including transplants of kidneys and pancreas? What will he do in regard to the Department of Health and Children which issued a disgraceful statement post this revelation in a Pontius Pilate-like way washing its hands of the matter?

An Ceann Comhairle: We are transgressing Question Time. This is a question for the Minister for Health and Children.

Deputy Caoimhghín Ó Caoláin: It is a hugely important issue. In the context of legislation, several Bills could impact on this and I refer specifically to the licensing of health facilities Bill. Will the Taoiseach intervene with the Department of Health and Children to have this Bill and others, including the eligibility Bill which we have raised with him nearly weekly since he took office, brought forward? When will he act with the Department of Health and Children and the Minister, who disgracefully presides over this outrageous position?

Deputy Jan O'Sullivan: I wish to raise a question on the same issue.

An Ceann Comhairle: The Deputy can raise a brief question on the promised legislation.

Deputy Jan O'Sullivan: The fact that these organs left the country simply because there were not enough beds is a terrible indictment of the health system where people are waiting—

An Ceann Comhairle: The Deputy will have to find another way to address that issue.

Deputy Jan O'Sullivan: This happened because of a lack of beds.

An Ceann Comhairle: The Deputy can submit a parliamentary question to the Minister for Health and Children.

Deputy Jan O'Sullivan: We need a proper answer from Government as to why this could possibly have happened.

A Deputy: We did not get one.

Deputy Michael Creed: People are dying.

Deputy Bernard J. Durkan: Hear, hear.

An Ceann Comhairle: This matter could be raised on the Adjournment.

Deputy Jan O'Sullivan: Donor organs were available. People were on a waiting list for transplants but were not able to have those organs transplanted here because of a shortage of beds. The Taoiseach must answer the question on that.

The Taoiseach: There is no date available for the Bill mentioned by Deputy Ó Caoláin.

I heard an interview given by a clinician from Beaumont on this matter and he set out the situation reasonably fairly. Three organs were sent to the UK for transplant to enable patients elsewhere to use the organs because it was judged that Irish patients' safety could have been compromised as a result of highly exceptional circumstances relating to the high number of transplant procedures carried out at that time combined with the unexpected availability of two additional donors, the interim accommodation measures being in place for safety reasons and the unavailability of the appropriate surgery-nursing skills mix.

On the day in question seven patients had received transplants in the preceding two days, on average, there are approximately two renal transplants every four days over the course of a year. Patients remain in a renal transplant unit for between four and seven days following their operation and they need to be accommodated in a particular environment.

There are capital works ongoing at the hospital on implementing the national plan for radiation oncology. For this reason, transplant patients had to be accommodated in another suitable part of the hospital. The construction is adjacent to the original 33-bed ward that included transplant recipients and Beaumont considered that the construction work posed a risk to their health and safety. Therefore, recipients are accommodated in a new eight-bedded, high efficiency unit on an interim basis.

It is important to point out that there were particular circumstances relating to this issue not related to the absence of work but on the basis that there was an overload of work, the availability of two donors, thankfully, and the need to ensure that the organs were used, in this case, in the UK. The explanations were given well.

Deputy James Reilly: On the same matter, there is no doubt that there is a significant demand for transplants in this country but we have not been matching the expectations of people, particularly those awaiting heart and lung transplants. We spent a fortune setting up these services but only two lung transplants have been done in the past year.

It is quite clear that the hospital in Beaumont is struggling. It has more patients waiting with delayed discharge——

An Ceann Comhairle: Does the Deputy have a legislative query?

Deputy James Reilly: I will finish with this. There is one solid issue that needs to be addressed by the Government, which is the failed co-location plan that has not delivered a single bed.

Deputy Bernard J. Durkan: Hear, hear.

Deputy James Reilly: While I am on my feet I ask when the Health Information and Quality Authority Bill will be introduced. Is it true, as has been relayed to me by a journalist today, that cervical cancer vaccination will now be delayed until next September? It is another betrayal of the girls of this country.

Deputy Caoimhghín Ó Caoláin: I thank the Taoiseach for his reply but the reality is Irish patients are a long time waiting for transplants and they have now been denied an opportunity. It is a very serious matter for those people and their families. It is a serious human issue. I urge the Taoiseach to consider the matter in Beaumont and if it is the case that we will have greater availability of organs, it would be marvellous, unless we had not the wherewithal or facilities to cope. Given the numbers of people on long waiting lists, that is outrageous. All the Taoiseach's explanation does, with respect, is underscore the fact that we have inadequate resources in place to deal with the human need and what I hope is a growing awareness—

An Ceann Comhairle: The Deputy will have to leave it at that.

Deputy Caoimhghín Ó Caoláin: —of people willing to give their organs.

The Taoiseach: There is a particular circumstance of the development of radiation oncology in Beaumont, which is much needed. It is adjacent to the transplant recipient unit and an interim unit has been provided because of the particular environment that has to be arranged for them. I have some knowledge in this area and the best thing we can do is continue to facilitate donations and ask more people to consider it as an option. It is a life-giving action at a time of grief and bereavement for families.

Deputy James Reilly: Has the Taoiseach any plans for a national transplant authority, which is badly needed?

The Taoiseach: Not at the moment.

Deputy Michael Creed: The Tánaiste and Minister for Enterprise, Trade and Employment has done a welcome U-turn on the need for effective legislation to control the power of multiples. I am somewhat concerned about a comment attributed to a spokesperson for the Minister in one of today's publications. It indicated there was adequate legislation under competition laws to deal with the matter. Will the Taoiseach clarify the matter on legislation in this regard? We are led to believe a voluntary code will be followed by a statutory code of conduct but when will the legislation be produced?

Further to the debate we had on the Lost at Sea scheme report from the Ombudsman, the Seanad will consider the report later this week. In the Taoiseach's opinion, does sterile debate on these matters in both the Dáil and Seanad constitute consideration of this matter as requested by the Office of the Ombudsman? Will the Taoiseach give his colleague and friend, Deputy Fahey, an opportunity to go before a committee on the matter?

The Taoiseach: A voluntary code of conduct is being brought forward on the matter referred to by the Deputy which requires legislation. It will be put on a statutory footing when the amalgamation of the Competition Authority and the National Consumer Agency is provided for in legislation during the course of this year.

Deputy Michael Creed: What about the Lost at Sea report?

The Taoiseach: I understand the Seanad is dealing with it this week.

Deputy Michael Creed: Will it go to committee from the Seanad?

The Taoiseach: I do not think so.

Deputy Michael Creed: The Government is trying to bury it in the Seanad.

The Taoiseach: Whatever the Deputy thinks himself.

Deputy Ruairí Quinn: In the context of the education (patronage) Bill, which has been promised for over a year and is No. 4 on the A list, can I draw the Taoiseach's attention to the fact that his colleague, the Minister for Education and Science, has announced the formation of seven new primary schools, with three to be under the VECs in counties Meath and Kildare, for which there is no statutory provision? Notwithstanding that the Archbishop of Dublin has said there are too many Catholic primary schools, two new Catholic schools are to be established, with one in Galway city. A study from the university in that area indicated that 33 nationalities must be catered for in that vicinity and a school appropriate for the multicultural needs of that population should be put in place.

What is going on in the Department of Education and Science, as there seems to be a black hole in decision making on the allocation of schools? When will we have the legislation on the floor of the House to debate it openly, democratically and, if I dare say it to the leader of Fianna Fáil, in a republican manner?

The Taoiseach: The Taoiseach may certainly say it to me as leader of Fianna Fáil. On the granting of recognition to new schools and associated patronage, it is a matter for the Minister under the Education Act. He had to make a decision on which patrons should be recognised in each location.

The interim arrangements for the recognition of new primary schools while the review of procedures in this area is under way provide that the chairman of the commission on school accommodation will advise the Minister in cases where more than one patron expresses an interest in opening the new schools in the expanding locations. The submissions from patrons on proposed new schools for 2010 were assessed by the chairman of the commission on school accommodation and the decisions taken are consistent with the recommendations made by the chairman of the commission. They are in line with interim arrangements, pending the continuing consideration of these matters by the commission concerned.

Deputy Ruairí Quinn: There is a massive over-subscription of parents in the Kildare area for an Educate Together school in one of the three principal towns. The VEC of that county will now operate illegally — without statutory provision — a new primary school in an area where there is a given demand. I ask the Taoiseach to talk to the Minister about this.

An Ceann Comhairle: The Deputy should take this up with the Minister for Education and Science.

Deputy Ruairí Quinn: There is no transparency in how these decisions are being made.

Deputy David Stanton: True.

Deputy Ruairí Quinn: There is more information from the Vatican than we get from the Government.

The Taoiseach: There are interim arrangements, which were followed. The recommendations which came from the commission informed the decisions that were taken on these matters. There is an interim procedure in place and the VEC schools are a very democratic means of providing patronage.

Deputy Bernard J. Durkan: I have two issues, one which has been raised by other Members and me on previous occasions. It relates to promised legislation that will protect mortgage

holders finding themselves unemployed or unable to meet their mortgage repayments. What progress has been made on this and is the production of this legislation in hand currently, given that mortgage arrears are increasing on a daily basis? In some cases, rolled-over loans are being offered to people already in great difficulty.

The Taoiseach: We are working on the issue currently, although we have not legislative proposals to hand. There is ongoing work on the matter.

Deputy Bernard J. Durkan: The other issue relates to a note which I received from Minister for Justice, Equality and Law Reform. This relates to how we do business in the House. It states:

Deputy,

as staff in the citizenship division are not dealing with applications for citizenship that are accompanied by representations from a Deputy, it would be advisable to get the individual in question to send in the documentation directly.

An Ceann Comhairle: The Deputy should find another way of raising the matter. He could raise it directly with the Minister.

Deputy Bernard J. Durkan: This is the only place we can deal with the matter. There is no other way to do it.

An Ceann Comhairle: The Adjournment.

Deputy Bernard J. Durkan: Do not mention the Adjournment, God save us. Does this also apply to Ministers and Government Deputies?

An Ceann Comhairle: The Deputy should address this to the Minister for Justice, Equality and Law Reform.

Deputy Bernard J. Durkan: This relates to how we do business in the House. It is in order. I seek clarification from the Taoiseach as to whether this rule applies to Government Deputies and Ministers.

The Taoiseach: I am not aware of the detailed arrangements put in place regarding any work to rule or industrial action being taken by a trade or Civil Service union. The matter should be taken up with the unions. We are anxious to see if there is a basis on which engagement can occur. I welcome that the public services committee decided not to escalate the current industrial action at this point. I have made clear our view on how these issues can be resolved and there are established channels of communication between the Irish Congress of Trade Unions and the Government, which I am sure can be used to establish if a basis for engagement can be found.

Deputy Bernard J. Durkan: The clarification I am seeking is whether this applies to Ministers and Deputies. Is it universal across the House? I know the Taoiseach——

The Taoiseach: The answer is yes.

Deputy Bernard J. Durkan: I hope he can answer that with absolute certainty.

Deputy Denis Naughten: There was a fire on Capel Street last Friday, and €500,000 was found in a safe. It is clear that substantial amounts of money are being made by the operation of head shops in this country. On the Order of Business last Thursday week, I asked the Tánaiste if she would seek clarification about the problem with the UK legislation in respect of the secondary legislation being produced by the Minister for Health and Children and the Taoiseach on this issue. My understanding is that the UK Government had not sought prior EU approval on secondary legislation. The Government here is delaying the introduction of secondary legislation until that EU approval is obtained, which will take three months from the end of this month.

Will the Taoiseach expedite this matter, and ensure he and the Minister for Health and Children sign the secondary legislation in advance of it going to Brussels for approval? If he does not do this, the chemicals that have now been banned in the UK will be dumped on the market here. The operators here will have three months to get rid of them and will sell them at cost to get them out the door. This will compound the problem we have with head shops here.

The Taoiseach: The Minister for Health and Children has responsibility for the implementation of the Misuse of Drugs Acts. The legislation being prepared at the moment will introduce controls similar to those recently introduced in the UK on a range of substances that are on sale in head shops. This secondary legislation will be brought forward as quickly as possible, and I will bring the point made by the Deputy to the attention of the Minister.

Deputy Leo Varadkar: A number of documents were laid before the Dáil, the third of which is the RTE defined contribution pension scheme from 1990 to 2006. RTE is the only semi-State body that has been operating a defined contribution pension scheme, rather than a defined benefit scheme. As far as I understand, that pension is not guaranteed by the State and is an entirely independent pension fund. Why is necessary to lay a scheme of this nature before the Oireachtas, if it is not guaranteed by the House and by the Exchequer?

The Taoiseach: I will find out. I do not know.

Social Security Agreement: Motion.

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

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 the 29th October, 2009 and was laid before Dáil Éireann on the 25th January, 2010.

Question put and agreed to.

Referral to Select Committee: Motion.

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): I move:

That the proposal that Dáil Éireann approves the following Order in draft:

Finance Act 2004 (Section 91) (Deferred Surrender to the Central Fund) Order 2010, copies of which have been laid in draft form before Dáil Éireann on 11th February, 2010, be referred to the Select Committee on Finance and the Public Service, in accordance with paragraph (1) of the Orders of Reference of that Committee, which, not later than 9th March,

2010, shall send a message to the Dáil in the manner prescribed in Standing Order 87, and Standing Order 86(2) shall accordingly apply.

Private Notice Questions.

Job Creation.

An Ceann Comhairle: I will call on the Deputies who tabled questions to the Minister for Health and Children in the order in which they submitted their questions to my office.

Deputy Leo Varadkar asked the Tánaiste and Minister for Enterprise, Trade and Employment if she will make a statement to Dáil Éireann on claims made by an airline (details supplied) that she has refused to engage as an interlocutor between that airline and the Dublin Airport Authority regarding the airline's proposal to create aircraft maintenance jobs at Dublin Airport; and the steps she will take to ensure that this investment is secured for Dublin Airport.

Deputy Fergus O'Dowd asked the Tánaiste and Minister for Enterprise, Trade and Employment if she will make a statement on the proposed creation of more than 300 jobs by an airline (details supplied) and the reason she has not intervened with the Dublin Airport Authority in order that discussions take place to ensure the proposed jobs are created in Dublin Airport rather than in another country.

Deputy Thomas P. Broughan asked the Tánaiste and Minister for Enterprise, Trade and Employment the steps she will take to ensure that aircraft maintenance jobs on offer from an airline (details supplied) are located at Dublin Airport; and if she will make a statement on the matter.

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): I propose to take all the questions together.

Following the announcement that SRT was to close its aircraft maintenance operation at Dublin Airport, I established a group under the IDA and Enterprise Ireland, with the engagement of an aviation expert, to act as a contact point for any company interested in taking over part of the SRT business, or starting a similar business at the airport. Several expressions of interest were received, one of which led to the establishment of a new company, Dublin Aerospace, which is currently setting up a heavy maintenance operation and which will employ about 200 people at the airport when fully operational.

An approach was also received from Ryanair proposing to establish a heavy maintenance operation for its own fleet which would initially employ about 200, perhaps rising to 500 over a number of years. This was a most welcome proposal but there were two complications. First, representatives of Ryanair insisted that they would not talk to the Dublin Airport Authority and this posed a significant obstacle to concluding the agreements necessary to implement the proposal. Second, their interest focused entirely on a particular existing facility — hanger six — which was not available as it was being used to provide line maintenance for the Aer Lingus fleet at the airport.

Ryanair's approach to the Prestwick project was very different from its approach in Dublin. It negotiated with the authorities in Prestwick which it will not do in Dublin. It is also building a hanger in Prestwick, whereas in Dublin, it is seeking to have a sitting tenant removed from

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an existing facility to accommodate the company. Nonetheless, I was determined that every effort should be made to secure the project and a protracted engagement and correspondence ensued, involving the IDA — whose officials kept me fully briefed at all times — the DAA and Ryanair. This process culminated in a letter from Mr. Barry O’Leary, CEO of IDA, to Mr. Michael O’Leary, which clearly set out the position and which I would like to read into the record of the House. It states:

Dear Michael,

Further to recent extensive correspondence and discussion between Ryanair and IDA on your proposal to establish aircraft maintenance operations at Dublin Airport, I would like to set out IDA’s current understanding of the situation and to outline the options which exist to take the proposal forward.

The options available would enable Ryanair to establish significant aircraft maintenance operations at Dublin Airport. In the course of examining the scope to bring this about, IDA has had extensive discussion with the Tánaiste and Minister for Enterprise, Trade and Employment, with the Minister for Transport, and with the DAA. All of these, as well as IDA, are fully committed to maximising maintenance employment at the airport and I very much hope that we can all succeed in working with you to achieve a positive outcome. To this end, the services of IDA and Enterprise Ireland remain available to assist in every way possible.

Hangar 6 continues to be occupied by maintenance operations carried out on Aer Lingus aircraft. Aer Lingus continues to hold legal rights to have its maintenance carried out in this hangar and has indicated that it wishes to continue to avail of this. However an option exists to replicate these facilities through a new build elsewhere on airport lands. A number of viable sites exist for such development. IDA remains available to facilitate or, if appropriate, to become involved in developing this option. Alternatively, subject to a more detailed understanding of your requirements, there may be an option to accommodate your proposal in space remaining available in hangars 1 to 5.

I suggest that we should now immediately meet with your people to take the matter forward and finalise selection of an option to locate your proposal. IDA remains fully available to liaise with DAA and Ryanair to progress the matter. We are of course anxious to expedite the establishment of further maintenance employment at the Airport and we are committed to apply our experience to bring this about, including through direct involvement in the project if that should prove useful.

DAA are willing to engage constructively with any company to create viable maintenance employment at the airport. Both the Tánaiste and the Minister for Transport have very actively expressed similar sentiments, and both have stressed their availability to continue in any way they can to a successful outcome.

In the circumstances, I think we should all now redouble our efforts on your proposal. We will immediately be in further contact with Michael Hickey to progress matters.

Looking forward to a successful outcome. Yours sincerely , Barry O’Leary.

That letter was sent on 19 of September 2009. Ryanair did not take up the offer of an immediate meeting to explore the available options, but in a reply of 24 September, repeated the demand that the Government require the DAA or Aer Lingus to vacate hanger six.

I assure the House that the Government is entirely serious about this project. Ryanair is imposing significant conditions, one of which, the refusal to talk to the Dublin Airport Auth-

ority, is difficult but perhaps not impossible to meet. While I will do everything possible to find a way around this condition, the second condition, that Ryanair must have hangar 6, is much more problematical. Hangar 6 is not available; it is licensed to Aer Lingus. However, Ryanair can do in Dublin exactly what it is doing in Prestwick, namely, build a hangar at the airport to accommodate a maintenance operation.

I strongly encourage Mr. Michael O'Leary to re-engage in discussions on the available options for establishing a Ryanair maintenance operation at Dublin Airport in the context of his meeting with me later this evening. As Mr. O'Leary appears to accept, there is a wealth of skills available to support such an operation at the airport. With common sense and determination, an arrangement can be arrived at which would be in the interests of both the airline and the people of north Dublin.

Deputy Leo Varadkar: I thank the Tánaiste for her statement. This debate is about the 800 or so redundant, highly skilled former employees of SR Technics who lost their jobs and, in many cases, most of their pensions. I am not interested in a bun fight between the Tánaiste, Mr. Michael O'Leary and Ryanair, the Dublin Airport Authority or the IDA, nor am I interested in political egos, bullying businessmen or State agencies and companies protecting their territory. Like every other Member of the House, I am interested in securing jobs and investment for Dublin Airport and north Dublin.

I ask the Tánaiste to do the one thing she has not done to date, namely, take a hands-on approach to jobs and investment. She took a hands off approach to Dell, the mid-western task force, SR Technics and Kraft Cadbury. I ask her not to take such an approach on this or any other future occasion but instead to do everything in her power to ensure the jobs and investment in question come to Dublin, whether to hangar 6, hangars 1 to 5 or another location.

The Tánaiste must ensure the same supports are made available to Ryanair, a successful, indigenous Irish company, as are made available to foreign companies, which receive much larger grants for providing many fewer jobs. In that respect, she will be familiar with a jobs announcement by Bell Laboratories in recent weeks. While I do not criticise the decision taken in that matter, there is a major distinction between her approach to foreign direct investment and her approach to indigenous Irish companies which are prepared to invest and create hundreds of jobs here.

Deputy Micheál Martin: That is not true. The same procedure is applied to foreign and indigenous companies.

Deputy Mary Coughlan: My approach to all job creation opportunities is that a point of first contact is made with the relevant agencies, whether Enterprise Ireland, the IDA or Údarás na Gaeltachta. This point of contact is most appropriate in dealing with commercially sensitive issues which arise with regard to any company that wishes to come to this country. I take exactly the same approach to working with IDA companies as I do to indigenous companies.

In the context of what took place in SR Technics, about which the House had many discussions, including, I believe, a Private Notice question, I met union representatives and worked with the proposed memorandum of understanding. Unfortunately, the proposal was not successful on the basis that it required people to forego their entire redundancy payments and access to venture capital was difficult. That being said, the group set up to support aviation worked with the organisation and groups in question. I also met many Deputies to discuss the matter.

I was personally involved on a number of occasions with Dublin Aerospace. Diplomatic efforts were required from the Minister for Foreign Affairs to facilitate conversations with the

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Government of Abu Dhabi. The express wish of the sovereign Government of Ireland, to support the facilitation and containment of jobs in this country, was realised with clear investment from the Government, including through State agencies.

We set up the organisation in question. It is working well and we wish it well in the expectation and anticipation that the contracts it has won thus far will clearly embed it in Dublin. Additional considerations and discussions on further development in the airport arising from the loss of jobs at SR Technics are taking place, although I am not yet in a position to outline them to the House. As I stated, I take the same hands-on approach to all companies, whether they are clients of the IDA, Enterprise Ireland or county enterprise boards, while my colleague deals with Údarás na Gaeltachta.

It is important in terms of the public mind to reiterate that I and the agencies I represent, in consultation and discussion with the DAA and Minister for Transport, constantly support new investment opportunities in the airport. We are being as fair and reasonable as we can be to Ryanair. I look forward to examining the company's business plan, which we have not seen thus far, and proposals to create an additional 300 jobs in order that we may determine whether we are in a position to support the company either, as stated in the letter of last September, through the facilitation of its enterprise in the existing hangar complement or the provision of a new build similar to that being provided by the Scottish authorities. As with all other Deputies, I am more than willing to support this but it can only be done within the realms of possibility rather than probability. In the context of any job opportunities that may arise my agencies, the first point of contact regarding all job creation opportunities, will continue to be available, as will I and my colleagues who have also been available to Members.

Deputy Fergus O'Dowd: Does the Tánaiste agree that when, on the national airwaves, she answered "No" to a question as to whether she would make a telephone call to Mr. Michael O'Leary, the chief executive of Ryanair, she gave the impression that she had no interest in becoming personally involved in the dynamic of making things work and that she leaves such matters to her agencies? Is it not the case that while Ministers will turn up for photo opportunities and television pictures, when hard work must be done, as was the case here, the Tánaiste did not pick up the telephone or say "Yes"? Does she agree that she has given the clear impression that she does not hear the voices of anger and frustration of more than 800 people who lost their jobs in SR Technics and does not care about how they feel?

Does the Tánaiste agree that there is room for everybody — Aer Lingus, Ryanair, the Dublin Airport Authority and the Minister — to sit around a table to secure an agreement and bring jobs to north Dublin? Given the jobs crisis, with more than 400,000 people without work, does she agree that her lax and laid-back response is unacceptable?

Will the Tánaiste indicate what involvement, if any, the Minister for Transport and his Department have had in the discussions? She referred to the Minister in her statement, as did Mr. O'Leary when he spoke on the airwaves yesterday. What action is the Tánaiste taking?

6 o'clock Why did she refuse to make a telephone call? Does she not agree that she has shown a clear lack of energy, enthusiasm and commitment to secure the jobs in question, having refused point blank to pick up a telephone and call the chief executive of an Irish company? If the person in question was the chief executive of Google or another major international company, the Tánaiste would fly with a band to the United States to meet him. Is it not the case that Mr. O'Leary believes the Tánaiste, by her attitude, is neglecting the potential of his company to create jobs in Dublin Airport?

Deputy Mary Coughlan: The image the Deputy portrays is based on people not having the full facts. The full facts were not available to readers of latest edition of the *Sunday Independent* and I was not afforded an opportunity to set the record straight, which is what I am doing now. On Monday morning, my Department received a letter indicating that Mr. O'Leary was making a decision on investment in Prestwick. That was the first correspondence between him and me since the final letter in September in which he thanked the IDA, following on from his annual general meeting, and said that although we did a considerable amount of work the matter was not in a position to progress and that he could not get access to hangar 6.

It is important that I take the opportunity to give the chronology of events that took place. It is equally important to say that I do not flaunt in the media the work I do in the context of my job as Minister for Enterprise, Trade and Employment on the basis that I hold the highest regard for those who discuss their commercially sensitive issues with me and my agencies. I will not break their confidence and that is one of the reasons they will come and discuss these issues with the IDA, Enterprise Ireland and me.

The final decision making for investment by IDA and Enterprise Ireland on behalf of the taxpayer is done forensically on behalf of the State, with outside independent evaluation of the worth of a project in terms of whether that investment, the job portfolio or research and development opportunities will stand up. It would be remiss of me, if I did not make sure that happened. Political charges would be made in this House if I instructed any of my agencies to make decisions that did not stand up on behalf of the taxpayer or the people who wish to be employed in any company.

It is important, therefore, that any trade mission or discussions I have with chief executive officers, public representatives or anyone else are based on the supports and encouragement I can give my State agencies and that the funding which is administered on behalf of the taxpayer does not show any lack of enthusiasm or hard work on my part to support job creation and the sustainability of jobs here.

Following on from the interview — and I was taken aback that Mr. O'Leary posted a letter to me because he normally likes to send faxes and have an immediate contact — I faxed his office immediately on Monday morning. I had a public engagement and was not in a position to do anything about that. A letter was sent by me to Mr. O'Leary. He responded. He requested a meeting and I agreed that we would have a meeting — we will have a meeting this evening — to ascertain if there are new opportunities available to us to support those jobs.

The Deputy talked about the role of the Minister for Transport. I kept the Minister for Transport fully briefed and we worked closely together following the decision by SR Technics to leave this country and the implications that would have for aviation policy. The aviation sector was going through a very difficult time in which many of the big names in aviation were being lost and where we had protracted negotiations with many of the large aviation bodies throughout the world. At that time we invested considerable time and resources in doing our utmost to sustain employment following the removal of SR Technics.

I have a litany of correspondence and discussions that took place between IDA, me, the DAA and Ryanair which started on 26 February 2009 and continued on 3 March, 24 April, 30 April, 1 May, 22 May, 10 June, 2 July, 21 July, 22 July, 12 August, 13 August, 14 August, 17 August, 18 August, 19 August, 25 August and 27 August. There was a second correspondence and discussion on 27 August and yet another one on the evening of 27 August. It continued on 28 August, 1 September, 4 September and the evening of 4 September, 7 September, 9 September and 10 September, which culminated with final correspondence between 17 September and following on from the company's AGM on 24 September. There has been a

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great deal of interaction between the company and the agencies, the DAA, through an intermediary, the Minister for Transport and me in the context of securing this project.

I firmly believe that if we have a cogent business plan which will stand up, and which I assume Mr. O'Leary has in the context of the sustainability and development of his company, and the offers that have been made available by me and-or the IDA on my behalf, with the DAA, to facilitate either a new build, as has been the case in Prestwick, or the availability of other hangars to support that, we will do everything we can to make sure that works.

Deputy Thomas P. Broughan: The 800 or 900 skilled men and women who are still unemployed and who are chasing after FÁS courses, back to education schemes and so on should be at the forefront of all our concerns. They, like me, believe that SR Technics did not need to close. It was unilaterally closed by Sheikh Mohammed Al-Maktoum in a very unfriendly act towards this country but we could still have that business. As the Minister is aware, day after day I made many representations to her and to the Taoiseach about this matter.

First, in regard to Ryanair, is it the case that this year, 2010, 150 jobs are being removed by Ryanair from its aviation operation, that last November 50 jobs were taken off the people on the desks and, therefore, within the past few months 200 jobs have been removed by Ryanair from Dublin Airport and other jobs at Cork and Shannon? Is it not the case that Michael O'Leary has stated that approximately 2,000 support jobs are also gone? In fact, Michael O'Leary has taken away approximately 2,200 of our jobs in the past few months. Will the Minister confirm if that is the case? I am taking that information from Ryanair's own statements.

I contacted him this time last year about working with SR Technics and taking over the workers' plan the Minister referred to, which I have in front of me and which I believe is a viable plan, but he did not seem to be interested. He demurred, for whatever reason, and as the year went on I understand there were 30 expressions of interest in the equipment. Is it the case that Michael O'Leary did not put in an expression of interest for the equipment of SR Technics? That was my understanding at the time. There were two major expressions of interest, of which he was one, last August but he seems to have proceeded with his plan to base 400 jobs and 2,000 support jobs at Prestwick and not at Dublin or Shannon, which would be another important venue for Dublin Aerospace. I make many representations to the Minister and have met her to discuss the establishment of Dublin Aerospace. Is it the case that Michael O'Leary did not take an interest throughout much of last year in the moves being made to save the jobs before everybody left that premises?

Regarding terminal 6, I have in front of me the actual lease Michael O'Leary has on another terminal in which he states:

. . . in the event of the licensor so exercising its right to relocate the Licence Area in accordance with this Schedule 2, the licensor shall, if required by the licensee, relocate the licensee to an alternative area of similar size and condition elsewhere in Dublin Airport.

That is Ryanair's lease, as I understand it, but I also understand that he took the DAA to court about this and established some sort of a lien over that particular premises. We have seen terminal 6, and in Mr. O'Leary's photographs from today I can see an AP unit in the back of the hangar. I understand that currently there are four or five hangars which are empty, and all that equipment I referred to was removed by the Arabs and taken back to Dubai and to Malta. Is it the case, therefore, that there is plenty of space for establishing a mighty aviation maintenance company if the Minister so desired? Is it the case that could simply be done?

I would like to see these jobs restored but I chased Ryanair, as I chased Aer Lingus, Aer Arann, the DAA and everybody, as did some of the colleagues in the House who were with me at some of those meetings, to protect SR Technics. If a procedure goes forward it is incumbent on us to ensure that it is a serious procedure to create jobs and not something that generates a great deal of publicity while covering up the fact that so many jobs have been lost. I understand Ryanair has got rid of three aeroplanes and that turnaround times are down. Mr. O'Leary blames the travel tax for the latter, a tax to which I am opposed. As I said, I hope this is a serious proposal and that space will be allowed to pursue it. The most important consideration is the more than 800 people, some of whom are in their mid-40s to late 50s and all of whom are highly skilled, who are left desolate since the closure of SR Technics. Ireland is a world leader in aircraft maintenance, as acknowledged by the United States, but we did not get a chance to prove it in this instance. I urge the Tánaiste to see what can be done to advance this proposal on a serious footing.

Deputy Mary Coughlan: I thank the Deputy for his constructive proposal. My colleagues on the benches behind me are *ad idem* with him on this issue. Our first objective in the context of aviation policy in this State is that we continue to have a viable Ryanair, a viable Aer Lingus and a viable Aer Arann. We are all agreed on that. Second, we want to ensure that those who lost their jobs in SR Technics are given an opportunity to use their skills for their own betterment and that of the State. I agree that Ireland has an excellent reputation in terms of its aircraft maintenance and aviation tradition. It may not be generally known that aviation is one of our largest sectors, both in terms of foreign direct investment and domestic industry. As the Deputy observed, we had discussions with union representatives and the agencies working with them but, unfortunately, the company was not seen to be viable.

On the issue of Dublin Aerospace, we were all involved in encouraging it to move through the difficulties and challenges that existed, and we were in a position to work through that and be successful. We hope it will continue to be even more successful. On the issue of tenancy at Dublin Airport, the Deputy is correct that there have been negotiations between the Dublin Airport Authority and Ryanair for hangars one and two. I understand those negotiations have been completed. Hangar six is being leased by Aer Lingus, the garage is in use by a company called M50 Motors and Dublin Aerospace is in hangars one and five. As I indicated, the DAA is in consultation with a new company in regard to hangar three, and hopefully that arrangement will work well. Hangar four is an option available to Dublin Aerospace as it is not currently let. Therefore, there are options available within the existing complement, which is far greater than what is provided in Prestwick Airport, for example. I reiterate that we are in a position to put forward a proposal for a new build at the airport to facilitate Ryanair.

It is important to note that hangar six is used to service and support the much larger aeroplanes. I understand that is not yet within the complement of Ryanair's fleet but it is the necessity for having hangar six available. I am not in a position to provide specific details on the reduction of numbers within the employ of Ryanair. My apologies to the Deputy that I do not have those, but I will ask the Minister for Transport to advise me of them. I agree that under normal circumstances, the first item that should be presented is a business plan. As of yet, no such plan has been presented to Mr. Barry O'Leary, chief executive officer of the IDA. We have an outline of a project but not a full business plan. If we are to proceed further, I will seek to examine the options set out within such a plan in the context of what can be done to support aviation and, most particularly, to have a new maintenance operation in Dublin. I put the view to Ryanair that Shannon was also available, but I understand the company does not have a specific interest in that airport.

Deputy Arthur Morgan: Does the Tánaiste believe that Ryanair is sincere in its position on this matter? It does not even have a business plan at this stage. If I or any other business person approached IDA, Enterprise Ireland or any other job creation agency without a business plan, we would be laughed out of the room. Does the Tánaiste suspect for even a moment that this may be an attempt by the chief executive officer of Ryanair to obtain cheap publicity and advertising? Is that a factor in her considerations? Does she understand why many people are sceptical about the actions of Ryanair? Does she believe the company is trying to get publicity on the backs of the hopes of the 830 former employees of SR Technics?

The Tánaiste alluded in her contribution to the availability of hangars one to five at Dublin Airport. In the absence of a business plan, can she, the IDA or anybody else evaluate whether those hangars would be suitable for the Ryanair project? The Tánaiste outlined several options, including a new build. Why does Ryanair want all this to happen within two weeks despite the fact that it has not produced a business plan to date? Is the Tánaiste suspicious of that?

The best solution to the SR Technics debacle would have been for the Government to have made the investment in buying out what was at the time a profitable company. Instead, the 830 jobs were lost to Malta, Abu Dhabi and Scotland. The Government should have ensured that the application to the European Commission under the European Globalisation Fund is not still pending. Is the Tánaiste aware that 20 former employees of SR Technics who applied to participate in a degree course at the Dublin Institute of Technology cannot do so because our application to the fund has not yet been cleared? If it is not approved within two weeks, as I understand it, they will not be accepted onto the degree course because the technology simply cannot process their applications without formal approval.

Deputy Mary Coughlan: The DAA, as I am aware from my discussions with it, is in a position to reconfigure the hangars at Dublin Airport to make them available, but it requires a specification of the needs of the company concerned in order to do so. That can be done in the context of a business plan. I hope that my discussions this evening with Ryanair representatives will involve a discussion of the framework of a business plan so that we can see how we may provide the possibility of offering support. Mr. Michael O'Leary has indicated that Ryanair is not seeking financial support from the State for this development, but that can be a matter for further discussion and negotiation.

I accept there are issues in regard to the European Globalisation Fund. I will meet the Commissioner following on from a new submission that is being prepared by my Department to support people who unfortunately have lost their jobs and would like to avail of further educational opportunities. We continue to provide those services through FÁS, the institutes of technology and the universities but if there are people who are experiencing specific difficulties, I will be glad to deal with them personally through my office.

Our business in this House is not to deal with what is put out in the media. I am concerned with examining a business plan and working with the relevant agencies to see whether these issues can be delivered. It is not beyond the capacity of Ryanair or any of our established airlines to be in a position to do that. In the context of further discussions tonight, I hope we will be able to move forward this matter. That will not be done on the basis of location in one way or another but on the basis of a substantial business plan that can provide jobs and support Ryanair's development and embedment in the State.

Deputy James Reilly: I thank the Tánaiste for coming into the House to respond to these Private Notice Questions. I welcome the fact that she will meet Michael O'Leary notwithstanding her earlier reluctance. Several issues have to be pointed out. Will the Minister explain value for money on the basis of a maintenance line that employs 95 people carrying out ordinary line

maintenance work such as checking tyres, engine oil and various other mundane activities in hangar 6, which is 25,000 sq. m., 250,000 sq. ft.? They would be lost at one end of it. It is akin to putting a corner shop into a hypermarket. It is not value for money for the taxpayer. We have a picture today of an empty hangar 6. I accept that Aerospace has come in there and I welcome that and the 30 jobs it has created so far and its plans for more.

Deputy Michael Kennedy: It is 100 jobs.

Deputy James Reilly: No. Thirty is all it has at the moment.

Deputy Michael Kennedy: Ask the company.

Acting Chairman (Deputy Charlie O'Connor): The Deputy will get his chance.

Deputy Michael Kennedy: Thank you.

Deputy James Reilly: Nonetheless it is true, and I am sure Deputy Kennedy will agree, Aerospace does not own any aeroplanes, it has to go out and seek the business. Ryanair, on the other hand, has 230 aircraft, rising, it hopes, very shortly to 300. It is the largest airline in the world, certainly in Europe. Aer Lingus has 31 planes.

The Minister said she would continue working and went through a long list of engagements. I put it to her that her approach to date is not working. It did not work with SR Technics the first time around, it did not work with Dell and it is not working with Ryanair to date. There is no legal impediment to the lease and the Minister is aware of that. There is a facility for Dublin Airport Authority to move a lessor from one part of the campus to another. It has been pointed out that 12 months notice might be required. That is a matter that is very easily negotiated and I have no doubt it has been done numerous times before.

I put it to the Tánaiste that in Michael O'Leary we have a "can do" businessman and what we need now is a "can do" Tánaiste to look after our workers who face a very difficult and uncertain future, and our country's economy because we are facing the loss of a national industry in aircraft maintenance, one in which we were leaders, and no stone should be left unturned. A new approach must be taken because this opportunity cannot be lost and nobody in this House will be forgiven if we let it go. I implore the Tánaiste to adopt a new approach with a fresh attitude to ensure we get these jobs.

I met Mr. O'Leary this morning, as did others. In his discussion on Dublin's Q102 with Deputy Darragh O'Brien who has expressed a lack of happiness with the manner in which this matter has been handled to date, he is hoping for a new approach. I share that hope as would all the people of Dublin North, all the workers and their families. I believe Michael O'Leary is serious about this issue. He may have other agendas as well, as I am sure he does, but when his agenda is confluent with our agenda in the creation of jobs we should do everything possible to ensure we conclude this matter in a successful fashion.

Deputy Mary Coughlan: As a Deputy from Dublin North I assume he wants to continue to have a vibrant Aer Lingus in his constituency.

Deputy James Reilly: Of course.

Deputy Mary Coughlan: I am very cognisant of that as well. I am also very cognisant of what was read by the Taoiseach in the context of the lease and the legalities of the situation. When Aer Rianta set up Team Aer Lingus with Aer Lingus, there was a covenant which meant that Aer Lingus would have a determination which it must discuss with Aer Lingus in any changes

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taking place in the leases. Three changes took place. There was Team Aer Lingus, the new company whose name escapes me——

Deputy James Reilly: FLS.

Deputy Mary Coughlan: ——FLS, and SR Technics. SR Technics sold its facilities to Dublin Airport Authority but there was a caveat that Aer Lingus had to sign off and give permission for that to happen. That lease agreement, that caveat, that covenant, is legal.

Deputy James Reilly: Five months notice can negate it.

Deputy Mary Coughlan: Many people in this country are very fond of court. I have asked to see the lease. I have seen the lease and it will stand up. On the basis of Aer Lingus signing off on that caveat, the DAA was in a position to give a licence to Aer Lingus for 20 years. What the Deputy is asking me to do is to tell someone who now has a legal lease licence to give that to someone else on the basis that their requirements must be met within hangar 6. That cannot happen on the basis that I have been advised that Aer Lingus' requirements for the sustainability of the company can only be met in the context of its work within hangar 6——

Deputy James Reilly: 95 maintenance workers.

Deputy Mary Coughlan: ——in its overall plan which it is developing. As I indicated that is a hangar for wide-bodied aircraft. If Aer Lingus was to be moved out of hangar 6, another hangar with the capacity to support and service wide-bodied aircraft would have to be built on the DAA premises. The Deputy is correct in saying there is provision within the lease that if it is the view of DAA for aviation reasons that someone has to be moved then people will be fully compensated.

Deputy James Reilly: Where did line maintenance and wide-bodied aircraft take place before Aer Lingus moved into hangar 6?

Acting Chairman: Allow the Tánaiste please.

Deputy Mary Coughlan: In the context of that new build which would have to be for Aer Lingus, what I said here is that the DAA is prepared to build a hangar or a site can be provided so that Ryanair can build its own hangar, similar to what is being provided in Prestwick. We are trying to be fair and reasonable to ensure we can work through the specifications, the needs and requirements of this company, through a business plan which I know it has the ability to compile so that if Ryanair wish to have a further maintenance programme in Dublin Airport then that can be facilitated.

Deputy Pat Breen: Aircraft maintenance facilities are extremely important to all airports particularly given the downturn in the aviation sector. Some 300 jobs in Dublin are extremely valuable. We know all about this in the mid-west region. In Shannon, we have Aerospace Limited, Aer Atlanta and the Aer Lingus facility which services the Airbus A330s, the wide-bodied aircraft. I wish the Tánaiste well in her deliberations and on her first date tonight with Michael I ask her to make Mr. O'Leary aware that Ryanair is about to axe 18 destinations at Shannon Airport which will have a huge impact on jobs in the area, and in hotels and bed and breakfast accommodation. I implore the Tánaiste, given that she is having a meeting with Mr. O'Leary, to raise that area also. Along with 300 jobs in Dublin the loss to the mid west region

could be almost 1,000 jobs. I ask the Tánaiste to raise that urgent issue because those services will be axed at the end of March.

In regard to the mid west task force and the Links project, which will create hundreds of jobs, what progress has been made since the recent Dáil debate? I appreciate there are problems in regard to EU competition. Will the Tánaiste ensure that Dublin Airport Authority makes the money available for those jobs because we too have an important role to play in the mid west in the aviation sector?

Deputy Mary Coughlan: I do not disagree that Shannon continues to be very important strategically in the context of aviation. There are a number of maintenance and support companies in Shannon for Lufthansa and Aer Lingus. While I support the Links project, as does the Minister for Transport, all the Deputies in the mid west region and the DAA, it is not fully mature yet in order to move on to final decision making. There are issues with EU competition but we are working towards resolving that matter. The task force has afforded it a high priority and we will ensure, in the context of the former's final report, it remains so.

I am sure the answer with regard to the issues, from Ryanair's perspective, relating to the availability of flights will be made known.

Deputy Pat Breen: There are some 18 destinations involved. It is a major blow to the region.

Deputy Mary Coughlan: In the context of these jobs, I did not forget about Shannon.

Deputy Dermot Ahern: Deputy Kenny did.

Deputy Mary Coughlan: Although Dublin Airport is the preferred option, I could find as good a solution for Ryanair — in the context of a base for its maintenance operation — at Shannon Airport if it so desired.

Deputy Pat Breen: Will the Tánaiste raise the matter at her meeting later tonight?

Deputy Finian McGrath: We all want to replace the jobs lost as a result of the closure of SR Technics. It is important that we should focus on this objective. At the same time, I am conscious of the fact that Aer Lingus must not be shafted. It must be remembered that SR Technics and Aer Lingus have made a major contribution to the economy on the north side of Dublin.

The Tánaiste indicated that there has been a major interaction in respect of this matter in recent days. Does she accept that the public's perception is that this is not the case? Does the Tánaiste believe Mr. Michael O'Leary's claim regarding the 300 jobs? Is Mr. O'Leary genuine and sincere in this regard?

Many Deputies refer to Irish industry not being provided with adequate supports. Business interests regularly state — I usually hear this three or four times each week — that there is not enough hype surrounding the creation of perhaps five or six jobs by a small business in areas such as that which I represent, which is located on Dublin's northside and where massive investment is required. Will the Tánaiste guarantee that the small businesses to which I refer will receive the same support, advice and investment as do the big boys from foreign countries which establish operations here? If we are to get out of the mess we are in, we cannot completely rely on multinational companies because they will move when they can obtain the services of cheaper labour in other countries. That factor must be contemplated by the economic policy of any Government. If it emerges, following tonight's meeting, that the project to create 300 jobs at Dublin Airport is genuine and viable and if a credible business plan is put forward, does the Tánaiste have available to her the funds required to provide assistance to it?

Deputy Mary Coughlan: Ryanair is an international plc and Mr. O'Leary is a seasoned executive. In such circumstances, I have no reason to doubt what he is saying. To progress the discussions, however, a viable business plan must be put forward. This can then be examined by the relevant agencies. As already stated, Government support for a company such as Ryanair will equal that which would be made available to any other company establishing operations here.

As the Deputy is aware, we are restricted in the context of some of the supports we can provide in respect of Dublin. However, there are other supports which can be given to any company that wishes to establish operations here. I reiterate that the options of either reconfiguring the hangar space or constructing a new hangar are very much on the table.

I have no reason to doubt Mr. O'Leary's sincerity with regard to this issue. As already stated, however, this matter is best dealt with in the context of the normal, professional, businesslike discussions that take place with companies, be they indigenous or otherwise. I appreciate what the Deputy said in respect of funding. Even though resources are scarce, there is no question of there not being sufficient funds available to support employment creation here.

Deputy Michael Kennedy: As a Deputy who represents north Dublin, I want to ensure that 300 jobs or more are created at Dublin Airport. Such an eventuality would be to the benefit of the Dublin region and the country in general.

The discussions that are due to take place tonight are extremely welcome. There are those who have suggested that the Tánaiste, her office and IDA Ireland have been lax. However, the litany of correspondence and communications which passed among her office, IDA Ireland, Ryanair and the DAA and which she outlined to the House is clear proof that there a great deal of discussion has taken place.

I regret that five months after this matter first came to light, Ryanair is now stating that it has several proposals. I spoke to Mr. O'Leary on the telephone yesterday and I and a number of colleagues met him this morning. I am of the opinion that the jobs on offer are genuine. Deputy Reilly appears to be extremely dismissive of Aer Lingus, Dublin Aerospace and the DAA.

Deputy James Reilly: Not in the least.

Deputy Michael Kennedy: The reality is that the hangar Ryanair is constructing at Prestwick Airport is smaller than any of hangars at Dublin Airport. I understand this hangar will measure between 5,000 sq. m to 6,000 sq. m. Hangar 1 at Dublin Airport measures 8,400 sq. m, hangar 2 measures 5,300 sq. m, hangar 3 measures 8,300 sq. m, hangar 4 measures 5,400 sq. m, hangar 5 and hangar six measures 24,848 sq. m. The hangar at Prestwick will be almost five times smaller than hangar 6 at Dublin Airport. Why are Ryanair and Mr. O'Leary adamant that they must get their hands on the latter?

I accept that Mr. O'Leary wants to create 300 jobs and I would welcome such an eventuality. However, I do not believe hangar 6 is the key to the creation of those jobs. When I asked Mr. O'Leary about the size of the Prestwick hangar this morning, he was not in a position to provide an answer. Perhaps he does not know what will be its dimensions. If that is the case, I find it strange. I want to know what will be the exact dimensions of that plant. If it will be possible to accommodate 200 employees at a hangar measuring 5,000 sq. m, then surely a hangar measuring 7,000 sq. m to 8,000 sq. m would be required to accommodate 300 employees. Any of the existing hangars at Dublin Airport could facilitate Ryanair in this regard.

As a Deputy representing Dublin North, I want the Dublin Airport to be viable and I want Aer Lingus and other airlines flying out of the facility to thrive. I also want the Dublin Airport

Authority, which is a major employer in the region, to continue to operate a good, cost-effective service. Dublin Aerospace, a small company, has created 100 jobs and not the derisory 30 jobs to which Deputy Reilly referred. It has plans to create a further 250 jobs.

Deputy Pat Rabbitte: We are taking Private Notice Questions. The Deputy is making a Second Stage speech.

Acting Chairman: If we give Deputy Kennedy the opportunity to conclude, perhaps he will do so.

Deputy James Reilly: If the Deputy makes allegations, he must be able to stand over them.

Deputy Michael Kennedy: Deputy Reilly is making derogatory remarks.

Deputy James Reilly: Deputy Kennedy considers my remarks derogatory.

Deputy Michael Kennedy: I suggest that when he reads the transcript of proceedings, he may not be very happy with regard to how he denigrated Aer Lingus and the DAA.

Deputy James Reilly: No one has denigrated Aer Lingus, but the Deputy is now attempting to do so.

Deputy Michael Kennedy: I am seeking fair play. I want Michael O'Leary and Ryanair to have the opportunity to create jobs. During their discussions later tonight, will the Tánaiste ask Mr. O'Leary, in the context of moving forward, whether he will accept space in any of the other hangars at Dublin Airport? Will she also obtain legal advice in respect of the legal agreement Aer Lingus signed? I am sure that, like me, Deputy Reilly and others read the document issued to us earlier today. It is clear that the agreement to which I refer has a 12-month cancellation period built into it. Michael O'Leary has indicated that we have three weeks in which to make a decision on this matter.

I would like the Tánaiste to establish if it would be possible to break the contract. If it is possible to do so, how will it be possible to service the Boeing 747 aircraft belonging to Aer Lingus to which line maintenance is currently carried out in hangar 6?

Deputy James Reilly: In the same way as it was done before; the hangar was taken over.

Deputy Mary Coughlan: I appreciate that the Deputy, like every other Member of the House, is representing his constituency. As already stated, we will engage in discussions with Mr. O'Leary on this matter in a matter of minutes. It is important to reiterate that Aer Lingus has a 20 year entitlement to hangar 6. The legalities of that, the leases and licences, have been examined. Deputy Kennedy is correct to state there would be a 12 month cancellation period if Aer Lingus was of the view that it should sub-lease through the DAA. I indicated through the Minister for Transport, his Department officials and the DAA that Aer Lingus has indicated that the hangar is intrinsically part of consolidating its presence at Dublin Airport, having all of its crew operations together, saving money and solidifying its business. That is why I state that although this House has given the DAA a legal mandate as a commercial semi-State body, as it has to Aer Lingus, I will do all I can to try to deal with the impasse of a lack of conversation between the DAA and Mr. O'Leary. That can be done through my offices or through a third party, the IDA. However, we continue to have a difficulty in that Mr. O'Leary's view is that the only option is hangar 6. I will put forward the view that alternatives can be provided, as I outlined to Members of the House over the past while.

Acting Chairman: Is Deputy Rabbitte indicating?

Deputy Pat Rabbitte: I am.

Acting Chairman: I would love to give him preference but he must understand I am under pressure.

Deputy Pat Rabbitte: Of course I can.

Acting Chairman: I must advise that this business must conclude at 6.55 p.m.

Deputy Pat Rabbitte: It will be a short statement then.

Deputy Joan Burton: I want to speak because I also represent many of the workers who lost their jobs and who are among the most highly-skilled people in the country. The time on the certification they hold is running out. Many of them are making valiant efforts to do FÁS courses and various other personal education. However, because they are highly qualified aircraft engineers they must keep their qualifications up to date or they expire. Recently, I met a significant number of the workers and it was one of the saddest meetings of my political life to see so much skill going a-begging.

What the Tánaiste has described is an unholy mess. We have the worst example of crony capitalism in operation here that I have ever heard described. Will the Tánaiste confirm that in November 2008 the Dublin Airport Authority gave an agreement to SR Technics to give back the hangar? Will she agree that was one of the precipitating factors in collapsing SR Technics in Ireland and allowing it to go to Switzerland and Malta and to establish equivalent facilities somewhere in the gulf?

Aer Lingus is a private company but the State is a significant shareholder. What involvement did State representatives on the board have in the decision by Aer Lingus to outsource key maintenance from this country and send it abroad? That was also an early nail in the coffin. The problem is that the Tánaiste does not seem to have been aware that what was happening was the planned walk-out from this country of a critical industry employing more than 1,000 skilled people, mostly men. It is an extraordinary industrial fiasco.

What we are listening to here is constructive obstruction. Many people are holding their noses, as it were, against Michael O'Leary. All of us have views on him but a bags has been made of this. Where is the Minister for Transport as this debate takes place? He is from a nearby constituency and knows many of the workers personally.

Deputy Denis Naughten: He is back in Malta.

Deputy Joan Burton: Where is he? To some degree, the Tánaiste is carrying the can for him and I feel sorry for her in that respect because he is not here to answer for the debacle that has happened. He has not even graced the debate with his presence. I ask the Tánaiste where is her companion. What is so pressing that he does not have to be here to address what is a total debacle? Mr. Charlie Haughey must be turning in his grave when one thinks of the long history of Fianna Fáil and the ins and outs of Dublin Airport and the various outfits and organisations and Shannon Airport.

We are hearing about constructive obstruction in which the Tánaiste is almost like the ring-master. The DAA does this, then Aer Lingus does that and the Tánaiste produces ten page memoranda but there is no outcome or conclusion. The Tánaiste does not even have anything to say to people in Shannon about transport and employment policy in that area. Even Denis Brosnan, who is well known for his earlier admiration of Fianna Fáil, had to throw up his hands

and say it has nothing to offer. Will the Tánaiste tell us where the Minister for Transport is? Why is she carrying the can? I know she had an able row of people to support her but she has no answers. The Minister for Transport must have some of the answers. All I have heard here is pure waffle and there is not one job in it.

Deputy Mary Coughlan: The tenor and tone of this questions and answers have been good. Deputy Burton is incorrect in many of her accusations. Although many jobs were lost at SR Technics we had success with Dublin Aerospace——

Deputy Joan Burton: How many? There are approximately 30 jobs there at present.

Deputy Mary Coughlan: There are 200 jobs.

Deputy Joan Burton: On a point of order, the Tánaiste is wrong in her information.

Deputy Michael Mulcahy: That is not a point of order.

Deputy Michael Kennedy: Deputy Burton should check with the company.

Acting Chairman: Allow the Tánaiste to speak.

Deputy Mary Coughlan: A considerable amount of work has been done with Dublin Aerospace and some of Deputy Burton's colleagues were very helpful, as were many of mine.

Deputy Joan Burton: Deputy Broughan has worked non-stop on this for the past year and a half. He has done far more work than the Tánaiste has done or has been done by her absent colleague.

Deputy Timmy Dooley: Good man, Tommy.

Deputy Dermot Ahern: The Labour Party got rid of him. It kicked him out. He voted with his conscience.

Deputy Pat Rabbitte: Nobody did that in Fianna Fáil.

Deputy Mary Coughlan: Unlike Deputy Burton, I accept the bona fides of everybody elected to this House.

In 2008 I attended a function in Zurich where I met the chief executive of SR Technics and a number of the Dublin management. I met the Dublin management because they advised me of serious concerns about the viability of the company because Aer Lingus sent its heavy maintenance contract to France——

Deputy Joan Burton: The Government is a shareholder on the board.

Deputy Mary Coughlan: We are not in a position——

Deputy Joan Burton: Where was the Government then?

Deputy Mary Coughlan: In aviation policy we have moved on from when Deputy Burton was teaching economics at college where the State was involved in everything.

Deputy Joan Burton: Disastrously in this case.

Deputy Mary Coughlan: The taxpayer, a person whom the Deputy has been looking after for so long, will not stand for it either when non-commercial viable decisions are made because of politics——

Deputy Joan Burton: On a point of order, will the Tánaiste speak English? What is a non-commercial viable decision?

Deputy Mary Coughlan: Following that meeting in Switzerland I met the management——

Deputy Joan Burton: It is gobbledegook.

Deputy Mary Coughlan: ——and supported them through my agencies in bringing forward a new proposal for the sustainability of that company.

Deputy Joan Burton: Where was the Tánaiste's companion, the Minister for Transport?

Deputy Mary Coughlan: The company was not in a position to accept that.

Deputy Joan Burton: He is missing now and he was missing then.

Deputy Mary Coughlan: It was as a consequence of that——

Deputy Joan Burton: He knew all about it.

Deputy Mary Coughlan: ——a decision was made even though we were in the process of further discussions with SR Technics management in Switzerland regarding the viability of the project. However, the company made the decision it made and it was on the basis of the fact that the management proposal was not accepted by the senior executives of SR Technics and the fact that a new chief executive was appointed——

Deputy Dermot Ahern: The Deputy is a class act.

Deputy Mary Coughlan: ——as he was probably advised by Deputy Broughan, who took the view that the company would not be viable in Europe and would have to be moved elsewhere. We are not engaging in constructive obstruction; we are dealing with reality. If the Deputy does not want to deal with reality or legal requirements.

Deputy Joan Burton: I am dealing with hundreds of unemployed people.

Deputy Mary Coughlan: If she does not want to acknowledge the commercial mandate set down for the DAA, I cannot do much about it.

Deputy Joan Burton: That is the reality.

Deputy Mary Coughlan: What I can do is put forward proposals, alternatives and support structures that can be offered when the business plan is brought forward during my discussions in ten minutes time with Mr. O'Leary. It has nothing to do with personalities or who is on the front page of the newspapers. It is about the bona fides of a proposal and how it can be supported in light of the disquiet and concern caused by two matters. The first matter is that Mr. O'Leary does not wish to converse with the DAA even though, as I have noted, an executive has been in a position to negotiate with the DAA for hangars one and two. I have proposed that the IDA or I would act as an intermediary. The second matter is that hangar six is unfortunately not available. However, we are prepared to provide other hangar facilities at Dublin Airport with our existing complement, build and lease a facility or provide a site similar to

what is being provided in Scotland. I believe that, despite slight rancour, everybody in this House wants to ensure the jobs can be brought to Dublin Airport if they are available. For the benefit of Shannon representatives, Shannon Airport can equally be mentioned.

Acting Chairman: I am obliged to remind Members that this matter must conclude by 6.55 p.m. A number of Members will not be able to speak and I do not know how I am going to get out of this. The next speaker is Deputy Joe Carey but this session must conclude at 6.55 p.m. or there will be difficulties.

Deputy Denis Naughten: Difficulties for whom?

Deputy James Reilly: There will be trouble ahead.

Deputy Joe Carey: I will be brief.

Acting Chairman: I ask the Deputy to be very brief.

Deputy Joe Carey: We in Shannon would very much welcome these 300 jobs and, if they do not work out in Dublin, I ask that the Tánaiste suggest Shannon Airport as an alternative location.

Deputy Dermot Ahern: Did Deputy Kenny raise that?

Deputy Timmy Dooley: I have already spoken to Michael O'Leary.

Deputy Joe Carey: I also wish to refer to the issue of Ryanair's discontinuation of routes from Shannon. I ask the Tánaiste to raise that issue with Michael O'Leary because it is having a devastating effect on the region. I appeal to her to use her Office in that regard.

What is the status of the Lynxs cargo facility? Is the Tánaiste determined to ensure this project comes to fruition in the near future?

Deputy Tom Sheahan: Deputy Joe Carey will sit in on the negotiations.

Deputy Mary Coughlan: If things get tight, we will have to mention Knock and Cork in case I am seen to be partisan. If I had a big enough airport in County Donegal, I would speak up for it too. To be fair and sensible, the discussions are with the DAA because the issue arises in Dublin. We are open to offering alternatives to any option.

Deputy Joe Carey: We have a strong tradition of aircraft maintenance in Shannon.

Deputy Mary Coughlan: On the issue of Lynxs, I indicated that the project is not mature enough. Issues arise in respect of State aid rules but we are working towards finalisation.

Personal Explanation by Minister.

Acting Chairman: The Minister for Defence, Deputy Willie O'Dea, has given notice in writing that he wishes to give a personal explanation. The Ceann Comhairle has decided to permit a personal explanation by the Minister.

Minister for Defence (Deputy Willie O'Dea): I thank the Acting Chairman for his indulgence in accommodating me. I wish to give the House a brief explanation in response to the unfounded allegations made against me in recent days. On 21 December, a defamation action taken against me by a Sinn Féin councillor in Limerick city, Maurice Quinlivan, was mutually

[Deputy Willie O'Dea.]

agreed and settled in the High Court. The case followed from remarks I had made in an interview with a journalist from a local newspaper, the *Limerick Chronicle*.

There has been much ill informed, unfounded and mischievous comment about this matter in recent days. What has appeared has been comment masquerading as fact. I am giving this personal explanation to the Dáil to place the facts on the record. As part of the settlement agreed and put before the High Court on 21 December a statement was read in court which contained the following paragraph: "It is not suggested by Mr Quinlivan that Mr O'Dea acted other than innocently in making such denial and he accepts that there was no intention to mislead on the part of Mr O'Dea."

Deputy Pádraic McCormack: He played the tape before he said it.

Deputy Willie O'Dea: I have openly and fully acknowledged that my recollection of some of what I said in the interview as described in my original affidavit was mistaken. I corrected the mistake when I realised it. I admitted the mistake and apologised for it.

Deputy Pádraic McCormack: What did it cost?

Deputy Willie O'Dea: I agreed a settlement in which, as I have already outlined, the other party fully accepted that there was no intention to mislead on my part.

The matter was a personal one between me and a Sinn Féin representative in Limerick. It did not pertain to my responsibilities as a Minister or to Government policies in any shape, way or form. It was born out of heated political exchanges between me and the Sinn Féin candidate in the run up to the local elections in Limerick city. It was dealt with in open court more than two months ago and reported widely in the newspapers at the time. Both parties to the dispute agreed that the matter was resolved and that there are no outstanding issues. As far as the two parties and the courts are concerned the matter has been closed since 21 December.

A Fine Gael Member of the Seanad has sought to raise this closed matter on the Order of Business in Seanad Éireann on a number of occasions over the past several weeks. He made unfounded accusations against me on 2 February, 3 February, 11 February and, I understand, today. He has asserted, directly and indirectly, that I only corrected my statement when I had been found out and that I have admitted that I lied on oath. These two unfounded claims have been used as the basis for much of the media commentary since then.

As I have not lied under oath, I most certainly have not admitted to lying under oath. I made a mistake. The other party to the action acknowledged and fully accepted this in the settlement agreed in court.

Deputy Michael Creed: The Minister was caught.

Deputy Willie O'Dea: I was not, as asserted, found out by the production of a tape recording of my interview as if the interview had been surreptitiously recorded.

Deputy Pádraic McCormack: He said it was on the desk.

Acting Chairman: Allow the Minister to make his statement.

Deputy Willie O'Dea: I knew the interview was being recorded.

Deputy Michael Creed: He is a chancer.

Deputy Willie O’Dea: I did not have a transcript of the interview when I made my statement but as I had seen the report of it in the newspaper, I felt sure a transcript of that tape recording would vindicate my recollection. I was wrong. I have never denied saying what was reported in the newspaper. I knew I had made the remarks reported in the paper but I did not recollect going beyond them. My mistake relates specifically to remarks that were not published in the paper, which I honestly did not recall making. When I later saw a transcript of the interview I saw that I had, contrary to my recollection, gone further in what I had said and what had been quoted in the newspaper.

Deputy Pádraic McCormack: Now you see it, now you do not.

Deputy Willie O’Dea: I took the initiative. I went to my solicitor and immediately corrected my affidavit. I was not forced or pressed to do this. I did so of my own volition because I became aware that my original affidavit was wrong. I openly acknowledged and apologised for my mistake and agreed a settlement in which the other party accepted that there was no intention to mislead.

What has happened in this instance was that the evidence I gave to the court was mistaken. Evidence and testimony is regularly corrected in courts without allegations and assertions of lying and perjury being levelled. People in all walks of life have been obliged to correct testimony they gave in written and oral statements. There is nothing unusual or pernicious in this.

As has been pointed out frequently in recent days, I have legal qualifications and am supposed to know about these matters or, at least, I hope I do. Is it even the slightest bit reasonable to imagine that I would have deliberately or maliciously made a false statement——

(Interruptions).

Deputy Willie O’Dea: ——about an interview I gave, knowing that the newspaper and journalist had a tape recording of the interview?

The settlement we mutually agreed was brought before the High Court on 21 December and was read out in full before the open court. The judge was satisfied that the settlement laid before the court resolved the matter and that as there were no outstanding issues, the proceedings were closed. To attempt to re-open a matter that has been resolved and finalised before the High Court for political advantage while professing respect for the integrity of the courts is hypocritical to put it at its mildest.

Deputy Dinny McGinley: He should be appointed Minister for Justice, Equality and Law Reform. Move over Deputy Dermot Ahern.

Deputy Enda Kenny: I wish to raise a point of information.

Acting Chairman: I call Deputy Kenny, if he is making a point of information.

Deputy Enda Kenny: I respect the Minister’s right to give a personal explanation. A series of questions arise from it, however, and I give formal notice of my intention to move a motion of no confidence in him.

Deputy Dinny McGinley: So say all of us.

Deputy Dermot Ahern: Playing the man not the ball.

Private Members' Business.

Committees of the Houses of the Oireachtas (Powers of Inquiry) Bill 2010: Second Stage.

Deputy Pat Rabbitte: I move: "That the Bill be now read a Second Time."

Acting Chairman (Deputy Charlie O'Connor): The Deputy has 40 minutes. Does he wish to share time?

Deputy Pat Rabbitte: I propose to share my time with Deputy Sherlock and Deputy Ó Snodaigh.

Acting Chairman: Is that agreed? Agreed. Perhaps the Deputy would wait for ten seconds until order is restored. Deputy Rabbitte should be allowed to speak without interruption.

Deputy Pat Rabbitte: That is the kind of solidarity I appreciate. Thank you very much. I ask the House to give a Second Reading to the Committees of the Houses of the Oireachtas (Powers of Inquiry) Bill 2010, which has been published in my name on behalf of the Labour Party. This Bill seeks to restore inquiry by parliamentary committee. The Labour Party believes that institutional reform — wider than Dáil reform — is necessary, but that must wait another day.

The Labour Party believes that a parliamentary power of inquiry is necessary and intrinsic to the proper functioning of a representative, responsible parliamentary democracy. We believe the State is the poorer — has functioned more poorly — in the absence of a system where those who exercise authority in the State can be called to account for their performance in office.

The Bill goes one step towards meeting the criticism of the effectiveness of the national Parliament. I am aware that very shortly there will be a test arising in this House concerning accountability. I just heard a pathetically self-exculpatory statement from the Minister for Defence, who told us that he acted innocently. Having crawled around Limerick spreading disgraceful rumours about a rival candidate running a brothel, he has the cheek to tell us he forgot it. He has the cheek to come into this House and say it was an innocent misrepresentation. I hope that when this House is given the opportunity in the motion of confidence, that the Minister for the Environment, Heritage and Local Government, Deputy Gormley, will revert to his formerly high moral stance. He will have the opportunity, with the Green Party, to vote in the confidence motion. We will see whether the national Parliament is capable of asserting accountability.

The powers conferred by the Bill will enhance the relevance of Dáil Eireann. It will help distinguish parliament from government and demonstrate the capacity of parliament not only to hold government to account but to seek and get answers on matters of concern to our citizens. It is very damaging to confidence in politics that the perception is abroad that Deputies who are not office holders are without influence and are used merely as lobby fodder to rubber stamp measures brought forward by Government.

As the economic crisis has deepened, so the criticism of Parliament and the practice of politics has grown. Yet the financial and banking crisis has exposed in a dramatic way that when the economic crisis threatens the collapse of economies, the last resort is the State. The nature of State intervention may well be the subject of political dispute but ultimately we rely on governments to lead the reconstruction. Politics does matter and public debate in Ireland at the moment is being steered towards the conclusion that we are in the mess we are in because

of inherent failings in the political system. That is a convenient and self-serving conclusion for the party that has dominated Government for the past dozen years. We are in the mess we are in because of traceable actions by successive Governments led by Fianna Fáil and inspired by the neo-liberal politics of the Progressive Democrats. The functioning of the political system is far from perfect and is in need of constant reform but the political system is not responsible for the reckless decision making that has resulted in the Irish recession being worse than is being experienced throughout most of Europe.

Dáil reform is the mantra of the day. Critics inside and outside Parliament each have their own particular aspect of Dáil reform to which they would like to give priority. Others do not know what they mean by Dáil reform but it is a useful weapon to denigrate the political process. Oppositions, it must be said, are generally enthusiastic about radical reform only to see their ardour abate somewhat when they become the Government. Governments work hard to ensure they are not exposed to any greater degree of accountability than that with which they can get away. Some Governments, such as this one, resist reform as a principle of ideological conviction.

It is that power to inquire into public administration that is the focus of the Labour Party Bill. I expect the Government will not obstruct the Bill going to Committee Stage now that the threat of a public inquiry into the banking crisis no longer hangs over the it — or over the bankers. I regret very much — this House will rue the day — that we decided not to have an open, accessible public inquiry into the banking disaster. That, however, is not an argument for failing to address the defect identified by the Supreme Court in legislation governing the powers of the Dáil and Seanad through their committees to conduct inquiries into matters of public concern.

Lest there be any doubt, I acknowledge that Members of the House cannot and should not substitute for the normal process of the rule of law. We are not prosecutors. We are not judges and we are not juries, but we are legislators. Our job is to frame the laws by which the State is governed. We cannot do this in abstract, as if we were blindfolded or as if we knew nothing about the situation in the country. We must make laws on an informed basis and we must know how the laws we make are applied in practice. At the moment these Houses make laws on occasion that are not enforced or are capable of being ignored or that are in practice routinely ignored. That is why the Dáil and Seanad — the two Houses of the national Legislature — must have the power and the duty to acquire and consider information on how the laws we make are administered on a day to day basis. The Dáil of course, has additional duties.

It is the Dáil, under the Constitution, that elects the Government and it is to the Dáil the Government is responsible and accountable. It is the Dáil that must approve every Government proposal to raise revenue and it must approve every proposal to spend revenue. The Dáil has the job of scrutinising the accounts as to how, and how well, every item of public revenue was spent. All of those are reasons, especially the Dáil, must have powers to inquire into public administration, into how well the laws we pass work in practice, how well they are administered, what defects are obvious in our laws, what new laws we pass to change rules that do not work or bring in new rules where no proper rule applied before. All of those are self-evidently compelling arguments for why this House should have the power to inquire into matters of public concern.

Regrettably, the collapse of the Abbeylara inquiry has been treated as an excuse to collapse inquiry by parliamentary committee. That has suited Governments since 2002 whose propaganda machines have put abroad the insinuation that, arising from the Supreme Court decision on the inquiry into Abbeylara, inquiry by parliamentary committee is no longer feasible. Any fair analysis of the judgments given by the Supreme Court in the Abbeylara case would show

[Deputy Pat Rabbitte.]

that this was never intended to be the case. For example, Mr Justice Hardiman made plain that it was not the intention of the Supreme Court to attack the established practices of the Oireachtas when he clarified the scope of the challenge in the *Abbeylara* case as follows:

There is nothing in the constitution which would prohibit a committee of virtually any kind . . . from conducting an inquiry into a matter which it considered worth inquiring into . . . To adjudicate, in the sense that the term is used here, on the culpability of citizens in their conduct in my view be equated with the everyday search for knowledge of facts or expert opinions.

Mr Justice Geoghegan in his judgment acknowledged:

A legitimate inquiry by a committee of the Oireachtas which was directed towards a perfectly proper legislative purpose might in some circumstances inevitably and unavoidably lead to implied blame being attached to an individual. That would not necessarily render the inquiry *ultra vires*...It is also true that a legitimate Oireachtas investigation may inevitably result in a finding of fault in a management system which in some circumstances could involve an implied attachment of blame. That also might be legitimate.

The Chief Justice, Mr Justice Murray said:

I do not see any reason why the Oireachtas cannot conduct inquiries of the nature which they have, for practical purposes traditionally done including inquiries into matters concerning the competency and efficiency in departmental or public administration as well as such matters as those concerning the proper or effective implementation of policy to make findings accordingly. Also [in the case of] (sic.) a particular office holder such as the chief executive of a semi state body, who is by virtue of his appointment, whether by statute or contract, answerable to the Houses different considerations arise ... Furthermore ... it is possible for a parliamentary committee to conduct an in depth investigation of a large police operation and make extensive findings and recommendations of great public and legislative import without the necessity of making findings of personal culpability of individual police officers.

The question of personal culpability was struck down in the *Abbeylara* case because effectively if there was such a finding against a garda, it could amount to an unlawful killing. That is not appropriate to this House and nobody should argue that it is.

Dr. Gerard Hogan SC is well known to the House and he advises the Joint Committee on the Constitution on constitutional matters on a *pro bono* basis. He was quoted in *The Irish Times* on 23 December 2009 as being of the opinion “that *Abbeylara*, while causing difficulties, did not slam the door shut as many believe”. He highlighted the distinction where the Supreme Court held that “it was unconstitutional for the committee to make a finding that a named person committed an act of homicide” and an inquiry, for example, into the banking crisis. The article further stated, “Hogan says an Inquiry into the banking system could comfortably operate provided it was not making findings that somebody engaged in nefarious criminal conduct.”

I have taken trouble to refer to these judgments because of noises coming from the Government. The usual ploy by Government when it cannot credibly oppose a Private Members’ Bill is to allow it into committee and then bury it. This is what the Government parties successfully did before the 2002 general election with my whistleblowers Bill. They could not risk being seen to oppose it but they could and did kill it off in committee. Independent banking experts have since gone on the record to say that if there had been protection for whistleblowers, the

practices in our banks might never have been allowed reach the point where the banks threatened our entire economy but the Government knew best.

The second ploy used to demonstrate that Government is the repository of all wisdom is for a Minister to deride the Private Members' Bill and to promise that he will bring forward his own Bill. This happens every month of the year. For example, when I introduced the Garda surveillance Bill, the Minister for Justice, Equality and Law Reform memorably dismissed it because he said he feared "it would alert the criminal fraternity to Garda investigative techniques". Of course, a year later a similar Garda surveillance Bill was brought forward to demonstrate not just the Minister's determination to fight crime but the originality of his legislative impulse.

The third ploy used by Governments to stymie the Opposition's legislative efforts is to take refuge behind the advisorial skirts of the Attorney General. Successive Attorneys General have regaled many a dinner table as the port was being passed around with stories of how their supposed advices are used by Ministers to deride Opposition legislative initiatives. In this Bill I have sought to anticipate such argument and I have taken care to obtain the advice of constitutional experts. I have frankly been told that there is a degree of confusion among academic lawyers as to where exactly one might find the beginning and end of the implications of the *Abbeylara* judgment. However, I am assured by the same expert that this legislation brings inquiry by parliamentary committee into compliance with the judgment.

The only way to proceed, I am advised, is to advance curative legislation designed to remedy the defect identified by the Supreme Court. If our legislation works, then governance in this State will be the better for it. If it does not, then we have no choice but to consider alternatives by way of constitutional referendum. According to my advice, once this Bill is in place, a constitutional referendum will not be necessary but there can be little doubt about the outcome of such a referendum if it were necessary.

The order made by the court in the *Abbeylara* case was "that the conducting by the Joint Oireachtas sub-committee of an inquiry into the fatal shooting at *Abbeylara* on the 20th day of April 2000 capable of leading to adverse findings of fact and conclusions (including a finding of lawful killing) as to the personal culpability of an individual not a member of the Oireachtas so as to impugn his or her good name is *ultra vires* in that the holding of such inquiry is not within the inherent powers of the Houses of the Oireachtas".

Two points, therefore, require to be made. Making an adverse finding equivalent to finding a specified person guilty of unlawful killing is not a matter for Members of the Dáil. On mature reflection, I suspect that even the surviving members of that sub-committee would accept that investigating shootings lawful or unlawful is not our business. Second, the order of the court is clear that "the holding of such an inquiry is not within the inherent powers of the Houses of the Oireachtas". This is a reference to the fact that Dáil Éireann has never conferred on itself the power to inquire into matters of public concern.

The Labour Party has studied and taken advice on the *Abbeylara* judgments in the absence of any concerted effort on the part of Government parties to do so since 2002. The first issue, therefore, that we deal with in our Bill is the question of legal authority on the part of the Houses of the Oireachtas, through their committees, to conduct inquiries. Although the Oireachtas enacted the *Committees of the Houses of Oireachtas (Compellability, Privileges and Immunities of Witnesses)* Bill in 1997, it wrongly assumed that conferring on committees the power to compel witnesses to attend for the purposes of an Oireachtas inquiry of necessity conferred the prior power to conduct an inquiry. The courts have held otherwise and we must address that defect. Both of these defects have been apparent since the *Abbeylara* judgment

[Deputy Pat Rabbitte.]

in 2002 but the Government has been satisfied not to address either of them in the eight years since then.

An Oireachtas stripped of power suits the Government but it does not suit the people. Both Houses, but especially the Dáil, are expected to investigate, appraise and criticise the actions of Government as well as to propose alterations. In other words, up to the Abbeylara case, the Dáil had assumed it had the power to inquire but had failed to confer that power on itself through its committees. The second issue we deal with is the question of such an inquiry impugning the good name of any person. It is made clear in our Bill that it is not, and it should never be, the function of an Oireachtas inquiry to conduct any form of Star Chamber witch-hunt. The Bill makes plain that an Oireachtas committee must not consider, and has no power to decide or report upon, findings that could reasonably be seen to attribute civil or criminal liability to any individual. Our only interest in putting forward this Bill is ensuring the Oireachtas is adequately equipped when it comes to policy making as opposed to taking a definitive view on the facts of a controversial issue to identify and “name and shame” an individual.

We recognise there may be times when a careful line must be drawn between an inquiry into policy, as distinct from an inquiry into culpability. The first is foremost properly a function of the Oireachtas, while the latter clearly is not. The judges of the Supreme Court recognised that distinction and, within the normal rules that require the courts to presume that powers conferred on other organs of Government will be exercised in an appropriate and constitutional manner, will afford a space to the Houses in the exercise of functions most appropriate to themselves. The majority of members of the Supreme Court did not exclude the possibility of an Oireachtas inquiry into the conduct of Ministers, who are made responsible by the Constitution; of other entities which are made responsible by statute, contract or otherwise; or of when appraising the performance of Ministers or other principals, bringing into account the conduct of staff operating under their direction.

Mrs. Justice McGuinness pointed to a number of previous parliamentary inquiries and said, “These committees have relied on voluntary submissions and willing witnesses but there is in fact no reason why such enquiries should not use the powers of the 1997 Compellability Act to obtain necessary evidence and information”. Mr. Justice Geoghegan added that an Oireachtas committee “may necessarily have to probe into management structures and there may consequentially be read into the report implied criticism of persons in existing management roles.” The present Chief Justice, Mr. Justice Murray, stated: “I did not see any reason why the Oireachtas cannot conduct inquiries ... into matters concerning the competency and efficiency in departmental or public administration as well as such matters as those concerning the proper or effective implementation of policy, and to make findings accordingly.”

In summary, then, there is a need to restore the status of Parliament *vis-à-vis* the Executive. A parliamentary power of inquiry is necessary and intrinsic to the proper functioning of a representative, responsible parliamentary democracy. This Bill corrects the defect identified by the Supreme Court by conferring a power to inquire. By way of belt and braces, the Bill provides that there should be no finding of civil or criminal liability attached to any individual. It enables a two-stage process in which an appropriate expert may be retained to compile a book of evidence. Section 6 allows for the appointment of a legal assessor to guide the work of the inquiring committee. Only a Government hostile to the proper functioning of Parliament can credibly oppose this Bill.

I have had no communication from the Department of the Minister of State, Deputy Mansergh, about the attitude the Government is taking. There is no amendment on the Order

Paper. I sincerely hope the Minister of State will recognise, in the interest of the relevance of Parliament, that this Bill should be nodded into Committee Stage tonight with intent on the part of Government to see it work its way through the House. We have been avoiding the issue for eight years and only in times of tumult, when something like the necessity for a banking inquiry arises, do we resort to this.

The Government has been saying, facilely, that the Abbeylara inquiry has put an end to inquiries by parliamentary committee. That is clearly not the case, as has been testified to by a number of academic constitutional experts. I referred to public coverage in *The Irish Times* in respect of Dr. Gerard Hogan SC, and there are others. It is a necessary weapon in any Parliament that it has the right to inquire into the quality of public administration. I hope the Minister of State will permit this Bill to proceed to Committee Stage tonight.

I commend the Bill to the House.

Deputy Seán Sherlock: The spectre of Abbeylara has hung over this House for some time, predating my membership. This Bill represents an honest approach to dealing with the legalities surrounding that judgment, which would put the issue to bed once and for all in order that the legislative functions we have relative to the Executive can be dealt with in a meaningful way. It is about time — I say this as somebody who entered the Dáil for the first time in 2007 — this issue was dealt with in a substantive way.

I wish to outline some of the principal features of the Bill. It is worth reading these into the record because they are so clear it is difficult to fathom why they would not be accepted by the Government. The purpose of the Bill is to address a pressing need to restore the status of the Oireachtas vis-à-vis the Executive. In particular, we need to address the view that the Supreme Court decision in the Abbeylara case has put an end to any possibility of inquiry by an Oireachtas committee. We reject the view that, short of constitutional change, there is now no lawful means of holding a parliamentary inquiry. We do accept, however, that legislation is required to address the defects identified by the court in that case, hence this Bill.

I stand before you, a Leas-Cheann Comhairle, as a member of the Joint Committee on Economic and Regulatory Affairs, which has dealt with a number of bankers in recent years. We have had the spectre of Abbeylara hanging over us in that every time a witness comes before the committee we need to be careful about how we question him or her. The issue of compellability also loomed large over the proceedings, as Members will see if they check the records of the committee from the past number of years.

Let us fast forward to the announcement by the Minister for Finance that a private inquiry would be held. It beggars belief that the Government would hide behind a Supreme Court judgment as an excuse for not holding such an inquiry in public. That is an affront to any Member of this House who puts his or her name on a ballot paper and seeks to represent the people. It allows for the possibility that people who may have been responsible for undermining our banking system and our very economic structures will hide behind such a judgment as an attempt not to answer questions in a public forum — what I would call the tribune of the people. The people demand that the issue be dealt with in a meaningful way, and this Bill does so. I ask that the Government seriously consider accepting the Bill.

It is right and proper — particularly from the point of view of the banking crisis — that Ministers for Finance, their officials, and various actors within the banking sector should be subjected to rigorous questioning in the public interest and within the public domain on the basis that the taxpayer has bailed out some of those very institutions, which have received a guarantee under the auspices of the State. It is only right that we have such proceedings in public. Any excuse that might be put forward by Ministers that they are restricted in doing so

[Deputy Seán Sherlock.]

by virtue of a Supreme Court decision will be dealt with by this legislation, which will prevent any excuse for not having such public inquiries.

It is not right or proper that somebody who is a member of the Joint Committee on Economic Regulatory Affairs, which has a particular remit in respect of the banking sector, would need to glean his information from the business pages of the Sunday papers. When I read *The Sunday Times* or *The Sunday Tribune* on any Sunday, the amount of leakage on issues surrounding Anglo Irish Bank tells me that the Government is selectively talking to journalists. That subverts the very role of a committee such as the Joint Committee on Economic Regulatory Affairs — or any other committee of the House. The Government, if it adopts a historical perspective — the Minister of State will be conscious of this — will admit that it must be seen by the people to be doing right, and the only way it can do this is by conducting its affairs in a public fashion.

Deputy Aengus Ó Snodaigh: Gabhaim buíochas le Páirtí an Lucht Oibre as an deis labhairt ar an Bhille ríthábhachtach seo. Ba mhaith liom freisin mo thacaíocht don Bhille seo a chur in iúl. Sa mhéid is gur féidir, léiríonn sé na gnéithe tábhachtacha a d’eascair as an cheist cathain is féidir le Tithe an Oireachtas fiosrúchán dlíthiúil a thionscnamh trí choistí fiosrúcháin.

D’ardaigh cinneadh na Cúirte Uachtaraí i 2002 an cheist nuair a cuireadh deireadh leis an iniúchadh ag an fhiosrúchán a tharla nuair a scaoil na gardaí John McCarthy in Abbeylara an 9 Aibreán 2000. Bhí stair de mheabhar-ghalar ar an Uas. McCarthy sular scaoileadh é agus tar éis dó féin a ghlasaíl ina theach le gunna gan aon ghiall leis. Cuireadh garda le fíor-bheagán taithí i gceannas ar an stand off a tharla. Nuair a cuireadh an Emergency Response Unit isteach sa cheantar faoi stiúradh an gharda seo, tar éis 25 uair de stand off, maraíodh an tUas McCarthy. Is mór an trua sin agus ta comhbhrón fós ag dul dá chlann agus tá ceisteanna ríthábhachtacha nár freagraíodh go fóill faoin ghnáthbhealach agus procedures a bhí ag na gardaí nuair a bhí siad ag déileáil leis seo. Tá a lán tar éis tarlú ó shin, tá a lán athruithe tar éis tarlú sna gardaí agus tá súil agam gur fhoghlaim siad na ceachtanna a bhí le foghlaim de thairbhe an léigir seo agus an easpa cúraim a bhí ann.

Ceann de na ceisteanna ná cén fath go raibh duine gan an oiread seo taithí i gceannas nuair a bhí duine le taithí ó thaobh déileáil le daoine, nó negotiators mar a deir siad i mBéarla? Bhí sé i gceannas ar feadh 20 uair a chloig gan stad ach ag an am céanna bhí 27 garda eile le níos mó taithí sa cheantar.

Cén fáth nach ndearnadh níos mó chun tacaíocht a thabhairt don Uas McCarthy, go háirithe nuair a bhí a fhios ach go raibh meabhar-ghalar air agus nach raibh dainséar d’aon duine eile ann ag an am? Cén fáth nach raibh iarracht déanta a dhlíodóir a fháil le dul i dteagmháil leis? Bhí ceisteanna eile maidir leis an ERU chomh maith.

Go bhfios dom go fóill, ní dhearnadh torthaí an fhiosrúcháin inmheánaigh ag na gardaí a fhoilsíú go hiomlán. Is trua sin mar chuirfeadh sin leis an obair a rinneadh sa Teach seo ó shin, in ainneoin an cinneadh ag an Chúirt Uachtarach, an obair a rinne grúpaí eile, an chlann agus an obair a rinneadh laistigh de na gardaí chun déanamh cinnte nach dtarlódh a leithéid de rud arís.

The initial reaction of any right-thinking person when faced with serious questions regarding the conduct of a public body such as the Garda Síochána is that public representatives should investigate any incident, learn lessons from it and decide whether systematic and-or legislative changes are required. Correctly, a sub-committee of both Houses was set up to investigate the issues raised by the Abbeylara incident. However, the High Court intervened to bring an end to the sub-committee’s inquiry and, therefore, suppress any findings it would have reached.

The High Court decided that the investigation was beyond the powers of the Oireachtas, an argument that was subsequently upheld. The High Court held that Standing Order 78, which empowers the Dáil to appoint a select committee to consider and, if so permitted, take evidence upon any Bill, Estimate or matter and to report its opinion for the information and assistance of the Dáil, did not apply in this matter due to the fact that the investigation being carried out by the committee had an injunctive function and could make findings of fact adverse to the good name and reputation of a citizen who was not a Member of the Oireachtas.

On the surface, this ruling seems to suggest the Oireachtas has no power to investigate matters regarding citizens outside the Oireachtas, which is crazy. A part of our function is to represent the public and ensure our legislative changes are in the public's interests. When legislative change is required, we must establish the facts to ensure we are using our legislative powers correctly.

The suggestion has been also made that constitutional issues could arise from the exercise of the powers under Standing Order 78. However, closer inspection of the High Court's ruling on the Abbeylara incident shows that this point was not established. The judgment of the divisional court, which was taken into account in the High Court's ruling, stated, "Although Articles 15 to 27 of the Constitution deal with 'considerable particularity' with the Oireachtas, it was not contended that any express authority was to be found in the Constitution authorising an investigation of the type embarked on by the committee and, in addition, that no such authority had been conferred by legislation".

The main thrust of the ruling upheld by the court was not that the Oireachtas was prohibited from carrying out any type of inquiry, including the one investigating the Abbeylara incident, but that there was no empowerment implied by the Constitution or by any existing legislation to permit it to carry out this type of investigation. The High Court ruling expressly stated, "Article 15.10 of the Constitution clearly and emphatically recognises the right, and indeed the duty, of each House of the Oireachtas to make its own Rules and Standing Orders and it has never been in issue at any stage in these proceedings that the Joint Committee was lawfully established in accordance with those procedures." It is clear that the main issue was a lack of empowerment by legislation, such as the Bill proposed today, rather than it being a constitutional issue impeding the ability of the Oireachtas to undertake and investigate the matter fully. This overhanging judgment has prevented subsequent matters from being investigated, as legislation has not been forthcoming from the Government benches.

Where the Oireachtas was not expressly empowered to undertake this kind of investigation, the court felt compelled to rule against a potential conflict of interest regarding the right of a citizen not to be exposed to a ruling of a committee of the Oireachtas that may bring his or her good name into disrepute. Therefore, we welcome this Bill as a clarification of the rights of the Oireachtas to investigate such matters. The need for Oireachtas scrutiny of issues such as the Abbeylara incident to ascertain the necessity of any systematic or legislative change in the interests of the public good is vital and a logical extension of the fact that we are returned by the electorate on a regular basis. The High Court decision dealt with this matter. In its conclusions, it stated, "The right of persons in the position of the respondents to their good name must be balanced against the right, and indeed the duty, of the Oireachtas to inquire into and inform themselves as to matters which are relevant to the discharge by them of their constitutional functions." It is this balance that needs clarification in order that the rights of the individual do not take too much precedence over the need for the Oireachtas to perform functions that are in the interests of the wider public good.

The Bill goes some way towards addressing this issue. It confers on both Houses, and on both of them acting jointly, through committees the power to appoint inquiries and to com-

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mission reports into matters relevant to the exercise of legislative power in the State for the purpose of proposing legislation to remedy any defects and to make recommendations for the better regulation and governance of the State. If the focus of any Oireachtas inquiry is the identification of areas for legislative change, there is no reason a sensitive application of the powers outlined in this Bill should interfere disproportionately with an individual's right to his or her good name or prejudice any decision of the judicial system. We believe, however, the Bill could go further. If the Government agrees, we will table proposals on Committee Stage to strengthen the Bill.

I reiterate my support for this Bill. Clarification of the powers of the Oireachtas to initiate committees of inquiry is long overdue. I would like consideration to be given to any other possible legislative changes to address the issue of Government accountability, which have been outlined in this House by other Deputies and in recent times regarding the need for a proper investigative inquiry into the banking scandals and everything related to them.

Minister of State at the Department of Finance (Deputy Martin Mansergh): I wish to share five minutes with Deputy Michael Ahern.

An Leas-Cheann Comhairle: Is that agreed? Agreed.

Deputy Martin Mansergh: Before setting out the Government's response to this Bill I wish to make a few preliminary comments. I have great respect for any Member of either House who produces a substantial Private Members' Bill, as this clearly is, and for which Deputy Rabbitte has made a strong case with his usual eloquence. The success rate of the Private Members' Bills under successive Governments has been relatively limited. I remember when Fianna Fáil was in Opposition under the rainbow Government in 1995-96 it was active in producing Private Members' Bills. The one that made it through, with many Government amendments to it, was the Criminal Assets Bureau Bill providing for the establishment of the bureau and the other major Private Members' legislation originating with the Opposition was Deputy Shatter's Bill. Even if a Bill is not accepted, the drafting of it can help inform subsequent legislation.

I am speaking on behalf of the Minister for Finance, Deputy Brian Lenihan, to articulate the Government's view of the Private Members' Bill, the Committees of the Houses of the Oireachtas (Powers of Inquiry) Bill 2010. I understand the Minister for Finance will speak to the House on this matter tomorrow.

The Government is opposed to this Bill. Notwithstanding this, I want to stress, as I have done, that it is entirely appropriate that proposals for improving the role of the Oireachtas should come from one of the main parties in the House. It is also clear that some thought has gone into considering how this role can be improved through this Bill. However, it is the Government's view that this Bill does not fully consider and address the important matters raised by the Supreme Court in the *Abbeylara* decision. It is for this and for other reasons, which I will set out for the House, that the Government is opposing this Bill.

It seems that the main purpose of this Bill is to address the legal implications of the findings of the Supreme Court in the *Abbeylara* case for inquiries undertaken by committees of the Houses of the Oireachtas. As Members of the House may recall, the declaration granted by the Supreme Court in the *Abbeylara* case states:

conducting by the sub-committee of an inquiry into the fatal shooting at *Abbeylara* on 20th April 2000, capable of leading to adverse findings of fact and conclusions (including a finding of unlawful killing) as to the personal culpability of an individual not a member of the

Oireachtas so as to impugn his or her good name was *ultra vires* in that the holding of such an inquiry was not within the inherent powers of the Houses of the Oireachtas.

Several Deputies, including Deputy Rabbitte, have already referred to this.

The terms of the specific order, in the context of the Abbeylara inquiry, prohibited more than a finding of unlawful killing. Findings of personal culpability impugning the good name of a person were also prohibited. The essential basis for the Supreme Court decision was that an inquiry into past events which required establishing the truth of controverted facts and the making of serious findings of culpability was not an inquiry that was authorised by the Constitution. It is possible for an Oireachtas committee to make mere findings of fact as to the policy pursued and recommendations of change of policy and systems. However, even where the Dáil and-or Seanad have an inherent constitutional power to hold an inquiry because the subject matter of the inquiry relates to their constitutional functions, there are still constraints. It is clear that neither House could make a finding of criminal or civil liability against any person.

This Supreme Court ruling had significant implications for the conduct of inquiries by an Oireachtas committee under the Committees of the Houses of the Oireachtas (Compellability, Privileges and Immunities of Witnesses) Act 1997. In an attempt to address these complex issues, the Bill, as tabled by Deputy Rabbitte, seeks to convey legal authority on committees of the Oireachtas to conduct such inquiries and confirms that such committees cannot decide or report on findings or opinions on non-Oireachtas individuals' civil or criminal liability or make findings which could reasonably be seen to attribute civil or criminal liability to any individual. It also provides that such committees can appoint assessors to advise, guide or assist and investigators to carry out preliminary investigations and report these investigations.

I again acknowledge the effort that went into crafting a Bill of this scope and nature and the genuine endeavours by the Labour Party to progress matters on the operation of committees in the wake of the Abbeylara judgment. I also share the concern that the legislative work already done on privilege and compellability and on the development of the parliamentary inquiry model, as evidenced in the DIRT inquiry, should not come to a standstill. However, the Bill has shortcomings and, while it could be used as a starting point regarding some of the issues, further examination and work would be required to address these shortcomings, particularly regarding sections 4 to 9, inclusive.

The Bill allows in section 4(3) for a committee of the Oireachtas not to be inhibited in the performance of its functions by the possibility of liability being inferred. It also provides such a provision in section 8 in regard to the performance of investigators. However, the advice from the Attorney General is that these provisions require further consideration relating to the issue of liability being inferred.

The Bill, as currently drafted, could be open to legal challenge. As Members of the House will appreciate, there are complex legal issues involved which are difficult to resolve and require further detailed examination and review.

There are already considerable powers available to the Oireachtas in order to conduct investigations appropriate to it. The Oireachtas may establish a committee to investigate a matter of significant public importance. It is worth recalling that the Committees of the Houses of the Oireachtas (Compellability, Privileges and Immunities of Witnesses) Act 1997 already contains provision for Oireachtas committees, whose terms of reference so provide, to permit the calling of persons and papers, statutory power to compel the attendance and co-operation of witnesses and the furnishing of documents. The 1997 Act also confers High Court privilege on all persons directed to give evidence or present documents to such committees. This is virtually identical to the absolute privilege enjoyed by Members of Dáil Éireann or Seanad Éireann. These two

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elements are essential to the legislation; powers to compel the giving of evidence and powers to grant privilege and immunity to those required to testify. The symmetry means that those compelled to answer questions must be given protection from any adverse legal consequences of complete responses.

Under the existing legislation virtually every citizen is compellable — members of the public, the Taoiseach, the Tánaiste, Ministers, Ministers of State and officials. However, in keeping with convention, the President and members of the Judiciary are exempt from the legislation. In addition, the compellability of the Attorney General is limited to the general administration of his office before the Committee of Public Accounts; the Attorney General is not compellable in his roles as legal adviser to the Government or as defender of the public interest. Also the Director of Public Prosecutions is compellable before the Committee of Public Accounts only for the general administration of his office and for statistical data published in a report. A partial restriction also applies to civil servants, gardaí and members of the Defence Forces who may not question or express comments on the merits, or the merits of the objectives, of Government policies.

The existing arrangements are a balance between, on the one hand, the rights of individual citizens to due process and fair procedures and, on the other, the entitlement of the national Parliament to investigate and examine questions of urgent public concern.

Very significant initiatives were taken to improve and strengthen accountability to the Oireachtas through the 1997 legislation. The intended effects of these strengthened accountability frameworks provided in the compellability legislation were to enable quicker, less costly inquiries of immediate public concern to be conducted by the elected Members of the Oireachtas. It now seems that more work is needed on the complementary mechanisms, legislative or otherwise, if we are to take this model further in the context of clarifying the power of the Oireachtas to hold inquiries.

Following on from the practical experience of the DIRT inquiry and the Abbeylara judgment, it is clear that a balance is needed between an arrangement that would allow a committee of the Oireachtas to investigate matters with powers to compel the attendance of witnesses and submission of documents, on the one hand, and the safeguarding of the rights of individual citizens to due process, fair procedures and the protection of their good name and character, on the other. Such a balance was struck in the DIRT inquiry by ensuring that crucial stages of the investigation were carried out by the Comptroller and Auditor General who is a constitutional officer with involvement by the Committee of Public Accounts only when the Comptroller and Auditor General had completed his part of the investigation. It was provided that not all information that came to the attention of the Comptroller and Auditor General in his investigations would be passed on to the Committee of Public Accounts and the public domain. Confidentiality was protected in regard to certain information.

The approach taken in the DIRT inquiry also ensured that the investigation could be completed in a timely fashion, recognising that carrying out such an investigation involved a massive commitment by Deputies to the potential detriment of their other legislative and representational duties. Unfortunately, there is not such a robust process envisaged in the Bill proposed by the Labour Party that would recreate such safeguards.

Let me recall for the House that in his Second Stage speech on the DIRT inquiry legislation in December 1998, the then Minister for Finance, Charlie McCreevy, said that in the past there was “a belief among some Members that entrusting to themselves the kind of investigations which had traditionally been undertaken by tribunals would lead to inquiries being conducted more speedily, more effectively and with a greater awareness of public concern”. The Minister

noted that the 1997 Act went some way towards this but that in doing so, some Deputies had to be disabused of the idea that “procedures, generous time limits for responding to directions and safeguards on individual rights could be modified”. Such safeguards were integral to the procedures used in the DIRT inquiry and subsequent developments clearly showed that the concerns the former Minister for Finance had in moving away from them were justified.

It was also the case that arrangements for the DIRT inquiry were tailor-made to fit a particular investigation necessitating modifications to the provisions contained in the Committees of the Houses of the Oireachtas (Compellability, Privileges and Immunities of Witnesses) Act 1997. The Comptroller and Auditor General and Committees of the Houses of the Oireachtas (Special Provisions) Act 1998 was a clear recognition that the precise conduct and terms of reference of inquiries by Oireachtas committees are inevitably dictated by the particular circumstances of the subject of the inquiry. The legislation proposed by the Labour Party would have permanent effect and is likely to be more open to challenge and costly reference to the courts.

The ruling in the *Abbeylara* case identified certain constraints on the current system and experience has shown that fair procedures and individual rights must be protected. Matters which require inquiries to be conducted tend to be complex and multi-layered and different factors need to be taken into account in deciding on the nature and type of inquiry and the role for the Oireachtas in each case. The process is evolving and it is clear that what may be termed a “one size fits all” approach is not appropriate.

The Private Members’ Bill under consideration today was referred to on 20 January this year in the context of the Labour Party’s Private Members’ motion on an inquiry into the banking crisis and the desire for such an inquiry to be conducted in public by a committee of the Dáil. It is the Minister’s view, as clearly set out in the House, that the proposed framework recently established by the Government provides the most effective way of getting to the heart of the issues in the banking crisis to inform the future management and regulation of the sector and also provides the most ample opportunity for the Oireachtas to have a substantial input at each stage of the inquiry process.

As the Minister informed the House at the time of that debate, the Government approved the framework for an investigation into the banking crisis and for its subsequent consideration by the Dáil. To recall the main elements for the benefit of the House, the inquiry will have two stages. First, the Government has commissioned two separate reports, with one from the Governor of the Central Bank on the performance of the functions of the Central Bank and the Financial Regulator and the second from independent international experts Mr Klaus Regling and Mr Max Watson. They will conduct a preliminary investigation into the recent crisis in our banking system and inform the future management and regulation of the sector.

These reports will also consider the international, social and macroeconomic policy environment which provided the context for the recent crisis. Work on both reports has started and it is expected that both reports will be completed by the end of May this year and laid before the Houses shortly thereafter.

The second stage of the inquiry will be the establishment of a statutory commission of investigation, which will be chaired by a recognised expert or experts of high standing and reputation. The terms of reference for the commission of investigation will be informed by the conclusions of the two preliminary reports and consultation with the Oireachtas. The commission of investigation will examine and report on the causes of the systemic failures, such as corporate strategy, governance and risk management in the Irish banking sector. The aim will be for the commission to complete its work by the end of this year, and its report will then be laid before the Oireachtas for further consideration and action by an appropriate Oireachtas committee.

[Deputy Martin Mansergh.]

It is important to point out that the terms of reference for the statutory component of this investigation cannot be set until we have the benefit of the preliminary reports from the Governor of the Central Bank and from Mr Regling and Mr Watson, along with the views of the Oireachtas on them. In examining these issues, the commission of investigation will have the powers available to it under the relevant legislation, which the House will be aware are substantial. The mechanism for inquiry contained in the Commissions of Investigation Act 2004 provides a robust framework which has already been tested in the investigation of matters of significant public concern.

Notwithstanding this, an Oireachtas committee will have a vital function in this process by assisting in the formulation of appropriate terms of reference with regard to where the inquiry goes at the conclusion of the scoping exercise and exercising its constitutional role of examining matters of public policy arising from the findings of the statutory inquiry. It is clear therefore that the Oireachtas will be involved at each stage of the planned inquiry process. Members of an appropriate Oireachtas committee — the Joint Committee on Finance and the Public Service probably being the most relevant — will meet with both the Governor and the independent expert at the outset of their work to be briefed on the members' priorities for investigation, and arrangements are being put in place for this to take place shortly. The two preliminary reports, when completed, will be laid before the Houses of the Oireachtas and the Oireachtas committee will be invited to consider the findings of the reports.

The terms of reference and draft Government order to establish the statutory commission of investigation will be laid before the Oireachtas and the report of the commission of investigation will, when completed, be laid before the Oireachtas for further consideration by the committee. It is open to the committee to hold public hearings on the report.

There was extensive debate in both Houses a number of weeks ago on the appropriate role for the Oireachtas in the banking inquiry. For reasons that the Government has already set out, a committee of the Oireachtas is not best equipped to conduct a banking inquiry or investigation given the range and complexities of the issues involved and speciality of expertise required to investigate these issues. I will reiterate the reasons.

Unlike the Committee of Public Accounts DIRT inquiry, the issues in the banking crisis are significantly more complex and will require a greater range of expertise. A crucial feature of the DIRT inquiry was the fact that the PAC itself was able to draw upon a comprehensive investigation into the DIRT issue by the Comptroller and Auditor General. I also point out that the DIRT inquiry essentially involved a single issue, namely why the institutions did not comply with the law and pay DIRT which the Comptroller and Auditor General found should have been paid. In addition, the issues involved in the banking crisis continue to be current rather than issues simply of the recent and more medium past, and Members of these Houses continue to be engaged in debate on them. There could be some mitigation of these effects by confining the remit of the inquiry but this would clearly not satisfy the need for a comprehensive investigation of all of the relevant issues. These are matters in respect of which Members of this House are fully aware.

I have set out the reasons the Government considers the approach provided for in this Bill to be inappropriate to an inquiry into the banking crisis. I am confident that the framework recently announced by the Government is the right way to proceed in this matter. I am also confident that the Houses of the Oireachtas will have a substantial and influential role to play at each stage of the process.

The Minister does not consider it appropriate, necessary or prudent to proceed with a Bill of this nature for the purposes of the banking inquiry. Whereas the Bill goes some way to

addressing issues arising from the Abbeylara Supreme Court ruling, it does not provide a complete solution and further consideration needs to be given to the issues involved. There are complex legal issues which need to be the subject of detailed review and examination.

Deputy Michael Ahern: I am pleased to have been given the opportunity to say a few words on this very important Bill. Especially since the Abbeylara case there has been much discussion on all sides of the House on the powers of the Oireachtas to call witnesses and insist on their attendance.

I do not pretend to know the detail of this Bill and the legal issues surrounding it. Having listened to the comments of both Deputy Rabbitte and the Minister of State and read some of the briefing, I am aware that there is a need for further examination of the Bill's legal aspects. I am sure that the Minister will take note of what the Labour Party has published in this Bill.

There are already considerable powers in the Oireachtas to conduct inquiries and investigations appropriate to these Houses. It is not widely known that the Committees of the Houses of the Oireachtas (Compellability, Privileges and Immunity of Witnesses) Act 1997 already contains provision for Oireachtas committees, whose terms of reference permit the calling of persons and papers, statutory power to compel the attendance and the co-operation of witnesses and furnishing of documents. The 1997 Act also confers High Court privilege on all persons directed to give evidence or present documents to such committees. This is virtually identical to the absolute enjoyed by Members of the Houses. At committee sittings, the chairman always begins by stating that Members have absolute privilege, but that witnesses do not. This 1997 Act shows that they have a considerable privilege.

8 o'clock Powers to compel the giving of evidence and powers to grant privilege and immunity to those required to testify are the two elements essential to the legislation. The symmetry means that those compelled to answer questions must be given protection from any adverse legal consequences of complete responses. The committees in the Oireachtas have considerable powers, in spite of the view put forward that they did not have any powers such as those set out in the 1997 Act. The existing arrangements are a balance between the rights of individual citizens to due process and fair procedures, and the entitlement of the national Parliament to investigate and examine questions of urgent public concern.

The banking inquiry brought the issue to the fore again, which is why it is before the House tonight. The Government has already said that there will be an independent statutory commission of investigation, which will be established to identify, examine and report on the causes of the systemic failures in the Irish banking sector. Reports will be completed by the Governor of the Central Bank and by the two wise persons, Mr. Klaus Regling and Mr. Max Watson. These three men will appear before the finance committee in the next few weeks and they will listen to committee members' view and be briefed on our priorities for the investigation. They will also advise the committee of the methodology they will be using in their reports.

This Bill was drafted to facilitate an inquiry by a committee of the Oireachtas into the banking crisis, whereas the agreed framework of the inquiry will involve the Oireachtas at various stages. The Joint Committee on Finance and the Public Service will meet the Governor and the independent experts and brief them on our priorities for investigation. When those preliminary reports are completed, they will be laid before the Houses of the Oireachtas, and the committee will be invited to consider the findings in the reports. The terms of reference and the draft Government order to establish the statutory commission of investigation will be laid before the Oireachtas, and the report of the commission will also be laid before the

[Deputy Michael Ahern.]

Oireachtas. The committee will then give its consideration and it can hold public meetings on the report.

This Bill provides an opportunity for the views of the different parties to be made public. It provides an opportunity to the Minister of State to let people know what powers exist in the Oireachtas. It also provides an opportunity to make it clear that the banking inquiry is not a secret inquiry. There will be an input for Members of the Houses to discuss the reports that will be brought forward by the Governor of the Central Bank and the wise men. There will also be a discussion on the commission report when it comes before the Houses. This will provide people with an opportunity to examine and make their views known on the reports when they become public.

Deputy Jim O’Keeffe: If ever I needed to be convinced of the need for a change of Government, I am utterly convinced after the Government’s response this evening to the Labour Party Bill. The Government is so satisfied with the *status quo* that it does not even want to consider any change. In the Minister of State’s speech, he refers to the “existing arrangements or a balance, on the one hand, between the rights of the individual citizens to due process and fair procedure, and on the other, the entitlement of the national Parliament to investigate and examine questions of urgent public concern.” In other words, the Government is completely satisfied with the existing situation. He confirms this further by stating that “while the Bill goes some way to addressing issues arising from the Abbeylara Supreme Court ruling, it does not provide a complete solution and further consideration needs to be given to the issues involved.” Does the Government not realise what it is doing? It has this damp, cold hand that is there for years and years. It does not want to change anything. It is the party of the *status quo* and the message to the Opposition is not to upset that *status quo*.

This Bill is an extra tool in the arsenal of the Oireachtas, and it is therefore worthwhile. For that reason, I support it. I accept it is not a complete answer to the Abbeylara case. I would go much further, but my view would get into an area of constitutional ambiguity and possibly the need for constitutional change. I would not balk at the notion of constitutional change. I believe we should be aiming in that direction, but it is no fault of the Labour Party that it has produced a Bill that is clearly within the constitutional parameters, yet does not provide the complete solution, as the Minister of State pointed out. It is not a complete solution because it cannot be the complete solution. The good is not the enemy of the best. The Bill improves the current situation and makes clear that the Oireachtas has an inherent power to conduct inquiries. That is an advance in itself, because some of the judgments in the Abbeylara decision suggested that was not even accepted.

I am quite appalled at the reaction of the Government, as expressed by the Minister of State, Deputy Mansergh. We are not talking about an academic exercise. This is not just a theoretical situation. Various issues crop up every week before the Oireachtas that could conceivably lead on to some form of an Oireachtas inquiry. Over the years I have seen issues of major concern arise that led the calls for public inquiries. The tribunals were to be the answer to everything, but they led us into the sand. Days, weeks, months and years passed, reams of paper were used and, above all, dollops of taxpayers’ money were poured down the drain chasing beef on the dolly carousel and elsewhere. Money is still being poured down the drain. We accepted that this approach was not the answer and when we examined what was being done in other countries we saw the benefits of having efficient parliamentary inquiries done fairly, expeditiously and at

modest expense. I cannot understand how anybody who wants the democratic system to develop would not be imbued with the notion that we, too, should find a better way.

It is easy for the Minister to focus on whether the provisions of the Bill would send out the appropriate message regarding the banking inquiry. I will return to this issue because the Oireachtas could play a much greater role in the banking inquiry than has been provided for by the Government. That is not the issue, however. As a member of the Committee of Public Accounts, I am aware that the committee is restricted, hog-tied and constrained in terms of the work it is charged to do by parliament. It is unable to do its work as effectively as it should be done due to the constraints imposed on it.

What answer does the Government give when an honest attempt is made by Deputy Rabbitte on behalf of the Labour Party to advance the current position? It indicates it is satisfied with the *status quo*, we should not upset the apple cart and it will take time to consider these complex issues. These damn issues were considered by the Law Reform Commission in 2003 when it produced a report providing extensive advice on this matter. What action has the Government taken since the publication of the report? It has done absolutely nothing.

As I indicated, this is not a theoretical matter. The Fine Gael Party strongly believes a new approach to politics is required to prevent the democratic process from withering on the vine, as is occurring at present. We need to rejuvenate and reinvigorate politics by giving the Dáil a much more central role in the years ahead. The Government appears to take the opposite view.

Over the past 12 to 18 months on the Committee of Public Accounts, I have observed many difficulties. I do not propose, therefore, to focus on only one issue. However, given that a fair amount of information on the issue I propose to raise is available, even to Members who are not on the Committee of Public Accounts, as a result of the publicity associated with our investigation, I will speak of FÁS. There was clear evidence of unorthodox procurement practices — I choose my words carefully but Deputies will get the drift of my message — and a lax attitude to the disbursement of public moneys. These practices and this attitude gave rise to considerable concern among members of the cross-party committee whose members did not set out to make political capital out of the issue but sought to do their job of investigating the expenditure of taxpayers' money and whether it was being wasted. The committee does this job week in and week out in its dealings with various Departments and offices.

The issue on which I focus, however, is the accounts relating to the expenditure of more than €1 billion by FÁS. After extensive investigation and hearing of evidence, the committee wanted to arrive at conclusions. In doing so, however, it was constrained by the decision in the *Abbeylara* case. While in one sense everybody is willing to accept, as Deputy Rabbitte correctly noted, that an Oireachtas committee should not find someone guilty of unlawful killing, at the other extreme, a lawfully and properly appointed, all-party committee genuinely seeking to do an honest job and produce conclusions which appear to be fully justified by the evidence was constrained from so doing by the same decision. This highlights the need for change to improve the current position.

While I would go further than the provisions of the Labour Party Bill, I appreciate that in doing so, one would have to plan one's steps carefully. I utterly reject the Government approach that nothing should be done. That is not acceptable from the point of view of the democratic process, even if that sounds theoretical. Members are paid by the taxpayer to do a job and if we are constrained from doing it, we must ensure we change procedures and legislation and, if necessary, seek to change the Constitution to ensure we do our job properly. The

[Deputy Jim O’Keeffe.]

alternative is to sit back and accept that we do not do our job properly. This attitude, which emanates from the Government benches, is not acceptable.

I indicated that arriving at a finding of blame creates ambiguity. While the Supreme Court judgment in the *Abbeylara* case was held by a majority of five to two, when reading their judgments different judges chose to emphasise different aspects of the case. While I accept that one cannot directly attribute blame to an individual, in certain circumstances one should change the procedures to enable one so to do. I accept, however, that in changing these procedures, one must take into account the views of the judges in the *Abbeylara* decision and the views of the judges *In re Haughey*, an earlier case arising from the investigation by the Committee of Public Accounts into the arms trial money. Essentially, the outcome of the latter case established the procedures for fair process. This leads into some complexities as to how one would establish such a fair process if one came to a view that blame could be attributable to a person other than an officeholder, a private individual or an employee of a State agency. One would have to establish a fair process so that the person would be fully aware of the charges and given an opportunity to defend himself or herself.

The overall picture is that the current position is unsatisfactory and does not allow parliamentarians to do the job we were elected to do. This leads me to the banking inquiry. It is not possible without some change in the law to get a decent outcome by a parliamentary inquiry but it could make some contribution to an open, transparent investigation into banking.

I do not intend to rehearse the ground regarding the approach adopted by the Government but is it a coincidence it does not permit any inquiry into decisions made by banks and regulators? Regarding the limitation of the time in which the investigation can be made, is there a possibility of investigating the tax, regulatory and other economic policies, particularly during the tenure of, say, the Taoiseach when he was Minister for Finance? It appears to me that there is not. Is it a coincidence that it is not possible under the present position? I do not believe so. That would not happen if we had a parliamentary inquiry because that would be more open and transparent. It would be in public; the commission of investigation will not be in public. If it were conducted in the same way as the Committee of Public Accounts it would be done in a fair way. I am very impressed by the attitude of colleagues on all sides in the Committee of Public Accounts where an honest effort is made to try to trace the truth rather than any effort to——

Deputy Pat Rabbitte: Take advantage.

Deputy Jim O’Keeffe: ——take political advantage out of a position. There is no reason a banking inquiry by the Oireachtas should not be conducted in a similar fashion.

Where do we stand now as a result of where the Government leads us? The approach, if not in the letter certainly in the spirit, leads to the Constitution being denied, and the Constitution clearly states that the Government shall be responsible to Dáil Éireann. When I say “the Government” I mean the members of the Government and the Government agencies being responsible. I do not believe that is possible with the way we are currently set up in regard to Oireachtas inquiries. The political reality, and this was touched on in the consultation paper of the Law Reform Commission, is that the Oireachtas is responsible to the Government because the Government controls the Dáil. It has a majority. The Government controls the Seanad. It probably has a majority already but Éamon de Valera made sure the Taoiseach’s 11 nominees

would provide for a Government majority in the Seanad. The Government controls the business of the Oireachtas.

I do not see the Government being genuinely responsible to the Dáil. That concerns me because in the time since I was elected, which is some time ago, I have seen more and more power draining from the Dáil and being seized by the Executive, and many of the processes and procedures of the Dáil aid that position. The inability generally to raise current matters other than on Leaders' Questions two days a week is an example, and the fact that in many instances parliamentary questions are treated virtually with contempt by many Ministers. In some instances parliamentary questions are not answered at all and are referred to some State quango. Some €15 billion — Deputy Rabbitte will correct me if I am wrong — is spent on health services throughout the country, most of it disbursed through the Health Service Executive, yet we cannot discuss the expenditure of that money on the floor of the House by way of parliamentary question or otherwise.

Deputy Pat Rabbitte: It is crazy.

Deputy Jim O'Keeffe: That €15 billion is half the amount we currently raise in taxes.

I would like to see an all-party view emerge from this House that we do not accept the current position and that we should improve it. As a first step we should support the Labour Party Bill. It is only a first step but the notion of rejecting the Labour Party Bill, going back to base as far as the Government is concerned and forgetting about the issue is not acceptable.

There are ways even under existing instruments, and this arose in the discussion on the banking inquiry, where the Government can be much more positive in the way it addresses the constitutional and procedural problems that tie our hands in this House. Questions are raised under the Committees of the Houses of the Oireachtas (Compellability, Privileges and Immunity of Witnesses) Act 1997. It is purely procedural, limited in application and so on.

The question arises also of the attendance of, say, bankers in that they could not go before a parliamentary committee. It would be very simple to solve that. If we wanted to require the attendance of bankers before a parliamentary committee, we need not resort to the 1997 Act. We could make it clear, through an amendment to the scheme that accompanies the Credit Institutions (Financial Support) Act, which is due for renewal in the current year, that the continuing financial support of the financial institutions could be made conditional and dependent on full co-operation with any inquiries by the Oireachtas.

There are ways of solving all these problems. Daniel O'Connell talked about driving a coach and four through any legislation with which he did not agree coming from the House of Commons. We must have a mind to drive a coach and four through some of the complexities and the difficulties that are used as an excuse for doing nothing in dealing with the problems confronting the development of our democratic system.

Where does that leave us? I say on my own behalf, from my many years of experience here, and on behalf of my party that there is a major need for reform. "Reform" is a loose word which turns people so I will spell it out. We need to change the processes and procedures here. We have been talking about changing the Standing Orders almost from the time I was elected to this House. Why does the Government not do it? I challenge the Government to do that. It is holding up the process. Why do we not change the way we do the business in our Oireachtas committees and make them more effective? We can and should do that.

[Deputy Jim O’Keeffe.]

The Bill before the House does not just deal with an academic issue. It is not a theoretical issue. It is a practical issue as to the future of our democratic system. It is a test of us all as to the way we deal with the approach proposed by the Labour Party. With a heavy heart I say the Government has failed that test. I ask its members to examine their hearts and ask if they are committed to change. If they are, they should bring forward proposals. If they are not, they should get out and let some other parties into Government that will do a decent job for this country.

Debate adjourned.

Adjournment Debate.

Mental Health Services.

Deputy Dan Neville: I thank the Ceann Comhairle for allowing me to raise this issue on the Adjournment. I welcome the Minister of State with responsibility for mental health and disability services, Deputy Moloney, to the House to reply. There is an urgent need to invest in services for child and adolescent psychiatry. It is not acceptable that more than 2,600 children and adolescents are on waiting lists for mental health services, with more than one quarter of those waiting more than one year to access those services. It is accepted that early intervention and treatment are crucial to full recovery from child and adolescent psychiatric difficulties. Children have a right to enjoy the highest possible standard of mental health. They have the right to enjoy a sense of well-being, control over their lives and the ability to realise their potential. Good health comes from having a balance between all aspects of life, social, physical, spiritual and emotional.

To vindicate the right to mental health, children need a supportive environment for themselves and their families, and appropriate support and services when they experience difficulties. However, the reality is that children’s right to mental health is not being vindicated. For example, in a shocking violation of their human rights, children continue to be treated in adult inpatient units. They face unacceptably long waiting lists to access services and there is patchy service provision across the State. Official responses fail to meet basic needs and there is a lack of focus on early intervention and promotion that could prevent future problems. With no national directory of services, navigating the system can be a nightmare for children and their families. Insufficient supports are provided for Ireland’s most vulnerable young people, namely, those in the care and youth justice systems. The mental health system fails to effectively link with education in the early years — the first point of contact for children outside of the family — which is a crucial missed opportunity.

Children’s rights must be respected so that every child is able to reach his or her full potential. This is not a pipe-dream but a vision that should now become reality. The Government must support best practice and move towards the provision of mental health services for children from early childhood up to early adulthood. Today’s children are tomorrow’s workers, parents, teacher and leaders. We must invest now in their well-being; to do otherwise violates their rights and makes little economic sense.

New consultants appointed to deal with growing waiting lists in child and adolescent mental health services have only one third of the front-line staff required and often have no premises

from which to work. Despite having the fourth highest rate of suicide in Europe among 15 to 24 year olds, the latest Health Service Executive figures indicate, as I referred to earlier, that more than 2,600 children and adolescents are on waiting lists for mental health services, with more than one quarter of these waiting more than year. Only 55 of the promised 99 community mental health teams have been delivered. Despite the appointment of additional consultants, a lack of resources means there are significant limits to what can be achieved. Unpublished details from a recent report show that managers of child and adolescent mental health services raised serious concerns about their inability to deliver comprehensive services because of pressure on staff.

The Government's framework for mental health provision, *A Vision for Change*, identified the deficiencies in existing child and adolescent psychiatry services. For instance, it acknowledges that child community mental health teams and services are well below the norms recommended by the working group on child and adolescent psychiatric services. The document also points to the inequitable variation in the distribution of child services throughout the State and acknowledges that dedicated adolescent mental services are virtually non-existent on a national basis. *A Vision for Change* asserts that paediatric liaison services are not available in the majority of major hospitals outside the three national children's hospitals in Dublin. It also accepts that mental health services for autism and autism spectrum disorders are not always accessible and that there are insufficient inpatient and day hospital facilities and no dedicated child and adolescent forensic teams. The Minister must fast-track the provision of these services without delay.

Minister of State at the Department of Health and Children (Deputy John Moloney): I thank Deputy Neville for raising this important issue. I begin by reaffirming the Government's commitment to providing 100 beds for child and adolescent services during the term of *A Vision for Change*. The latter is a ten-year programme, launched in 2006, and, as such, it is a work in progress. I propose to outline to the House the progress to date in the area of child and adolescent psychiatric services.

A Vision for Change provides a framework for the development of mental health services and proposes the development of a comprehensive child and adolescent service for children up to the age of 18 years. Traditionally, adult mental health services were responsible for 16 to 17 year olds and admissions to approved centres in that age group were to adult facilities. The Mental Health Commission recently issued an addendum to the code of practice relating to the admission of children under the Mental Health Act 2001 which seeks to ensure that by 1 December 2011, no child under 18 years will be admitted to an adult psychiatric unit. We intend to meet that commitment.

As I said, *A Vision for Change* will be implemented over a period of seven to ten years and must therefore be viewed as a work in progress. As part of the process of implementation there is a need to expand the child and adolescent service to enable it to cater for 16 and 17 year olds. In this regard, the Health Service Executive has prioritised the development of child and adolescent services and there have been significant improvements in those services in recent years. For example, inpatient capacity has more than doubled since 2008 and we now have 30 dedicated child and adolescent beds- ten in Galway, 12 in Dublin and eight in Cork. I had the great pleasure last year of officially opening the new child and adolescent units at St. Stephen's Hospital, Cork and at St. Vincent's Hospital, Dublin. In addition, two-20 bed units are under construction at Bessboro, Cork and Merlin Park, Galway. It is anticipated that construction will be completed on both of these developments and the beds commissioned in 2010. Further

[Deputy John Moloney.]

beds will be provided in the context of the Health Service Executive's mental health capital programme. I hope to provide more specific details in this regard on 1 March.

Budget 2010 provided for a multi-annual programme of capital investment in high priority mental health projects consistent with A Vision for Change, to be funded from future disposals. In 2010, the Health Service Executive may proceed to dispose of surplus assets and reinvest an initial sum of €50 million in the mental health capital programme. Provision for continued funding of the programme will be made in the 2011 Estimates and subsequent years, in the light of the previous year's programme of asset sales. However, in providing more child and adolescent beds, I am conscious that we must take care to ensure our services do not become imbalanced in favour of inpatient treatment. The capital programme will therefore also provide for community facilities in terms of day hospitals and outpatient clinics. Only those children with the most severe disorders should be admitted as inpatients and, when admitted, the aim of the service must be to discharge the child back to his or her family and ongoing care in the community at the earliest possible date. The establishment of further multidisciplinary child and adolescent mental health teams is therefore a priority for the Health Service Executive. At present there are 55 teams in place throughout the country and a further eight are in development. The development of additional community-based services coupled with the provision of additional inpatient capacity represent significant progress in the provision of mental health services for children and adolescents.

The Health Service Executive launched the first annual report on child and adolescent mental health services last October. This report provides a comprehensive picture of the stage of development of Child and Adolescent Mental Health Services as well as providing important information on the young people presenting with mental health issues and how the nature of their condition changes with age. As this is the first report of its kind, many of the measures in the report do not have historic comparators and therefore it is too early to draw trends. However, the executive now has comprehensive information from which to monitor the mental health of children and adolescents, and this will inform the development of services that respond to their needs. The data will also enable the HSE to determine what is being delivered for existing resources, review resource distribution and, importantly, to develop minimum data-sets, key performance indicators, standards and care pathways. Information is now to hand which indicates how the needs of children change as they mature and this will help to inform policy and service planning for the years ahead.

I thank Deputy Neville for raising this matter. I reaffirm the commitment that the target number of child and adolescent beds specified in A Vision for Change is 100. I hope we can deliver on that within the timeframe involved.

Departmental Staff.

Deputy John Browne: Through the Acting Chairman I thank the Ceann Comhairle for allowing me the opportunity to raise this issue.

The busiest social welfare local office in the country is in Cork and the second busiest is in Anne Street, Wexford. There is a major difference in the two offices. The social welfare local office in Cork has twice the number of staff as the social welfare local office in Wexford. Approximately 21,000 claims are being processed in the social welfare offices in Wexford which leads to its own problems in trying to get decisions. While the office has an excellent staff and at present may not be answering TDs queries, I have always found the staff in the social welfare

offices throughout County Wexford to be very helpful and supportive and going beyond the call of duty to ensure people's entitlements were dealt with as efficiently and as quickly as possible.

Like many other counties, Wexford was very much dependent on the building industry which is in a state of collapse. As a result a huge number of applications for job seekers' allowance has been made to the Department of Social and Family Affairs in Wexford town by PAYE workers and small building contractors, electricians and all those who were self-employed in the building industry. Many are waiting months on end for assessments and decisions which is causing severe hardship to individuals and families.

I ask the Minister to explain the reason for the low level of staff in the Wexford office dealing with practically the same number of applications as the Cork office. The Minister must act to ensure the Wexford office gets adequate staff to ensure all the applicants for social welfare benefits are dealt with efficiently and as quickly as possible and get a decision within a reasonable timeframe.

To make matters worse, there are six contract workers in the Department of Social and Family Affairs in Wexford. In recent weeks they have been given notice which will expire within a couple of weeks. This is a crazy decision, obviously taken by some bureaucrat in the Department's Dublin office. Some of these staff have worked there for two years. They are experienced in how social welfare claims are dealt with. They are *au fait* with how to deal with applicants as quickly as possible. I ask the Minister to ensure these contract workers remain in place until such time as the embargo is lifted and we can get permanent staff in Wexford. I appreciate an embargo is in place. I appreciate also that the Minister for Social and Family Affairs will find it difficult to get agreement from the Minister for Finance to get extra staff. Surely in the present climate given that 1,000 people in Wexford Town and approximately 3,000 across County Wexford are awaiting decisions on social welfare claims, the Minister must ensure there is adequate staff to deal with claims.

I welcome the Minister of State, Deputy John Moloney, who is very efficient in his own field and does a wonderful job. However, the Minister for Social and Family Affairs must explain to me and the people of Wexford the reason for inadequate staff in the social welfare local office in Wexford town and, more important, the reason she is threatening to withdraw the contract staff who do such a wonderful job in the Wexford office to supplement the permanent staff. I ask the Minister of State, Deputy John Moloney, to convey to the Minister, Deputy Mary Hanafin, my request that these contract workers remain in place and that the people of Wexford who have suffered enough through making applications for social welfare be dealt with with dignity and within a reasonable timeframe to ensure their claims come through.

Deputy John Moloney: I apologise to the Deputy that the Minister for Social and Family Affairs, Deputy Mary Hanafin, cannot be here to respond to the Adjournment debate.

I wish to explain on her behalf that no staff of the Department of Social and Family Affairs are being made redundant, either in Wexford town or any other location. From time to time, the Department recruits temporary staff for a variety of reasons. Temporary staff are primarily recruited to cover temporary absences of permanent staff arising from maternity or adoptive leave or long-term illnesses. On occasions temporary staff are used to cover permanent vacancies when there is likely to be a significant delay in getting permanent replacement staff. There are two types of contract offered to temporary staff, that is, contracts for a defined purpose and contracts for a defined period. These types of contract are used to ensure transparency of circumstances giving rise to the need to employ temporary staff. It is not possible for the Department to offer contracts of indefinite duration as this would lead to the accrual of unin-

[Deputy John Moloney.]

tended employment rights. Additionally, it is not possible or permitted for the Department to recruit temporary staff directly into permanent positions.

In 2008, two temporary clerical staff were recruited on a defined purpose contract to serve in the social welfare local office in Wexford to cover the absence of two permanent members of staff. One of the two was recruited initially on a three-month defined period contract. That person was then retained on a defined purpose contract to cover for that absence. Subsequently, both staff absences became permanent vacancies.

Permanent staff, through redeployment from other Government Departments, have now been sourced for the two permanent vacancies and both persons on temporary contract have been given two weeks' notice to expire on 26 February 2010, following an overlap period to allow for the training of the new staff.

In order to deal effectively with the increasing workload the Department of Social and Family Affairs has tackled the issues in a number of ways. Additional staff have been assigned to the offices including investigative staff, centralised decision making sections have been set up in a number of areas and a number of process improvement initiatives have been introduced.

Social and Affordable Housing.

Deputy Seán Sherlock: I raise this issue because a meeting of the northern committee of Cork County Council took place yesterday at which a decision was announced to dispose of up to 106 affordable units, under the auspices of Cork County Council, 51 of which are to be disposed of through local auctioneers and the remaining 55 through the social leasing schemes announced by the Minister of State at the Department of the Environment, Heritage and Local Government, Deputy Michael Finneran, some time ago.

I am concerned that these houses will not sell on the open market. There is not a snowball's chance in hell that they will sell on the open market. There is an over supply of affordable houses within local authorities and, particularly, within the northern division of Cork County Council. I am sceptical about any attempts by Cork County Council to use the social leasing scheme because that will come under the ambit of the housing associations. Anybody who takes up residence in any of those 55 houses which come under the social leasing scheme will never have an opportunity to purchase those houses. Any person who may be on an affordable housing list and who may be eligible for financing will not consider going down that road if it means that for the duration of that lease he or she cannot own the house. I am also of the view that the 51 houses it is proposed to sell on the open market will not be sold.

I propose that there must be a greater degree of flexibility on the part of the Minister when dealing with local authorities in respect of housing issues. If the 106 houses to which I refer were advertised as rent-to-buy type lettings, they could then be occupied, which is extremely important. After two or three years, the occupants could then decide whether they wished to purchase those houses.

In one estate in the Mitchelstown area there are 20 houses, ten of which will be disposed of through the social leasing scheme while the other ten will be disposed of through the affordable housing scheme. For every day these houses remain unoccupied, problems arise in the estate to which I refer. If its is left to auctioneers to try to sell these houses in a market in which no one is buying, I contend that they will remain unoccupied for some time.

I put it to the Minister of State that a degree more flexibility and lateral thinking would provide people who are living in the area with the opportunity to rent those houses. They could

do so through the social housing schemes or through a rent-to-buy scheme, under which they could eventually decide to buy if the opportunity arose. This would constitute a more common-sense and practical approach to dealing with the issue of unoccupied houses in certain estates.

Deputy John Moloney: I am taking this matter on behalf of the Minister of State at the Department of the Environment, Heritage and Local Government, Deputy Finneran. I thank Deputy Sherlock for raising this important issue and I welcome, in particular, support for the temporary use of unsold affordable units to accommodate households in need of social housing.

In the first instance, it should be recognised that there will always be a certain level of stock of unsold affordable units on hands at any given time, whatever the prevailing housing market conditions. The slowdown in sales of affordable housing has moved in step with the process of correction in the wider housing market. Prices of affordable homes provided by local authorities under the various affordable housing schemes, including Part V, were typically priced at around 25% to 30% lower than market prices. As market prices fell — in some areas they fell rapidly — this differential has been eroded or cancelled completely. This, coupled with the very strong surge in delivery of affordable units in 2008, particularly under Part V, resulted in a significant increase in the stock of affordable housing units for sale by local authorities.

Early in 2009, it was estimated that approximately 3,700 units were available for purchase. However, by that time the Department of the Environment, Heritage and Local Government had already begun working with local authorities and the affordable homes partnership to ensure that effective measures were in place. Last April, the Minister issued comprehensive guidance to local authorities which provided them with a wide range of options to ensure that unsold units would be brought into effective and early use.

While the priority was still to sell affordable homes to eligible purchasers, in circumstances where this provide to be impractical in current market conditions, housing authorities were asked to undertake a comprehensive evaluation of the options for dealing with these properties, including their deployment for social housing purposes where appropriate and having regard to the principles of sustainable communities. Specific options put at the disposal of authorities in this regard include the sale of units under the incremental purchase scheme, use of the units to provide social housing supports for an initial period of five years or, in exceptional circumstances, the transfer of unsold affordable units into permanent social housing stock.

Since that guidance was issued, considerable progress has been made on both sales of affordable homes with, despite the difficult economic and banking climate, over 1,300 affordable homes sold in the first nine months of 2009, and the deployment of a further 1,300 unsold affordable homes for other purposes, including temporary use under the social leasing or rental accommodation schemes. As a result, the number of units on hands has now come down to just over 1,000. This excludes those which are in the process of being sold or which have been earmarked for use for other housing purposes. Local authorities with remaining stock on hands — including Cork County Council with a total of 135 units remaining unsold — are actively considering the options available to them to bring these units into use as soon as possible. The Department of the Environment, Heritage and Local Government is also considering the feasibility of introducing a rent-to-buy scheme in a small number of local authority areas.

The comprehensive range of options introduced last year has achieved considerable success. The immediate focus for affordable housing is on carrying forward those measures to ensure the most effective deployment of the remaining unsold stock. This will continue to be informed by the need to match existing vacant stock with the needs of those requiring housing supports, whether affordable or social.

School Staffing.

Deputy Brian Hayes: It is an disgrace that the Minister for Education and Science is not in the House to take this important matter, which was been raised by three of the four Members representing Dublin South-West. This matter came to the attention of the House both last week and the previous week. We are dealing with it in a serious way but the Minister for Education and Science is not present. That speaks volumes.

The loss of ten teaching posts and between eight to 12 SNAs from St. Joseph's Special School in Balrothery, Tallaght, will make it impossible for the school community to exist. What has been put forward by the National Council for Special Education is nothing short of a butchering exercise on the part of a quango that has been asked to do the dirty work of the Minister for Education and Science.

Many believe that the current review of SNA provision nationally is nothing more than an exercise in cutting back support to the most vulnerable children in our education system. Specifically in the case of St. Joseph's, I am asking the Minister for Education and Science to hold off on the impending removal of four SNAs from the school on Friday next, 19 February. I am also asking him to hold off on the removal of a further four SNAs by 12 April. I request that he and the NCSE work out a solution to this issue.

The Minister for Education and Science has the power to stop this madness. I ask him to visit the school in order that he might see, at first hand, the work of the school community. I also want him to see the profound educational disabilities that effect many children in this school. In such a school environment, teaching and care resources can make all the difference. The Minister's decision to effectively demolish the resources of this school make a mockery of the alleged commitment that is afforded children under the Education for People with Special Educational Needs Act. This is an Act the Oireachtas that is now frozen in time.

Taken together the impending loss of SNAs with the possible reduction of ten teaching posts from the school represents an outrageous loss of essential teaching resources. It is implied that many of the children in this school could function perfectly well in mainstream school settings.

9 o'clock This is patently untrue and is nothing short of nonsense. The NCSE has made it clear to the school authorities what exactly it requires in respect of documentation. The Minister should now order new psychological assessments if he considers that the information supplied is incomplete. The arguments surrounding documentation supplied to the NCSE constitute nothing more than a red herring. I and my colleagues demand a stay of execution. I reiterate that it is an a disgrace that the Minister is not present to take this matter.

Deputy Pat Rabbitte: I understand that, in the current climate, it is necessary to make both savings and cuts. However, it is indefensible to suggest that those savings and cuts should be made on the backs of the most vulnerable in society. I intend no disrespect to the Minister of State, Deputy Moloney, when I agree with the assertion on the part of Deputy Brian Hayes that the Minister for Education and Science should be present.

I sincerely hope the Minister of State will not read out a script supplied by the Department of Education and Science which mirrors the contents of a letter I received earlier today from the Minister for Education and Science. The relevant sentence in that letter reads, "There is absolutely no question of SNA posts being removed from schools where they continue to meet the scheme's criteria". It is the latter phrase which undermines any value the letter might have. The NCSE is going to find that St. Joseph's does not meet the scheme's criteria. As the principal in the school has made plain, it is not possible to measure mild learning disability merely by

ticking one box. There are many factors that constitute learning disability in these circumstances.

This school has an outstanding record. The parents fought over the years to make it the type of school it is today. It is unthinkable that the Minister should intervene in the middle of the school year and impose cuts like this. I join with Deputy Brian Hayes in pleading with the Minister to defer consideration of these cuts until there is an opportunity to sit down with the Minister, because it is the Minister and not some quango who has the power — by making one telephone call — to stop this from happening to St. Joseph's Special School at Balrothery in Tallaght.

Deputy Charlie O'Connor: I welcome this opportunity to join my colleagues in raising this Adjournment debate. I thank the Ceann Comhairle for his courtesy in the matter and the Minister of State, Deputy John Moloney, will not be offended when I state that I too am disappointed and upset that the Minister was not able to be here. The matter I put before the Ceann Comhairle sums up my views on this issue — I call on the Minister to postpone and review the decision of the special educational needs organisers of the National Council for Special Education on the teaching posts and special needs assistant allocations at St. Joseph's Special School at Balrothery in Tallaght, which is in my constituency.

I will not repeat what my colleagues have stated. We have all been to the school and we have known it for a long time. The Gallery is packed, which is very unusual at this time of night. Teachers, parents and pupils are particularly concerned about this difficult situation. It is very important to emphasise the point that has been just made. I cannot get my head around why anybody, and certainly a professional body, would take a decision to cut staff numbers — if that is what is proposed — in the middle of a school term. I cannot get my head around it but perhaps more experienced colleagues might be able to do so.

One of the points made to us all by the principal on behalf of the school community was that they remain willing to review their mission, to look at the education needs of the area and to respond in a co-operative manner and that it would be much less difficult to achieve this if the threat of drastic staff reductions were removed. Irrespective of what the script of the Minister of State says, that is the message we want to get to the Minister, Deputy Batt O'Keeffe. These decisions should be parked and reviewed and I ask the Minister to carry out that investigation and to respond to us in a positive way.

Deputy John Moloney: I apologise for the fact that the Minister cannot be here this evening and I will read the response on his behalf. I thank the Deputies for raising this issue as it gives me an opportunity to clarify the position on some of the matters raised.

The Deputies will be aware that the Department requested the National Council for Special Education, NCSE, to review all special needs assistant, SNA, posts because it had become clear that a number of SNA posts were in schools where the care needs of the pupils in the schools concerned did not justify such an allocation.

The NCSE, through its network of special educational needs organisers, SENOs, is at present carrying out a review of SNA allocations in all schools with a view to ensuring that the criteria as outlined in the Department's Circular 07/02 governing the allocation of such posts are properly met. SENOs are communicating the outcome of the review directly to schools as the review progresses. The allocation for any school and any adjustments to that allocation depend on a number of factors such as the number of pupils with care or medical needs leaving, the number of new pupils with such needs and the changing needs of the pupils. It is expected that the NCSE will have completed the review by the end of March.

[Deputy John Moloney.]

St Joseph's Special School is a designated school for children with mild general learning disability. I understand that the school has 89 pupils enrolled and a total staff of 20 teachers and 17 SNAs. The NCSE commenced a review of the SNA allocation in St. Joseph's in October 2009 and the results of the review were confirmed to the school on 8 February 2010. The NCSE has advised the school that it is to reduce the number of SNAs by four and that this should be achieved by 19 February. The NCSE has also advised the school that it will not alter the level of teaching staff in the school for the remainder of the current school year.

The NCSE is committed to engaging with the school authorities and all other relevant State agencies to manage the situation in the short term and to ensure a sound basis for staff levels in the interest of pupils. I understand the NCSE intends to meet with the school authorities shortly in this regard. The Department has already indicated to the NCSE that it is prepared to attend a meeting with the school if this is considered helpful. I understand also that the NCSE is arranging to meet with parents individually in consultation with the school authorities.

I want to emphasise what is really important here. The terms and criteria for the SNA scheme have not changed. Where the criteria justify, additional posts are being allocated. However, where the criteria are not met, there may be a reduction in an SNA allocation. There is no question of posts being removed from schools where they meet the scheme's criteria. However, there is also no question of posts being left in schools indefinitely where they are deemed to be surplus to the care needs of the pupils.

The Deputies are fully aware that the Department has prioritised the provision of special education supports to schools. This is a key Government policy. However, this does not mean that resources allocated in response to various historical factors are retained in schools *ad infinitum*. At a time of constrained resources it is essential that we ensure that public resources are deployed as effectively as possible. Resources left in an area that are not in accordance with criteria mean public resources are not available for another deserving area.

I am sure that the Deputies share the Minister's concern to ensure there is a consistent application of policy on the allocation of special needs supports throughout the country and this is all that is happening at present. The Department can assure the Deputies that supports will continue to be made available to schools which have enrolled pupils who qualify for such support, and children with special educational needs will continue to have access to an appropriate education in line with the Department's policy. Schools will continue to be allocated additional teaching and SNA support in line with current policies. These policies have not changed.

With regard to the role of special schools, the National Council for Special Education expects to be in a position shortly to provide to the Department a copy of the research it has commissioned concerning the role of special schools and special classes. Ultimately, it is expected that advice received from the NCSE will assist the Department with policy formulation on the role of special schools and special classes. The Department is anxious that the skills and expertise these schools have accumulated in supporting children with special educational needs is utilised to best advantage in providing for such children. The Department looks forward to receiving the report from the NCSE.

On behalf of the Minister, I thank the Deputies once again for raising this matter.

The Dáil adjourned at 9.10 p.m. until 10.30 a.m. on Wednesday, 17 February 2010.

Written Answers.

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

Questions Nos. 1 to 6, inclusive, answered orally.

Questions Nos. 7 to 69, inclusive, resubmitted.

Questions Nos. 70 to 77, inclusive, answered orally.

EU 2020 Strategy.

78. **Deputy Leo Varadkar** asked the Minister for Foreign Affairs the position regarding achieving agreement on the EU 2020 Strategy; and if he will make a statement on the matter. [7313/10]

Minister for Foreign Affairs (Deputy Micheál Martin): Given the backdrop of the most severe economic and financial crisis seen in generations, the need for a renewed approach on the part of the EU and its Member States, cannot be overstated.

The EU's Lisbon Strategy on growth and jobs did not achieve all of its targets but had its positive impact. There are useful lessons from it to be applied, as the EU works towards agreeing a successor strategy, which is currently being referred to as the "EU 2020" Strategy.

We welcome and support the priority that has been attached to this work, both by the new President of the European Council and by the Spanish Presidency.

We are of the view that any new Strategy must be effective in steering the comprehensive exit strategy from the financial and economic crisis in the short term, while also equipping the EU towards a higher sustainable growth potential, accompanied by job creation, in the medium to long term. In short, for us the primary focus for the EU 2020 Strategy should remain firmly on sustainable jobs and growth.

The new EU 2020 Strategy needs to provide the EU with an ambitious vision for the years ahead. The experience of the Lisbon Strategy has shown the need for a new strategy to have a sharp focus and concentrate on a limited number of key objectives to deliver jobs and growth. These should include: competitiveness, R&D, innovation, completion of the Single Market, employment activation measures and training, the sustainable use of resources, including the development of agriculture and food resources, as well as global trade.

[Deputy Micheál Martin.]

The Taoiseach was last Thursday in Brussels at an informal meeting of the European Council, which began consideration, under President Van Rompuy's chairmanship, of the new strategy. There was substantial buy-in to the overall approach and to the prioritisation of the task.

Last month, the Government made a submission to a European Commission consultation process on a future EU 2020 Strategy. The Commission will now bring forward formal proposals in advance of the Spring European Council meeting which will take place towards the end of next month (25-26 March), at which those proposals will be the subject of detailed discussion.

We look forward to continuing our close engagement with EU partners on the development of this important new Strategy and I have every confidence and expectation that agreement will be achieved on a dynamic and effective new forward-looking strategy during the course of the first half of this year.

Democratic Accountability.

79. **Deputy Ruairí Quinn** asked the Minister for Foreign Affairs his views on development, democratic accountability and equality in Angola; and if he will make a statement on the matter. [7170/10]

Minister for Foreign Affairs (Deputy Micheál Martin): Angola has undergone major development since the end of its civil war, one of the longest-running civil wars in Africa, in 2002. It has achieved rapid economic growth, thanks to a boom in oil production and high international oil prices. As Africa's largest oil producer, Angola's economic boom continues today, notwithstanding a temporary downturn in 2008/09.

Hopes that the ending of Angola's civil war would lead to more political openness have only partially been fulfilled. Angola's first parliamentary election since 1992, and only the second since 1975, took place in September 2008. While an EU election observation mission welcomed the peaceful conduct of the elections it did not, however, go as far as describing them as free and fair. Indeed, in January the ruling MPLA party used its two thirds majority in parliament to push through a new constitution which reinforces the position of President José Eduardo dos Santos, who has ruled Angola for over thirty years, including by abolishing the provision for the election of the President by popular vote and allowing him to serve for two further five year terms.

Ireland-Angola relations are limited, and there have been few opportunities for political dialogue in recent years. However, conscious that the country's rapid economic growth masks huge inequalities, Irish Aid does provide some funding to the Angolan people, amounting to almost €7.6 million since 2006. This funding is channelled through Irish and international NGOs including Trócaire, Concern and Christian Aid and through Irish missionaries. These funds have been employed in programmes combating HIV & AIDS, reducing food insecurity and promoting good governance as well as on various humanitarian assistance projects.

On a broader level, the promotion of democratic accountability and equality in order to ensure equitable and sustainable development is a policy priority of the Irish overseas aid programme. Our work in this area includes participation in election monitoring and support; support for parliaments and parliamentary reform; support for strengthened public financial management systems and oversight bodies; and support for civil society, including independent media. Irish Aid will continue to prioritise support to this important area and help to ensure effective, equitable and accountable governance in developing countries, particularly in Africa.

Departmental Property.

80. **Deputy Michael D'Arcy** asked the Minister for Foreign Affairs the values of properties held by Irish embassies abroad; and if he will make a statement on the matter. [7075/10]

Minister for Foreign Affairs (Deputy Micheál Martin): The State owns 37 properties abroad. Their estimated value is currently in the order of €153 million. However, I would caution that this estimate is subject to the price volatility of the current property market across the globe.

These properties have been acquired for use as office premises and official Residences of Heads of Mission. They provide platforms to enable our Missions to raise Ireland's international profile and fulfil their varying responsibilities. These include providing services to the public, promoting Irish economic interests abroad and representing the State in international organisations. Properties are purchased with the approval of the Department of Finance in circumstances where it makes good business sense to do so and where funds are available.

UN Conventions.

81. **Deputy Róisín Shortall** asked the Minister for Foreign Affairs if, in compliance with the UN Convention on the Rights of Persons with Disability, Article 11, he will ensure that issues of disability will be included in all aspects of planning and relief through humanitarian intervention. [7173/10]

Minister for Foreign Affairs (Deputy Micheál Martin): The Government fully recognises the importance of ensuring that the specific needs of people with disabilities are taken into account in all humanitarian planning and programming. Our approach is entirely consistent with the provisions of Article 11 of the UN Convention on the Rights of Persons with Disabilities, which relates to the protection and safety of persons with disabilities in situations of risk, including humanitarian emergencies.

In such situations, people with disabilities may, for example, encounter specific difficulties in accessing services and support. They may face additional risks as a result of dislocation and displacement. They may be overlooked in the provision of assistance as a result of the breakdown of their usual social support networks. In some cases, humanitarian emergencies not only increase the vulnerability of people already living with disabilities, but add to their number, through serious injury. The recent devastating earthquake in Haiti, for instance, has resulted in at least 1,000 amputees, with many others suffering serious long term injury.

It is important to recognise that experience has shown that people with disabilities, and indeed disaster-affected populations more generally, are remarkably resourceful in the face of emergencies, developing their own coping and recovery strategies. Our approach, as a donor responding to humanitarian emergencies, is to make sure that our assistance is channelled to projects and programmes which encourage and support these coping strategies.

Internationally, the agreed professional standards for humanitarian action in crisis situations, such as that in Haiti in recent weeks, are clearly set out in a document known as the Sphere Handbook. These standards were developed through an extensive global consultation process which began in 1997 and drew on the expertise of more than 400 Non-Governmental Organisations, UN agencies and academic institutions. They are based on the obligations under international humanitarian, human rights and refugee law. The objective is to ensure that the needs of vulnerable groups, such as people with disabilities, are taken fully into account in all emergency programming. Ireland, through our overseas aid programme, funded this initial consultation exercise. We are also supporting an ongoing review and update of the standards.

[Deputy Micheál Martin.]

In the context of Ireland's assistance to the people of Haiti following the earthquake, Irish Aid has emphasised to all agencies the importance of ensuring that the needs of people with disabilities are taken into account. The Irish Aid technical team which I asked to travel to Haiti in the immediate aftermath of the earthquake has reported on its assessment of priority needs at this stage. The team specifically identified people with disabilities, including those wounded in the earthquake, as a vulnerable group in need of particular attention. I was pleased to note recently that, as part of the operational coordination mechanisms on the ground in Haiti, a sub-group on disability has been established. I believe that this will help focus additional attention on the needs of people with disabilities in Haiti.

Foreign Conflicts.

82. **Deputy Jack Wall** asked the Minister for Foreign Affairs his views on the evidence of a person (details supplied) at the Goldsmith inquiry into the invasion of Iraq, that a consensus of legal opinion held that going to war in Iraq was a clear breach of international law, and that in so far as statements by the then Taoiseach to Dáil Éireann, in relation to the Iraq war, relied on similar materials and arguments as those used by then British Prime Minister; his further views on whether the answers to questions, and the discussion of motions in Dáil Éireann, was also relying on false information. [7163/10]

Minister for Foreign Affairs (Deputy Micheál Martin): Speaking in Dáil Éireann on 20 March 2003, at the commencement of the debate on a Government motion tabled by the Government noting the imminence of military action by a United States led coalition against Iraq, the then Taoiseach said the following in relation to the interpretation of Security Council Resolution 1441: "Ireland made its position clear in the Security Council, immediately after the vote [to adopt Resolution 1441]. We said it was for the UN Security Council to determine what action should be taken in the event of continued Iraqi non-compliance. Other members of the Council, including most notably the United States, stated their view that a second resolution was not a precondition for military action. They pointed to their strong conviction that there was an outstanding mandate for the use of force based on previous resolutions. They were not willing to bind themselves to the obligation of waiting for a future resolution which, in their view, might unreasonably be denied.

There is no clear legal consensus on whether such a mandate exists. The arguments advanced by the coalition are supported by a number of countries which are not participating in military action. Ireland, however, cannot participate in a military campaign without an explicit, further UN mandate."

It is clear from the above that the then Taoiseach was simply recognising the fact, very much evident at the time, that there was no consensus on the legality of the invasion of Iraq, while making very clear the position of the Government that Ireland could not and would not participate in military action against Iraq in the absence of a further Security Council Resolution endorsing such action.

Question No. 83 answered with Question No. 77.

Tax Code.

84. **Deputy Ruairí Quinn** asked the Minister for Foreign Affairs his views on the reputational damage to Ireland by the use of Ireland as an effective tax haven for five of the world's top arms manufacturers; his further views on the reported comment in a publication (details

supplied) that the location of such firms here is based on an assumption of not asking foreign countries about their affairs. [7171/10]

Minister for Foreign Affairs (Deputy Micheál Martin): It is important to note that Ireland is not regarded as a tax haven by either the OECD, the United States or any of the other major industrialised countries of the world. This is evidenced by the large and growing network of tax treaties that Ireland has in place with other countries around the world.

Ireland has now signed comprehensive Double Taxation treaties with 56 countries. Our Treaty network is rapidly expanding and now includes agreements with non-EU and non-OECD members. Ireland has also recently signed 14 Tax Information Exchange Agreements with other jurisdictions. These allow Revenue to request information (bank account or beneficial ownership information), which is relevant to an investigation here directly from the parties to these agreements.

Furthermore, Ireland does not encourage the establishment of brass plate operations which seek to simply avail of our low corporate tax rate. For this reason, while our corporation tax rate on trading activity is 12½%, our corporation tax rate on passive income is 25%.

There is no special treatment for arms manufacturers in Ireland. All of the companies referred to by the Deputy are registered in Ireland with the Companies Registration Office and are part of multinational corporations which are engaged in a wide range of activities internationally including the production of commercial building products, telecommunications and civilian aircraft manufacturing and leasing.

As the Deputy will be aware from the publication to which he has referred in his question, the companies mentioned do not manufacture military material or equipment in Ireland, nor are they involved in the export of such items from Ireland.

Exports of military equipment and dual use items from Ireland are regulated by the Export Control Act of 2008. Accordingly, any company or individual wishing to export military equipment must apply to the Department of Enterprise, Trade and Employment for a licence to do so. In addition, Ireland fully subscribes to the EU Common Position defining common rules governing the control of exports of military technology and equipment adopted in December 2008. Ireland is also an active member of the main international export control regimes.

Ireland has been and continues to be at the forefront of developments in International Humanitarian Law and our reputation as a leading proponent for international disarmament is well established. I do not believe that our reputation in this regard is in any danger and I can assure the Deputy that it is my intention to continue to strongly support this aspect of my Department's work.

Emigration Issues.

85. **Deputy Emmet Stagg** asked the Minister for Foreign Affairs the efforts he has made and the prospects or progress in legalising the status of the undocumented Irish community in the United States of America; and if he will make a statement on the matter. [7160/10]

106. **Deputy Denis Naughten** asked the Minister for Foreign Affairs the progress made to date on resolving the issue of undocumented Irish in the US; and if he will make a statement on the matter. [7232/10]

Minister for Foreign Affairs (Deputy Micheál Martin): I propose to take Questions Nos. 85 and 106 together.

[Deputy Micheál Martin.]

Finding a solution for our undocumented citizens in the United States continues to be an important priority for this Government. We are also committed to enhancing our bilateral migration arrangements with the US through the establishment of a reciprocal two year renewable visa scheme, known as the E3 visa, and the further development of the recently agreed working holiday programme.

The issue has featured in a significant way in my recent contacts with the US Administration and members of Congress, including during my meeting with Secretary of State Clinton in Dublin last October. On my visit to Washington and New York on 14-17 October, I held extensive discussions on the prospect for progress on immigration reform with a significant number of key Democrats and Republicans in Congress. These included the Chair of the Senate Judiciary Committee, Senator Patrick Leahy, Senator John McCain, Senator Lindsey Graham, Senator Jeanne Shaheen, Senator Chris Dodd, Senator Bob Casey, the Chair of the House Sub Committee on Immigration, Zoe Lofgren and the members of the House of Representatives Friends of Ireland Group. I also discuss the matter on a regular basis with Ambassador Rooney, including during our most recent meeting on 22 January.

There remains considerable support among key political figures in the United States for efforts to find a solution for the Irish undocumented and for the E3 visa initiative. However it has been made clear to us that the undocumented can only be provided for through comprehensive immigration reform.

Supporters of reform had hoped that a comprehensive bill, which would address the concerns of the undocumented, would be introduced and make progress in Congress early this year. However, the outcome of the recent senate election in Massachusetts, the ongoing effort to pass health care legislation and the forthcoming mid-term elections, could combine to complicate the political prospects for the passage of immigration reform.

Our Embassy in Washington continues to maintain very close contact with the Administration and key contacts in Congress to ensure that Irish interests are considered as part of the ongoing debate over immigration reform. The issue will also be raised by the Taoiseach and I during our St Patrick's Day visit to the United States.

The Government also continues to maintain close contact with the Irish Lobby for Immigration Reform to which we have provided a total of \$285,000 in funding under the Emigrant Support Programme since 2006.

Diplomatic Representation.

86. **Deputy Billy Timmins** asked the Minister for Foreign Affairs when he was informed that the Swedish Embassy is due for closure; and if he will make a statement on the matter. [7072/10]

103. **Deputy Seán Sherlock** asked the Minister for Foreign Affairs his views on the recent decision by the Swedish Government to shut its embassy in Dublin. [7149/10]

Minister for Foreign Affairs (Deputy Micheál Martin): I propose to take Questions Nos. 86 and 103 together.

On 21 January, the Swedish Ministry of Foreign Affairs announced that the Swedish Government had decided to close a number of Embassies, including its Embassy in Dublin.

The Irish Government very much regrets this decision, and I made this clear to my Swedish counterpart, Mr. Carl Bildt, when he telephoned me to communicate the decision on the evening before the official announcement was made.

Ireland and Sweden share a wide common agenda, through our EU membership and through our very similar outlook on foreign, security, disarmament and development issues, as well as serving together on a number of UN peace keeping missions. That was exemplified most recently in particularly effective communication and cooperation during the recent Swedish Presidency of the EU Council. Against the background of the increased pace and scope of EU integration it is our view that the conduit provided by bilateral Embassies has particular value. We intend to use all available channels, including our Embassy in Stockholm, to pursue our cooperation in these priority areas. In 2007, the latest year for which figures are available, exports of Irish goods and services to Sweden were worth over €2bn, more than twice the value of imports from Sweden. Over a dozen Swedish companies have operations in Ireland employing about 2,000 people. Some 83,000 tourists visited from Sweden during 2008.

Ireland makes its own decisions on where we locate embassies on the basis of an assessment of what best serves the interests of the State and our people. Our view is that, given the extent to which decisions taken by the EU increasingly impact on Ireland and the daily lives of our people, it is in our interest to maintain a resident Ambassador in EU capitals to promote and pursue our policy interests directly with the governments and the parliaments of our EU partners. Our Embassy in Stockholm, which was established in 1946, is a very valuable component of our network.

Product Labelling.

87. **Deputy Arthur Morgan** asked the Minister for Foreign Affairs if his attention has been drawn to the issues surrounding the labelling of products from illegal Israeli settlements in Palestinian territory; the steps he will take, in conjunction with the Department of Enterprise, Trade and Employment, to deal with this issue. [7237/10]

Minister for Foreign Affairs (Deputy Micheál Martin): As I have stressed in this House on many occasions, the continued expansion of Israeli settlements in the Occupied Palestinian Territories represents a primary impediment to the two-State solution. It both prejudices the outcome of final status negotiations and undermines the fundamental viability of a Palestinian State. I also firmly believe that it weakens the standing of moderate Palestinian leaders and plays into the hands of extremists on both sides. These are points that both I and my officials have made directly and repeatedly to the Israeli authorities.

Within the EU, Ireland has long been among the most active Member States in ensuring that we convey our serious concerns about settlement expansion to the Israeli Government at every opportunity. The EU has made it very clear to Israel that settlement construction in the Occupied Territories, including East Jerusalem, is illegal under international law.

With regard to the issue of labelling of produce, I have been following the measures taken by the UK Government who in December issued new voluntary guidelines for retailers and importers to enable them to distinguish more clearly between produce grown in the occupied Palestinian territories and produce originating in Israeli settlements in the West Bank.

I believe that many Irish consumers might also wish to be aware if they are buying produce originating in illegal settlements and I support the introduction of a similar measure here in Ireland. Minister of State Dick Roche T.D. delivered a statement during an adjournment debate on the matter in the Dáil on 21 January which outlined in some detail our position on introducing guidelines in Ireland.

Product labelling is not the responsibility of this Department but rather is primarily a matter for other Government Departments. However, I have requested officials from my Department

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to discuss with the relevant other Government Departments how Ireland might follow the example of the new UK guidelines. This process is ongoing.

Foreign Conflicts.

88. **Deputy Eamon Gilmore** asked the Minister for Foreign Affairs the position regarding in Darfur where the recent International Criminal Court decision to charge a person (details supplied) which may lead to a charge of genocide. [7143/10]

Minister for Foreign Affairs (Deputy Micheál Martin): The persistence of the conflict in Darfur, albeit at a lower level than the intense violence of 2003-2004, and the ongoing suffering of the people in the region are of grave concern. The UN estimates that the past seven years of conflict there have resulted in the deaths of over 300,000 people and the displacement of nearly three million.

In March 2009, a Pre-Trial Chamber of the International Criminal Court (ICC) charged Sudan's President Omar Al-Bashir with two counts of war crimes and five counts of crimes against humanity, including murder, extermination, torture and rape, in Darfur. At the time, the Pre-Trial Chamber determined, by a 2-1 majority, that there was insufficient evidence of the specific intent required in order to demonstrate the crime of genocide, namely an intention to destroy, in whole or in part, the Fur, Masalit and Zaghawa groups, and so genocide was not included in the arrest warrant. Earlier this month, on the application of the Prosecutor of the Court, the Appeals Chamber unanimously reversed this ruling on the grounds that the Pre-Trial Chamber had used too high a standard of proof. The Pre-Trial Chamber will now reconsider whether to add three counts of genocide to the arrest warrant for President Bashir. As an independent judicial body, we fully respect both the independent process that led to the Court proceedings in relation to the issuing of an arrest warrant for the President and the proceedings themselves.

Ireland urges the Government of Sudan to cooperate in full with the International Criminal Court. We condemned the decision of the Sudanese Government to expel thirteen international NGOs from the country in response to the issuance of the arrest warrant last March. The decision to arbitrarily deprive innocent people — already victims of conflict — of basic humanitarian assistance was truly appalling. While the relationship of Ireland and the EU with the Sudanese Government is obviously affected by its failure thus far to cooperate with the ICC, it is important that we remain engaged in order to promote and support ongoing peace efforts and to provide whatever assistance we can to the large numbers of people displaced by the conflict in Darfur who are dependent on international aid.

Haiti Earthquake.

89. **Deputy Paul Kehoe** asked the Minister for Foreign Affairs the amount of funding that was allocated to the relief operation in Haiti; and if he will make a statement on the matter. [7078/10]

90. **Deputy Martin Ferris** asked the Minister for Foreign Affairs the ongoing support, both financially and in terms of resources and personnel, he will make available to help rebuild Haiti's shattered infrastructure and economy after the devastating earthquake. [7242/10]

99. **Deputy Jim O'Keeffe** asked the Minister for Foreign Affairs if additional support will be made available from official aid as opposed to from voluntary subscriptions to the non-governmental organisations to assist in the recovery and reconstruction of Haiti. [7138/10]

104. **Deputy John Deasy** asked the Minister for Foreign Affairs the amount of relief aid provided to Haiti following the recent earthquake; the nature of the aid provided; the way it was distributed; and if he will make a statement on the matter. [7174/10]

108. **Deputy Andrew Doyle** asked the Minister for Foreign Affairs if he will be making further humanitarian aid available to Haiti; his plans to ensure future support through Ireland Aid; and if he will make a statement on the matter. [7079/10]

112. **Deputy John O'Mahony** asked the Minister for Foreign Affairs if he will report on the relief efforts in Haiti; the Irish contribution to that relief effort; and if he will make a statement on the matter. [7248/10]

127. **Deputy David Stanton** asked the Minister for Foreign Affairs if he has provided personnel to assist with the relief effort in Haiti; the number of such personnel provided and their areas of expertise; the length of time they will be available to continue with the relief effort; and if he will make a statement on the matter. [7175/10]

147. **Deputy Deirdre Clune** asked the Minister for Foreign Affairs his plans to provide aid for the long term reconstruction effort in Haiti; the amount and the nature of such aid; the time period covered by such aid; and if he will make a statement on the matter. [7176/10]

Minister for Foreign Affairs (Deputy Micheál Martin): I propose to take Questions Nos. 89, 90, 99, 104, 108, 112, 127 and 147 together.

A major international relief effort is continuing in Haiti following the devastating earthquake of 12 January. The Government of Haiti estimates that well over 200,000 people died in the earthquake. Approximately 1.2 million people are believed to be living in temporary shelter in and around Port au Prince, while a further 480,000 are estimated to have left the city for rural areas.

The challenges to the international relief effort have been formidable. Haiti was already an extremely vulnerable country, and much of its key infrastructure was destroyed in the quake. Initially, the relief effort struggled with the sheer number of people in urgent need of assistance. However, an estimated two million people have now received vital emergency food aid.

At this stage, the priorities for the relief effort include food, provision of post-operative medical care, shelter and sanitation services for the displaced, protection of vulnerable groups, particularly children, and livelihood support, including cash for work. With the imminence of the rainy season, the provision of interim shelter, with adequate water and sanitation facilities, is particularly urgent.

So far, the Government, through Irish Aid in the Department of Foreign Affairs, has committed more than €3 million to the relief effort in Haiti. This includes our largest-ever humanitarian airlift, involving the chartering of a Hercules C130 and two DC 10 aircraft to transport more than 130 tonnes of essential humanitarian supplies from Irish Aid stockpiles. Sufficient shelter, water and sanitation equipment has been provided for 12,000 families, for distribution by three of our key NGO partners, Goal, Concern and Trócaire/Caritas.

In addition, an ICT specialist, an electrical engineer and a civil engineer were deployed from Ireland's Rapid Response Corps, to support the World Food Programme operation in Haiti. A fourth has deployed to work as a logistician with Concern. Two further members of the Corps are due to leave for Haiti in the coming days. The Corps consists of a roster of volunteers with highly-specialised skills in areas such as logistics, engineering, water and sanitation, who are available for secondment to the UN and other humanitarian organisations in need of their

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particular skills. It was established following the 2004 tsunami to enable members of the public with specific skills to make themselves available to assist in a humanitarian crisis.

Our direct bilateral support has been in addition to funding which the Government pre-positioned with the United Nations' Central Emergency Response Fund, which was available to the UN for immediate use in the aftermath of the earthquake. The Fund was established in 2006 to provide a pool of funding from which the UN could draw without delay during humanitarian emergencies. Ireland has provided a total of €73 million to the Fund since 2006, including €20 million in the past year.

I also sent a small technical team to Haiti to undertake an analysis of priority needs and to make recommendations for action by Irish Aid in the medium and longer term. The team has reported back to me and its recommendations are informing our examination of the role Ireland should play in assisting the recovery in Haiti.

A Post-Disaster Needs Assessment is now being carried out in Haiti by the Government of Haiti, the UN, the EU, the World Bank and the Inter-American Development Bank. It will be critical in identifying needs for the country's recovery over the medium to longer term, and will provide an important framework for international support.

The findings of the assessment will be considered in preparation for an international conference on the reconstruction of Haiti, which will be held in April. Ireland will make a significant additional multi-annual pledge at the conference, demonstrating our firm commitment to supporting the people of Haiti as they undertake the difficult task of rebuilding their lives and livelihoods.

Foreign Conflicts.

91. **Deputy Paul Kehoe** asked the Minister for Foreign Affairs if he has made a request to the Israeli authorities to visit Gaza; and if he will make a statement on the matter. [7076/10]

146. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Foreign Affairs the role Ireland is playing in putting pressure on Israel to lift the blockade of Gaza; and if he will make a statement on the matter. [7240/10]

Minister for Foreign Affairs (Deputy Micheál Martin): I propose to take Questions 91 and 146 together.

I refer the Deputies to my reply to Priority Question 72 of today.

“I have paid particular attention to the worsening conditions in Gaza, even before the conflict one year ago. I have stressed the humanitarian needs of the population, and the urgent necessity to end the blockade and open the border crossings, not only to unrestricted humanitarian aid, but also to reconstruction materials and ordinary commercial traffic.

The blockade of Gaza is unacceptable in itself but also politically counter-productive. It enriches militants through their control of smuggling, but prevents ordinary citizens from rebuilding their homes and businesses. Virtually no reconstruction has been possible, and families have been unable to rebuild their homes, or even replace windows and doors. Economic life is virtually impossible, so that an ever growing population is almost entirely dependent on outside aid.

The continuing blockade of Gaza is in this sense the collective punishment of a population of one and a half million for the unacceptable actions of a small minority in their midst in launching indiscriminate and deadly attacks into Israel. It is also difficult to understand why,

in periods such as now when the level of such attacks has been greatly reduced or minimised, the blockade continues unchanged.

I discuss these issues regularly with my EU colleagues. The Foreign Affairs Council in December adopted detailed Conclusions on the Middle East, including clear language on Gaza and the need for an immediate and unconditional opening of the crossing points. High Representative Ashton now has responsibility, under the Lisbon Treaty, for clearly articulating the EU viewpoint on the Middle East, and the need for urgent progress towards a negotiated two-state solution.

It has always been my intention to visit Gaza and see the problems there for myself. I have also wished to see the impact and effectiveness of the substantial assistance we give to Gaza from Irish Aid. My interest in a visit was only strengthened by the disastrous course of events in Gaza over the last year. I sought to make a visit last December which would have included Gaza as well as Israel and the West Bank. As Deputies know, the Israeli authorities refused to allow me permission to cross into Gaza. Israel contends that a visit to Gaza would serve to legitimise Hamas (irrespective of whether meetings with Hamas representatives took place). I found, and continue to find, this explanation quite unconvincing.

It is clear that they are refusing all political level visits to Gaza at this time. Supposed security considerations have also been cited.

This is a matter of deep disappointment and concern to me. It is still my intention to make such a visit and I would hope to be given a positive response in future. However, the main issue for me remains the unacceptable restrictions placed on the people of Gaza.”

Holocaust Commemoration.

92. **Deputy Michael D. Higgins** asked the Minister for Foreign Affairs his reflections on the 65th anniversary of the closing of Auschwitz; and if he will make a statement on the matter. [7139/10]

Minister for Foreign Affairs (Deputy Micheál Martin): The 65th anniversary of the liberation of the former Auschwitz-Birkenau concentration camp in 1945 by the Soviet army, which fell on 27 January, recalls one of the darkest periods of European history and also reminds us of how far Europe has come since then.

The Holocaust serves as a constant reminder of the need for all countries to work together in the protection and promotion of human rights, to promote tolerance and respect and to combat anti-Semitism and other forms of racism, racial discrimination and xenophobia.

Ireland has held an annual National Holocaust Memorial Day Commemoration since 2003 organised in association with the Department of Justice, Equality and Law Reform, which is the principal funder of the event. This year’s event, held at the Mansion House in Dublin on 30 January, was attended by the Taoiseach, Mr. Brian Cowen TD, and also by the Minister of State with responsibility for Integration, Mr. John Curran TD.

This ceremony seeks to cherish the memory of the millions of Jewish and other victims who were murdered because of their nationality, ethnicity, disability, religious belief, political affiliations or their sexual orientation. It is a reminder of the dangers of racism and discrimination and provides lessons from the past that are relevant today. The Government is actively committed to promoting an inclusive society and to eliminating all forms of racial intolerance in Ireland.

The Government is also fully committed to complying with our international obligations in the area of discrimination and anti-racism, in particular, in relation to the work undertaken

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within the United Nations, the European Union, the Council of Europe and the Organisation for Security and Cooperation in Europe in this regard.

As a sign of Ireland's commitment to international remembrance of the Holocaust, Ireland became an Observer Member of the Task Force on International Cooperation on Holocaust Education, Remembrance and Research (ITF) in December 2007. The ITF was established at the initiative of the then Swedish Prime Minister, Goran Persson, in 2000.

Membership of the ITF involves a three-stage process and last year Ireland progressed from Observer to Liaison Member status after completion of a baseline study detailing national activities and policies in relation to anti-Semitism. Ireland is represented, at official level, at the biannual meetings of the Task Force. Preparations are now underway for Ireland to become a Full Member of the ITF as soon as possible.

EU Council Meetings.

93. **Deputy Liz McManus** asked the Minister for Foreign Affairs if he will report on the most recent Council of Ministers meeting; and if he will make a statement on the matter. [7141/10]

Minister for Foreign Affairs (Deputy Micheál Martin): The Deputy will recall that under the Lisbon Treaty, the General Affairs and External Relations Council has now been divided into two parts: the General Affairs Council and the Foreign Affairs Councils. Due to the Hillsborough talks, I was unable to attend the meeting of the Foreign Affairs Council in Brussels on Monday, 25 January, which was chaired by Catherine Ashton, the High Representative for Foreign Affairs and Security Policy. Minister of State Roche attended the meetings of the Foreign Affairs Council and the General Affairs Council. Minister of State Power joined the Foreign Affairs Council for discussion of the EU response to the disaster in Haiti.

At the General Affairs Council, there was discussion of the Spanish Presidency Programme which is focusing on the cross-cutting themes of innovation and equality. We have welcomed the Spanish Presidency Programme which is particularly important in helping Europe to achieve economic recovery and create jobs. This was discussed in more detail by the Taoiseach and his EU colleagues at the informal meeting of the European Council which took place on Thursday last, 11 February.

The Foreign Affairs Council discussed the coordination of the EU response to the disaster in Haiti, following-up on the meeting of Development Ministers at which my colleague Minister of State Power represented the Government. As the Deputy will be aware, the EU is providing substantial humanitarian assistance of some €122 million to the relief operation and the above-mentioned meeting of Development Ministers agreed to contribute a further €300 million in the medium to long term. In addition, the Foreign Affairs Council agreed that the EU would provide 300 police personnel to reinforce the UN effort in Haiti. The EU also pledged to set up a central point in Brussels — EUCO Haiti — to coordinate contributions by Member States of military and security support to the UN effort.

Minister of State Power briefed our European colleagues on the support provided to Haiti through Irish Aid, which has included the shipment of 83 tonnes of emergency materials which are being distributed by Concern and Goal, the disbursement of funds to the World Food programme for emergency feeding, the deployment of members of the Rapid Response Corps and an Irish Aid technical team. In addition, the United Nations is drawing down funding from Ireland's contribution to the Central Emergency Response Fund.

On the Iranian nuclear issue, Ministers discussed the continuing unwillingness of the Iranian government to engage in a meaningful way with the international community over its nuclear

programme. The Council also considered how the European Union can most appropriately support further action by the UN Security Council should this arise.

The political situation in Bosnia-Herzegovina was also on the agenda. Ministers called on Bosnia-Herzegovina to speed up key reforms. The Council approved a non-executive capacity-building and training mission to start within the framework of the existing EU military operation, Operation Althea. Parallel to this, Althea will maintain the current executive presence in Bosnia during the course of elections planned for October this year, and will remain at least until November, when the current UN Security Council Resolution expires. The EU may extend the current executive military role beyond 2010 should the situation require it; this would require the authorisation of a new Security Council resolution.

Ministers also focused on developments in Somalia and, in response to a number of United Nations Security Council resolutions, agreed to set up a Common Security and Defence Policy operation to contribute to the training of the Somali Transitional Federal Government forces.

Ministers looked forward to the International Conference on Afghanistan which was held on 28 January in London and stressed the importance of having specific outcomes and commitments with actions and deliverables on the part of the Afghan Government and the international community.

Unfortunately, I was unable to join the Conference because of my involvement in the Hillsborough Castle negotiations. I was pleased, however, to have an opportunity to discuss the outcome with Foreign Secretary Miliband during our bilateral meeting in London on 4 February. Our discussions also included an exchange of views on the situation in Yemen, in the context of an international meeting which had been held in London on 27 January on the eve of the Afghanistan Conference. I welcomed the focus on a comprehensive strategy for Yemen by the international community which will help to tackle all of the challenges facing the country. I also drew attention to the country's humanitarian needs and the fact that Irish Aid has recently provided some €200,000 in funding.

Human Rights Issues.

94. **Deputy John Perry** asked the Minister for Foreign Affairs his views regarding the recent presidential elections in Sri Lanka; if his attention has been drawn to the recent protests and allegations of irregularities in the election; if these issues will be resolved ahead of the parliamentary elections which are due to take place in March or April 2010; and if he will make a statement on the matter. [7249/10]

144. **Deputy Kathleen Lynch** asked the Minister for Foreign Affairs his views on the progress made towards the establishment of an international tribunal to hear evidence on human rights abuses during the recent war in Sri Lanka. [7157/10]

145. **Deputy Joanna Tuffy** asked the Minister for Foreign Affairs if he will respond to the proposals made to him by the Permanent People's Tribunal regarding recent military action in Sri Lanka. [7151/10]

Minister for Foreign Affairs (Deputy Micheál Martin): I propose to take Questions Nos. 94, 144 and 145 together.

I am aware of the findings of the Permanent People's Tribunal on Sri Lanka, the independent, NGO-led exercise held in Dublin last month which concluded that the Government and military of Sri Lanka were guilty of war crimes and crimes against humanity during the war and that other charges should be followed up through further investigation. These conclusions

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reinforce the widely held view that serious breaches of international humanitarian law occurred during and after the final stages of the civil war in Sri Lanka.

The Tribunal, however, considered only the actions of the Government and military of Sri Lanka. While it did not deny that war crimes were also committed by the Liberation Tigers of Tamil Eelam (LTTE), it did not examine the actions of LTTE forces. The Tribunal has provided a legal explanation as to why its mandate was focused exclusively on the Sri Lankan State and not on the LTTE, but it is regrettable that, as a result, the Tribunal's work is being written off as one-sided and biased by the Government of Sri Lanka and by others.

A key recommendation of the Tribunal is for a UN-led inquiry to be conducted into war crimes and crimes against humanity perpetrated during the final stages of the war between the Sri Lankan Armed Forces and the LTTE, and during the war's aftermath. Other recommendations relate to the need for: displaced people and detainees to be returned to their homes without delay; reconstruction and rehabilitation to get underway; measures to be put in place to promote national reconciliation, equality, democracy and justice; work to begin on a sustainable peace process addressing all issues of concern; and an international role in monitoring and supporting such developments.

As reported to Deputies previously, all of these measures have already been strongly advocated by the Government and by the EU. The EU led efforts last year to secure the agreement of the UN Human Rights Council to an independent international inquiry into breaches of international law during the closing stages of the war but, very regrettably, we were unsuccessful. While not optimistic that such an inquiry will be authorised anytime in the near future, we are still firmly of the view that one is essential.

It is likely that EU GSP+ privileges will be withdrawn from Sri Lanka due to its breaches of the human rights provisions in their Agreement with the EU. The EU has also made clear its readiness to support reconstruction, rehabilitation and reconciliation efforts. We are very much of the view that long-term peace and stability in Sri Lanka can only be established on the basis of full justice and rights for all the inhabitants of the island.

As regards the recent elections in Sri Lanka, although all pre-election forecasting had predicted a very tight race, in the event incumbent President Mahinda Rajapakse won 57.8% of the total votes cast, as compared with 40.2% for former Army Chief of Staff, Sarath Fonseka. Some 10.4 million voters — 70% of Sri Lanka's 14 million-strong electorate — turned out to vote, although the turnout in the Tamil areas in the north-east was less than 30%.

Although a number of violent incidents took place on election day, mainly in the Tamil North, voting was conducted in a relatively peaceful manner in most of the country. No external election monitors were permitted to observe the elections, but the local independent Centre for Monitoring Election Violence reported that, while they had received some reports of irregularities from some parts of the country, there was no evidence to suggest large-scale fraud during the vote. The United Nations, expressing satisfaction that the election had been conducted relatively peacefully, urged the country's political parties to abide by the official results.

The leading opposition candidate, General Fonseka, however, rejected the election results and announced that he will be challenging them in court. In addition to what he believed was threatening action against him by the military on the day after the elections, he has accused incumbent President Rajapakse of using the state media to attack him, of misappropriating public funds for his campaign and of preventing displaced minority Tamils from voting. Whether a case based on these allegations actually comes to court remains to be seen but, given the size of his electoral majority, there is virtually no chance that President Rajapakse's victory will be overturned.

A number of incidents since the elections have raised concerns as to the intentions of President Rajapakse and his Government, including in relation to the media. Also, on 8 February, General Fonseka was arrested and is facing a court martial, standing accused by the Government of working with anti-government forces and planning a coup and assassinations. Although Government representatives have stated that his arrest is unrelated to his entering politics and standing as an opposition candidate in the presidential election, the arrest of General Fonseka at this time raises many questions and concerns.

Following his electoral victory, President Rajapakse has said he will sit down with the Tamil minority to discuss devolution of power and he has called on all the people of Sri Lanka to unite in the task of rebuilding the nation. I very much hope that this will be the case.

As regards the parliamentary elections, which are scheduled to be held on 8 April, it is hoped that they will be conducted in a peaceful and free manner. There seems little prospect, however, that international observers will be invited to monitor the elections and Government parties can be expected to avail of the same significant advantages they enjoyed in the Presidential elections in terms of access to media and resources. We in the EU will be pressing for the elections to be fully free and fair. They will provide an important opportunity for the Tamil population to vote in parliamentary elections for the first time in thirty years and to elect a new generation of leaders to represent them. It is hoped that they will be permitted by the Government and their own community to engage in the electoral process on a fair and equal footing.

Middle East Peace Process.

95. **Deputy Bernard J. Durkan** asked the Minister for Foreign Affairs the extent to which he continues, in co-operation with his EU colleagues, to positively influence developments in the Middle East with particular reference to ensuring continuous positive pressure in respect of a peace process; and if he will make a statement on the matter. [7230/10]

364. **Deputy Bernard J. Durkan** asked the Minister for Foreign Affairs the steps that are being taken at EU level to encourage the development of a peace process in the Middle East; the extent to which the primary issues have been identified and are likely to be resolved; if he plans, alone or in conjunction with other EU representatives, to visit Gaza, the West Bank or Israel in the context of a peace process in the foreseeable future; and if he will make a statement on the matter. [7836/10]

365. **Deputy Bernard J. Durkan** asked the Minister for Foreign Affairs the degree to which he, directly or together with the EU and UN, is engaged with the various sides involved in the Middle East conflict with a view to establishing common ground towards a peace process; the degree to which the various issues have been identified and isolated and or addressed in the context of any discussions taking place; and if he will make a statement on the matter. [7837/10]

366. **Deputy Bernard J. Durkan** asked the Minister for Foreign Affairs the extent to which the EU and the UN are committed to the peace process in the Middle East; and if he will make a statement on the matter. [7838/10]

367. **Deputy Bernard J. Durkan** asked the Minister for Foreign Affairs the extent to which he together with his EU colleagues can report progress in respect of the advancement of peace in the Middle East; the degree to which the EU has engaged permanently with all sides and groups involved; and if he will make a statement on the matter. [7839/10]

Minister for Foreign Affairs (Deputy Micheál Martin): I propose to take Questions Nos. 95 and 364 to 367, inclusive, together.

The search for peace in the Middle East is a major foreign policy priority for Ireland and for the European Union. Ireland, and its EU partners have been to the fore in promoting the vision of a settlement which will result in two sovereign states, Israel and Palestine, co-existing side by side in peace and security. While clearly difficult to achieve, that vision is now almost universally accepted as the only future which can ensure peace, and as the objective towards which the peace process must work.

Over the past twelve months the administration of President Obama has given renewed impetus to the peace process. Senator George Mitchell is leading the effort on the ground to bring the parties to final status negotiations. A number of US proposals to enable direct negotiations to resume are now being considered. These include a proposal that Israeli-Palestinian talks begin at official level, on the basis that official talks on practical issues could create sufficient traction and momentum to enable direct political level talks to eventually get underway. President Abbas has continued to publicly call on Israel to comply fully with its Roadmap obligations before agreeing to re-enter negotiations.

The key issue at the moment is to create sufficient confidence in both parties to allow them to enter into negotiations.

The EU's main focus has been on how to help this effort to begin talks, while ensuring that negative factors such as settlements, evictions and the Gaza blockade, which have the capacity to destroy any talks process, are not lost sight of. The Foreign Affairs Council in December adopted substantive Conclusions setting out EU policies on the MEPP, including the key final status issues of borders, Jerusalem, and settlements. Ireland played a very active role in devising these Conclusions which the EU will use as a basis for continued and deepened engagement with all parties to the talks. The Quartet also has a strong role to play and the EU has consistently called for a vigorous role for the Quartet in any future negotiations. The UN is active as a member of the Quartet, Secretary General Ban has urged all parties to abide by existing commitments, and called on Israel in particular to end the blockade of Gaza.

I have given the Middle East a very high priority since I became Minister for Foreign Affairs. I have made two visits to the region, as well as attending the international conference on Gaza held in Egypt last March. While I was unable to visit Gaza as I had hoped last December, it is still my intention to go there and see the position for myself. I have been able to discuss the position directly with key leaders in Israel, Egypt, the Palestinian Authority, Lebanon, and Syria. I also met UN officers and agencies in the area, including former Commissioner Karen Abu Zayd of UNRWA and Gaza Director John Ging. I used these meetings both to hear at first hand the assessment of the main players and offer Ireland's support for all those working towards a lasting solution. Both Ireland and the EU are also significant donors to the Palestinian people and to groups working for peace and justice. I will continue my efforts, both bilaterally, at EU level and in the UN in support of achieving urgently needed progress in the peace progress.

EU Matters.

96. **Deputy Jim O'Keeffe** asked the Minister for Foreign Affairs the steps taken, since the ratification of the Lisbon treaty in October 2009, to keep the general public informed and fully aware of all aspects of the operations on the EU and especially those affecting Ireland.

[7137/10]

114. **Deputy Seán Barrett** asked the Minister for Foreign Affairs the measures he is introducing, in addition to the citizens initiative, to make the European Union more accessible and relevant for persons; and if he will make a statement on the matter. [7302/10]

Minister for Foreign Affairs (Deputy Micheál Martin): I propose to take Questions Nos. 96 and 114 together.

My Government colleagues and I are committed to the ongoing task of keeping the public informed of the operations of the EU and supporting increased engagement by our citizens with European issues. The revised Programme for Government agreed in October contains an express commitment to further enhance Ireland's place at the heart of Europe by encouraging the deepening of engagement by civil society at a European level.

There are many civil society organisations working to promote greater awareness and understanding of the European Union, and I welcome and support their efforts. The European Union institutions provide extensive public information about their work. The Lisbon Treaty contains important advancements in regard to transparency and openness which will give citizens direct access to EU information.

My own Department's Communicating Europe Initiative provides financial support to non-governmental and educational bodies for events and activities which aim to raise awareness of the EU in their community. A call for such proposals for 2010 was advertised last weekend in the national and regional press. I would encourage organisations to respond with their proposals by the deadline of 5 March. The application form is available from my Department or from our website, www.eumatters.ie, which provides easily accessible and reliable information about the EU.

Human Rights Issues.

97. **Deputy Andrew Doyle** asked the Minister for Foreign Affairs his views on proposed anti-gay legislation by the Ugandan Government; if this will have an impact on the country's status as an Ireland Aid target country; and if he will make a statement on the matter. [7077/10]

Minister for Foreign Affairs (Deputy Micheál Martin): Uganda is one of the nine Programme Countries where Ireland has a commitment to long term strategic assistance. The programme is focused on supporting the poorest and most vulnerable in Uganda while a central component of our work is support for good governance and respect for human rights. I am very concerned about the implications of the Private Members Bill which was tabled in the Ugandan Parliament in October, which is described by its proponents as an 'anti-homosexuality bill'.

I have followed this issue closely and Minister of State Peter Power has discussed it in detail with our Ambassador to Uganda. Through our Embassy in Kampala, the Government has expressed our deep concerns about the Bill to the Government of Uganda. We have also coordinated closely with our EU partners in order to raise our concerns with the Ugandan authorities as a human rights issue. On 3 December, through the Swedish Presidency, the European Union formally raised its concerns about the draft Bill in a meeting with the State Minister of Foreign Affairs.

Our Embassy in Kampala has also been engaging with the Uganda Human Rights Commission on issues relating to discrimination against sexual minorities. It has also sought the views of local human rights and representative groups on how the international community can most effectively support efforts to oppose such discrimination.

[Deputy Micheál Martin.]

In that context, it is a welcome development that President Museveni — in a statement to his party on 12 January — emphasised that the Bill was a private members motion, and was not sponsored by Government or his party, the NRM. He also acknowledged the concerns which have been expressed by the EU and other donors.

I can assure you that, along with our EU partners, Ireland will remain actively engaged with the Government of Uganda, pressing it to ensure that the Bill does not pass into law.

UN Resolutions.

98. **Deputy Olwyn Enright** asked the Minister for Foreign Affairs the situation in Iran; and if he will make a statement on the matter. [7084/10]

137. **Deputy Ulick Burke** asked the Minister for Foreign Affairs his views on the nuclear threat posed by Iran and the possibility of further UN sanctions being introduced; and if he will make a statement on the matter. [7246/10]

140. **Deputy Emmet Stagg** asked the Minister for Foreign Affairs his views on the ongoing tensions between Iran and the United States regarding reports of the build up of a missile shield in the Gulf by the US which follows on a recent ballistic missile defence review that described Iran's intermediate and short range missiles as a threat. [7161/10]

Minister for Foreign Affairs (Deputy Micheál Martin): I propose to take Questions Nos. 98, 137 and 140 together.

International concerns about the nature and aims of Iran's nuclear programme, which are shared by Ireland, have been the focus of diplomatic efforts for some years. The EU has been actively engaged with the Iranian authorities since 2004 in trying to reach a satisfactory resolution of this issue. This EU commitment was repeated in the Declaration on Iran which was issued by the European Council in December. An intrinsic element of this approach has been the need to introduce progressively stronger measures which might persuade Iran to reconsider its position. This need is reinforced by the continuing refusal of Iran to comply with its obligations under both IAEA and UN Security Council Resolutions, and by the current stalemate in the negotiations. Consistent with this dual-track approach, the European Council Declaration stated that the Union would support action by the UN Security Council if Iran continues to ignore its obligations.

In line with our consistent support for the efforts of the E3+3, Ireland has always made clear that, in the event of continuing non-compliance by Iran, we could contemplate the adoption of further restrictive measures against Iran. Our strong preference would be for this to be agreed at UN level. If this cannot be achieved, we would be ready to support EU action.

Recent developments have not been helpful. Iran in recent weeks seemed to revive interest in a confidence building measure to have its existing stockpile of low enriched uranium sent out of the country for further processing for medical use. However, this possible opening now appears to have been closed by the latest pronouncements of the Iranian Government, which confirm its intention to enrich the existing uranium stocks to a higher level and to build ten further uranium enrichment plants — facilities for which there is no civilian use in Iran's planned nuclear power programme.

Iran's own neighbours, especially its Gulf Arab neighbours, have long made clear their extreme concern at the implications of Iran's nuclear programme, and indeed have raised the possibility that they may feel obliged to follow a similar path, which would be most unwelcome

in an already tense region. It is in this context that recent reports of possible defensive measures, including by US forces based in the Gulf, should be seen. However, it is important to stress that all sides, including the United States, have made clear that they are committed to a peaceful resolution of this issue through diplomacy. This remains the priority for Ireland and our EU partners. President Obama's efforts to engage with Iran in the past year have been noteworthy, and it is deeply regrettable that Iran has so far failed to respond positively.

I am also seriously concerned by the continued suppression, including by violent means, of political demonstrations and dissent in Iran, and by the efforts of the Iranian authorities to link internal dissent with supposed international interference, and thus to demonise — rather than encourage — contact with the outside world. More generally, I have reported to the House on a number of occasions of my efforts to engage with the Iranian authorities, both bilaterally and through EU action, on the steady deterioration of human rights protection in Iran in recent years. Regrettably, these efforts have met with little response.

Question No. 99 answered with Question No. 89.

European External Action Service.

100. **Deputy Billy Timmins** asked the Minister for Foreign Affairs the implications the European external action service has for Irish foreign policy; and if he will make a statement on the matter. [7074/10]

143. **Deputy Ciarán Lynch** asked the Minister for Foreign Affairs if he will make a statement on the position regarding the staffing of such diplomatic posts representing the European Union which will arise as a result of the Lisbon treaty; the arrangements for the filling of these, and the expected Irish involvement. [7168/10]

Minister for Foreign Affairs (Deputy Micheál Martin): I propose to take Questions Nos. 100 and 143 together.

Following the entry into force of the Lisbon Treaty, Irish Foreign Policy will continue to be conducted within the overall context of the Common Foreign and Security Policy. The European External Action Service (EEAS) is an important innovation under the Lisbon Treaty to support the work of the new High Representative for Foreign Affairs and Security Policy, Catherine Ashton. The High Representative's role is to conduct the Common Foreign and Security Policy and to contribute to its development.

The EEAS will be formally established under a Council Decision which it is hoped will be adopted at the latest by the end of April 2010. The High Representative is currently preparing a proposal for that Council Decision and is being assisted by a High-Level Group which includes representatives from the Member States.

As regards the staffing of EU diplomatic posts, the Treaty provides that the EEAS will comprise staff from three sources: the national diplomatic services, the Council Secretariat and the Commission. The forthcoming Council Decision on the EEAS will define the arrangements for filling these posts but, under guidelines already agreed, staff from all three sources should be treated equally, with staff from Member States having the same opportunities, rights and obligations as those of staff from the Council and Commission.

We have stressed the need for the staffing of the EEAS to be representative of the diversity of the Union. The recruitment process should be open, transparent and merit-based. I am confident that we will be able to place very high-calibre Irish candidates within the new Service. Current indications are that recruitment to the EEAS proper is unlikely to begin before this autumn.

[Deputy Micheál Martin.]

The overall size of the EEAS is still under consideration and it will be some years before it reaches full operational strength. Staffing from the member States, including Ireland, is likely to start modestly. However, over time there will be a real benefit to the State through the experience gained by Irish public servants who have served with the EEAS.

The work of the EEAS will be complementary to the work of national diplomatic services. In countries outside of the European Union, European Commission Delegations have now become European Union Delegations which will form part of the EEAS structure. EU Delegations will work in close cooperation with Embassies from EU member States, including the Irish Embassy. EU Delegations will also take on work in international organisations which is currently done by the rotating Presidency, although the details of how this will work in practice have yet to be agreed.

The EEAS does not have responsibility for key areas of the work of my Department and Irish Embassies, in particular, promotion of Ireland's trade and economic interests, the provision of consular assistance to Irish citizens and liaison with Irish communities, and the administration of our overseas development assistance programmes. The EEAS may play a role in regard to consular assistance in emergency situations but this would be subsidiary to the work of national Embassies.

The European External Action Service will of course not play any diplomatic role within EU Member States and the work of my Department on developments within the EU and in promoting bilateral relations with these states will not be affected.

Haiti Earthquake.

101. **Deputy Pat Rabbitte** asked the Minister for Foreign Affairs if the recent and current aid efforts in Haiti have demonstrated the need for such a restructuring of the Office of the Co-ordination of Humanitarian Affairs of the United Nations in such a way as to enable a civilian leader to be available, in an emergency, to give leadership on behalf of the United Nations. [7147/10]

118. **Deputy Kathleen Lynch** asked the Minister for Foreign Affairs if he agrees that the response to the tragedy in Haiti underlines the need for a higher level of teamwork between various agencies seeking to assist those suffering in the aftermath of natural disaster. [7156/10]

136. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Foreign Affairs the plans that are being put in place to co-ordinate international aid following lessons learned from the earthquake in Haiti. [7239/10]

Minister for Foreign Affairs (Deputy Micheál Martin): I propose to take Questions Nos. 101, 118 and 136 together.

The tragic consequences of the earthquake in Haiti on 12 January have underlined the importance of early and sustained coordination in the response of the international community to humanitarian emergencies.

The international humanitarian system has undergone fundamental reform since 2004. Important lessons have been learned from the shortcomings of the response to the Asian Tsunami, with the aim of improving effectiveness, predictability and accountability to affected populations.

Central to that reform process has been the strengthening of the UN Office for the Coordination of Humanitarian Assistance (OCHA), which coordinates the international response in

the event of a humanitarian emergency. OCHA is headed by the UN Emergency Relief Coordinator, who has responsibility for oversight of all emergencies requiring UN humanitarian assistance. At local level, the role of the UN Humanitarian Coordinator was strengthened. In addition, a Cluster System was developed to bring together agencies working in sectors such as shelter, nutrition, water and sanitation. This system aims to minimise duplication and gaps in the relief effort by ensuring that agencies in each sector share information and work together more effectively. Its effectiveness depends on UN leadership but also on the active participation of agencies and NGOs.

The challenges faced in responding to the Haiti earthquake were exceptionally serious. Haiti was already an extremely vulnerable country, and much of its key infrastructure was destroyed in the earthquake. The ability of the Government and the UN to respond was severely affected initially by the tragic loss of key personnel in the disaster. Nonetheless, hundreds of thousands of people in Haiti have received vital humanitarian assistance since the start of the relief effort.

In the immediate aftermath of the earthquake, OCHA deployed members of the UN Disaster Assessment and Coordination team to support the Haitian Government and the UN staff already in the country. The team rapidly established a coordination system in Port-au-Prince which has now been supplemented by coordination hubs in two other affected cities in Haiti and in the Dominican Republic.

Day-to-day coordination of the Haiti international relief effort is the responsibility of the civilian UN Resident and Humanitarian Coordinator. In order to ensure full oversight and coordination with the military relief effort in Haiti, a Coordination Support Committee has been established. It is co-chaired by the Government of Haiti and the UN, and involves representatives from humanitarian organisations and from the international military.

Ireland has played an important role internationally in developing the effectiveness of international humanitarian coordination. At an early stage, the Government allocated €300,000 to support OCHA's coordinating role in Haiti. I have also authorised the deployment of a member of Ireland's Rapid Response Corps to assist OCHA with its civil-military coordination responsibilities in Haiti. This support is in addition to our regular funding for OCHA's core budget and to Ireland's ongoing strong support for humanitarian reform.

The lessons learned from earlier emergencies, including the 2004 Asian tsunami, have helped shape the international response in Haiti. However, there will be further lessons from the handling of the disaster in Haiti. Ireland will play an active role in ensuring that these lessons contribute to improved and more effective humanitarian coordination in future emergencies.

Democratic Stability.

102. **Deputy Jan O'Sullivan** asked the Minister for Foreign Affairs his views on the present position in Honduras and the prospect for democratic stability in that country; and if he will make a statement on the matter. [7158/10]

Minister for Foreign Affairs (Deputy Micheál Martin): On 29 November 2009, Presidential elections took place in Honduras. The National Party (PN) candidate, Porfirio Lobo, was declared the winner with 56% of the vote and took office on 17 January. The elections took place against the backdrop of a military coup, which saw then President Manuel Zelaya forced out of office and then President of the National Congress, Roberto Micheletti declared interim President. While the electoral process took place under abnormal circumstances, Ireland and the EU viewed the elections as a significant step forward in solving the crisis in Honduras.

[Deputy Micheál Martin.]

President Lobo took a number of encouraging steps in advance of his inauguration, including the signature of the *Accord for National Reconciliation and for the Strengthening of Democracy in Honduras* and he has since formed a Government of National Unity.

It is vital that the process of national reconciliation continues. In this regard, the prompt establishment of the Verification Commission as set out in the Tegucigalpa/San José Accord is essential.

The EU remains committed to lend its support to the re-establishment of constitutional and democratic order and to the process of national reconciliation in Honduras. This would allow the full normalisation of relations between the EU and Honduras.

Question No. 103 answered with Question No. 86.

Question No. 104 answered with Question No. 89.

EU Treaties.

105. **Deputy Aengus Ó Snodaigh** asked the Minister for Foreign Affairs the number of jobs that have been created here as a direct result of the ratification of the Lisbon treaty. [7235/10]

Minister for Foreign Affairs (Deputy Micheál Martin): The Lisbon Treaty is in force for little more than two months but the question is timely. The European Council met last Thursday, at the initiative of its new President appointed under the Lisbon Treaty, to frame a strategy for Europe's economic recovery. Under the Treaty, the European Council sets the EU's strategic priorities and gives them political impetus at the highest level. President Van Rompuy has been right to identify the securing of economic recovery as one of the main challenges facing the Union.

A discussion is now beginning of EU 2020, a framework to succeed the Lisbon Strategy. Ireland believes that its primary focus should be on sustainable jobs and growth. To attain this it should use a range of policy tools, including measures on competitiveness, support for R and D and innovation, exploiting the full potential of the Single Market and, particularly, employment activation measures and training.

The European Union has been central to economic development and to job creation in Ireland over the nearly four decades of our membership. The impact of the current crisis has been alleviated through coordinated response at the EU level and membership of the eurozone. In January the EU outlined the active labour market measures being put in place to assist redundant workers at the DELL computer manufacturing plant at Raheen, Co. Limerick and at ancillary enterprises in the Mid West region. Funding has been secured by the Government from the European Globalisation Adjustment Fund (EGF) for a package of personalised measures to retrain, upskill and offer further entrepreneurial and educational opportunities to up to 2,400 affected workers. The EU Budgetary Authorities recently approved the Irish Government's application for €22.8m, of which the EU will contribute €14.8m and the Government €8m.

This is just one practical example of assisting workers in terms of business start up and other entrepreneurial supports Enterprise Ireland and the County and City Enterprise Boards will provide business start up, business development and other entrepreneurial supports in terms of advice and financial assistance subject to normal eligibility criteria. The timeframe under which EGF funding can be drawn down in these particular circumstances extends until June 2011. An annual EGF budget of €500m is in place until 2013. Since accession to the European Treaty in 1973 Ireland has received extends until June 2011. An annual EGF budget of €500m is in place until 2013. Since accession to the European Treaty in 1973 Ireland has received

European Social Funding of circa €5 billion for training and education programmes under which hundreds of thousands of Irish people have benefited.

I look forward to adoption, probably in March, of the EU 2020 Strategy as a means of positioning the EU, and Ireland, to benefit from international recovery when it comes, and thus create employment.

Question No. 106 answered with Question No. 85.

Economic Forum.

107. **Deputy Charles Flanagan** asked the Minister for Foreign Affairs the high level recommendations of the global Irish economic forum that will be implemented; the main headings of this work that will be advanced; the role of the innovation task force in this process; if there is a departmental implementation team working on initiatives; and if he will make a statement on the matter. [7083/10]

134. **Deputy Charles Flanagan** asked the Minister for Foreign Affairs the countries in which the 280 global Irish network members reside; and if he will make a statement on the matter. [7081/10]

Minister for Foreign Affairs (Deputy Micheál Martin): I propose to take Questions Nos. 107 and 134 together.

The Global Irish Economic Forum marked a new phase in active and practical engagement with some of the most influential members of the Irish abroad. I was deeply encouraged by the level of commitment and support for this country demonstrated by those who travelled to Farmleigh.

The Government has moved quickly to build on the success of the Forum and to take forward the valuable work begun there. Following the publication of a comprehensive Report of the Forum on 13 October, a high level inter-Departmental Committee chaired by the Secretary General of the Department of the Taoiseach has been conducting a detailed examination of the proposals contained therein. These include initiatives on innovation, culture, tourism, agriculture, financial services and developing new practical links with the global Irish.

The Committee will present a report to Government shortly and I intend to issue a detailed public statement on progress made since the Forum in advance of St. Patrick's Day.

While the progress report will highlight the extensive work being undertaken on the ideas generated at the Forum, a number of significant initiatives have already been implemented. On 4 February, I was delighted to formally announce the establishment of the new Global Irish Network, which was one of the key recommendations contained in the report of the Forum, at the Irish Embassy in London. The Network will formalise the relationship that developed at Farmleigh among those highly influential figures who, though mainly resident abroad, now have a formal framework in which they can contribute in delivering renewed economic growth in Ireland. The table contained in this reply includes a list of those countries in which the members of the Network reside.

Other initiatives already announced include: the provision of funding of €2.3 million for a new landmark Irish Arts Centre in New York; further support for Irish business networks abroad such as the Irish Technology Leadership Group in California; and the establishment by each of our Embassies of detailed local diaspora strategies aimed at ensuring that we cultivate and refocus our engagement with our communities abroad across a range of key sectors. Tourism Ireland's marketing campaign abroad in 2010, particularly around St Patrick's Day, has also benefited considerably from the views expressed by participants at the Forum.

[Deputy Micheál Martin.]

Some of the proposals arising from Farmleigh were more suitably taken forward by the private sector, and I am aware that a number of participants are in contact with my Department in relation to these, including plans for a new Irish portal website and a Farmleigh graduate placement programme.

The post-Forum process complements the important work already underway across many of the areas discussed at Farmleigh, including through the Innovation Task force and the implementation of the “Building Ireland’s Smart Economy”. The Innovation Task Force was provided with a comprehensive briefing on the outcome of the Forum and officials involved in both processes are in close contact to help ensure that appropriate synergies can be identified and developed.

Global Irish Network: Countries where members reside

Country
Argentina
Australia
Belgium
Brazil
Britain
Canada
China
France
Germany
India
Indonesia
Ireland
Italy
Japan
Kazakhstan
Republic of Korea
Libya
Malaysia
Netherlands
New Zealand
Oman
Philippines
Poland
Qatar
Russia
Saudi Arabia
Singapore
Slovakia
South Africa
Sweden
Turkey
United Arab Emirates
USA

Question No. 108 answered with Question No. 89.

International Agreements.

109. **Deputy Mary Upton** asked the Minister for Foreign Affairs his views on the suspension of the free trade agreement negotiations between the EU and Columbia. [7153/10]

Minister for Foreign Affairs (Deputy Micheál Martin): EU relations with Colombia are conducted in the framework of regional relations between the EU and the Andean Community, comprising Bolivia, Colombia, Ecuador and Peru. In 2007, negotiations aimed at concluding a comprehensive Association Agreement between the EU and the Andean Community were formally launched. Such Agreements cover all facets of relations between the EU and these countries, including political dialogue, economic cooperation and trade. However, as not all member states of the Andean Community were in a position to proceed with free trade negotiations, the decision was taken to commence negotiations on a multiparty Free Trade Agreement (FTA) between the EU and two member states of the Andean Community — Colombia and Peru — within the overall framework of the Association Agreement. The negotiations are being carried out by the European Commission on the basis of a mandate from the Council.

Colombia faces many challenges. It has experienced the longest period of terrorist violence of any country in Latin America. The Colombian people have endured relentless suffering reflected in the more than two million internally displaced persons, a number second only to that of Sudan.

There is no single solution for promoting peace in Colombia; the various social and economic elements underlying the conflict have to be tackled simultaneously. Our approach and that of the European Union is to assist and influence the Colombian Government in a manner that results in economic and social development while progressively improving human rights standards. The conclusion of a Free Trade Agreement between the EU and Colombia will contribute significantly to the social and economic development of Colombia, which is imperative if it is to emerge from its violent past.

I am aware of and share the deep concern that has been expressed at the manner in which trade union activists, human rights defenders and journalists have been treated in Colombia. I wish to assure the Deputy that there is no question of strengthening economic ties with Colombia at the expense of human rights. I am of the view that continuing the FTA negotiations with Colombia at this time offers the best opportunity to ensure that the concerns of EU Member States at the human rights situation in that country and, in particular, the treatment of trade union activists are fully addressed by the Colombian government.

I would like to put on record the steps which Ireland has taken over the past year in addressing human rights issues directly with the Government of Colombia and together with the European Union.

Firstly, in December 2008, at the *Universal Periodic Review* of Colombia at the Commission on Human Rights in Geneva Ireland made a set of strong recommendations *inter alia* on the protection of Human Rights Defenders in Colombia. Foreign Minister Bermudez subsequently wrote to me outlining in detail the steps that Colombia has undertaken particularly in response to Ireland's recommendations at the Human Rights Council.

Secondly, the Irish Ambassador to Colombia met with President Uribe, Foreign Minister Bermudez and senior officials in Bogota in November 2009 and raised a range of human rights issues, in particular the question of the number of trade unionists killed in recent years. The Colombian side acknowledged the difficulties they are facing with regard to the protection of human rights but outlined the steps being taken such as trebling the budget of the Protection

[Deputy Micheál Martin.]

Programme for Human Rights Defenders to \$47 million in 2009. This permitted the extension of the Protection Programme to cover trade unionists and journalists. Indeed in the first half of 2009, the Protection Programme benefited 1,430 trade unionists.

Thirdly, Ireland has insisted on the inclusion of a clause committing both the EU Member States and Colombia to the implementation of their human rights responsibilities with the proviso that failure to do would result in the suspension of the Agreement.

Fourthly, I wrote to the EU Trade Commissioner in January to underline the importance I attach to the inclusion of a strong and effective human rights and suspension clause as an essential element of the Agreement.

In addition to the bilateral track, the European Union has stepped up its human rights dialogue with the Colombian authorities who have been left in no doubt about the seriousness of our concerns regarding the human rights situation and the extent of the improvements needed.

I can assure you that the Government will continue to closely follow the human rights situation in Colombia and take the steps we consider necessary bilaterally as well as in cooperation with our EU partners.

Foreign Conflicts.

110. **Deputy Aengus Ó Snodaigh** asked the Minister for Foreign Affairs the role Ireland will play in the closure of Guantanamo Bay. [7236/10]

Minister for Foreign Affairs (Deputy Micheál Martin): In March 2009, the Taoiseach in Washington offered to assist the United States in implementing their commitment to close the detention facility at Guantanamo Bay. In this context, two former detainees have been received for resettlement in Ireland. They arrived in Ireland in late September 2009.

Together with our EU partners, Ireland continues to encourage the US to bring about the closure of Guantanamo Bay in the shortest possible time.

Diplomatic Representation.

111. **Deputy Róisín Shortall** asked the Minister for Foreign Affairs the current contacts between the Government and that of the Cote d'Ivoire. [7172/10]

Minister for Foreign Affairs (Deputy Micheál Martin): Ireland does not have a resident embassy in Cote d'Ivoire, but is accredited to Cote d'Ivoire through our Permanent Mission to the UN in New York. The Ambassador of Cote d'Ivoire in London is also accredited to Ireland on a non-resident basis. The most recent visit to Ireland at Ministerial level was 22 February 2007, when Côte d'Ivoire's Minister for Economy and Finance and Minister for Communications visited Dublin and met with a group of Ministers and Deputies including Minister of State Lenihan and Mr John Cregan, T.D.

Elections were due to be held in Cote d'Ivoire in 2005 but have been postponed several times, for a variety of reasons including disputes over rebel disarmament and voter registration. Most recently they were scheduled for February or March 2010, but in December last they were postponed once more. The EU plans to send an Election Observation Mission to cover the elections, which it is hoped will be held sometime this year.

Since 2007, Irish Aid has provided over €2.5million to Cote d'Ivoire. €800,000 was provided in long-term development funding to a partner organisation, *The Leprosy Mission* and missionaries working in Cote d'Ivoire. These funds have supported basic education and health prog-

rammes and capacity building. In addition, €1,756,931 was provided for a range of projects operated by UN agencies under the Consolidated Appeals Process as well as for a Gender Based Violence project operated by an international NGO, in 2007.

Question No. 112 answered with Question No. 89.

Haiti Earthquake.

113. **Deputy Mary Upton** asked the Minister for Foreign Affairs his views on the request of the Joint Oireachtas Committee on Foreign Affairs for debt cancellation to Haiti; if he has communicated his support to the Department for Finance; and if he is concerned at the absence of debt cancellation from the agenda of the most recent board meeting of the International Monetary Fund. [7152/10]

Minister for Foreign Affairs (Deputy Micheál Martin): The Government shares the concern of the Joint Oireachtas Committee on Foreign Affairs that the tragic earthquake of 12 January should not lead to further indebtedness for Haiti, and that vital resources should not be diverted from the response to the disaster. More broadly, the Government remains strongly committed to international efforts to cancel or ease the debt burden on developing countries. In Ireland's case, of course, all of our development assistance is provided in the form of grants and not loans.

Last year, the International Monetary Fund (IMF), the World Bank, the Inter-American Development Bank and other international financial institutions delivered a total of \$1.2 billion in debt relief to Haiti through the main multilateral debt relief initiatives. At the end of 2009, Haiti's total multilateral debt stood at \$677 million. In addition, \$507 million was owed to bilateral creditors, primarily Venezuela and Taiwan.

Following the earthquake, the IMF Executive Board discussed the situation in Haiti at its meeting on 27 January. It decided to augment its existing Extended Credit Facility to Haiti, which stood at \$165 million at the end of 2009, by an additional \$102 million. This helped provide the Government of Haiti with urgently needed cash resources to acquire emergency imports, support essential services, and make cash available to banks and transfer houses. This emergency assistance is interest-free, with repayments not due for just over five years. Following the meeting on 27 January, the IMF Managing Director gave a commitment that the Fund would now work for the deletion of all of Haiti's debt, including the IMF emergency loan.

I warmly welcome the statement by the G7 Finance Ministers at their meeting in Canada on 6 February that they will cancel the remaining bilateral debt owed by Haiti to G7 countries and work towards the cancellation of Haiti's remaining multilateral debt.

The Department of Foreign Affairs and the Department of Finance are in contact in relation to the handling of Haiti's remaining debt and are monitoring developments at the IMF in coordination with our constituency at the Fund, which is led by Canada. I also expect that the issue of Haiti's debt will be discussed at the donor conference on the reconstruction of Haiti this spring, at which Ireland will participate.

Question No. 114 answered with Question No. 96.

Rapid Response Corps.

115. **Deputy Phil Hogan** asked the Minister for Foreign Affairs the equipment that is available to the rapid response corps; the location of same; and if he will make a statement on the matter. [7082/10]

142. **Deputy Phil Hogan** asked the Minister for Foreign Affairs the number of members in the rapid response corps; the specialties of same; and if he will make a statement on the matter. [7080/10]

148. **Deputy Martin Ferris** asked the Minister for Foreign Affairs if he will put in place a plan to co-ordinate a non-military quick response group to ensure civilian resources such as nurses, doctors, fireman and policemen to be mobilised and transported quickly from Ireland to disaster zones anywhere in the world. [7241/10]

Minister for Foreign Affairs (Deputy Micheál Martin): I propose to take Questions Nos. 115, 142 and 148 together.

The Government established a Rapid Response Initiative following the 2004 Tsunami in order to build Ireland's capacity to respond quickly to humanitarian crises and to provide a mechanism for the seconding of skilled volunteers to humanitarian organisations in emergency situations. The Initiative involves the establishment of a Rapid Response Corps, together with the pre-positioning of stocks of humanitarian supplies.

The Rapid Response Corps is a roster of skilled and experienced volunteers who make themselves available to deploy at short notice to work in humanitarian emergency situations. At present, there are 130 people on the roster, with specialised skills in logistics, engineering, public health, humanitarian coordination and protection. Most have previous experience of humanitarian and development work abroad. Individual members of the Corps are deployed at the request of the UN and other humanitarian organisations which have identified a need for their specific skills.

Skills in the Corps can be broadly divided into several categories. There are 50 volunteers with humanitarian skills; 20 in the areas of engineering and environment; 13 in logistics; 12 in protection; 11 in public health; and 24 with skills in other areas. Since 2007, there have been more than 60 deployments of the Corps to more than 20 countries. Members of the Corps are at present working in Afghanistan, Colombia, Democratic Republic of Congo, Haiti, Sierra Leone, Sri Lanka and Sudan.

Membership of the Corps is open to members of the public. The Department of Foreign Affairs is planning a new recruitment campaign, beginning in March of 2010. In advance of this campaign, Irish Aid is examining the possibility of expanding the range of skills within the Corps.

One of the important lessons learned from the international response to the devastation caused by the 2004 Tsunami was that the mass deployment of volunteers, while well-intentioned, can often hamper relief efforts. The Rapid Response Corps has been designed to provide highly-specialised skills as rapidly as possible, as and when requested by those leading the relief effort. This model is regarded as best practice internationally in responding to humanitarian crises.

The second element of the Rapid Response Initiative is the stockpiling of humanitarian supplies at three United Nations Humanitarian Response Depots, in Brindisi in Italy, Accra in Ghana and Dubai. These three international depots are part of a UN network which provides storage, logistics support and services for humanitarian supplies. The network is operated by the World Food Programme and used by Governments, UN Agencies and NGOs to store humanitarian supplies for rapid deployment.

The type of equipment which Ireland has stockpiled includes tents, blankets; plastic sheeting, soap, mosquito nets, kitchen sets, large water tanks and jerry cans. In recent weeks, the Government organised the transport of more than 130 metric tonnes of supplies to Haiti from these

stocks, our largest-ever humanitarian airlift. These supplies were sufficient to provide shelter, water and sanitation to more than 12,000 families.

World Trade Organisation Negotiations.

116. **Deputy Jan O’Sullivan** asked the Minister for Foreign Affairs his views on the prospect for the advancement of the development issues which were discussed at Doha in the present World Trade Organisation negotiations; the approach he will take; and if he will make a statement on the matter. [7159/10]

Minister of State at the Department of Foreign Affairs (Deputy Peter Power): The Government’s policy approach toward international development issues is based on our strong commitment to the fight against global poverty and hunger. Our aid programme is focused on some of the least developed countries in Africa. However, we recognise that development assistance alone will not eradicate poverty. The development of global trade will play an essential role, and it is therefore important that the poorest and weakest countries are not marginalised from international trade. The Doha Development Agenda round of talks at the World Trade Organisation, launched in 2001, is seeking an agreement that would lower trade barriers around the world, and thereby allow developing countries to fully participate in the global market on an equal and fair basis.

Ireland has an important role to play in the WTO negotiations, at EU and global levels. We argue for a just and equitable outcome, not just in Ireland’s interests, but also to provide the greatest opportunities for those countries most in need. We, and our partners in the EU, are seeking a balanced and ambitious outcome across all the core areas of the negotiations. This is essential for the delivery of economic growth and development gains for all participants, allowing real benefits for the world’s poorest countries.

However, a number of high level efforts in 2009 to resolve the impasse in the talks failed to lead to the breakthrough we have long been working towards. At the Seventh WTO Ministerial meeting in Geneva in December last, Ministers reaffirmed the need to conclude the Doha Round in 2010 and called for a stock-taking exercise in the first quarter of this year to help set out a roadmap to make this happen. The G20 Summit in Pittsburgh last September agreed on a commitment to conclude the Doha trade round in 2010.

The urgency of completing the talks has been highlighted further by the confirmation of a massive decrease in global trade volumes in 2009, with serious implications for hunger and poverty in some of the poorest of the developing countries. It is clear that we need to intensify our efforts across the board if there is to be a realistic prospect of advancement in the trade talks. As my colleague, the Minister of State at the Department of Enterprise, Trade and Employment, Mr. Billy Kelleher T.D, stated at that WTO Ministerial meeting in Geneva, we need a comprehensive, balanced agreement in the Doha Development Round now more than ever. Ireland will continue to play its part, and we will work to ensure that the needs of those most in need are protected, including through our continued support for the concept of special and differential treatment for the developing and least developed countries.

Human Rights Issues.

117. **Deputy Joe Costello** asked the Minister for Foreign Affairs his views on recent talks between the Dalai Lama and the Government of China; and if he will make a statement on the matter. [7166/10]

Minister for Foreign Affairs (Deputy Micheál Martin): As stated on many previous occasions in this House, I am firmly of the view that dialogue between the Chinese government and the

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Dalai Lama is the best way to address differences and tensions in Tibet over issues of culture, language, religion and identity. While our Government firmly adheres to the ‘One China’ policy, I believe that dialogue on Tibet is as much in the interests of China, its stability and its harmony, as it is of Tibetans. Consequently, we avail of every appropriate opportunity to convey these views to the Chinese authorities, along with our concerns about aspects of the situation in Tibet.

I therefore welcome the fact that a ninth round of dialogue took place recently between representatives of the Dalai Lama, and the Chinese Communist Party’s United Front Work Department, which handles Tibet issues. This dialogue began in 2002 and the last round, prior to the recent one, took place in November 2008. That round had ended in acrimony after proposals presented by the representatives of the Dalai Lama, including a proposal for greater autonomy for Tibet, were rejected on grounds that the Dalai Lama continued to be a ‘splittist’, threatening the unity and territorial integrity of China.

At a press conference on 2 February, after the round of dialogue had concluded, Vice Minister Zhu Weiqun of the Chinese United Front Work Department expressed similar sentiments to those indicated after the previous round — essentially that the Dalai Lama’s call for greater autonomy for his homeland was in reality a call for Tibetan independence; that it represented a threat to China’s territorial integrity and national dignity; that the Chinese government sees no room for negotiation or concession on this issue; and that the Dalai Lama must ‘redress his mistakes’ and renounce his calls for ‘independence’. In addition, Minister Zhu warned the United States that there would be negative repercussions if President Obama proceeded with his plans to meet the Dalai Lama, when the latter visits Washington in mid-February. The representatives of the Dalai Lama did not comment immediately on the discussions but early reports indicated that they felt that the dialogue had produced no results.

I have on many previous occasions expressed concern about the pace, seriousness and lack of results of the Tibet dialogue, and the initial feedback from the latest round provides little in the way of assurances that very much has changed in this regard.

However, there were a few positive dimensions to the most recent round of talks. Firstly, the Chinese took the Dalai Lama’s envoys on some field trips — to two minority areas to demonstrate aspects of the government’s regional ethnic autonomy policies, and to the birthplace of Mao Zedong in Hunan province. Secondly, Minister Zhu, in his press conference, while heavily critical of the Dalai Lama in many respects, nevertheless addressed some words of goodwill to him, wishing him a long life, and indicating that China does not want him to be on foreign soil at the end of his life. And thirdly, there was the formal Chinese press conference itself, very much in contrast to the complete silence and secrecy which has surrounded the previous rounds of dialogue, the existence of which had largely been denied.

It would be unwise to rush into speculation that these departures from standard practice represent a likely change of direction on the part of the Chinese authorities towards the Dalai Lama and Tibet, but they are worthy of follow-up monitoring.

For their part, the Tibetan envoys, while insisting that the ‘baseless accusations’ against the Dalai Lama must cease, have reiterated the Tibetan commitment to continuing the dialogue with the Chinese government, while making clear that it must begin to produce some results. I very much hope that this will be the case and that the dialogue will serve to address the issues of serious concern in Tibet.

Question No. 118 answered with Question No. 101.

Overseas Development Aid.

119. **Deputy Tom Sheahan** asked the Minister for Foreign Affairs the way the cuts to overseas aid funding announced in budget 2010 will be implemented; the details of the projects and programmes that will be affected; the amount by which they will be cut; and if he will make a statement on the matter. [7177/10]

Minister for Foreign Affairs (Deputy Micheál Martin): For 2010, the Government has provided an overall allocation for Official Development Assistance (ODA) of €671 million. Of this total, €536 million will be administered by the Department of Foreign Affairs and a further estimated €135 million will come from other Government Departments, together with Ireland's share of the EU Development Cooperation budget.

The allocation involves a relatively small reduction of €25 million on the allocation for ODA in 2009. Based on current projections, it should stabilise Ireland's expenditure on ODA at approximately 0.52% of GNP. This level of funding will ensure that we exceed our commitment as an EU Member State to spend 0.51% of GNP on ODA in 2010. It will also confirm that Ireland remains one of the more generous donors internationally on a per capita basis. This is a significant achievement in the difficult budgetary situation we face. The decision to maintain our funding is also a reflection of the Government's determination, supported by the Irish people, to help those in the world who are most in need.

The process of allocating expenditure in detail across the aid programme, within Vote 29 of the Department of Foreign Affairs, is now under way. The allocations will be included in the Revised Estimate Volume, to be published by the Department of Finance at the end of February. As in previous years, the primary focus on the programme will be on the reduction of global poverty and hunger and the promotion of sustainable development by addressing the fundamental human needs of food security, basic education, primary health care and access to a safe water supply.

I expect that allocations to our nine priority countries this year will be broadly in line with the 2009 allocations. In 2010, the fight against global hunger will continue to be a programme priority and we estimate that we will spend up to 20% of the total allocation on actions to alleviate and eradicate hunger. We will also maintain the Government's committee to spending at least €100 million on tackling HIV and AIDS and other communicable diseases.

The Irish Aid programme is internationally recognised for its strong support to Non-Governmental Organisations (NGOs). In 2010, we will continue to support development NGOs and Missionary Organisations and will provide in excess of €100 million to their development efforts.

The Government is determined that our aid programme will maintain a sharp focus on poverty reduction, concentrating on a limited number of very poor, mainly African, countries. In the current difficult economic environment, we will work to ensure that we continue to deliver the programme so that it has maximum impact and is rigorously focused on achieving clear results for the lives of the poor and the hungry.

120. **Deputy Brian O'Shea** asked the Minister for Foreign Affairs his views on the drift towards the militarisation of aid in the European development discourse. [7155/10]

Minister for Foreign Affairs (Deputy Micheál Martin): I appreciate the concerns of the Deputy, but I want to assure him that in my discussions on all aspects of development with my EU colleagues, there has been no drift towards the militarisation of aid. The European Union, through the Member States and the European Commission, is the largest provider of develop-

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ment aid internationally, providing over half of all Official Development Assistance worldwide. The overarching goal of the European Union's development policy is the eradication of poverty in a sustainable way, in the framework of the Millennium Development Goals (MDGs), adopted by international leaders in 2000. Ireland plays a strong role in the formulation of EU development policy, and, together with other EU partners, we have ensured that the focus on hunger and poverty is maintained. This will be confirmed when the EU plays a leading role at the summit to review progress towards the MDGs at the UN in New York in September.

Insecurity and conflict, globally and in developing countries, remain among the most significant obstacles to the reduction of poverty. It is estimated, for example, that fifteen of the twenty countries with the highest under-five mortality rates are experiencing conflict related emergencies; 50% of children not attending school live in countries affected by conflict; the cost of conflict in Africa between 1990 and 2005 is believed to be equivalent to total international aid in the same period. At the same time, poverty, and poor governance are recognised as contributing factors to conflict and insecurity.

It is essential, therefore, that peace and security are at the heart of the EU's development policy. The European Security Strategy and the EU Consensus on Development acknowledge that there cannot be sustainable development without security, nor can there be sustainable peace without development.

Within its development assistance programmes the EU supports conflict resolution and prevention through negotiations, demobilisation, and demilitarisation. In post-conflict states, the EU supports disarmament and arms-control measures in the framework of the UN Conference on Disarmament. EU development assistance also supports the rule of law, good policing, civil administration and civil protection. The European Union has undertaken a number of steps to improve coherence in security and development policies, through the adoption of Council Conclusions on Security and Development in 2007, the establishment of the Africa-EU Peace and Security Partnership, and improved cooperation between security and development bodies in the Council, the Commission and the Member States.

The EU and the Member States recognise the different roles and mandates of humanitarian, development and military bodies. We and our EU partners remain determined to ensure that, despite the increasing complexity of global development challenges, the impartiality, neutrality and independence of humanitarian and development action will be maintained.

121. **Deputy Ciarán Lynch** asked the Minister for Foreign Affairs his views on whether the impact of the global recession, climate change, the energy and food crisis has disproportionately impacted on developing countries; his assessment of Ireland's role, with partner countries helping manage such impact; and if he will make a statement on the matter. [7169/10]

Minister for Foreign Affairs (Deputy Micheál Martin): In recent years, it has become increasingly clear that the already difficult circumstances faced by the world's poorest people are being exacerbated by global challenges, including economic recession, climate change, and serious fluctuations in food and energy prices. The poorest populations are inevitably the least well equipped to cope with these multiple development challenges, as a direct result of their low level of development, particularly in the key area of basic social services. These are the very people that Ireland seeks to help, through the Government's aid programme, which focuses sharply on the fight against hunger and poverty in some of the poorest countries in Africa.

The eradication of hunger is a cornerstone of Ireland's aid programme. We are committed to implementing the recommendations of the Government's Hunger Task Force, which

reported in 2008. Through the aid programme, Ireland is focusing in particular on maternal and infant under-nutrition and supporting smallholder farmers, especially women, to intensify their agricultural productivity by improving their access to inputs, advice and infrastructure. We also support Non-Governmental Organisations working with poor farmers to increase their productivity. Irish Aid provides substantial funding for agricultural research to ensure that top quality agricultural science will benefit the poor. We support initiatives to improve poor smallholder farmers' access to research and ensure that such research meets their needs.

We also recognise the need to focus more effectively on helping developing countries to cope with the devastating effects of climate change. At the Copenhagen Summit in December last, the Taoiseach stated that Ireland will contribute up to €100 million to support the climate change needs of developing countries over the three-year period 2010-2012. In cooperation with our international partners, Ireland's support will be used to increase poor people's ability to deal with the effects of climate change and to secure clean, reliable sources of energy.

We are also working to ensure that the complexity of global development challenges is addressed to maximum effect through our bilateral aid programmes in Africa and elsewhere. For instance, in Ethiopia we are supporting a productive safety nets programme, through which millions of the poorest people receive support and engage in activities that increase their ability to cope with climate change, such as through tree planting, soil conservation and water harvesting. In Malawi, we are supporting local authorities to improve their disaster risk preparedness, putting in place plans and resources to ensure that they can respond to the increasing incidence of adverse weather events such as flooding and storms.

Over the past year, aid budgets in all developed countries have been under pressure as a direct result of the international economic crisis which has increased the burden of need on developing countries. In these circumstances, it is all the more important for international aid donors to redouble their efforts to make aid more effective, to target their assistance more effectively on the poorest countries and communities and to focus more clearly on key priority areas of need. These will be important themes at the major international summit to be held at the UN in New York in September 2010 to review progress towards the achievement of the Millennium Development Goals.

Foreign Conflicts.

122. **Deputy Joanna Tuffy** asked the Minister for Foreign Affairs his views on the peace process in Sudan. [7150/10]

Minister for Foreign Affairs (Deputy Micheál Martin): The north-south peace process in Sudan is at a critical juncture as the country prepares for national, parliamentary and presidential elections in April. The elections are envisaged by the 2005 Comprehensive Peace Agreement (CPA) between the National Congress Party (NCP) and the Sudanese People's Liberation Movement (SPLM), which brought an end to the north-south conflict in Sudan. The CPA also provides for a referendum on self-determination for southern Sudan, which is due to take place in January 2011. Ireland and the EU believe that full implementation of the CPA is fundamental to securing peace and stability in Sudan as a whole and in the region.

There have been some positive developments in the implementation of the CPA in recent months, including the registration of voters over a five week period at the end of last year and the passing of legislation in January to govern the referendum in the South. An EU electoral observation mission, the biggest such mission for this year, will deploy to Sudan at the end of this month.

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However, there remain significant challenges which are putting increasing strain on the peace between north and south the closer we get to the elections. The security situation in southern Sudan is a serious concern in the face of ongoing tribal violence. The results of the voter registrations have produced some considerable divergences with the results of the 2008 census and this will remain a point of contention between both sides. Concerns over national security legislation passed by the National Congress Party last December have also been expressed in the south and the wider international community. Meanwhile, both north and south are reportedly re-arming in the expectation of future confrontations along the disputed north-south border. The continuing conflict in Darfur and the associated tensions with the international community over the ICC arrest warrant against President Bashir also impinge on the north south peace process.

Ireland and the EU is strongly committed to support the development of a democratic, peaceful and prosperous Sudan and believes that only through an agreed approach which is inclusive of all Sudanese, can these objectives be met. Taking into account the interdependent and complex nature of the political challenges facing Sudan, the Union will remain engaged during this pivotal year for Sudan.

Climate Change Conference.

123. **Deputy Liz McManus** asked the Minister for Foreign Affairs if Ireland will seek movement towards a sustainable common position regarding climate change in view of the disappointing outcome of the Copenhagen conference; if Ireland supports the achievement of such within the framework of the UN. [7140/10]

Minister for Foreign Affairs (Deputy Micheál Martin): Ireland had hoped that the UN Climate Change Conference in Copenhagen would result in a comprehensive legally binding agreement to succeed the Kyoto Protocol. This did not happen, but we remain committed to achieving a binding climate change agreement within the UN framework as soon as possible.

Ireland will continue to work within the EU, and in our bilateral contacts, to advance the climate change agenda with our international partners. We are leading by example — Ireland and all EU Member States have made an ambitious emissions reductions pledge, with a conditional offer to increase our pledge even further, and the Government has announced a contribution of up to €100 million for fast-start funding for climate change action in the developing world for the period 2010-2012, as part of an overall EU pledge of over €7 billion.

We have also associated ourselves with the Copenhagen Accord, which represents a useful first step and includes important positive elements, such as recognition of the scientific advice on the need to limit the increase in global temperature to within 2 degrees Centigrade of pre-industrial levels. More than 90 countries — including the EU Member States — have associated themselves with the Accord, with many either making pledges relating to emission reductions, or providing information on nationally appropriate mitigation actions.

Northern Ireland Issues.

124. **Deputy Arthur Morgan** asked the Minister for Foreign Affairs if he will report on his role in the negotiations for the devolution of policing and justice in Northern Ireland; his views on the outcome. [7238/10]

141. **Deputy Pat Breen** asked the Minister for Foreign Affairs if he will report on the agreement reached in Northern Ireland in February 2010; his views regarding same; if this agreement on the devolution of justice and policing powers is the last piece of the jigsaw to secure a lasting

peace in Northern Ireland or if there are other remaining issues which must be resolved; and if he will make a statement on the matter. [7244/10]

Minister for Foreign Affairs (Deputy Micheál Martin): I propose to take Questions 124 and 141 together.

Over a period of several months, I have been involved in intensive efforts with my British counterpart, Shaun Woodward, to assist and encourage the Northern Ireland parties to complete the devolution of policing and justice and to address other outstanding aspects of the St. Andrews Agreement that still require implementation.

Towards the end of last month, it became clear that the parties themselves were unable to agree on how to move ahead. The Taoiseach and the Prime Minister met in London on 25 January and decided to travel directly to Hillsborough where they convened all party talks. During the course of those talks, which concluded on Friday, 5 February, I met with the leaders of all of the political parties in Northern Ireland and with members of their Assembly Groups. We worked hard to establish common ground, to build dialogue between the parties, and to re-establish the trust necessary to complete the devolution of policing and justice in Northern Ireland.

On 5 February, the DUP and Sinn Féin finalised a comprehensive agreement which will ensure that policing and justice powers will be devolved to the Northern Ireland Assembly by 12 April of this year. The agreement also includes provisions to identify a Justice Minister, who will be a full member of the Executive, and to expand the Programme for Government to take account of the work of the new Department of Justice. The agreement reached is extremely significant and will complete the process of devolution as envisaged in the Good Friday and St. Andrews Agreements. Devolution of policing will allow Members of the Northern Ireland Assembly, who have a clear understanding of the needs of the community, to identify the best local solutions to local problems. This will make government more accessible and accountable.

The evil, criminal attack on PSNI Constable Peadar Heffron and recent attacks on police stations are a stark reminder that there remains a tiny minority intent on destroying all that has been achieved. The best response to give to such people is the early implementation of the agreement reached on devolving policing and justice, thereby securing the stability of the devolved institutions, and showing that the democratic political institutions are delivering for all of the people of Northern Ireland.

At Hillsborough, the parties also agreed to develop an improved framework to regulate and adjudicate on public assemblies and parades. A working group, set up by the First and deputy First Ministers, will bring forward agreed outcomes on parading issues. These will feed into the preparation of draft legislation on parading. Following a period of public consultation on a proposed Bill, it is intended that legislation will be in place by the end of 2010. As the agreement announced by the parties makes clear, the aim is to bring forward agreed outcomes which can achieve cross community support. Any improved framework agreed will be based on the core principle of local people providing local solutions, with respect for the rights of those who parade and those who live in areas through which they seek to parade. Given the history of parading and the potential it has to destabilise communities, this agreement between the parties has the potential to transform the situation. The Parades Commission will continue to operate until new arrangements are agreed and in place.

During the talks, agreement was also reached on improving the functioning of the Executive and on clearing outstanding Executive business. This will enable the Executive to get back to work in a spirit of genuine partnership. The First and deputy First Minister are also tasked with looking at all areas from the St. Andrews Agreement which are yet to be implemented.

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The Government welcomes the agreement to set up an Executive working group to identify how progress can be made on these outstanding issues, including the key issue of the protection and promotion of the Irish language and implementing the other outstanding North/South commitments from St. Andrews.

Both Governments will continue to encourage, and work with, the parties to ensure that all aspects of the agreement reached on 5 February, together with outstanding issues from the Good Friday Agreement and St. Andrews, are implemented. This agreement provides the basis for the stable and sustained functioning of the devolved institutions into the future, in a renewed spirit of partnership to deliver success for the entire community.

OECD Enhanced Engagement.

125. **Deputy Joan Burton** asked the Minister for Foreign Affairs the guiding principles of the ongoing discussion between the Organisation for Economic Co-operation and Development and third nations as part of the enhanced engagement programme; and if he favours a change on any of these. [7145/10]

Minister for Foreign Affairs (Deputy Micheál Martin): The OECD agreed in 2007 to launch programmes of ‘Enhanced Engagement’, with a view to possible membership, with Brazil, China, India, Indonesia and South Africa (EE5), and to expand the OECD’s relations with regions of strategic interest, starting with Southeast Asia.

Enhanced Engagement was a unilateral initiative by the OECD with no pre-determined path. The starting position was that Enhanced Engagement would entail “strengthened co-operation” going beyond the country programmes that had hitherto existed with Brazil, China and India, with significantly increased participation in the work of the substantive bodies of the Organisation.

Enhanced Engagement aims to serve the mutual interests of OECD Members and the EE5. For the EE5, Enhanced Engagement supports their reform and development process by making available knowledge of OECD policies, guidelines and instruments that have served existing Members’ development processes. Enhanced Engagement also offers the five partners the opportunity to influence international policy development on issues such as trade and investment, corporate governance, employment, social protection, and taxation, while extending the scope and relevance of existing instruments.

Considerable progress has been made since 2007 and the EE5 are increasingly involved in specific elements of the Organisation’s work along five main strands: (a) engagement in Committees and horizontal projects, (b) inclusion of EE5 data into the OECD statistical databases, (c) participation in OECD Economic Surveys and other peer review series, (d) reaching common understandings on policy principles, including adherence to OECD instruments and participation in the development of new ones, and (e) temporary assignments of EE5 experts in the OECD Secretariat. Substantial country-specific work programmes have also been developed.

Ireland fully supports the Enhanced Engagement process and sees no need for a change in the way it is proceeding.

Human Rights Issues.

126. **Deputy Denis Naughten** asked the Minister for Foreign Affairs the progress being made to date to ban female genital mutilation; and if he will make a statement on the matter. [7233/10]

Minister for Foreign Affairs (Deputy Micheál Martin): The practice of female genital mutilation is a clear violation of the human rights of women and girls. It has serious social, health and psychological consequences, and it infringes on children's rights to special protection. The World Health Organisation estimates that between 100 million and 140 million girls and women worldwide are currently living with the consequences of female genital mutilation. In Africa alone, it is estimated that three million girls are at risk annually.

The Government is active in global policy development, funding and research to address this appalling practice. We recognise that it is a form of gender-based violence, and that it must be an important element in our comprehensive approach to tackling such violence, through our overseas aid programme. The Government's 2006 White Paper on Irish Aid includes a firm commitment that Ireland will build its support for measures focused on preventing and responding to gender-based violence.

Irish Aid, the Division of the Department of Foreign Affairs which manages the Government's aid programme, is a founding member of the Joint Consortium on Gender Based Violence, which brings together representatives from Government Departments and Irish development, humanitarian and human rights Non-Governmental Organisations to promote a coordinated response to all forms of gender-based violence, including female genital mutilation.

Internationally, we are cooperating with United Nations agencies in a concerted effort to end the practice of female genital mutilation. Last year, the Government provided core funding of €8 million to the United Nations Fund for Children (UNICEF) and €3 million to the United Nations Population Fund (UNFPA) to support their work on child protection, gender equality, reproductive health, maternal mortality and HIV and AIDS. These agencies operate a joint programme to counter female genital mutilation with the aim of ending the practice in seventeen countries by 2012. Ireland contributed €0.5 million to this specific programme in 2007. In addition, in 2009 a total of €1.1 million was provided specifically for support of gender equality and women's empowerment, including through support for the UN Trust Fund for actions to Eliminate Violence Against Women.

Progress is being made towards ending the practice of female genital mutilation, but detailed international coordination and consultation remains essential. Earlier this month, on 6 February 2010, which has been designated the International Day Against Female Genital Mutilation, UNICEF and the UNFPA reported that there has been success in reducing the incidence of the practices in several countries where it was once highly prevalent. They noted that it is important to focus on encouraging change from within societies, and that where communities have chosen to make public declarations against the practice, for example in Senegal, declines of up to 65 per cent have been recorded.

Question No. 127 answered with Question No. 89.

US Tax Policy.

128. **Deputy Pat Breen** asked the Minister for Foreign Affairs his views regarding the recent state of the union address by US President, Barrack Obama; the implications that a change in the US tax policy would have for US multinationals based here; and if he will make a statement on the matter. [7243/10]

Minister for Foreign Affairs (Deputy Micheál Martin): President Obama gave a wide ranging State of the Union Address with a core focus on restoring the US economy. The address covered issues such as the need for innovation, the stabilisation of the financial system, tackling unemployment and addressing the Government deficit.

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In his State of the Union Address, President Obama reiterated his commitment to end “tax breaks for companies that ship our jobs overseas”. This was followed up by the publication on 1 February of the US Administration’s budget proposals for 2011. As they did last year, these include several proposed changes to the US international corporate tax framework.

The proposals in this area, if implemented, could affect the overseas operations of all US multinational companies, including in Ireland. However, it is important to note that any such proposals, in order to take effect, would have to be legislated on by Congress.

The Embassy in Washington, in close coordination with the IDA and the Department of Finance, has been monitoring these issues closely since the time of the Presidential campaign. Over the last year, there has been engagement at every level on this issue. The Taoiseach and I used the opportunity of our visit to Washington last March to raise our concerns in this regard with President Obama and Secretary of State Clinton. The Tánaiste met with Treasury Secretary Geithner last year to follow up on these discussions.

The Embassy in Washington has also been liaising actively with the US business community which has itself been engaging intensively in Congress on these proposals. Through this comprehensive programme of outreach with contacts in the Administration and Congress, the Department of Foreign Affairs, in coordination with the Department of Finance and IDA, aims to ensure that the mutual benefits of our existing relationships with the U.S. and U.S. companies in Ireland are fully understood and that this feeds into consideration of this issue by the Administration and Congress.

In our engagements in the US over the St Patrick’s Day period, the Taoiseach and I will be emphasising the strong economic relationship between Ireland and the US which provides vital trade and business opportunities for both countries.

Foreign Conflicts.

129. **Deputy Brian O’Shea** asked the Minister for Foreign Affairs his views on the militarisation of aid to Afghanistan. [7154/10]

Minister for Foreign Affairs (Deputy Micheál Martin): The prospects for sustainable development Afghanistan are directly linked to the establishment of peace and security in Afghanistan and the surrounding region. Decades of conflict, combined with frequent natural disasters, have left much of the Afghan population in a very vulnerable position. It is estimated that 42% of the population lives on less than US\$1 per day. Clearly, Afghanistan will require substantial humanitarian and development assistance for many years to come.

The primary role of the international military forces now in Afghanistan is to assist the Afghan Government in establishing a secure and stable environment. International military forces also support security sector reform through, for example, mentoring and training of the Afghan National Army. In providing this type of assistance, the military have a clearly defined role.

International military personnel in Afghanistan are also engaged in some areas of development and humanitarian assistance normally conducted by civilian actors, primarily at the provincial and district level through Provincial Reconstruction Teams (PRTs). In certain circumstances, the use of military structures and assets to channel such assistance may be appropriate. For example, in very insecure environments, PRTs may provide the only available option to deliver much-needed aid.

Ireland's clear position is that military assets and capabilities should only be used to channel humanitarian assistance in very limited circumstances, where there is no comparable civilian alternative and where only the use of military assets can meet a critical humanitarian need.

Last year, Ireland supported the UN Office for the Coordination of Humanitarian Affairs (OCHA) as it re-established a presence in Afghanistan. This was in recognition of OCHA's role both in humanitarian coordination and as an advocate for the principles of humanity, impartiality, neutrality and independence in the delivery of humanitarian assistance.

Ireland's humanitarian and development funding to Afghanistan is provided through UN and Non-Governmental Organisation partners, as well as through a World Bank administered Trust Fund in support of the Afghan Government. Irish Aid does not use military structures to channel assistance in Afghanistan. Through Irish Aid, the Government allocated a total of €5.2 million to Afghanistan in 2009, including support for mine clearance, food assistance and the security of humanitarian personnel.

Departmental Expenditure.

130. **Deputy Michael D'Arcy** asked the Minister for Foreign Affairs his plans for greater efficiencies with our foreign diplomatic corps; the percentage saving his Department is seeking to make in 2010; and if he will make a statement on the matter. [7073/10]

Minister for Foreign Affairs (Deputy Micheál Martin): In the *2010 Estimates for Public Services and Summary Public Capital Programme*, published on 9 December 2009, total savings of over €10m were announced for the Administrative Budget of my Department.

A further €6.2m in savings will accrue as a result of the reductions in public service pay announced on the same day.

Taken together the reduction of €16.2m represents an 8% cut in the Administrative Budget compared with 2009. The 2009 allocation similarly included a cut in resources of €15m compared with 2008.

The reduced resources affect the budgets of my Department at home and in our missions abroad. In addition to efficiencies at home such as smaller allocations for travel and for office machinery, my Department has reduced the budgets of our missions abroad by about 13.5%. This includes reductions in salaries and allowances, travel, postal and telecommunication services, office machinery and premises expenses.

I have also decided, on a trial basis, to make structural changes with regard to some of our embassies in the European Union. I intend to put in place in a number of capitals a lighter model of representation.

Such missions will be staffed by a single Irish diplomat with appropriate local support and backup from Dublin and other missions in the region. They will be explicitly tasked to prioritise our work on EU affairs and the promotion of our economic interests.

Development Assistance Committee.

131. **Deputy Pat Rabbitte** asked the Minister for Foreign Affairs his views on the development of the China development assistance committee study group, whose avowed aim is to provide a forum where central development issues might be discussed; the role which Ireland may play in this forum; the principles which guide, or the specific terms of reference upon which the DAC is structured; and the role he envisages Ireland to play in this forum. [7146/10]

Minister for Foreign Affairs (Deputy Micheál Martin): The establishment of the China-Development Assistance Committee Study Group in 2009 was a joint initiative by the Develop-

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ment Assistance Committee of the OECD and the International Poverty Reduction Centre in China, which itself is a joint initiative of the Chinese Government and the UN Development Programme. The OECD Development Assistance Committee is the key international development forum comprising the main aid donor Governments, including Ireland, and multilateral organisations such as the World Bank and the UN.

The purpose of the Study Group, which brings together representatives of donor Governments and Chinese officials and academics, is to share experiences and promote learning in relation to economic growth and poverty reduction. Its work is focused on China's own experience of growth and poverty reduction and its relevance for other developing countries, in particular in Africa. The Group is also examining China's increased economic cooperation in Africa, and its impact on poverty reduction.

In recent years China has become a major economic global player and has focused very significant trade, economic investment and development aid on African countries. China's engagement in Africa has the potential to contribute significantly to economic growth and to poverty reduction across the continent. We regard the Study Group as a valuable initiative in terms of bringing China into dialogue with other donor countries, sharing lessons and experience and discussing ways to ensure that development aid is delivered as effectively and efficiently as possible.

Ireland supports and participates in the work of the study group, as appropriate. In addition, in 2009, a delegation from the International Poverty Reduction Centre in China visited Ireland in order to meet with officials from Irish Aid, in the Department of Foreign Affairs, and to discuss the priorities and impact of the Governments aid programme, especially in our priority countries in sub-Saharan Africa.

In the year ahead, the Study Group will organise a series of international workshops on a series of development issues, including agriculture and food security, infrastructure, and the enabling environment for enterprise development. It will also produce a set of key recommendations for the attention of the Chinese authorities and the OECD Development Assistance Committee members, which will be presented and discussed at an important workshop, to be held in Beijing in early 2011.

Combatting Piracy.

132. **Deputy Paul Connaughton** asked the Minister for Foreign Affairs if he will report on the efforts being made at EU level to heighten awareness of the ongoing threat being posed by pirates off the Somali coast; if his attention has been drawn to additional measures which the international community will put in place to combat this threat; and if he will make a statement on the matter. [7247/10]

Minister for Foreign Affairs (Deputy Micheál Martin): EU NAVFOR Atalanta is the EU's naval mission acting in support of a series of UN Security Council Resolutions calling for international community action to combat piracy off the coast of Somalia. Under its mandate, Operation Atalanta contributes to the protection of vessels of the World Food Programme delivering food aid to displaced persons in Somalia; to the protection of vulnerable vessels cruising off the Somali coast; and to the deterrence and prevention of acts of piracy and armed robbery off the Somali coast. Ireland seconded two naval officers to Operation Atalanta in 2009. NATO and a number of individual countries also conduct naval operations against piracy.

Between the various operations established, significant co-operation has developed in response to the piracy threat off the coast of Somalia.

The EU has signed agreements with Kenya and the Seychelles providing for regional prosecution of suspected pirates detained by Operation Atalanta. Through the efforts of the EU and other international partners an International Recognised Transit Corridor has been established for commercial shipping in the Gulf of Aden, along with a Maritime Security Centre to provide anti-piracy advice and alerts to commercial shipping more generally in the region.

However, further efforts are required by the international community to address the root causes of piracy in the region. Somalia needs ongoing international support to restore peace and security, as a basis for development. These international efforts are focusing on supporting the development of indigenous Somali security forces, in partnership with the UN-recognised Transitional Federal Government.

The African Union maintains an international military presence in Somalia, AMISOM, which was deployed in March 2007. Its approximately 5,000 troops provide security for specific tasks in and around Mogadishu, but it is not in a position to provide wide-area security for civilians. The EU is also keen to play its part in helping to improve the Somali security sector. To this end, at the January Foreign Affairs Council meeting EU Ministers agreed to set up a new military mission to contribute to the training of Somali security forces. This mission will take place in Uganda which will also facilitate the coordination of the EU action with AMISOM. The mission is expected to commence in spring 2010.

Human Rights Issues.

133. **Deputy Willie Penrose** asked the Minister for Foreign Affairs his views on recent sectarian killings in Nigeria; the way he assesses the stability of that country and the security of its citizens; and if he will make a statement on the matter. [7165/10]

Minister for Foreign Affairs (Deputy Micheál Martin): I have been very concerned by the most recent violence in and around Jos in Plateau State, Nigeria, which saw hundreds killed and thousands displaced from 17-21 January. It follows on from violence in November 2008 and earlier, and is a result of ongoing tensions, which the government has been attempting to settle. Since the violence in 2008 inter-religious dialogue has been pursued and an assessment of the crisis was produced by Nigeria's House of Representatives. In addition, a military presence was maintained in the town, and a limited curfew enforced. Although the violence has been predominantly between Christians and Muslims, the root causes are not sectarian, but rather political with deep rooted and complicated ethnic and land issues involved. The State and Federal governments need to address the root causes in order to prevent a recurrence.

In relation to the stability of the country, President Umaru Yar'Adua of Nigeria has been receiving medical treatment in Saudi Arabia since the end of November, without having formally transferred power to Vice President Goodluck Jonathan. This had created some uncertainty in respect of exercise of authority by the President and Vice-President. During the Jos crisis the Vice President deployed troops to Plateau State to restore order and order was gradually re-established. However, it had been debated that legally he did not have the power to do this. In addition, unrest in the Niger Delta has threatened to escalate due to delays in the amnesty programme caused by the President's absence.

However, on February 9, faced with growing public dissatisfaction at the situation, both houses of the National Assembly adopted resolutions which formally recognise Vice-President Jonathan as the acting President with full and formal presidential powers, pending President

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Yar'Adua's return to Nigeria. This shows a respect for the Nigerian constitution and strengthens the Vice President's position in running the country.

The Irish Embassy in Abuja, Nigeria, remained in daily contact with all Irish citizens in and around Jos throughout the violence, and visited the area when conditions allowed. None of the Irish citizens contacted wished to leave and all remained safe. The Embassy has provided some humanitarian funding to help victims of the violence, and is investigating, along with EU partners, other ways to be of assistance.

Since 2007, Irish Aid has provided over €4.3 million in long-term development funding to NGO partner organisations working in Nigeria. The main recipients of this funding have been Irish missionaries working in Nigeria. These funds have assisted a variety of programmes including provision of basic education, promotion of human rights, and provision of primary health care, rural development, and development of water and sanitation sectors.

Question No. 134 answered with Question No. 107.

Foreign Conflicts.

135. **Deputy Jack Wall** asked the Minister for Foreign Affairs the progress made in the recommendations of the Goldstone report on Gaza; and his response to the statements made so far following publication of the report. [7162/10]

151. **Deputy Eamon Gilmore** asked the Minister for Foreign Affairs his views on the Goldstone report on the conduct of the Gaza war. [7142/10]

Minister for Foreign Affairs (Deputy Micheál Martin): I propose to take Questions Nos. 135 and 151 together.

As I have reported to the House on previous occasions, I consider the Goldstone Report to be a serious and important contribution to efforts to determine the truth of allegations about events in Gaza a year ago, to establish accountability for them, and to seek to prevent a recurrence of such alleged infringements of international law. I have commended Judge Goldstone and his colleagues, including retired Defence Forces Colonel Desmond Travers, for their work.

The UN General Assembly in October adopted a Resolution, supported by Ireland, which called on the parties to the conflict to report within three months on their implementation of the Resolution, and particularly the requirement to establish independent and transparent enquiries into allegations relating to the conduct of their forces during the conflict. UN Secretary General Ban has at the end of last week sent to the General Assembly the reports he has received from Israel and the Palestinian Authority. SG Ban has noted that the reports do not provide enough information to be clear yet if the General Assembly Resolution has been complied with, or is in the process of being complied with. It is also reported that the Hamas movement has forwarded a report to the UN, although the status of this document is unclear.

It should be noted that, in a separate development to the Goldstone Report, Israel has also recently paid compensation of \$10.5 million to the UN for damage to UN property, notably UNRWA facilities, caused by Israeli forces during the conflict.

The process of following up on the Resolution is ongoing. Following the Secretary General's report, it is now for the UN to decide what is the next step. This may take place at the Human Rights Council in Geneva, which originally commissioned the Goldstone Report, although it

may be more likely that the General Assembly, which passed the Resolution, will consider this first.

Question No. 136 answered with Question No. 101.

Question No. 137 answered with Question No. 98.

Overseas Development Aid.

138. **Deputy Dan Neville** asked the Minister for Foreign Affairs the amount of the overseas aid budget that was spent in each of the programme countries in 2009; the amount that will be spent in each of these countries in 2010 following the cuts announced in budget 2010; and if he will make a statement on the matter. [7178/10]

Minister for Foreign Affairs (Deputy Micheál Martin): Through the overseas aid programme the Government provides assistance to over ninety countries worldwide. Nine have been designated as Programme Countries for Irish Aid, where we have a commitment to long term strategic assistance. These are Ethiopia, Lesotho, Malawi, Mozambique, Tanzania, Timor Leste, Uganda, Vietnam and Zambia.

In 2009, direct programme funding of €198 million was provided to these countries under the bilateral aid programme. The breakdown by Programme Country was as follows:

- €27.84 million was provided in Ethiopia.
- €11.42 million was provided in Lesotho.
- €8.88 million was provided in Malawi.
- €40.5 million was provided in Mozambique.
- €33.5 million was provided in Tanzania.
- €3.42 million was provided in Timor Leste.
- €35.5 million was provided in Uganda.
- €13.75 million was provided in Vietnam.
- €23.21 million was provided in Zambia.

The Government channels additional funding to the Programme Countries in response to emergencies and humanitarian disasters, as necessary. Significant funding is also provided each year for the activities and programmes of development Non-Governmental Organisations, and through contributions to UN and other international agencies. In the case of Timor Leste, additional funding is allocated for conflict resolution activities.

For 2010, the Government has provided an overall allocation for Official Development Assistance (ODA) of €671 million. This represents a relatively small reduction of €25 million on the allocation for 2009, and ensures that Ireland will remain one of the most generous donors internationally, on a per capita basis. Detailed allocations across the aid programme are now under consideration, and the figures will be included in the Revised Estimates Volume, to be published by the Department of Finance at the end of February. I expect that the direct programme budgets for Irish Aid's priority countries will be broadly in line with the 2009 allocations, although there will be some relatively small reductions. We will ensure our overall commitments to our nine Programme Countries are met.

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The people of Ireland can be proud that we are delivering an internationally recognised aid programme which is sharply focused on the reduction of extreme poverty and hunger in some of the poorest countries, especially in Africa. I can assure the House that the standards achieved by the programme will be maintained in 2010 and subsequent years.

Foreign Conflicts.

139. **Deputy Joe Costello** asked the Minister for Foreign Affairs his views on the escalating situation between North and South Korea following a recent arms transaction; and if he will make a statement on the matter. [7167/10]

Minister for Foreign Affairs (Deputy Micheál Martin): The hostilities on the Korean Peninsula on 27 January to which the Deputy refers have involved exchanges of artillery fire between the North and the South along the disputed western sea border between the two countries, the so-called Northern Limit Line in the Yellow Sea. It is both regrettable and counter-productive for the North Korean side to have initiated this exchange and to have indicated its intention to continue its military activities in the area.

These incidents have occurred in the context of a series of setbacks which include the decision by the DPRK to withdraw from the Six Party Talks process, to cease cooperation with the IAEA, to carry out a nuclear test and a missile test, and to restore its nuclear facilities in contravention of UNSC Resolution 1718. The testing of the nuclear device in May 2009 resulted in the adoption by the Security Council of UNSC Resolution 1874 which imposed a tighter arms embargo and new financial restrictions.

At the same time, paradoxically, the DPRK has also signalled its desire to engage in talks. This has encouraged key regional players to explore the potential for a resumption of the Six Party Talks process. The US Special Envoy for North Korea, Mr Stephen Bosworth visited Pyongyang in December. Last week, Mr Lynn Pascoe, UN Deputy Assistant Secretary for Political Affairs and Mr Wang Jiarui, Director of the International Liaison Department of the Chinese Communist Party visited Pyongyang. President Lee Myung-bak of the Republic of Korea has also signalled his willingness to engage in direct talks, including the possibility of a summit meeting.

With our partners in the EU, we have consistently called on the DPRK, including through a Declaration by the European Council on 18/19 June last, to refrain from any violations of relevant United Nations Security Council resolutions and to engage in dialogue and cooperation, including through the early resumption of the Six Party Talks.

The resumption of dialogue is the only way to achieve peace, stability and cooperation on the Korean peninsula. We must also keep to the forefront the suffering of the people of North Korea who face systematic, widespread and grave human rights abuses and endure sustained food insecurity and widespread malnutrition. Hope for relief for them lies in a successful talks process.

Question No. 140 answered with Question No. 98.

Question No. 141 answered with Question No. 124.

Question No. 142 answered with Question No. 115.

Question No. 143 answered with Question No. 100.

Question No. 144 answered with Question No. 94.

Question No. 145 answered with Question No. 94.

Question No. 146 answered with Question No. 91.

Question No. 147 answered with Question No. 89.

Question No. 148 answered with Question No. 115.

Foreign Conflicts.

149. **Deputy Willie Penrose** asked the Minister for Foreign Affairs his views on the situation in Iraq; if he accepts recent reports that there has been real progress towards peace and the withdrawal of occupying forces; his views on whether the oil contracts awarded in recent months have been in the best interests of the communities of Iraq. [7164/10]

Minister for Foreign Affairs (Deputy Micheál Martin): I have been pleased to be able to report to this House on a number of occasions on the substantial improvement in security in Iraq which has taken place over the last three years. While incidents of violence are still an all too frequent occurrence, they have been reduced significantly and preparations for Iraq's national elections in March are underway.

The continuing violent attacks in recent weeks and months clearly remind us, however, of the very significant problems, including security concerns, that Iraq continues to face. Large scale violent attacks are now principally confined to Baghdad and the ethnic interface areas of Mosul and Kirkuk. In particular, it seems clear that large scale bombing attacks in Baghdad by militant groups, aimed at high civilian casualties as well as at the police, are intended to try and reignite the dreadful sectarian violence of a few years ago, from which Iraq has only painfully emerged.

During 2008, security control of almost all Iraqi provinces was returned to Iraqi forces, and the overarching security role of the UN-mandated MultiNational Force in Iraq came to an end. The Iraqi Government and its security forces are now responsible for security in Iraq. Iraqi security forces have demonstrated significantly improved capabilities, but are not yet able to cope with the serious continuing threats without outside assistance. The presence and the rules governing the remaining international forces in Iraq, principally from the United States, are now established in bilateral arrangements between Iraq and these countries. Furthermore, it is envisaged that the security role of these forces will be progressively reduced, with forces ceasing day-to-day operations on the streets, and instead operating from bases at the request of and in support of Iraqi forces. At present it is envisaged that this reduced role will end in 2011.

The election preparations underway within Iraq have been marked by some controversy following a recent court ruling overturning a ban imposed by the Iraqi Government on up to 500 election candidates with alleged links to the former ruling Ba'ath party from standing. Nonetheless it is also clear that election preparations are bringing different groups in Iraq to peaceful negotiations. Indeed Iraqi society is actively participating in the debate and preparations and this is a very positive indication of how far Iraq has come. Nonetheless, the authorities in Iraq continue to require the encouragement of the international community, and the EU has committed to provide support to the elections, including by sending an enlarged team of electoral experts as well as through the engagement of EU diplomatic missions in Iraq.

The Iraqi oil ministry has recently awarded contracts to international companies, from a number of countries, to develop production in the country. International expertise and investment is thought to be crucial to the development of Iraq's oil industry, which has suffered from many years of isolation. The awarding of such contracts is a matter for the Iraqi government.

Overseas Development Aid.

150. **Deputy Seán Sherlock** asked the Minister for Foreign Affairs if, in view of the interconnection between issues of aid trade and debt, he will sympathetically respond to requests for basic funding of the debt and development coalition and the Latin American solidarity campaign, to enable them to stay in existence and do their work of advocacy. [7148/10]

Minister for Foreign Affairs (Deputy Micheál Martin): The provision of debt relief and aid for trade are both important elements in the fight against global poverty. All of Ireland's assistance to developing countries is in the form of grants rather than loans. Ireland has played a significant role in multilateral initiatives to relieve the burden of debt on developing countries, and through the aid programme, the Government also provides assistance to help developing countries to benefit from the global trading system.

I recognise the contribution to the debate on these issues which is made by a number of Irish Non-Governmental Organisations, including Debt and Development Coalition Ireland and the Latin America Solidarity Centre. The Government's aid programme, managed by Irish Aid, does not provide support for the core running costs of these organisations or for political campaigning and advocacy work. However, limited resources have been provided to support participation in international conferences. This allowed Debt and Development Coalition Ireland, for instance, to attend a major European conference of the network of debt organisations last year.

In addition, both the Debt and Development Coalition and the Latin America Solidarity Centre have benefited from significant support under Irish Aid's development education funding scheme in recent years.

The Debt and Development Coalition has received annual funding under the scheme for a number of years, most recently in 2008 when funding of more than €79,000 was provided. The organisation was unable to apply for a grant in the second half of 2009 as only one funding round was held, due to budgetary constraints. However, I understand that an application has been received from the organisation for the 2010 round of Irish Aid development education grants. The application will be considered in the normal manner.

The Latin America Solidarity Centre is currently receiving multi-annual funding from Irish Aid totalling €271,000 for the three years up to March 2012. This support is for a comprehensive education programme which focuses on social justice and food security, and which includes an exploration of themes relating to international debt and to trade practices in agriculture.

Question No. 151 answered with Question No. 135.

Census of Population.

152. **Deputy Finian McGrath** asked the Taoiseach if he will make a further amendment to the 2011 census document (details supplied). [7655/10]

Minister of State at the Department of the Taoiseach (Deputy Pat Carey): As I indicated in the House on the 2nd February, 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 in so far 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.

Ministerial Orders.

153. **Deputy Leo Varadkar** asked the Taoiseach the fees or charges set by him by way of ministerial order for the provision of goods or services to persons or businesses; the charge; and if he will make a statement on the matter. [8036/10]

The Taoiseach: No fees or charges are set down by me by way of Ministerial Order for the provision of goods or services to persons or businesses.

154. **Deputy Leo Varadkar** asked the Taoiseach the charges levied by his Department or agencies under his Department in respect of the provision of goods or services to persons or businesses; the charge; the anticipated income from such charges in 2010; and if he will make a statement on the matter. [8048/10]

The Taoiseach: No charges are levied by my Department or agencies under the aegis of my Department in respect of the provision of goods or services to persons or businesses.

Departmental Agencies.

155. **Deputy Jim O’Keeffe** asked the Taoiseach the number of bodies and agencies under his aegis; and his proposals for the rationalisation of same. [8202/10]

The Taoiseach: The National Economic and Social Development Office (NESDO) is the only agency currently under the aegis of my Department. It is an umbrella body for i) the National Economic and Social Council (NESC), ii) the National Economic and Social Forum (NESF), and iii) the National Centre for Partnership and Performance (NCPF). NESDO and its constituent bodies (the NESC, NESF and NCPF), have played an important role in the development of national policy and through support for the social partnership process. However, the profoundly changed national and international context which has emerged in the past eighteen months has thrown up challenges that must shape the role of the NESDO and its constituent bodies in the coming years.

In order to maximise both effectiveness and value for money, the Government has decided to streamline the work of policy advice within the NESDO by amalgamating the three constituent bodies through absorbing the NESF and NCPF into the NESC. In consequence of this, the NESF and the NCPF will be dissolved with effect from a date to be specified in an order which will be made shortly under the National Economic and Social Development Office Act 2006.

Innovation Fund.

156. **Deputy Joan Burton** asked the Tánaiste and Minister for Enterprise, Trade and Employment the progress made to date, with respect to the €500 million State backed venture capital fund announced in December 2008, of implementing this initiative; when the first disbursements of funds will take place; and if she will make a statement on the matter. [7604/10]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): Discussions are continuing between officials of my Department, other Government Departments, Enterprise Ireland, the National Treasury Management Agency (NTMA) and the various parties whose cooperation and participation will be required before this Fund becomes operational.

The Innovation Fund Ireland concept is a Department of An Taoiseach initiative and Enterprise Ireland and the NTMA have provided advice to the Department of An Taoiseach at its request on how the concept might be developed, given the experience of both agencies in the area of venture investment.

Unemployment Statistics.

157. **Deputy Arthur Morgan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of career guidance counsellors that are unemployed; the number of career guidance counsellors on the live register; and if she will make a statement on the matter. [7674/10]

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary): Based on their own records, FÁS has informed me that there are eleven persons identified as ‘career guidance counsellors’, who are registered as unemployed with FÁS.

The Department of Social and Family Affairs has responsibility for the Live Register and the Deputy is advised to contact this Department for information on the number of career guidance counsellors’ on the Live Register.

Asia Strategy.

158. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Enterprise, Trade and Employment his plans to develop a new Asia strategy; and if she will make a statement on the matter. [7712/10]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): The Government’s Asia Strategy operated for the period 1999-2009 and has been very successful in developing Ireland’s Trade and other links with the key Asian economies.

Ireland’s exports to the eight priority countries of the final phase of that Strategy have risen from €4.0bn in 1999, to €10.3bn in 2008, well ahead of the target of €9bn, set for 2009. Full year export data for 2009 is not yet available but is likely to be broadly similar to 2008. The number of Irish companies with a presence in these countries has risen from 54 to 267, well ahead of the target of 215.

In addition, substantial growth has been achieved on other targets relating to Tourism, specialist food exports, developing inward student numbers, academic partnerships and a range of other links and developments. These outcomes, together with progress in wider awareness-raising, have been greatly assisted by focused high-level visits.

Over the last five years, Taoiseach-led Trade Missions have been organised to China, India and Japan and other Ministerial-led Trade Missions have taken place to China, India, Japan, Malaysia and Singapore. In addition, the Department of Foreign Affairs has expanded their network of Embassies and Consulates in the region.

The Government are committed to developing and expanding this engagement, as the key Asian economies represent an exciting and continuously developing market for Irish goods and services. To this end and in response to the Smart Economy Framework, my Department is both reviewing the achievements of the Asia Strategy, as well as working with the Development Agencies and other Departments to develop a new Strategy for Trade and Investment. The new strategy will focus on high growth emerging markets such as China, as well as on our existing key trading partners and its aim will be to increase our exports/investments in and from these markets. The new strategy will also bring further focus and coherence to Ireland's single-minded pursuit of our international economic and commercial interests. The inter-departmental and inter-agency consultations to date, point to the need for a new research based strategy that will run for 3-4 years in a fluid and changing trade and investment environment. It is intended to finalise this new Strategy later this year.

Labour Market Activation Fund.

159. **Deputy Billy Timmins** asked the Tánaiste and Minister for Enterprise, Trade and Employment the position regarding correspondence (details supplied); and if she will make a statement on the matter. [7714/10]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): The Deputy may wish to draw the attention of the correspondent to the announcement of the establishment of the Labour Market Activation Fund, 2010, published by my Department on Friday 12th February 2010 in the national press. Details were also posted, on that date, on the Government E-tenders website at www.e-tenders.gov.ie.

The Labour Market Activation Fund is intended to assist those offering to provide substantial innovative training and activation interventions over and above mainstream measures, targeting specific priority groups among the unemployed. The purpose of the press notice was to advise those who might be interested in providing these interventions that my Department will, in the near future, issue a Call for Proposals for such services from public, private, voluntary, and not-for-profit education and training providers.

Full information on tender requirements will be published at the time of the Call for Proposals and will be accessible electronically on <http://www.etenders.gov.ie/>. Notice of the Call for Proposals will also be published in the national press.

European Globalisation Adjustment Fund.

160. **Deputy Fergus O'Dowd** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she will reply to correspondence (details supplied); and if she will make a statement on the matter. [7715/10]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): My Department submitted a provisional application to the European Commission in October 2009 for co-financing support from the European Globalisation Adjustment Fund (EGF) towards the cost of a personalised package of retraining, upskilling, entrepreneurial supports and edu-

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cational opportunities for workers made redundant at the SR Technics facility in North County Dublin.

Subsequently in mid-January 2010 the European Commission sought additional information in relation to the EGF application. My Department is preparing a response to the Commission's request.

The EGF application process from initiation to final decision is a lengthy procedure involving not just the European Commission but also the Council of Ministers and the European Parliament. In the case of the EGF application in relation to redundant workers at the DELL plant in Co. Limerick the approval process took some six months. Strict eligibility criteria apply and there is no guarantee of success if a sustainable case for EGF assistance cannot be made in support of a Member State's application. My Department is seeking to ensure that such a robust case is made and sustained.

In the interim 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 all workers made redundant at SR Technics. I understand that the person in the correspondence mentioned by the Deputy is himself participating in a tailored FÁS Joint Aviation Regulator course in electrical components, one of 100 former SR Technics workers to do so.

Furthermore, with a view to ascertaining those interventions, including in further and third level education, that redundant SR Technics workers might avail of in the event of a successful EGF application being made, an information event was held by a wide range of service providers in Dublin Airport in December 2009. I know that the full range of education programmes provided by the VEC and third level sector are also available to redundant SR Technics workers and that the education sector is also working to develop additional upskilling responses in anticipation of the approval of the EGF application. However, while every effort is being made to ensure such programmes can proceed as soon as possible, the further progression of any interventions to be funded specifically by the EGF must await the completion of the EGF application process.

Employment Subsidy Scheme.

161. **Deputy Andrew Doyle** asked the Tánaiste and Minister for Enterprise, Trade and Employment her plans to have a third call for applications for the employment subsidy scheme; if so, her further plans to amend the qualifying criteria to take into account the difficulties by some companies; and if she will make a statement on the matter. [7739/10]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): Applications under the second Call of the Employment Subsidy Scheme are being processed by Enterprise Ireland. There are currently no plans to have a third call for applications for the Employment Subsidy Scheme.

Employment Regulation Orders.

162. **Deputy Ruairí Quinn** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of workers within the scope of employment regulation orders in agriculture, catering, contract cleaning, hotels, retail grocery and security; and if she will make a statement on the matter. [7742/10]

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary): Reliable data on the number of workers that come within the scope of Employment Regulation Orders are not available.

The absence of systematic data on the number of workers covered by the joint labour committee (JLC) system is acknowledged as an information gap and has been noted, for example, in a review of the operation of the JLC system for the Labour Relations Commission undertaken by the University of Limerick. Since the data relied upon in that study is now out of date, I propose to ask the Labour Relations Commission to advise me on the feasibility of undertaking a further study of the operation of the system having particular regard to the significant changes that have taken place in service sector employment in the past decade.

Redundancy Payments.

163. **Deputy Phil Hogan** asked the Tánaiste and Minister for Enterprise, Trade and Employment when a redundancy refund will be awarded to a company (details supplied) in County Kilkenny. [7816/10]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): 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 rebate claim for the company concerned on 4 September, 2009. In respect of rebate applications filed online, 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;

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- 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.

It is clear that these interventions are having an impact in that for example the numbers of claims processed and paid by the Redundancy Payments Section in 2009 and 2010 respectively amounted to 29,802 and 50,664.

The Tánaiste and I are monitoring closely the impact of these changes against the continuing influx of redundancy claims. However, 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.

Labour Court Recommendations.

164. **Deputy Chris Andrews** asked the Tánaiste and Minister for Enterprise, Trade and Employment if a company refuses to comply with a Labour Court recommendation, the next steps that can be taken by the employees' union. [7847/10]

165. **Deputy Chris Andrews** asked the Tánaiste and Minister for Enterprise, Trade and Employment if there is any recourse for companies that refuse to comply with Labour Court recommendations. [7848/10]

166. **Deputy Chris Andrews** asked the Tánaiste and Minister for Enterprise, Trade and Employment if there are structures in place to force a foreign owned company to comply with a Labour Court recommendation; if not, the reason. [7849/10]

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary): I propose to take Questions Nos. 164 to 166, inclusive, together.

Responsibility for the resolution of industrial disputes between employers and workers rests with the employer, the workers and their representatives. The State provides the industrial relations dispute settlement machinery free of charge to assist this process, which, in line with the general principles of industrial relations in Ireland, is voluntary in nature. The system of industrial relations and collective bargaining in Ireland is designed to help and support parties in their efforts to resolve their differences, without the intervention of the State.

Institutions that have been established to assist in the resolution of disputes between employers and workers include the Labour Relations Commission and the Labour Court, independent statutory bodies that act independently in carrying out their functions.

If the issues in a trade dispute cannot be resolved at local level or at conciliation in the LRC, the Labour Court may be called upon to issue its recommendations for resolving the matter. The Labour Court does not issue legally enforceable decisions in disputes referred to it under Section 20(1) of the Industrial Relations Act, 1969. In making recommendations on the terms on which disputes can be settled, the Court relies on its moral authority and integrity as an independent dispute resolution body rather than any legal powers of enforcement to support

its recommendations. It is expected that the parties come to this process in good faith and consequently are prepared to give serious consideration to the Court's recommendations.

Ultimately, however, responsibility for the resolution of trade disputes is a matter for the parties involved.

FÁS Training Programmes.

167. **Deputy Olwyn Enright** asked the Tánaiste and Minister for Enterprise, Trade and Employment the reason non-social welfare recipients are now precluded from receipt of a training allowance when attending a FÁS course regardless of whether or not they can afford to pay for child care; if her attention has been drawn to the fact that this is having the effect of preventing women from entering such courses; and if she will make a statement on the matter. [7860/10]

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary): FÁS training allowances are aligned to a person's entitlement to supports for job-seeker's and Department of Social and Family Affairs rules. Consequently, where a trainee is entitled to a DSFA benefit at course commencement he/she will receive a FÁS training allowance for the duration of the training course. If a trainee is not entitled to a DSFA benefit at the commencement of the training course then he or she will not receive a training allowance.

Redundancy Payments.

168. **Deputy Niall Collins** asked the Tánaiste and Minister for Enterprise, Trade and Employment if a redundancy rebate will issue to an employer (details supplied) in County Limerick; and if she will make a statement on the matter. [7863/10]

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 lump sum claim for the individual concerned as well as claims for other former employees of the company concerned on 5 August 2009 claiming inability to pay on behalf of the employer. These applications are awaiting 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.

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. On so doing, the employer is entitled, by virtue of the pay related social contributions made to the State, to recover 60% of the lump sum redundancy payments paid out to employees.

In instances such as this, where the employer does not formally wind the company up but goes into informal insolvency and is unable to pay the statutory redundancy entitlements, the Department seeks from the employer evidence of inability to pay the entitlements to the employees. This involves requesting a statement from the company's Accountant or Solicitor attesting to the inadequacy of assets to make the redundancy payments and, the latest set of

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financial accounts for the company. The employer is also asked to admit liability for the 40% liability attaching to the company arising from the redundancy payments. If this information is provided to the Department, the employees are paid their redundancy entitlement from the Social Insurance Fund. Upon payment, the Department pursues the company for the 40% share which the company would ordinarily have been expected to pay to the employees.

If supporting information required from the employer is not provided to my Department the employee will be advised by my Department to take a case to the Employment Appeals Tribunal (EAT) against the employer to seek a determination establishing the employee's right and entitlement to redundancy. Once such a determination is available, the Department is then in a position to make the payment to the employee concerned. Should the outstanding documentation be provided by the employer during the period while the case is pending a hearing before the EAT, this would allow the claim to be processed by my Department in the usual way.

Military Exports.

169. **Deputy Caoimhghín Ó Caoláin** asked the Tánaiste and Minister for Enterprise, Trade and Employment the value of military exports and military export licences issued in 2008 and 2009. [7915/10]

170. **Deputy Caoimhghín Ó Caoláin** asked the Tánaiste and Minister for Enterprise, Trade and Employment the value of dual-use exports and export licences issued by the Government in 2008 and 2009. [7916/10]

171. **Deputy Caoimhghín Ó Caoláin** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of military licences refused in 2008 and 2009; the companies refused; and the basis for refusal. [7917/10]

172. **Deputy Caoimhghín Ó Caoláin** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of dual-use export licences refused in 2008 and 2009; the companies refused; and the basis for refusal. [7918/10]

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Billy Kelleher): I propose to take Questions Nos. 169 to 172, inclusive, together.

The data which the Deputy has requested regarding the number of export licences issued in 2008 and 2009 is set out in the table.

Individual dual use licences are issued for a 12 month period for exporting goods up to a specified amount to a specific end-user. Global dual-use licences, which are valid for a six month period, can be issued for dual-use goods up to a specified amount for a number of destinations from a specific exporter.

Military licences are issued for a 12 month period for the export of goods up to a specified amount to a specified end-user.

This data will be elaborated upon in the forthcoming First Report on the Operation of the Control of Exports Act 2008. The report is in the final stages of preparation.

It is important to note that the information regarding the value of goods set out in the table does not represent the actual value of goods exported, rather it represents the value of goods in respect of which an export licence was granted.

In relation to military licences, the EU publishes annual reports according to Operative Provision 8 of the European Union Code of Conduct on Arms Exports. This includes data on military licences issued by each Member State. However data regarding denials is only published in this report at an EU aggregate level. In relation to dual use licences, there is no publication of data on denials at EU level. At this stage it is not intended to publish national denials data.

Preliminary	Number of licences granted in 2008	Value of licences in 2008	Number of licences granted in 2009	Value of licences in 2009
		€		€
Individual dual-use licences**	369	1,058,192,142	345	5,196,705,403
Global dual-use licences**	47	1,329,975,156	45	1,557,717,388
Military licences	92	30,689,637	119	32,518,591

**For export control purposes, dual-use goods refer to products which, though manufactured for civilian use, could also have a military application.

Company Closures.

173. **Deputy Brendan Howlin** asked the Tánaiste and Minister for Enterprise, Trade and Employment when the liquidation of a company (details supplied) in County Wicklow will be completed; if a particular difficulty within her Department or any other Department is delaying the completion of the liquidation process; and if she will make a statement on the matter. [7931/10]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): The liquidation of Irish Fertilizers Industries (IFI) is solely a matter for the liquidator and is not a matter in which I, or my Department, have a responsibility. The liquidator has advised my Department that the liquidation process is at an advanced stage and that all of the assets of the company have been realised. The liquidator has made payments of 48.5% of the claims made by unsecured creditors. A recent payment of 1%, made by the liquidator in October 2009, was effectively the final payment to creditors and the liquidator does not anticipate the payment of any further material dividend to creditors.

The liquidation of IFI is, therefore, substantially completed. One issue remains to be resolved relating to the company's liability for its proportion of rent increases in respect of leases on the Marino Point site in Cork for periods prior to the liquidator's sale of the lease interest in April 2006. When the rent payable under these leases was reviewed and increased in 2003 and 2004 the tenants, Port of Cork Company, appealed the increase in rent. Resolution of this process rests with the current tenants and head landlord which, since January 2010, is the Department of Environment, Heritage and Local Government (the Department of Agriculture, Fisheries and Food was the head landlord prior to the recent transfer of this function). Neither my Department nor the liquidator is a party to the rent appeal process.

Consumer Protection.

174. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Enterprise, Trade and Employment her views on the introduction of legislation governing vouchers with unfair expiry dates in view of the European Commission's response to a person (details supplied). [7972/10]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): As advised in the European Commission's response referred to by the Deputy, the Unfair Com-

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mercial Practices Directive (No. 2005/29/EC refers) harmonises the laws in member states on unfair commercial practices affecting the economic interests of consumers. The Directive, which was transposed into Irish law by the Consumer Protection Act 2007, provides consumers with a general protection against unfair commercial practices, including misleading and aggressive practices, as well as protections against over 30 specific practices, which the Directive has deemed to be unfair in all circumstances.

The Deputy in referring to vouchers with unfair expiry dates has not explained what specifically he means by an unfair expiry date. Insofar as the Consumer Protection Act is concerned, the Act provides that a commercial practice is unfair if it is contrary to the general principle of good faith in the trader's field of activity, the standard of skill and care that a trader may reasonably be expected to exercise and would be likely to cause an appreciable impairment of the average consumer's ability to make an informed transactional decision and to make a transactional decision he would not otherwise make. The Act further provides that in determining whether a commercial practice is unfair, the commercial practice shall be considered in its factual context, taking account of all its features and circumstances.

In addition to providing a general prohibition on unfair commercial practices, the Act also prohibits traders from engaging in misleading commercial practices, including practices which involve the concealment or omission of material information that the average consumer would need to make an informed transactional decision and which could cause the average consumer to make a transactional decision he would not otherwise make. Accordingly if the Deputy is aware of instances of traders selling gift vouchers by means of false representation, such as incorrect information in relation to the date of expiry of the voucher or by the omission/concealment of material information, such as the date of expiry of the voucher or if he is of the view that the sale of particular vouchers is unfair having regard to the criteria previously mentioned, he may wish to bring such instances to the attention of the National Consumer Agency who are responsible for enforcing the provisions of the Consumer Protection Act 2007.

The European Commission in the reply cited by the Deputy referred to the maximum harmonization nature of the Unfair Commercial Practices Directive. As pointed out by the Commission, it was not open to Ireland in transposing the Directive to adopt stricter rules than those provided for in the Directive. It was for this reason that the Government was not in a position to support the Consumer Protection (Gift Vouchers) Bill 2009, which sought to unilaterally extend the list of practices prohibited in all circumstances by the addition of a provision prohibiting the sale of gift vouchers where the redemption period from the date of sale of the voucher was less than 5 years. Notwithstanding the strictures of maximum harmonization, the Government, as advised in the second stage debate on the aforementioned Bill in the Seanad, is concerned that the terms and conditions attaching to the sale of gift vouchers are as transparent as possible. Accordingly my Department is currently examining the possibility of making Regulations under the Consumer Protection Act 2007, which would require that specific information be given in relation to the terms and conditions attaching to the sale or the advertisement for sale of gift vouchers, particularly in relation to the redemption periods/conditions attaching to the voucher. Insofar as the reference in the Commission's reply to the Proposal for a Directive on Consumer Rights is concerned, my Department is coordinating Ireland's position in the discussions on this measure. I would wish to assure the Deputy that Ireland would fully support the inclusion of any appropriate and proportionate measures in this proposal which would build on the existing levels of consumer protection law in this area.

Work Permits.

175. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of work permits granted in exceptional cases for occupations with an annual salary below €30,000 in 2009 by sector; and if she will make a statement on the matter. [7989/10]

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary): The trend in the number of work permits granted has reduced significantly over the last number of years as is evident from the following table in line with Government Policy of restricting access to the labour market for Non EEA Nationals. The information sought by the Deputy concerning the number of permits granted in exceptional circumstances for occupations with an annual salary below €30,000 is not readily available and I have asked that it be provided to the Deputy as soon as possible.

Year	New	Renewal	Group	Issued
2007	10,134	13,457	13	23,604
2008	8,481	5,086		13,567
2009	4,024	3,938		7,962

Departmental Agencies.

176. **Deputy Billy Timmins** asked the Tánaiste and Minister for Enterprise, Trade and Employment the locations at which Enterprise Ireland and the Industrial Development Authority have foreign offices; the plans to open new offices; and if she will make a statement on the matter. [8005/10]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): The locations of the overseas offices of IDA Ireland and Enterprise Ireland are set out in the attached statement. Both agencies have informed me that, at present, they have no plans to extend their overseas office network.

IDA Overseas Offices are located as follows:

Europe

London, Frankfurt and Paris

USA

New York, Boston, Mountain View and Irvine (both in California), Atlanta and Chicago

Asia Pacific

Russia, Brazil, Australia, Korea, Taiwan, Japan, China and India

Enterprise Ireland Overseas Offices are located as follows:

Amsterdam, Brussels, Glasgow, London, Paris, Stockholm, Budapest, Dusseldorf, Moscow, Prague, Warsaw, Dubai, Madrid, Mexico, Milan, Riyadh, Sao Paulo, Boston, New York, Silicon Valley, Toronto, Beijing, Guangzhou, Hong Kong, Kuala Lumpur, New Delhi, Seoul, Shanghai, Singapore, Sydney and Tokyo.

FÁS Training Programmes.

177. **Deputy Willie Penrose** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she will contact FÁS to ascertain the reason it will not sanction a community employment scheme at a location (details supplied) in County Meath which has a significant level of unemployment and has suffered a factory closure in recent years despite the local community groups seeking to have a scheme to accommodate 14 participants put in place; if same will be sanctioned in view of the fact that some locals are prepared to provide the necessary utensils to allow the scheme to progress; and if she will make a statement on the matter. [8063/10]

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary): The information requested is being researched and I will reply substantively to the Deputy in the matter as soon as possible.

178. **Deputy Brian O'Shea** asked the Tánaiste and Minister for Enterprise, Trade and Employment her plans to assist persons on lone parent allowance living in social housing who needs to transfer to another area in order to have any realistic prospect of employment. [8079/10]

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary): FÁS, in conjunction with an inter-agency steering group comprising the Department of Social and Family Affairs, the Irish Vocational Employment Authority and Lone Parent Representative Groups — “Treoir”, “One Family” and “OPEN”, is currently overseeing the testing of a pilot programme, involving two groups of lone parents in two locations in Dublin, designed to support socially disadvantaged groups who are experiencing barriers to accessing training, education and ultimately access the labour market.

In addition to this, work has also commenced on mainstreaming a training programme, recently piloted, that was developed and delivered on behalf of FÁS by the one parent family organisation “One Family.” The programme, featuring input from family support services including parenting and counselling, was designed to help a group of lone parents to re-engage with society and progress into training, education and employment. Finally, I would add that during 2009 more than 10,000 lone parents were placed in either a FÁS training or employment scheme or into employment.

179. **Deputy Arthur Morgan** asked the Tánaiste and Minister for Enterprise, Trade and Employment if vacancies existed in training places for young persons provided by FÁS at the end of December 2009; and if she will make a statement on the matter. [8083/10]

180. **Deputy Arthur Morgan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of training places for young persons that were provided by FÁS at the end of December 2009; if there was an increase in the number of training places for young persons in January 2010 in view of the reduction in jobseeker's payments for claimants under 25 years; and if she will make a statement on the matter. [8084/10]

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary): I propose to take Questions Nos.179 and 180 together.

11,600 trainees under the age of 25 completed FÁS full time training programmes in 2009. This equates to 36% of trainees who completed FÁS full time training programmes last year. Those under 25 years of age will continue to be a high priority cohort in 2010 for bridging foundation and skills programmes to help further both the technical and personal development

of participants. FÁS expects that similar numbers of under 25's will avail of training places in 2010.

This year my Department will fund the provision of approximately 147,000 training and work experience places for the unemployed. This compares to the 130,000 places, which were provided in 2009 and the 66,000 provided in 2008. FÁS training courses are filled through FÁS Employment Services Gateway process, where FÁS and the client agrees an individual learning plan and the client is offered FAS training options accordingly. This year FÁS will also be placing a strong focus on providing training to priority cohorts of the unemployed including those who are under 35 years of age. In addition, I should point out the new Labour Market Activation Fund is specifically intended to assist in the creation of substantial training and education provision targeting specific priority groups among the unemployed, namely — the low skilled, and those formerly employed in declining sectors — such as construction, retail and manufacturing sectors, with particular emphasis on the under 35's and the long-term unemployed.

Departmental Agencies.

181. **Deputy Jim O’Keeffe** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of bodies and agencies under her aegis; and her proposals for the rationalisation of same. [8195/10]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): The following is a list of Bodies or Agencies which come under my Department’s remit:

1. Patents Office
2. Office of the Director of Corporate Enforcement
3. Companies Registration Office (CRO)
4. Registry of Friendly Societies (RFS)
5. National Employment Rights Authority (NERA)
6. Labour Court
7. Employment Appeals Tribunal
8. Labour Relations Commission
9. Personal Injuries Assessment Board (trading as InjuriesBoard.ie)
10. FÁS
11. Forfás
12. Science Foundation Ireland
13. IDA
14. Enterprise Ireland
15. Shannon Development
16. InterTradeIreland
17. National Standards Authority of Ireland (NSAI)
18. County and City Enterprise Boards (CEBs)
19. Health and Safety Authority
20. Irish Auditing & Accounting Supervisory Authority

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21. The National Consumer Agency (NCA)
22. The Competition Authority In terms of the rationalisation of the Offices and Agencies under the aegis of my Department the following is the position:
 - Work is continuing in my Department on the preparation of Heads of a Bill to provide for, inter alia, the merger of the Competition Authority and the National Consumer Agency. My intention is to bring proposals to Government shortly and to publish the legislation during the course of 2010.
 - The Special Group on Public Service Numbers and Expenditure Programmes recommended the formal merger of the Companies Registration Office (CRO) and the Registry of Friendly Societies (RFS) and this recommendation is under consideration by Government.
 - Similarly, the Group called for a streamlining of the policy framework for Science, Technology and Innovation (STI) including a rationalisation of the number of bodies delivering STI and this issue is currently being considered by the Interdepartmental Committee on STI.

Finally, my Department is examining proposals made by the Special Group for the rationalisation of some services provided by my Department's agencies.

Tax Code.

182. **Deputy Richard Bruton** asked the Minister for Finance the new effective income tax rates which will apply in a graduated manner to high income individuals earning between €125,000 and €400,000; the way these graduated rates have changed from the previous graduated range of €250,000 to €500,000; and if he will make a statement on the matter. [7677/10]

Minister for Finance (Deputy Brian Lenihan): The latest information available with regard to the impact of the restriction of reliefs measure on effective income tax rates of those earning in excess of €250,000, and using restricted reliefs, is set out in the report "Analysis of High Income Individuals' Restriction 2007" which is available on my Department's website at <http://www.finance.gov.ie/documents/publications/reports/2009/analytaxrestrict09.pdf>. The particular circumstances of each taxpayer will determine the effective income tax rate in any year. It is estimated that the effective income tax rates for those high income individuals who are subject to the restriction and who earn between €125,000 and €400,000 will, from 2010, range from approximately 8% to around 30%. A full analysis of the effective income tax rates on incomes between €125,000 and €400,000, arising from the extension of the restriction as announced in the 2010 Budget, will be published after the relevant tax returns for 2010 are filed by the individuals affected, including individuals brought within the scope of the measure for the first time.

Flood Relief.

183. **Deputy Joe McHugh** asked the Minister for Finance his plans for the drainage of the River Shannon and its tributaries; and if he will make a statement on the matter. [7702/10]

Minister of State at the Department of Finance (Deputy Martin Mansergh): The Office of Public Works has no statutory responsibility for the maintenance of the River Shannon.

However, the OPW has responsibility for a number of arterial drainage schemes in the Shannon catchment area. These include the Brosna, the Inny, the Boyle and a number of localised schemes including Knockroghery and two sections of the Mulcair. These schemes are now maintained by the OPW under the Arterial Drainage Acts. This office has no proposals for any further Arterial Drainage Schemes in the River Shannon catchment.

A number of public bodies have an involvement in the management of the Shannon watercourse. These include the ESB, Waterways Ireland and relevant local authorities. The OPW has no information on the maintenance plans of these bodies. In line with the requirements of the EU Floods Directive and national flood policy, the OPW will this year commission a Flood Risk Assessment and Management study of catchments throughout the country including the Shannon, and this process will involve extensive participation by all significant stakeholders.

The Shannon FRAM study will map areas of the catchment that are at risk of flooding and, for areas where flood risk is significant, a prioritised list of mitigation measures will be produced. The range of measures that will be investigated, and which may well be found to form part of the overall solution, will include managing the water level regime on the river as well as carrying out structural protection or channel excavation works in some areas, the development of a flood forecasting system and the use of the cutover bogs for flood storage.

184. **Deputy John McGuinness** asked the Minister for Finance his views on the decision of certain insurance companies not to offer insurance cover to businesses located in areas not deemed to be high risk for flooding in spite of having a history of never flooding or claiming for flood damage; if companies are obliged to offer ongoing cover to existing customers in such circumstances; the options available to these businesses; and if he will make a statement on the matter. [7789/10]

Minister for Finance (Deputy Brian Lenihan): The question of providing cover to new policyholders or renewing it for existing ones is a matter for each insurance company to decide on a case by case basis as this allows a company to properly assess the risk it is considering accepting. Consequently I am not in a position to comment on particular cases as neither I nor the Financial Regulator has any influence over such matters. However, it should be noted that the industry has informed my Department that it is reluctant to discontinue flood cover for existing policyholders, and would generally only do where there have been repeated claims. The best option open to a person who is unable to get cover or to renew it is to contact the Irish Insurance Federation which operates a free Information Service in order to discuss the matter. Their service can be contacted at (01) 6761914 or by email at *iis@iif.ie*.

Cycle to Work Scheme.

185. **Deputy Seán Sherlock** asked the Minister for Finance the number of persons availing of the cycle to work scheme since its inception; and if he will make a statement on the matter. [7588/10]

Minister for Finance (Deputy Brian Lenihan): The cycle to work scheme came into operation on 1 January 2009. With a view to keeping the scheme simple and reducing administration on the part of employers, there is no notification procedure for employers involved. Accordingly, the Revenue Commissioners do not have statistics on the uptake of the scheme. The scheme operates on a self-administration basis, and relief is automatically available provided the employer is satisfied that the conditions of their particular scheme meet the requirements of the legislation.

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The purchase of bicycles and associated safety equipment by employers for employees or directors is subject to the normal Revenue audit procedure with the normal obligations on employers to maintain records (e.g. delivery dockets, invoices, payments details, etc.). The employer is also obliged to keep all salary sacrifice agreements entered into between the employer and employees/directors, together with all signed statements from employees/directors regarding use of the bicycles and safety equipment.

It was estimated at the time of the introduction of the scheme that approximately 7,000 employees would avail of it over the first five year period of its operation (the exemption may apply only once in any five year period in respect of any employee).

Tax Code.

186. **Deputy Chris Andrews** asked the Minister for Finance his views on the consideration of a reduction in, VAT for a period of 24 months, in biodegradable packaging, to encourage the sale of that product and reduce the use of non biodegradable packaging. [7596/10]

Minister for Finance (Deputy Brian Lenihan): Packaging, including biodegradable packaging, is liable to VAT at the standard rate of 21%. However, where goods are supplied packed for sale and no separate charge is made for the package in which the goods are contained, the rate of VAT chargeable on that packaging is the rate that applies to those goods. With regard to incentivising environmentally friendly goods or packaging, there is no provision in European VAT law that would allow the application of a reduced VAT rate, on a temporary or permanent basis, on supplies of goods or services based on their environmental impact per se.

The Programme for Government contains a commitment to examine the current VAT classifications with a view to reducing the rate of VAT applied to certain environmental goods and services from the standard VAT rate to the reduced VAT rate of 13.5%. While the scope for reduced rates is limited, the Finance Act 2008 provided for the VAT rate applicable on the supply of miscanthus rhizomes, seeds, bulbs, roots and similar goods used for the agricultural production of bio-fuels being reduced from the standard VAT rate to the reduced rate of 13.5%. This and other measures under the Programme for Government clearly demonstrate the Government's commitment to addressing the environmental challenges which we face.

I would also draw to the Deputy's attention that in 2008 the EU Commission undertook a study of the possibility of using reduced VAT rates as a tool to support the climate change agenda. Ireland expressed support for such a study. However, at a Council of Finance Ministers meeting in March 2009 the Ministers noted that reduced VAT rates as a tool for achieving environmental policy objectives are relevant only to a certain extent.

Financial Institutions Support Scheme.

187. **Deputy Joan Burton** asked the Minister for Finance if he will reply to recent media reports of a meeting held between himself and officials of the International Monetary Fund who are set to join the National Assets Management Agency Board of Directors in May 2010, in which the IMF states that they did not believe that NAMA will result in a significant increase in bank lending here; his views on this assessment; and if he will make a statement on the matter. [7601/10]

Minister for Finance (Deputy Brian Lenihan): The meeting referred to in recent media reports took place in April 2009, almost 10 months ago. At that meeting, I agreed with the

IMF delegation that a surge in lending designed to re-inflate the property market to near “boom” levels was not going to happen and neither was it desirable. Furthermore the IMF delegation agreed with me that NAMA was critical to the Government’s objective of creating a healthy banking system that would make credit available to viable, sustainable businesses and households. The IMF has given its full backing to the establishment of NAMA. Mr. Steven Seelig, will be appointed to the Board of NAMA in May 2010, when he retires from the IMF. In the meantime, he is available to provide advice, in a personal capacity to the NAMA Board.

188. **Deputy Joan Burton** asked the Minister for Finance if, in view of reports of an exclusive arrangement between Anglo Irish Bank and a company (details supplied) for the latter to acquire a portfolio of properties, this arrangement was subject to a competitive tender process; his views on this assessment; and if he will make a statement on the matter. [7602/10]

Minister for Finance (Deputy Brian Lenihan): As the Deputy will be aware, Anglo Irish Bank is run on an arms length commercial basis. Consequently, decisions which relate to the normal business of the bank are a matter for the Board of Anglo, and the Board is responsible for making such decisions in the best commercial interests of the Bank. I understand from the bank that in order to reduce its exposure on certain property assets it has engaged with a number of property companies concerning certain assets. On foot of these approaches the bank has identified its preferred option, and is finalising the details of the transaction, which will be subject to regulatory and legal approval, as appropriate. Because of commercial sensitivity, I am not at liberty to provide further details on the nature of the proposed transaction, which remains under consideration by the bank.

Banking Sector Regulation.

189. **Deputy Joan Burton** asked the Minister for Finance his views on the current functioning of the credit bureau market here; if he is in agreement with the World Bank that competition in the credit bureau market can improve its effectiveness in ensuring that borrowers do not take on credit commitments which they cannot afford; if he has satisfied himself with the level of competition in the credit bureau market here; his further views that it is necessary to have measures, legislative, regulatory or otherwise to enhance competition in this market; and if he will make a statement on the matter. [7603/10]

Minister for Finance (Deputy Brian Lenihan): 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. I will then consider the options available to ensure that an appropriate structure and fair practices in consumer credit can be maintained.

As the Deputy is aware, consumer credit, including hire purchase, together with money lending and home loans, is 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. Further, there are suitability provisions

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in the Consumer Protection Code which are designed to ensure that lending institutions make responsible decisions based on all of the information which it has gathered in the process.

Fiscal Policy.

190. **Deputy John Perry** asked the Minister for Finance if a person (details supplied) in County Sligo who wishes to trade their car under the scrappage scheme is entitled to avail of the scheme; and if he will make a statement on the matter. [7610/10]

Minister for Finance (Deputy Brian Lenihan): The provisions of the car scrappage scheme as set out in Section 102 of the Finance Bill as published on 4 February 2010, provide that 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 10 years old or more from the date of first registration;
- must be scrapped on or after 10 December 2009 and not later than 31 December 2010;
- 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 scrappage or documentation to indicate that it has been presented for and failed an NCT roadworthiness test in the previous 6 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 scrappage.

The legislation as published therefore requires that the person to whom the scrappage allowance is paid must be the same as the person to whom the policy of insurance is issued in respect of the car being scrapped. I have, however, received a number of representations concerning the position of spouses as outlined in the question, and that issue is being further considered as part of the Finance Bill process.

Banking Sector Regulation.

191. **Deputy Joan Burton** asked the Minister for Finance if he will confirm recent media report that a person (details supplied) appointed as an independent expert to conduct a preliminary investigation into the banking crisis, is on the board of a hedge fund; the interests he has in banking; if these interests are in conflict; and if he will make a statement on the matter. [7617/10]

Minister for Finance (Deputy Brian Lenihan): I announced the appointment of Mr. Klaus Regling to conduct one of the preliminary investigations into the crisis in our banking system on 29 January 2010. Mr Regling brings extensive experience of senior economic and financial positions in the German Ministry of Finance and the European Union to this role which will ensure a robust preliminary report that identifies the key causes of the crisis and provides a firm basis for the work of the statutory Commission of Inquiry.

Mr Regling's previous roles include, inter alia, various positions with the International Monetary Fund; Director General in the German Ministry; and Director General for Economic and

Financial Affairs of the European Commission. Mr. Regling is currently a member of the Issing Commission, appointed by Chancellor Merkel in 2008 to advise the German Government on reform of financial regulation.

Mr Regling is currently chairman of KR Economics in Brussels, an economic and financial consultancy which he founded in September 2009. He is non-executive director of the following hedge funds; Winton Futures, Brevan Howard Offshore Management Limited and Brevan Howard Investment Product Limited.

On the basis of my Department's discussions with Mr Regling, I am satisfied that his current positions do not give rise to any conflicts with the role that he has agreed to undertake on behalf of the Government and that his lengthy experience in senior public sector economic and financial positions makes him ideally suited to this role.

Consumer Protection.

192. **Deputy Joan Burton** asked the Minister for Finance when he expects the transfer of the consumer information and education functions of the Financial Regulator to the National Consumer Agency, to be completed; the interim arrangements that have been made to ensure that consumers are not in any way put at a disadvantage while this process is being completed; and if he will make a statement on the matter. [7618/10]

Minister for Finance (Deputy Brian Lenihan): The consumer information and education functions currently carried out within the Consumer Directorate in the Financial Regulator are to be transferred to the National Consumer Agency (NCA) in the forthcoming Bill to reform the structures for financial regulation. I expect that the Bill will be published in the current session.

In the interim, and in the interests of making the transfer of function as seamless as possible, the Financial Regulator and the NCA have agreed that the NCA will carry out the consumer information and education role of the Financial Regulator on its behalf, with effect from 01 March 2010. The parties have agreed that staff from the Financial Regulator will be seconded and will be transferred to the NCA with effect from that date.

As a result of the secondment arrangement the skills of the financial regulator staff will be available to consumers via the NCA. To ensure all customer contacts have been catered for, arrangements are in place to ensure that consumers can continue to access information about personal finance via the "itsyourmoney.ie" website and can make enquiries about their personal finances by phone.

Financial Services Regulation.

193. **Deputy Joan Burton** asked the Minister for Finance the terms of reference of the strategic review of the credit union sector to be carried out by the Financial Regulator; the details of the tendering criteria; the process for the recruitment of an external consultant to conduct this review; if and the reason the tender limits applications to consultancies with a minimum turnover of €2.5 million per annum; and if he will make a statement on the matter. [7620/10]

Minister for Finance (Deputy Brian Lenihan): I have requested the Financial Regulator to carry out a strategic review of the credit union sector in Ireland. This will involve an examination of the structure, operation, regulation and legislation of the credit union sector with a view to providing a report making recommendations, including specific proposals to strengthen

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prudential soundness, which will advise and inform an assessment of the future strategic direction of credit unions. The Terms of Reference have not yet been finalised.

The Financial Regulator is currently undertaking a tender process, in accordance with the public procurement guidelines, to select the most suitable candidate to undertake the strategic review. The initial stage of the tender process, inviting Expressions of Interest, has recently concluded. The criteria that candidates are required to meet to progress to the next stage of the tender process were designed to ensure that the candidates selected have the necessary financial, economic and technical capacity to carry out such work and have sufficient skills, experience and levels of resources available.

194. **Deputy Joan Burton** asked the Minister for Finance his views on the establishment of an independent credit union regulator under the auspices of the Department of Enterprise, Trade and Employment as proposed by an organisation (details supplied); and if he will make a statement on the matter. [7621/10]

Minister for Finance (Deputy Brian Lenihan): Credit unions are regulated by the Registrar of Credit Unions within the overall framework of Financial Services Regulation. In the programme of reform of financial services regulation the Government decided that the Registrar would continue to operate in the context of the proposed new structures. These arrangements are intended to ensure that regulation of credit unions is carried out in a manner that is supportive of the unique structure of the credit union movement while also addressing the appropriate regulatory and consumer protection requirements that arise. It must be acknowledged that the sector has grown exponentially in recent years. It now has 14.4 billion euro in assets and a large proportion of credit unions have grown into large operations which are significant providers of services of a financial nature.

I have requested the Financial Regulator to initiate a strategic review of the credit union sector in Ireland. This will involve an examination of the structure, operation, regulation and legislation of the credit union sector. Its conclusions and recommendations will inform the development of policy in relation to credit unions, including an appropriate regulatory framework. This comprehensive review is to be an objective assessment carried out by independent experts in consultation with all of the stakeholders and I look forward to the outcome.

195. **Deputy Joan Burton** asked the Minister for Finance his views on the establishment of a credit union review group under the auspices of his Department proposed by an organisation (details supplied) to conduct a review of Irish financial regulation as they apply to the credit sector; and if he will make a statement on the matter. [7622/10]

Minister for Finance (Deputy Brian Lenihan): I have requested the Financial Regulator to initiate a strategic review of the credit union sector in Ireland. This will involve an examination of the structure, operation, regulation and legislation of the credit union sector with a view to providing a report making recommendations, including specific proposals to strengthen prudential soundness. Its conclusions and recommendations will inform the development of policy in relation to credit unions, including an appropriate regulatory framework.

This comprehensive review is to be an objective assessment carried out by independent experts in consultation with all of the stakeholders and will feed into a review of credit union legislation.

Fiscal Policy.

196. **Deputy Joan Burton** asked the Minister for Finance the cost to the Exchequer for 2007, 2008, 2009; the expected cost for 2010 for all areas and property based tax incentives; and if he will make a statement on the matter. [7683/10]

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 and area based tax reliefs is based on personal income tax returns filed by non-PAYE taxpayers and corporation tax returns filed by companies for the year 2007, the latest year that this information is available. These are set out in the following table:

Costs to the Exchequer of each Area/Property based tax relief

Scheme	2007
	€m
Urban Renewal	109.3
Town Renewal	34.6
Seaside Renewal	8.0
Rural Renewal	48.5
Multi-storey car parks	9.6
Living over the Shop	3.0
Enterprise Areas	2.8
Park & Ride	1.4
Holiday Cottages	12.4
Hotels	118.0
Nursing Homes	18.3
Housing for the Elderly/Infirm	2.6
Hostels	0.72
Guest Houses	0.02
Convalescent Homes	0.5
Qualifying (Private) Hospitals	12.0
Qualifying Sports Injury Clinics	1.8
Buildings used for childcare purposes	9.8
Psychiatric Hospitals	0.1
Mental Health Centres	0.0
Student Accommodation	42.0
Total	435.4

I am advised by Revenue that they are not yet in a position to provide data for 2008 in respect of tax costs of area and property incentives, as all tax returns filed for that year have not been processed. For the same reason, I am not in a position to provide the data requested by the Deputy for the year 2009.

As regards projections for 2010, projections for income tax receipts are based on assumed movements in macro-economic parameters and not by reference to the costs of individual tax reliefs. Accordingly, I am not in a position to provide the projected cost data requested by the Deputy for the year 2010 in relation to the above-mentioned reliefs.

Cigarette Smuggling.

197. **Deputy Phil Hogan** asked the Minister for Finance if he received information of factors other than the high price of cigarettes which is contributing to the rise in cigarette smuggling; if he has received information which indicates that the introduction of point of sale display ban on tobacco in July 2009 has led to the increase in cigarette smuggling and illicit cigarette trades; and if he will make a statement on the matter. [7689/10]

Minister for Finance (Deputy Brian Lenihan): I am informed by the Revenue Commissioners that as regards the point of sale display ban that was introduced last July, there is no evidence that this has contributed to increased cigarette smuggling and illicit cigarette trades. Prior to the introduction of the ban, counterfeit and contraband cigarettes were not on open display in the retail outlets where they were detected and were usually kept hidden from sight. Furthermore a series of random checks on high street retail outlets have not uncovered counterfeit or contraband cigarettes on sale. On the other hand, inland detections are made primarily at markets, distribution centres and at certain unscrupulous retail outlets.

The high retail price of cigarettes in Ireland does contribute to Ireland being a target for organised crime gangs engaged in smuggling. The availability of cheap tax paid cigarettes in other EU Member States, which are easily accessible via frequent low-cost flights, is another significant factor.

Statutory Instruments.

198. **Deputy Leo Varadkar** asked the Minister for Finance if the requirement under section 3.1.a of the Statutory Instrument Act 1947, as amended by the Statutory Instrument Act 1955, is still in force; his views on whether this requirement is being fulfilled by the various Departments and State agencies with powers to sign such instruments; and if he will make a statement on the matter. [7713/10]

Minister for Finance (Deputy Brian Lenihan): The requirement under Section 3(1)(a) of the Statutory Instruments Act 1947, as amended in 1955, is still in force. Since 2007 all Departments and State Agencies with the power to make Statutory Instruments have been obliged to use the electronic Statutory Instruments System (eSIS), and a comprehensive set of user guidelines was produced to accompany the system. It is clearly stated in these guidelines that each Department should arrange to send final print versions of the Statutory Instrument to the bodies named in the Act. It is up to each Department/Agency to comply with this requirement and my Department is not in a position to monitor such compliance.

Pension Provisions.

199. **Deputy Creighton** asked the Minister for Finance the amount of money that a person (details supplied) in Dublin 2 is entitled to in a pension on retirement at the age of 65 years; and if he will make a statement on the matter. [7718/10]

Minister for Finance (Deputy Brian Lenihan): The Minister for Finance has statutory responsibility for civil service pensions and for pensions paid from the Central Fund. Statutory responsibility for other public service pension schemes is a matter in the first instance for the respective Ministers in other Departments, as appropriate. As the person to whom the question relates is an employee of the health sector, the matter should be referred to the Minister for Health and Children for answer.

Tax Code.

200. **Deputy Róisín Shortall** asked the Minister for Finance the number of outstanding claims for mortgage interest tax relief for top up mortgages; the time it will take for the computer delay in processing these application to be resolved; if mortgage types or tax credits are also affected; if so, the numbers involved; and if a budget has been set aside to provide a back payment to each of the qualifying home owners affected. [7761/10]

Minister for Finance (Deputy Brian Lenihan): I am informed by the Revenue Commissioners that approximately 2,700 customers, who appear to have taken out top up mortgages, have provided additional information required of them by Revenue. This information is being evaluated by Revenue to decide if there is in fact an entitlement to mortgage interest relief on those top ups. Revenue expects to be in a position during March to determine whether relief is due or not. Where it is decided that relief is due, Revenue will make arrangements for immediate payment, including any back payment that arises.

Tax Relief at Source is applied to all qualifying loans, as distinct from mortgage types, and tax credits are not affected.

Fiscal Policy.

201. **Deputy Mary Wallace** asked the Minister for Finance the circumstances in which a person may qualify for the car scrappage scheme; and if he will make a statement on the matter. [7804/10]

Minister for Finance (Deputy Brian Lenihan): The provisions of the car scrappage scheme as set out in Section 102 of the Finance Bill as published on 4 February 2010, provide for a scrappage scheme to run from 1 January to 31 December 2010. VRT relief of up to €1,500 will be available where a person purchases a new category A car of emission Bands A or B (i.e. with CO2 emissions of 140g/Km or less) and an old car is scrapped.

The provisions also provide that in relation to the car being scrapped, the car: 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 10 years old or more from the date of first registration; must be scrapped on or after 10 December 2009 and not later than 31 December 2010; 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 scrappage or documentation to indicate that it has been presented for and failed an NCT roadworthiness test in the previous 6 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 scrappage.

Tax Code.

202. **Deputy Mary Wallace** asked the Minister for Finance the tax-free amount thresholds for capital acquisitions tax in 2010; the way this may apply to the beneficiary of a gift or inheritance; and if he will make a statement on the matter. [7805/10]

Minister for Finance (Deputy Brian Lenihan): I am informed by the Revenue Commissioner that for the purposes of both Gift and Inheritance Tax, the relationship between the person who provided the gift or inheritance (i.e. the disponer) and the person who received

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the gift or inheritance (i.e. the beneficiary), determines the maximum tax-free threshold- known as the “Group threshold” below which gift or inheritance tax does not arise. Apart from the total exemption of transfers between spouses, there are three Group thresholds based on the relationship of the beneficiary to the disponer and these Group thresholds are indexed annually by reference to the Consumer Price Index.

The indexed Group thresholds for 2010 are as follows:

Group A: €414,799 — applies where the beneficiary is a child (including adopted child, step-child and certain foster children) or minor child of a deceased child of the disponer. Parents also fall within this threshold where they take an inheritance of an absolute interest from a child.

Group B: €41,481 — applies where the beneficiary is a brother, sister, a nephew, a niece or lineal ancestor or lineal descendant of the disponer.

Group C: €20,740 — applies in all other case.

When calculating whether a beneficiary has received benefits in excess of his or her Group tax-free threshold, any other gifts and inheritances received by that beneficiary since 5 December 1991 from within the same Group are also taken into account.

Tax Collection.

203. **Deputy John McGuinness** asked the Minister for Finance if agreement will be reached between the Revenue Commission and companies (details supplied) in County Carlow, relative to moneys owed by the businesses; and if he will expedite a conclusion to the matter. [7810/10]

Minister for Finance (Deputy Brian Lenihan): This is a matter for the Revenue Commissioners. I am advised by Revenue that the businesses in question have significant debts, some of which are the subject of enforcement action by the sheriff, and that there have been ongoing difficulties with these businesses in securing timely compliance.

A proposal to address some of the debt was made very recently to Revenue. I am advised by Revenue that while the proposals presented are not acceptable as a basis for satisfactorily concluding matters, they will be in direct contact with the businesses concerned over the coming days to see if a basis for clearing the debt can be agreed.

Banking Sector Regulation.

204. **Deputy Olivia Mitchell** asked the Minister for Finance if he or his Department officials have made representations to Anglo Irish Bank on behalf of specific borrowers or other customers of the bank; and if he will make a statement on the matter. [7845/10]

Minister for Finance (Deputy Brian Lenihan): A Relationship Framework, pursuant to Section 3 of the Anglo Irish Bank Corporation Act 2009, specifies the relationship between me as sole shareholder of Anglo, and the bank. Anglo Irish Bank is run on an arms length commercial basis by the Board of the bank. The commercial relationship between the bank and its customers is a matter for the bank itself.

Flood Relief.

205. **Deputy Michael P. Kitt** asked the Minister for Finance if legislation is needed to provide

a single authority to oversee the management of the River Shannon and its tributaries; the way this new authority will be constituted; and if he will make a statement on the matter. [7856/10]

Minister of State at the Department of Finance (Deputy Martin Mansergh): A comprehensive management programme for the River Shannon is being addressed now through the Catchment Flood Risk Assessment and Management (CFRAM) Programme under the direction of the Office of Public Works.

The CFRAM Programme underpins the essentials of the assessment of flood risk and the long-term planning risk management measures for the River Shannon catchment and other catchment areas throughout the country and includes capital, structural and non-structural measures. The CFRAM Programme is being delivered through the CFRAM Studies.

The CFRAM studies are comprehensive catchment-based studies, which focus on and identify areas at risk from flood events for a range of severities and to produce a prioritised plan of measures and actions for dealing with areas where the risk is significant.

The Shannon FRAM study, which is expected to commence in mid-2010, will involve consultation with all of the main stakeholders, including the public, the ESB, Waterways Ireland, National Parks and Wildlife Service and relevant Local Authorities.

The study will look at all options for dealing with areas of significant flood risk. The objective of this exercise is to determine relative roles and define relative responsibilities of all the main bodies involved with the Shannon with a view to ensuring that all flood risk factors are identified and managed in a coordinated way.

The CFRAM programme meets the requirements of the EU Water Framework Directive and the Flood Directive, which provide for a framework for a coordinated approach to the management of the river catchment systems. The EU Floods Directive is in the process of being transposed in Irish Law at present and by which OPW will be appointed as the Competent Authority to meet the requirements of the Directive. This legislation will reinforce the role of OPW in coordinating the management of the CFRAM programme.

Fiscal Policy.

206. **Deputy Seán Power** asked the Minister for Finance his views on a VAT free weekend for the retail sector in view of the negative impact that the recent spell of bad weather has had on retail sales. [7868/10]

Minister for Finance (Deputy Brian Lenihan): In matters relating to the application of VAT, I am constrained by the requirements of EU VAT law with which Irish VAT law must comply. The EU VAT Directive provides that Member States must apply VAT to goods and services at specified rates, and does not provide for temporary VAT-free arrangements for particular economic sectors such as the retail sector. In this respect, it is not possible to introduce a VAT-free week-end in respect of the retail sector due to bad weather. I would point out, however, that Budget 2010 reduced the standard rate of VAT from 21.5% to 21% with effect from 1 January 2010.

Departmental Expenditure.

207. **Deputy Leo Varadkar** asked the Minister for Finance further to Parliamentary Question No. 204 of 9 February 2010, the list of the persons and organisations in receipt of such payments; if he will state for each person and organisation, the number of interview days they participated in; the payments they received; the manner in which those persons and organis-

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ations were appointed to such positions; and if he will make a statement on the matter.
[7939/10]

Minister for Finance (Deputy Brian Lenihan): I do not consider it appropriate to disclose the level of detailed personal information sought by the Deputy. Details of the total amount paid, the number of interview days and the number of individuals/organisations who received payment during 2009 have already been disclosed in response to Parliamentary Question No. 204 of 9 February 2010. Apart from the payments to individuals who acted as interview board members, payments were made to the following organisations in respect of services provided to the Public Appointment Service:

Organisation Design Consultants — € 1,422

Personnel Assessment Limited — € 5,369.

I can assure the Deputy that these payments are made strictly in accordance with the rates sanctioned by my Department, that appropriate deductions have been made in respect of PAYE/PRSI and that other obligations e.g. abatement rules in respect of retired public servants have been complied with. The accounts of the Public Appointment Service, which include the detail of these payments, are subject to the detailed scrutiny of the Comptroller and Auditor General.

Tax Code.

208. **Deputy Michael Creed** asked the Minister for Finance the position regarding reliefs available to young farmers taking over a family holding; the consequences for these tax reliefs arising from a forced disposal of lands due to compulsory purchase orders for road building; and if he will make a statement on the matter. [7942/10]

Minister for Finance (Deputy Brian Lenihan): I am informed by the Revenue Commissioners that reliefs across a number of taxes could possibly apply in the circumstances outlined in the question as follows:

Stamp Duties

Section 81AA of the Stamp Duties Consolidation Act 1999 provides for an exemption from stamp duty on the transfer of agricultural land to a farmer who is under 35 years of age and who is the holder of certain educational qualifications. A further condition of the exemption is that the farmer must retain ownership of the land for a period of five years from the date of the transfer.

There is a clawback of the relief in the case of a disposal of the land within the five-year period. There is also a potential clawback of the relief where the disposal results from a compulsory purchase order for road building. However, provided the proceeds from a disposal due to a compulsory purchase order are re-invested in other agricultural land within a period of one year from the date of the disposal, the clawback does not arise.

Capital Gains Tax

A compulsory acquisition is a disposal for Capital Gains Tax purposes and the usual rules apply as regards the calculation of a chargeable gain. The disposal takes place at the earlier of the date agreement is reached, or the date of entry on the land. The applicable rate of CGT is the rate in force at the date of disposal. However in the case of compulsory disposals

of farm land by farmers for road widening or ancillary purposes, the gain accrues in the year of receipt of the compensation proceeds. In such cases the rate of tax is the rate applicable at the date of disposal.

Capital Acquisitions Tax

Capital Acquisitions Tax (CAT) includes both gift and inheritance tax.

Where a person takes over a family holding by way of gift or inheritance, CAT may apply. For the purposes of CAT, the relationship between the person who provided the gift or inheritance (i.e. the donor) and the person who received the gift or inheritance (i.e. the beneficiary), determines the maximum tax-free threshold — known as the “Group threshold” below which gift or inheritance tax does not arise.

Apart from the total exemption of transfers between spouses, there are three Group thresholds based on the relationship of the beneficiary to the donor and these Group thresholds are indexed annually by reference to the Consumer Price Index.

The indexed Group thresholds for 2010 are as follows:

Group A: €414,799 — applies where the beneficiary is a child (including adopted child, step-child and certain foster children) or minor child of a deceased child of the donor.

Group B: €41,481 — applies where the beneficiary is a brother, sister, a nephew, a niece or lineal ancestor or lineal descendant of the donor.

Group C: €20,740 — applies in all other cases.

When calculating whether a beneficiary has received benefits in excess of his or her Group tax-free threshold, any other gifts and inheritances received by that beneficiary since 5 December 1991 from within the same Group are also taken into account. If the total value of all gifts and inheritances received by the beneficiary since this date from within the same Group is above the relevant threshold, then a 25% rate of CAT will apply to the excess.

In conjunction with the tax-free Group thresholds, the CAT code contains special reliefs for Agricultural land. Subject to certain conditions, the beneficiary may qualify for Agricultural relief, which reduces the value of the land by 90% for CAT purposes, or alternatively he or she may qualify for Business relief, which also reduces the value of the land by 90% for CAT purposes.

Where Agricultural or Business relief applies, the beneficiary must retain the lands for six years to avoid the relief being clawed back. In a situation where the lands are the subject of a compulsory purchase order for road building, the Agricultural relief will not be withdrawn if the beneficiary expends the proceeds from the compulsory acquisition in acquiring other agricultural property within six years of the compulsory acquisition. Where Business relief applies, the beneficiary must replace the lands within one year to avoid a claw back of the Business relief.

Pension Provisions.

209. **Deputy Mary Upton** asked the Minister for Finance if persons (details supplied) will be exempted from the public sector pension levy; and if he will make a statement on the matter. [7968/10]

Minister for Finance (Deputy Brian Lenihan): Public servants who are members of public service pension schemes are liable to pay the pension-related deduction legislated for in the

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Financial Emergency Measures in the Public Interest Act 2009. On this basis, third-level researchers on fixed-term and temporary contracts who are members of the relevant public service occupational pension scheme must pay the deduction. Distinctions between public servants on the basis of whether they are permanent or temporary, and if temporary what contract duration applies, are irrelevant insofar as liability to pay the deduction is concerned.

Section 6 of the Act provides for a refund of the deduction in circumstances where the departing employee has accrued no benefits under any public service pension scheme, has not received a payment in lieu of scheme membership and has not transferred the service to another public service pension scheme. This provision should be of benefit to third-level researchers on short-term non-renewable contracts who have no prior public service employment history and who accrue no pension benefit at the expiry of their contract due to insufficient service.

Section 8 of the Act grants the Minister for Finance a limited special discretion to exempt groups of public servants from payment of the deduction. Specifically, where he is satisfied that due to exceptional circumstances, a particular class or group of public servants are materially distinguished from other classes or groups who are subject to the deduction, then the Minister may fully or partly exempt this group from paying some or all of the deduction, if he believes it would be fair and equitable to do so. A request for such an exemption has been received from a group of research workers and is under examination in my Department. When that examination is completed, I will be in a position to consider whether an exemption should be granted to that group.

Tax Yield.

210. **Deputy Olivia Mitchell** asked the Minister for Finance the revenue earned from the departure tax in each month since its introduction; and if he will make a statement on the matter. [7987/10]

Minister for Finance (Deputy Brian Lenihan): I am informed by the Revenue Commissioners that the air travel tax arising from travel undertaken in any month is payable by airline operators by the 23rd of the following month. Since the introduction of the air travel tax on 30 March 2009, it has yielded a total of €91.9 million.

The figures broken down on a monthly basis are as follows:

2009	€m
May	9.6
Jun	11.5
Jul	11.9
Aug	12.5
Sep	12.4
Oct	9.4
Nov	9.5
Dec	7.6
Total	84.4
2010	€m
Jan	7.5

Flood Relief.

211. **Deputy Paul Connaughton** asked the Minister for Finance the person or organisation responsible for the maintenance of the banks on the River Shannon at Meelick and towards Tiernascragh and Portumma, County Galway; the minimum legal height of those banks which protects the adjoining lands from flooding from the River Shannon; the amount of maintenance work carried out on those banks over the past ten years; if he is satisfied that the banks are in good condition for the purpose for which they are intended; and if he will make a statement on the matter. [7994/10]

Minister of State at the Department of Finance (Deputy Martin Mansergh): The Office of Public Works has no statutory responsibility for the maintenance of the River Shannon. However, the OPW has responsibility for a number of arterial drainage schemes in the Shannon catchment area, including the Brosna, Inny and Boyle.

There are extensive areas of land on the west bank of the Shannon which are protected by embankments. The embankments in question were constructed as part of the Shannon Scheme. The ESB have responsibility for the maintenance and management of these works. The OPW does not have information on the design standards, maintenance or condition of these works.

Ministerial Orders.

212. **Deputy Leo Varadkar** asked the Minister for Finance the fees or charges set by him by way of ministerial order for the provision of goods or services to persons or businesses; the charge; and if he will make a statement on the matter. [8031/10]

213. **Deputy Leo Varadkar** asked the Minister for Finance the charges levied by his Department or agencies under his Department in respect of the provision of goods or services to persons or businesses; the charge; the anticipated income from such charges in 2010; and if he will make a statement on the matter. [8043/10]

Minister for Finance (Deputy Brian Lenihan): I propose to take Questions Nos. 212 and 213 together.

The information requested by the Deputy is as follows. Under the Freedom of Information Act 1997(Fees) Regulations 2003 (S.I. No 264 of 2003), the following up-front fees were introduced for certain Freedom of Information requests, applications for internal review and applications for review by the Office of the Information Commissioner. The fees payable are as follows: €15 for an FOI request (reduced to €10 for medical card holders and their dependants); €75 for a request for internal review of an FOI decision (reduced to €25 for medical card holders and their dependants); €150 for an application for review of an FOI decision by the Office of the Information Commissioner (reduced to €50 for medical card holders and their dependants); €50 for an application, by the third party to whom the records relate, for a review by the Office of the Information Commissioner of an FOI decision to grant public interest access to records, following section 29 consultation procedures. This fee structure applies across all public bodies covered by the FOI legislation.

In relation to my own Department, based on 2009 receipts, it is estimated that approximately €6,300 will be collected in fees in 2010.

My Department is also involved in the Pension Insolvency Scheme (PIPS) which is a three-year pilot scheme offering , as a special measure, payments in cases where a defined benefit

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pension scheme is winding up in deficit and the sponsoring employer becomes insolvent. As the Social Welfare and Pensions Act 2009 requires the scheme to be operated on a cost neutral for the Exchequer, under S.I. 04/2010 Pensions Insolvency Payments Scheme 2010 participating pension schemes are charged the sum of €950 per year to cover the Minister's fixed costs. The expected revenue for 2010 is not available as it will depend on the number of pensions schemes who opt to join the scheme.

I have been advised as follows by agencies associated with my Department.

Office of the Appeals Commissioners

I have been advised that Section 941(1) and (3) of the Consolidation Act 1997 sets out the conditions on which fees are charged for the service provided. Section 941(1) states that "Immediately after the determination of an appeal by the Appeal Commissioners, the appellant or the inspector or such other officer as the Revenue Commissioners shall authorise in that behalf (in this section referred to as other officer)", if dissatisfied with the determination as being erroneous in point of law, may declare his or her dissatisfaction to the Appeal Commissioners who heard the appeal." Section (3) states "The party requiring the case shall pay to the Clerk to the Appeal Commissioners a fee of £20 (€25) for and in respect of the case before that party is entitled to have the case stated." The Appeals Commissioners receives no more than ten applications for Case Stated to the High Court a year, costing €25.00 per application.

Office of the Commissioner for Environmental Information

I have been informed by the Office of the Commissioner for Environmental Information which was established under the European Communities (Access to Information on Environment) Regulations 2007(S.I. No. 133 of 2007) that up-front application fees for appeals to the Commissioners came into effect with the establishment of the office. The fees payable are €150 for an appeal (reduced to €50 for medical card holders and their dependants and also for people, not party to the original request for access to environmental information, who are appealing a decision to release information which they believe will affect them). The Commission for Environmental Information anticipates receiving €5,000 in fees for 2010.

Valuation Office

I have been informed by the Valuation Office of the following fees levied by way of Ministerial order S.I. No.64/2002 Valuation (Revisions and New Valuations) (Fees) Regulations 2002. The fee set per Valuation is €250.

S.I. No. 312/2002 Valuation Tribunal (Fees) Regulations 2002 and S.I. No. 63/2002 Valuation Appeal (Fees) Regulations 2002 set out fees dealing with appeals as follows:

	€
Valuation not exceeding €50	95
Valuation exceeding €50 and not exceeding €150	125
Valuation exceeding €150 and not exceeding €650	300
Valuation exceeding €650	500

S.I. No. 54/2007 Valuation Act 2001(Revaluation Appeals) (Fees) Regulations 2007 sets the following fees:

	€
Valuation not exceeding €20,000	60
Valuation exceeding €20,000 and not exceeding €50,000	125
Valuation exceeding €50,000 and not exceeding €250,000	250
Valuation exceeding €250,000	375

S.I. No. 18/2008 Valuation Tribunal (Revaluation Appeals) (Fees) Regulations 2008.

	€
Valuation not exceeding €20,000	95
Valuation exceeding €20,000 but not exceeding €50,000	125
Valuation exceeding €50,000 but not exceeding €250,000	300
Valuation exceeding €250,000	500

In addition to the fees levied under Ministerial Order the Valuation Office have informed me that they charge the following fees for Public Office Services.

	€
Current Certificates	12.70

Historic Certificates: The cost varies according to a scale as follows:

	€
Previous year	63.49
Previous year back to 1950	101.58
Previous year back to 1900	190.46
Any year before 1900	253.95
Provisional Certificates	126.97

The Valuation Office anticipate that the total income from the charges levied in 2010 will amount to €1,543,000. They anticipate that this amount will be made up of the following receipts:

	€
Valuation Tribunal Appeal Fees	40,000
Valuation Certificates	150,000
Valuation Revision Fees	1,233,000
Appeals to the Commissioner of Valuation	120,000

[Deputy Brian Lenihan.]

Office of the Revenue Commissioners

I have been informed by the Office of the Revenue Commissioners that they levy the following charges on persons or businesses in relation to services provided by that Office. These charges are as follows:

Estimated Income for 2010

	€
Charges to traders for the attendance of Revenue staff outside normal hours, (an hourly rate of €26 applies)	200,000
Charges for the reservation of a specified vehicle registration number, (a charge of €1,000 applies for each number)	50,000
Annual charge for collecting light dues on behalf of the Commissioners of Irish Lights	38,000

Office of Public Works

I have been informed by the Office of Public Works that they charge an agency fee of 2.5% on certain deductions made from payroll on behalf of companies. These are mainly where deductions are made from payroll on behalf of outside companies e.g. life assurance companies. Charges receivable are estimated at €2,000 in 2010 based on the fees received in 2009.

National Treasury Management Agency

The National Treasury Management Agency under the Asset Securities Act 2001 expect to receive some €718,000 in Asset Covered Security fees in 2010.

They have no information as yet on how much they expect to receive in respect of the Eligible Liabilities Guarantee Scheme fees in 2010.

Tax Code.

214. **Deputy Brian O'Shea** asked the Minister for Finance the proposals he has to exempt the retirement gratuities of retained fire fighters from income tax; and if he will make a statement on the matter. [8067/10]

Minister for Finance (Deputy Brian Lenihan): Section 201 of the Taxes Consolidation Act 1997 and Schedule 3 to that Act set out the legislation in relation to the exemptions that apply to retirement gratuities, and the taxation of any balance after applying these exemptions. The same rules apply to all employees and office holders.

Statutory redundancy payments are exempt from income tax. In addition, ex-gratia redundancy payments in excess of the statutory redundancy amount are exempt from income tax up to certain limits namely: a basic exemption of €10,160 plus €765 per complete year of actual service in excess of the statutory redundancy; or Standard Capital Superannuation Benefit i.e. 1/15th of the person's annual income (average of the last three years) for each year of employment less any tax-free lump sum which is received or receivable under any approved or statutory pension scheme. It is open to the taxpayer to choose whichever relief is of most benefit.

The basic exemption from income tax as outlined above can be further increased by up to €10,000 if the person is not a member of an occupational pension scheme. This can only be claimed if the person has not made any claims in respect of a lump sum received in the previous 10 tax years.

Any amount of redundancy payment in excess of whichever exemption applies, is liable to income tax. The Revenue Commissioners publication IT21 is a comprehensive guide to understanding how these reliefs apply.

Departmental Staff.

215. **Deputy Michael McGrath** asked the Minister for Finance the position regarding any current or planned recruitment to the Revenue Commissioners; and if he will make a statement on the matter. [8074/10]

Minister for Finance (Deputy Brian Lenihan): The Deputy may be aware that I recently sanctioned the filling of up to 200 posts in the Office of the Revenue Commissioners, recognising the importance of that Office's role and the significant reduction in staff numbers during 2009. The filling of these posts is within the numbers ceiling set for the Office under the Employment Control Framework. These posts will be filled through a combination of redeployment, internal appointment and open recruitment. Regarding open recruitment, I am advised by the Revenue Commissioners that in the coming months they expect to recruit at entry and more senior levels, for appointments to a variety of positions including positions in the tax and information technology areas.

Departmental Agencies.

216. **Deputy Jim O'Keeffe** asked the Minister for Finance the number of bodies and agencies under his aegis; and his proposals for the rationalisation of same. [8197/10]

Minister for Finance (Deputy Brian Lenihan): There are 14 exchequer funded bodies associated with my Department which are listed in the Table A. There are no plans to amalgamate any of these bodies. In addition, there is one commercial state body, Anglo Irish Bank.

Table A

Decentralisation Implementation Group
 Disabled Drivers Medical Board of Appeal (DDMA)
 Special EU Programmes Body (SEUPB)
 Valuation Tribunal
 Review Body on Higher Remuneration in the Public Sector
 Civil Service Arbitration Board
 Civil Service Disciplinary Code Appeal Board
 Independent Mediator for the Civil Service
 Outside Appointments Board
 National Treasury Management Agency*
 State Claims Agency
 National Development Finance Agency
 National Asset Management Agency

*The NTMA acts as the State Claims Agency, and is the body through which the National Development Finance Agency (NDFA) and National Asset Management Agency perform their functions.

Food Safety.

217. **Deputy Andrew Doyle** asked the Minister for Health and Children the action she will take regarding the Food Safety Authority of Ireland admission that they are not able to reach the target of 6gms per person per day; her policy regarding enforcement of the maximum levels of salt in processed foods; and if she will make a statement on the matter. [7716/10]

Minister for Health and Children (Deputy Mary Harney): Salt consumption among the Irish population is considerably above the recommended level of 6g/day. The Survey of Lifestyle, Attitudes and Nutrition (SLAN 2007) indicates the men consume an average of 8.7g/day and women consume 8g/day. These estimates exclude discretionary salt, i.e. salt added during cooking and at the table, and therefore underestimate the total salt intake by 15-20%.

In 2004, the Food Safety Authority of Ireland (FSAI) initiated a national salt reduction policy and programme aimed at reducing average daily salt intake by Irish adults to 6 grams (one teaspoon) by 2010. In September 2008 the FSAI warned that this target would not be met. While the food industry had made some strides to reduce salt in processed foods, the consumption pattern of Irish adults which favours high quantities of bread and processed meats has made it difficult to reach the 6g/day target. The FSAI estimated that by 2008 average adult salt intake from processed food had reduced by 7%, but projected that it would reach 7g/day from processed food alone by 2010, without taking into account salt use from discretionary sources like cooking and table use.

High salt intake gives rise to significant health risks. Hypertension (raised blood pressure) is a major contributing factor to heart disease and stroke. A reduction in salt intake of 3g/day would reduce stroke mortality by an estimated 13% and coronary heart disease mortality by 10%.

An EU Common Framework on Salt Reduction, developed in 2008 and supported by my Department provides a supportive framework to the FSAI's salt reduction programme and to key organisations who continue to educate the consumer about the health benefits of salt reduction.

The salt reduction programme has been extended to 2012 with European targets of a 16% reduction in salt in certain food categories. This now includes seventeen member states in addition to Ireland and the UK. Therefore the salt profile of key foods across Europe is being reduced and this will affect the salt in foods on the Irish market.

The forthcoming Cardiovascular Health Policy is expected to recommend salt reduction policies for Ireland, encompassing a reduction of salt in processed foods, the labelling of salt content in pre-packaged foods in the retail sector in line with the planned EU food labelling legislation and implementing a public awareness campaign on salt intake.

Departmental Funding.

218. **Deputy Ruairí Quinn** asked the Minister for Health and Children the sources and levels of funding that an organisation (details supplied) receives annually from the State; and if she will make a statement on the matter. [7767/10]

219. **Deputy Ruairí Quinn** asked the Minister for Health and Children if she will make a statement on an organisation (details supplied) involvement as a provider of local youth services in multi faith Ireland; and if she will make a statement on the matter. [7768/10]

Minister of State at the Department of Health and Children (Deputy Barry Andrews): I propose to take Questions Nos. 218 and 219 together.

The Youth Affairs Unit of my Office provides funding to the CYC for its youth service provision through a number of funding programmes and details of the monies allocated in 2009 are outlined hereunder:

Youth Service Grant Scheme: €1,188,132;

Special Projects for Youth: €1,320,538;

Young Peoples Facilities and Services Fund: €554,852;

Youth Information Centres: €225,525.

While the projects are operated at local level by the CYC the funding is paid through the administering agencies of various Vocational Education Committees.

In addition to the above funding, The Irish Youth Justice Service made direct transfers totalling €115,000 to CYC in respect of a youth justice project in Finglas. A further €834,060 was transferred to 10 Garda Youth Diversion Projects, which are operated by CYC.

The process of determining my Department's financial allocations to the Youth Work Sector for 2010 is underway. As in previous years, my Department will be providing support to a wide range of agencies and projects involved with the development and well-being of young people.

Medical Cards.

220. **Deputy Paul Kehoe** asked the Minister for Health and Children the position regarding a medical card application in respect of a person (details supplied). [7583/10]

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.

221. **Deputy Pádraic McCormack** asked the Minister for Health and Children her plans to introduce a regulation to ensure that persons over 70 years of age with a medical card are not charged by general practitioners for a medical certificate necessary in respect of the renewal of their driving licence; if she will make a regulation to ensure that this charge is covered by the medical card. [7585/10]

Minister for Health and Children (Deputy Mary Harney): The contract between the HSE and General Practitioners for the General Medical Services Scheme stipulates that fees are not paid to GPs by the HSE in respect of certain medical certificates which may be required, for example, "under the Social Welfare Acts or for the purposes of insurance or assurance policies or for the issue of driving licences". There are no proposals to alter this provision.

Under Age Smoking.

222. **Deputy Richard Bruton** asked the Minister for Health and Children the progress made to date in reducing the number of people engaged in under age smoking; the follow-up studies that were conducted, following the enactment of the Public Health (Tobacco) Act 2002 and the increase in the minimum number of cigarettes that can be sold in a packet; and if she will make a statement on the matter. [7586/10]

Minister of State at the Department of the Health and Children (Deputy Áine Brady): Last July, further provisions of the Public Health Tobacco Act 2002 as amended, were introduced. These included the removal of all display and advertising material in retail outlets, restrictions on the operation of self-service tobacco vending machines and a requirement for all retailers who sell tobacco products to register with the Office of Tobacco Control. It is anticipated that these measures will further denormalise tobacco and protect children and adults from the dangers of tobacco consumption. Given that these measures were introduced less than a year ago, no studies on their impact have yet been undertaken. My Department commissions the Health Behaviour in School-aged Children survey every four years. It includes a survey of the smoking habits of randomly selected children from 5th class in primary school to 5th year in post-primary schools throughout the country. The next survey is due to be carried out this year.

[Deputy Áine Brady.]

Previous studies indicate that there has been a continuing reduction in the percentage of children who report that they are smokers, from 18.6% in 2002 to 15.3% in 2006. This decrease is seen in both girls and boys and across all ages.

Hospital Waiting Lists.

223. **Deputy Jack Wall** asked the Minister for Health and Children if a person (details supplied) in County Kildare will be facilitated with an earlier hospital appointment; and if she will make a statement on the matter. [7592/10]

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.

Departmental Agencies.

224. **Deputy Joan Burton** asked the Minister for Health and Children if he will confirm that letters (details supplied) were issued on 25 January 2010 to both the chief executive officers of the Health Board Executive and the National Federation of Voluntary Bodies outlining a €21.5 million reduction in grant aid to agencies; if she envisaged that the totality of these grant reductions would be passed on in the form of pay cost reductions for employees of these grant aided agencies; and if she will make a statement on the matter. [7619/10]

Minister for Health and Children (Deputy Mary Harney): The Government's decision to reduce its payroll costs in various ways — principally by reducing the salaries paid to public servants and reducing the numbers employed — was deliberately designed to protect existing levels of public services and to provide a more sustainable payroll cost base into the future. I understand that the HSE issued an early warning notice to its grant aided voluntary agencies signalling that the pay reduction for public servants under the Financial Emergency Measures in the Public Interest (No. 2) Act 2009 might automatically apply to the agencies. My Department subsequently clarified to the HSE in writing, on 22 January 2010, at their request, that grant aided agencies funded under section 39 of the Health Act 2004 were not directly affected by the pay adjustments provided for under the Financial Emergency Measures in the Public Interest (No. 2) Act 2009. Section 39 agencies are not public service bodies as defined in that Act and their employees are not public servants. A similar letter also issued to the CEO of the National Federation of Voluntary Bodies on 25 January 2010. I believe these are the letters to which the Deputy refers in his question. However, the level of funding being provided to section 39 agencies is being reduced as part of the general efficiency savings for the health sector provided for in the Budget and it is entirely appropriate that notwithstanding these reductions section 39 agencies and other HSE funded voluntary providers take appropriate measures to ensure that they continue to provide the same level of service in 2010 as previously. It is the responsibility of each individual employer to decide exactly what mix of actions should be taken to achieve this goal, to take appropriate legal and other advice, to consult and inform its employees and trade unions as necessary and to manage the HR and industrial relations implications of its decisions. I further understand that the HSE is in the process of confirming this position to the bodies concerned on foot of clarification in the matter from my Department. Budget 2010 requires the HSE to generate non-pay savings of €394 million, €106 million of which is to be met through economies. It is a matter for the HSE to determine how these non-pay savings are to be met, but it is likely that grant-funded agencies will bear some proportion of the savings.

Medical Cards.

225. **Deputy Michael Ring** asked the Minister for Health and Children when a medical card will be renewed in respect of a person (details supplied) in County Mayo; and if she will expedite this matter. [7628/10]

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.

Cancer Screening Programme.

226. **Deputy Terence Flanagan** asked the Minister for Health and Children if she will support the case of a person (details supplied) in Dublin 5; and if she will make a statement on the matter. [7629/10]

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 the priority to be accorded to such a programme within the resources available for public health services and for the cancer programme in particular. I recently asked 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. Details of the full programme will be announced by the HSE in the near future and will involve the vaccine being offered each year to all girls in first year in secondary school. Unfortunately, it will not be possible to refund the costs of vaccinations administered privately.

Hospital Services.

227. **Deputy Róisín Shortall** asked the Minister for Health and Children further to Question No. 203 of 10 November 2009, the reason her Department has not issued a full refund in respect of an X-ray charge; and if she will expedite this matter. [7645/10]

Minister for Health and Children (Deputy Mary Harney): The HSE confirmed with my Department on 1 December 2009 that the X-ray charge had been collected in error, and would be refunded to the patient concerned. I have again asked the HSE to confirm that the refund has been made, and to reply as a matter of urgency to the Deputy.

Child Care Services.

228. **Deputy Mary Upton** asked the Minister for Health and Children her views on the fact that some parents who are employed are no longer able to afford community child care and are removing their children from child care services due to the increase in fees; her further views on the fact that fee increase is creating a poverty trap and if this is counterproductive; and if she will make a statement on the matter. [7646/10]

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 child care providers to enable them to charge reduced childcare fees to disadvantaged and low income working parents. I also have responsibility for the free pre-school year in Early Childhood Care and Education (ECCE) scheme which was introduced in January of this year and provides for a free pre-school year for all eligible children prior to commencing primary school. The CCSS is implemented by my office under the National Childcare Investment Programme. A significant level of funding is provided under the CCSS with expenditure of almost €60 million in 2009 in respect of almost 1,000 community childcare services. Parents in receipt of social welfare payments qualify for a reduction of €100 per week for full-time day care while parents in receipt of Family Income Supplement (FIS) qualify for a reduction of €70 per week. Parents who are above the FIS threshold, e.g. who hold a GP visit card or a medical card, qualify for a reduction of €45 per week. In budget 2010, the Minister for Finance announced that the CCSS would be succeeded by a follow-on scheme with effect from September 2010. The new Community Childcare Subvention (CCS) scheme will continue to provide support funding to community based child care services to enable them to charge reduced child care fees and will also include a number of enhancements specifically targeted at working parents in receipt of low incomes. Parents in receipt of FIS will receive an increased subvention at the higher rate of €100. Parents marginally above the FIS threshold will receive an increased subvention rate of €50. My office is also consulting with the Department of Education and Science and the Department of Enterprise, Trade and Employment with a view to including a new capitation rate under the CCS which will improve the current child care supports available to qualifying parents attending VEC and FÁS courses. In addition to the Community Childcare Subvention schemes, the ECCE scheme which came into effect in January of this year will enable parents to avail of a free Pre-School Year for their children in the year before commencing primary school. The scheme is being provided by some 4,000 pre-school services throughout the country and more than 51,000 children are currently enrolled. Full and part-time day care services can participate in the ECCE scheme enabling parents to benefit from a reduction in their weekly child care costs of €48.50.

Medical Cards.

229. **Deputy Joe Costello** asked the Minister for Health and Children if she will reconsider her decision to refuse the medical card to a person (details supplied) in Dublin 3; if she will consider granting the general practitioner only card to them; and if she will make a statement on the matter. [7652/10]

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.

Home Help Service.

230. **Deputy Jack Wall** asked the Minister for Health and Children the reason a person (details supplied) in County Kildare is only receiving home help for 1.5 hours per week; and if she will make a statement on the matter. [7663/10]

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.

Health Services.

231. **Deputy Finian McGrath** asked the Minister for Health and Children if she will support the case of a person (details supplied) in Dublin 9. [7678/10]

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.

Residential Institutions.

232. **Deputy Ruairí Quinn** asked the Minister for Health and Children if she has received correspondence from a group (details supplied); if the former Department of Local Government and Public Health ever acceded to the transfer of women from State, local government or county funded homes into Magdalene laundries despite the lack of a statutory basis for confining women within these institutions; and if she will make a statement on the matter. [7684/10]

247. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children if the practice of transferring women from State funded mother and baby homes to Magdalene laundries was State policy, as outlined in the Department of Local Government and Public Health Annual Report 1932-33; the length of time this policy was in place; the number of women that were transferred or referred; the length of time they remained in the laundries; the outcome for their children; and if she will make a statement on the matter. [7764/10]

Minister for Health and Children (Deputy Mary Harney): I propose to take Questions Nos. 232 and 247 together.

I have received correspondence from the group concerned. I will be checking the historical position in relation to the matters raised and they will be given consideration, in consultation as appropriate with my Government colleagues. I will revert to the Deputies when this process has been completed.

Hospital Staff.

233. **Deputy Frank Feighan** asked the Minister for Health and Children if she will expedite the appointment of a second consultant neurologist Health Service Executive north west based in Sligo General Hospital in view of the waiting times of more than three years for routine surgery; and if she will make a statement on the matter. [7688/10]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter, it has been referred to the HSE for direct reply.

Hospital Services.

234. **Deputy Thomas Byrne** asked the Minister for Health and Children the arrangements the Health Service Executive are putting in place whereby a father can attend all hospital appointments and admittances to the labour ward of the mother of their child. [7695/10]

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.

Adoption Services.

235. **Deputy Ruairí Quinn** asked the Minister for Health and Children the proposals within the Adoption Bill 2009 to enable people who were adopted to access their records to ascertain

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the identity of their birth mother; if this is possible under existing legislation; if the birth mother is deceased, if it is possible for the child of that person to access the records; if not, her views on whether introducing such an amendment to the Adoption Bill 2009; and if she will make a statement on the matter. [7696/10]

Minister of State at the Department of Health and Children (Deputy Barry Andrews): The registration of domestic adoptions is governed by section 22 of the Adoption Act 1952, under which an tArd Chláraitheoir (the Registrar General) is required to maintain a register of domestic adoptions (adoptions effected in Ireland, regardless of where the adopted person was born). The register is called the adopted children register. An index to the register is maintained and can be searched by any person. Any person may obtain a copy of any entry in the adopted children register. The legislation also provides for an index linking the birth entry in the register of births (in the case of an Irish-born adopted person) with the entry in the adopted children register. Information from this index may not be given to any person except by order of a court or the Adoption Board. I am aware that the treatment of adopted persons in this regard differs from the rest of the population but consideration of this issue must take place in the context of the complex legal, ethical and constitutional issues arising from the need to fairly balance the rights of all parties to the adoption process. The Adoption Bill 2009, which will consolidate existing adoption legislation, does not seek to make new proposals in this regard. The information and tracing unit in the Adoption Board provides an advice and referral service for those seeking to trace or to obtain medical or personal information. This unit provides services directly to adoptees, natural mothers and birth families. It also works closely with the registered adoption societies and the HSE nationwide information and tracing services. Improvements to this service have been effected by the computerisation of the unique adoption files held by the board. The National Adoption Contact Register was established in 2005 to assist adopted people and their natural families to make contact with each other, exchange information or state their contact preferences. They decide, through a range of information and contact options, how they wish to proceed. Some 440 matches have already been made on the register, representing over 900 individuals who have received a service. The operation of the register was reviewed in 2007 and a major upgrading of it has just been completed. The Adoption Board, together with the societies, the HSE and the support groups, developed the Standardised Framework for the Provision of a National Information and Tracing Service. The framework, which was published in November 2007, sets standards and provides guidance and advice for information and tracing services providers nationally. The standardised framework is being piloted nationally. In relation to information and tracing for people adopted from abroad, the Adoption Board intends to undertake a consultation process with interested parties to determine how best to address the needs of such people.

Primary Medical Certificates.

236. **Deputy Thomas Byrne** asked the Minister for Health and Children the position regarding an application for a primary medical certificate in respect of a person (details supplied) in County Meath. [7707/10]

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 it to be referred to the Health Service Executive for direct reply to the Deputy.

Hospital Waiting Lists.

237. **Deputy Olivia Mitchell** asked the Minister for Health and Children if a medical pro-

cedure appointment will be provided in respect a person (details supplied) in Dublin 14; and if she will make a statement on the matter. [7711/10]

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.

238. **Deputy Bobby Aylward** asked the Minister for Health and Children the reason for the delay in assessing an application for a medical card in respect of a person (details supplied) in County Kilkenny which was submitted on 11 November 2009; and if she will make a statement on the matter. [7720/10]

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 Reform.

239. **Deputy James Reilly** asked the Minister for Health and Children the date the expert group on resource allocation and financing will report; and if she will make a statement on the matter. [7735/10]

Minister for Health and Children (Deputy Mary Harney): I established the Expert Group on Resource Allocation and Financing in the Health Sector under the chairmanship of Professor Frances Ruane (Director, ESRI) in April last year to examine how the existing system of resource allocation within the Irish public health service can be improved to support better the aims of the health reform programme. As per the Government decision taken last March, the group is due to report to me and the Minister for Finance in April 2010.

Hospital Accommodation.

240. **Deputy Aengus Ó Snodaigh** asked the Minister for Health and Children the number of public paediatric beds in hospitals here including intensive care units, pre or post op or rehabilitative; the number of theatres, consulting rooms, family rooms and so on; and the total square metres of the current paediatric hospitals. [7751/10]

Minister for Health and Children (Deputy Mary Harney): As these are service matters, they have been referred to the Health Service Executive for direct reply.

Hospitals Building Programme.

241. **Deputy Aengus Ó Snodaigh** asked the Minister for Health and Children the design brief and the specification for the proposed national paediatric hospital at the Mater Hospital site, Dublin 7; and her views on whether it can be completed by 2014. [7752/10]

Minister for Health and Children (Deputy Mary Harney): The development of the National Paediatric Hospital is a priority project for the Government. The project is proceeding as planned and is being overseen by the National Paediatric Hospital Development Board (NPHDB) which was established in May 2007. In October 2009, the board appointed an integrated design team. This team will take the functional design brief completed by the NPHDB project team and approved by the HSE and develop a detailed design brief for the new hospital and ambulatory and urgent care centre. Engagement with the three children's hospitals and other stakeholders, such as academic institutions, paediatric research organisations and children on designing the new hospital has commenced. The concept design will be completed in the

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first quarter of 2010. The aim is to submit an application for planning permission for the enabling works to Dublin City Council in March 2010. The design development will be completed in 2010. The timetable for the completion of the project is the fourth quarter of 2014 when the hospital is due to open.

Departmental Properties.

242. **Deputy Aengus Ó Snodaigh** asked the Minister for Health and Children the persons who own the buildings and lands of the current paediatric hospitals. [7753/10]

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.

Planning Issues.

243. **Deputy Aengus Ó Snodaigh** asked the Minister for Health and Children if she will provide a list of current planning permission applications being sought by each of the paediatric hospitals; if it is intended to complete proposed applications and those previously granted; and the timeframe for each of the planning applications. [7754/10]

Minister for Health and Children (Deputy Mary Harney): Arrangements relating to planning permission applications for the paediatric hospitals are service matters. Therefore, the question has been referred to the Health Service Executive for direct reply.

Hospital Staff.

244. **Deputy Aengus Ó Snodaigh** asked the Minister for Health and Children the number of doctors, nursing, catering, administrative, cleaning, security and other staff employed in each of the paediatric hospitals; and the number of contract staff engaged by each hospital on average in the past two years. [7755/10]

Minister for Health and Children (Deputy Mary Harney): As these are service matters, they have been referred to the Health Service Executive for direct reply.

Ambulance Service.

245. **Deputy Aengus Ó Snodaigh** asked the Minister for Health and Children the position regarding the development of a full paediatric ambulatory service covering the entire State; and if progress has been made on all the proposed locations for those services. [7756/10]

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.

Hospital Services.

246. **Deputy Aengus Ó Snodaigh** asked the Minister for Health and Children if any contact or discussions have been held with the Northern Ireland Minister for Health, Social Services and Public Safety regarding the development of a national paediatric hospital on the Mater hospital site, Dublin 7, and the ambulatory service associated with the plans; the conclusions that were reached; and the future plans regarding the development of an all Ireland approach to paediatric care. [7757/10]

Minister for Health and Children (Deputy Mary Harney): I have worked closely with my counterpart in Northern Ireland, Mr. Michael McGimpsey, MLA, to support North/South co-

operation in health care. Towards this end, we jointly commissioned a study to develop a strategic framework for collaborative work in health and social care, and in planning and delivering services, as appropriate. The feasibility study was finalised in April 2009 and forms the basis for North/South co-operation in relation to health and personal social services.

There has been no specific discussion regarding the development of the National Paediatric Hospital in Dublin, but there have been welcome developments in particular areas of paediatric care. Last year I was very pleased to welcome the conclusion of a service level agreement for paediatric cardiac surgery involving Our Lady's Children's Hospital, Crumlin and Belfast City Hospital. The agreement supports the provision of paediatric congenital cardiac surgery for children in Northern Ireland.

The two Departments, North and South, will keep the scope for further collaboration under review, in the context of the feasibility study concluded last year.

Question No. 247 answered with Question No. 232.

Medical Cards.

248. **Deputy Mary Wallace** asked the Minister for Health and Children the criteria a person over 70 years of age may qualify for a medical card; and if she will make a statement on the matter. [7802/10]

Minister for Health and Children (Deputy Mary Harney): Under the Health Act 2008, the income thresholds for entitlement to a medical card for those aged 70 or over is €700 (gross) per week (€36,500 per year) for a single person and €1,400 (gross) per week (€73,000 per year) for a couple. Where the spouse/partner is under 70 years of age, he/she can qualify under the over 70s medical card scheme if the combined gross incomes of the applicant and dependant spouse/partner are within the income threshold limit of €1,400 (gross) per week.

Where a person aged 70 or over does not qualify for a medical card, by virtue of their gross income being over the specified thresholds, the person may apply to the Health Service Executive (HSE) for a medical card or GP visit card under the existing net income thresholds, which allow for medical, nursing and other relevant expenses to be taken into account. The net income medical card thresholds that pertain for a person aged 70 or over are €201.50 per week for a single person and €298 per week for a couple and in the case of a GP visit card, are €302 per week for a single person and €447 for a couple.

Notwithstanding the above, the HSE may issue a medical card on a discretionary basis, if the applicant would otherwise be caused undue hardship in providing general medical and surgical services for himself / herself and any dependants. The Executive takes all social and medical issues into account in determining whether or not undue hardship exists.

The over 70s medical card assessment guidelines are available on the HSE website at www.hse.ie.

249. **Deputy Mary Wallace** asked the Minister for Health and Children the criteria a person under 70 years of age may qualify for a medical card; and if she will make a statement on the matter. [7803/10]

Minister for Health and Children (Deputy Mary Harney): The assessment of eligibility for a medical card is statutorily a matter for the Health Service Executive (HSE) and is determined following an examination of the means of the applicant and his/her dependants. Under Section 45 of the Health 1970, medical cards are provided for persons who, in the opinion of the HSE, are unable without undue hardship to arrange general practitioner medical and surgical services

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for themselves and their dependants. Under Section 58 of the Health Act 1970, as amended, GP visit cards are provided for adult persons with limited eligibility for whom, in the opinion of the HSE, and notwithstanding that they do not qualify for a medical card, it would be unduly burdensome to arrange GP medical and surgical services for themselves and their dependants.

In assessing eligibility, the HSE uses guidelines based on people's means, which includes their income, certain allowable outgoings and the affect of other factors which may impact on people's ability to meet the cost of GP services for themselves and their families.

The following table contains the current income guidelines for medical cards and GP visit cards for persons applying for a medical card under the general medical card scheme.

Notwithstanding the above, the HSE may issue a medical card on a discretionary basis, if the applicant would otherwise be caused undue hardship in providing general medical and surgical for himself / herself and any dependants. The Executive takes all social and medical issues into account in determining whether or not undue hardship exists.

	Medical Card Net Weekly Rate	GP Visit Card Net Weekly Rate
	€	€
<i>Single Person Living Alone</i>		
Aged up to 65 years	184.00	276.00
Aged 66 years and over	201.50	302.00
<i>Single Person Living with Family</i>		
Aged up to 65 years	164.00	246.00
Aged 66 years and over	173.50	260.00
<i>Married Couple or Persons living together as Husband & Wife/ Single Parent Families with Dependent Children</i>		
Aged up to 65 years	266.50	400.00
Aged 66 years and over	298.00	447.00
<i>Allowances</i>		
Allowance for first 2 children under 16 years financially dependent on applicant	38.00	57.00
For 3rd and subsequent children under 16 years financially dependent on applicant	41.00	61.50
Allowance for first 2 children over 16 years financially dependent on applicant	39.00	58.50
For 3rd and subsequent children over 16 years financially dependent on applicant	42.50	64.00
For a dependant over 16 years in full-time education and not grant-aided	78.00	117.00

Additional guideline allowances will be given for:

- Reasonable expenses incurred in respect of rent/mortgage payments;
- Reasonable expenses incurred in respect of childcare costs;
- Reasonable expenses incurred in travel to work.
- The assessment of eligibility for medical cards will be based on the combined income of the applicant and spouse (if any) after tax, PRSI and Income Levy have been deducted.

- Applicants whose weekly incomes are derived solely from Social Welfare or Health Service Executive allowances/payments, which are in excess of the Financial Guidelines (either at first application or renewal) qualify for a medical card.

Proposed Legislation.

250. **Deputy Michael McGrath** asked the Minister for Health and Children if she will respond to correspondence (details supplied) regarding the Child Care (Amendment) Bill. [7817/10]

Minister of State at the Department of Health and Children (Deputy Barry Andrews): The Report of the Commission to Inquire into Child Abuse, 2009 Implementation Plan states that ‘The provision of aftercare by the HSE should form an integral part of care delivery for children who have been in the care of the state. It should not be seen as a discretionary service or as a once-off event that occurs on a young person’s 18th birthday.’

The Report makes the following recommendations in relation to aftercare: The HSE will ensure the provision of aftercare services for children leaving care in all instances where the professional judgement of the allocated social worker determines it is required; The HSE will, with their consent, conduct a longitudinal study to follow young people who leave care for 10 years, to map their transition to adulthood; The HSE and the Department of the Environment, Heritage and Local Government will review the approach to prioritising identified ‘at risk’ young people leaving care and requiring local authority housing; The HSE will ensure care plans include aftercare planning for all young people of 16 years and older; The HSE will ensure that aftercare planning identifies key workers in other health services to which a young person is referred, for example, disability and mental health services; The OMCYA, in conjunction with the HSE, will consider how best to provide necessary once-off supports for care leavers to gain practical lifelong skills.

In line with the Government commitment as reflected in the Ryan Implementation Plan funding of €1.0m was set aside by the HSE in its 2010 Service Plan, for the development of aftercare services in 2010. I will be meeting representatives from Focus Ireland to discuss this matter today (16/02/2010).

Health and Social Care Professions.

251. **Deputy Dan Neville** asked the Minister for Health and Children the designated health and social care professions under the Health and Social Care Professionals Act 2005 for which there is statutory registration in place. [7822/10]

252. **Deputy Dan Neville** asked the Minister for Health and Children the legal issues outstanding regarding the registration of psychotherapy and counselling under the Health and Social Care Professions Act 2005. [7824/10]

Minister for Health and Children (Deputy Mary Harney): I propose to take Questions Nos. 251 and 252 together.

The ongoing regulatory programme undertaken by my Department has seen the introduction of the Health and Social Care Professionals Act 2005, providing for statutory registration for twelve designated health and social care professional grades, as follows:

- Clinical Biochemists;
- Dieticians;
- Medical Scientists;

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- Occupational Therapists;
- Orthoptists;
- Physiotherapists;
- Podiatrists;
- Psychologists;
- Radiographers;
- Social Care Workers;
- Social Workers, and
- Speech and Language Therapists

The structure of the system of statutory registration will comprise a registration board for each of the professions to be registered, a Health and Social Care Professionals Council with overall responsibility for the regulatory system and a committee to deal with disciplinary matters. As a first step in the implementation of the system of statutory registration, I launched the Health and Social Care Professionals Council in March 2007. The CEO and an administrative staff member were appointed in 2008 and an additional two senior administrative staff took up duty with the Council in late 2009. These appointments will greatly assist the Council in their ongoing work in preparing for the establishment of the individual Registration Boards, the first of which (the Social Work Registration Board) is to be established shortly. The Council is currently working to put in place the necessary structures for registration, education and fitness to practise for the twelve health and social care professions designated in the Act and it is hoped to bring additional Registration Boards on stream in late 2010.

The Health and Social Care Professionals Council will enable health and social care professionals to practice in a regulated, controlled and safe environment and in a manner which will ensure the provision of high-quality interventions, meeting the challenges of increasingly complex and evolving care for service users. While the proposed system of statutory registration applies, in the first instance to twelve health and social care professions, the legislation empowers the Minister for Health and Children to include, on the basis of specific criteria, additional health and social care professions in the regulatory system by regulation over time, as appropriate. However, the priority for the Health and Social Care Professionals Council is to establish statutory registration for the twelve designated health and social care professions in the first instance. The issue of inclusion of other grades, such as psychotherapists and counsellors, within the scope of statutory registration will be considered after the initial designated twelve professional grades have been fully dealt with.

Medical Cards.

253. **Deputy Brendan Howlin** 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 Wexford. [7870/10]

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 Staff.

254. **Deputy Brian O'Shea** asked the Minister for Health and Children if the necessary resources will be provided for the immediate and medium-term development of dermatology services, including the appointment of a second consultant dermatologist and clinical specialist nurse (details supplied), at Waterford Regional Hospital in 2010; and if she will make a statement on the matter. [7902/10]

Minister for Health and Children (Deputy Mary Harney): As decisions on the allocation of resources and prioritisation of service developments at regional level are a matter for the HSE, this question has been referred to the Executive for direct reply.

Child Care Services.

255. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children the steps she has taken to increase the number of social workers allocated to children in care over the past six months; and if she will make a statement on the matter. [7903/10]

Minister of State at the Department of Health and Children (Deputy Barry Andrews): The Implementation Plan for the recommendations of the Report of the Commission to Inquire into Child Abuse was accepted by Government and published in July 2009. One of the key recommendations of the Implementation Plan is that an additional 270 additional social workers be recruited by the HSE between 2009 and 2011. This is made possible as the approved Employment Control Framework for the HSE exempts social worker posts from the current moratorium on recruitment and the filling of vacancies. A further key action of the Plan which is currently being implemented is the conversion of temporary social work posts to a permanent basis to address issues of continuity of care and staff retention within the child welfare and protection services.

In order to further develop its Child Welfare and Protection Services an amount of some €14m has been provided to the HSE in the current year to progress the implementation of the recommendations of the Ryan Commission, including the commitment to fill the vacant social work posts over the period 2009-2011. This initiative is being targeted at the area of child protection and children in care.

256. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children the number of children in care who do not have a written care plan; and if she will make a statement on the matter. [7904/10]

Minister of State at the Department of Health and Children (Deputy Barry Andrews): As this is a service matter it has been referred to the HSE for direct reply.

257. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children the number of preschool facilities inspected by the Health Service Executive during 2009; the number inspected since 1 January 2010; the number that the HSE proposes to inspect over the next ten months; and if she will make a statement on the matter. [7905/10]

258. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children the number of preschool facilities across the State. [7906/10]

263. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children if the Health Service Executive has appointed an assistant national director with responsibility for children

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and family services; the details of this appointment; and if she will make a statement on the matter. [7911/10]

Minister of State at the Department of Health and Children (Deputy Barry Andrews): I propose to take Questions Nos. 257, 258 and 263 together.

The Health Service Executive (HSE) has statutory responsibility for the implementation of the Child Care (Preschool Services) (No. 2) Regulations 2006 which give effect to the provisions of Part VII of the Child Care Act 1991 and provide for notification to and inspection by the HSE of preschool services.

I have been advised by the HSE that 4,766 preschool services were notified to them at the end of 2009. In 2009, 3,013 preschool services were inspected by the HSE in addition to 1,660 advisory visits to potential or existing services. Figures in relation to the number of inspections carried out in January 2010 are not yet available, however, I understand that over the remainder of this year 2,147 inspections are expected to be carried out. Mr Phil Garland was appointed as Assistant National Director for Children & Family Social Services in the HSE, in November 2009.

259. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children the details of a strategy in place in her Department to deal with the high levels of children who go missing from care each year; and if she will make a statement on the matter. [7907/10]

Minister of State at the Department of Health and Children (Deputy Barry Andrews): It is a matter of great concern that a number of children go missing after they enter the State. Separated children going missing from care is not a phenomenon unique to Ireland.

The issue of separated children who go missing from care is complex. There has been a tendency to equate all missing children with trafficking. However the HSE advise that there is evidence to indicate that some of these individuals may be adults who disappeared before a comprehensive age assessment process could be undertaken by the HSE. It has been acknowledged by the HSE and also by other relevant statutory agencies that there are several factors that may contribute to the disappearance of a child from care and these are the following:- The child's appeal for asylum has been refused and he/she is nearing eighteen and is reacting to the pending threat of repatriation. The person has been smuggled into the country to join the workforce on a consensual basis and is availing of the child protection service as a fast track route into the State. The child has been trafficked into the State by traffickers using the child protection service as a route.

The HSE has developed a strong working relationship with the Garda National Immigration Bureau (G.N.I.B.) in relation to missing children. The level of interagency cooperation between the H.S.E. and the G.N.I.B. has been consistently high and has intensified in recent years. A Joint National Protocol on Children who go missing from care has been agreed between the Garda and the H.S.E.. Intensive meetings took place last year between H.S.E. management and the G.N.I.B. and local Garda to adapt this protocol in terms of application to separated children who go missing. The following measures were agreed:- Collaborative interviewing at the ports between social workers and Garda. Fingerprinting of persons presenting as underage at the ports, for tracking purposes. Planned Garda surveillance of those at risk of going missing from the point of presentation at ports to the initial placement period in hostels. Monitoring of the notification system of missing persons to local Garda to be closely monitored by Garda Inspectors. Joint training of H.S.E. staff and Garda/ G.N.I.B. staff in relation to children at high risk of going missing. Sharing of photographic evidence between H.S.E. and Garda.

Of the 47 children who went missing from care in 2009 9 were successfully traced. Garda are currently investigating adults involved with some of these cases. There was a decline in the number of children presenting and remaining missing in the last quarter of 2009. This is the result of intensive interagency efforts throughout that year. No children were reported missing in October / November while one was reported missing in December and was subsequently traced.

My office, the H.S.E. management and staff have been closely involved in collaboration with the Department of Justice, Equality and Law Reform in the development of the National Action Plan on Anti-Human Trafficking and I am committed to ensuring that we play an active part in combating trafficking as outlined in this plan.

In addition the Implementation Plan for the Report of the Commission to Inquire into Child Abuse, 2009 contains a commitment that separated children will be accommodated in mainstream care, instead of hostels by December 2010. This move from hostel accommodation to residential and foster care should help to ensure that fewer children go missing. The HSE has begun the process of phasing out the hostel arrangements and putting in place appropriate 24 hour care staff arrangements in the remaining hostels until they are closed. Three hostels have already closed and the remaining four are to close this year.

I am satisfied that the efforts made by the HSE and GNIB to address concerns regarding separated children have proved effective. Both agencies are committed to intensifying their joint work in this area with a view to preventing children from going missing and locating those who do. The issue of unaccompanied minors has been prioritised by An Garda Síochána in its Action Plan this year.

Health Service Staff.

260. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children the steps she has taken to ensure greater regional equity in the deployment of social workers. [7908/10]

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. As this is a service matter it has been referred to the HSE for direct reply.

Foster Care.

261. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children the number of children in foster care with relatives throughout the State; the number of these relatives who have received clearance through Garda vetting prior to placing children in their care; the number who received clearance through Garda vetting after children had been placed in their care; and the number who have not been subject to Garda vetting. [7909/10]

Minister of State at the Department of Health and Children (Deputy Barry Andrews): As this is a service matter it has been referred to the HSE for direct reply.

Health Service Staff.

262. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children the number of persons employed in residential facilities for children in care who have not yet received Garda clearance; and if she will make a statement on the matter. [7910/10]

Minister of State at the Department of Health and Children (Deputy Barry Andrews): As this is a service matter it has been referred to the HSE for direct reply.

Question No. 263 answered with Question No. 257.

Tribunals of Inquiry.

264. **Deputy Andrew Doyle** asked the Minister for Health and Children the reason for the delay in publishing the Dunne report; and if she will make a statement on the matter. [7920/10]

Minister for Health and Children (Deputy Mary Harney): I appointed Ms Anne Dunne to carry out a Post-mortem Inquiry to investigate post-mortem practice and procedure in all hospitals in the State since 1970. The Dunne Inquiry commenced its work in March 2001 and it submitted a report to me in March 2005. The strong legal advice obtained from the Attorney General was that the report could not be published for legal and constitutional reasons. In May 2005, I appointed Dr Deirdre Madden to examine the key points raised and findings in it in order to provide Government with a final report on post-mortem policy and practice. Dr Madden's report inquired into the policies and practices relating to the removal, retention and disposal of organs from children who have undergone post-mortem examination in the State since 1970. I published Dr Madden's report in 2006. A subsequent report of a Working Group, also chaired by Dr Madden, on other areas of post-mortem practice and procedures was also published in November 2006. An independent audit of all retained organs in the State, which was commissioned by the HSE, was carried out by Ms Michaela Willis and this report was published in 2009.

Departmental Bodies.

265. **Deputy Charlie O'Connor** asked the Minister for Health and Children the amount of seed capital that the VHI has provided; and the organisations this seed capital has been given. [7924/10]

266. **Deputy Charlie O'Connor** asked the Minister for Health and Children the amount of all loans provided by the VHI; and the organisations to which these loans have been provided. [7925/10]

267. **Deputy Charlie O'Connor** asked the Minister for Health and Children the joint ventures that the VHI has entered into; and the level of financial commitment provided by the VHI in these joint ventures. [7926/10]

268. **Deputy Charlie O'Connor** asked the Minister for Health and Children the profit or loss generated individually by the ancillary business lines (details supplied) of the VHI. [7927/10]

Minister for Health and Children (Deputy Mary Harney): I propose to take Questions Nos. 265 to 268, inclusive, together.

Section 14 of the *Health Insurance (Amendment) Act 2001* provided for the Voluntary Health Insurance Board's involvement in certain specified secondary activities. Arising from that provision, VHI sought and was given consent by the Minister for Health and Children to become involved in a number of ancillary businesses. These include travel, dental and global health insurance, in addition to its two joint ventures, *Vhi Swiftcare* and *Vhi Homecare*.

VHI did provide some seed capital for these two joint ventures, which were relatively small investments. For its insurance line of business, i.e. travel, dental and global insurance, *Vhi Healthcare* is an authorised intermediary and works in partnership with authorised insurance

underwriters. For these businesses, no seed capital is required and its underwriting partners maintain capital to meet solvency requirements. *Vhi Corporate Solutions* has no requirement for seed capital.

No loans have been provided by VHI to any organisation.

VHI operates in a commercial market and, as such, some of the detailed information requested is commercially sensitive and inappropriate for release into the public domain. However, in terms of profit or loss of the ancillary businesses, VHI has confirmed that its diversified products portfolio is a net contributor to the business as a whole.

Medicinal Products.

269. **Deputy Charlie O'Connor** asked the Minister for Health and Children her plans to deal with head shops; and if she will make a statement on the matter. [7928/10]

Minister for Health and Children (Deputy Mary Harney): 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', I intend to have the regulations drafted this month 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. In accordance with EU law, it may also be necessary to notify the Commission of the proposed regulations in case they impact on legitimate industrial activities and this imposes a 3 month stand still period on implementation of the regulations. These regulations will make the possession and sale of these substances illegal and subject to criminal sanctions. 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. 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.

Pharmacy Regulations.

270. **Deputy Charlie O'Connor** asked the Minister for Health and Children if she will report on recent dealings with a union (details supplied); and if she will make a statement on the matter. [7929/10]

Minister for Health and Children (Deputy Mary Harney): I met with the Irish Pharmacy Union (IPU) on 3 December last. Among the issues discussed were the implications for phar-

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macists of reductions in drug prices and prescription charges, the impact of the fee reductions that took effect in July last and the operation of the Drug Payment Scheme. More recently, a working group, comprising of officials from my Department and the HSE, met with the IPU to discuss the introduction of a system of reference pricing combined with generic substitution under the GMS and community drugs schemes.

Medical Cards.

271. **Deputy Michael Ring** asked the Minister for Health and Children the position regarding a medical card application in respect of a person (details supplied) in County Mayo; and if it will be processed. [7962/10]

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.

272. **Deputy Michael Ring** asked the Minister for Health and Children the position regarding a medical card in respect of a person (details supplied) in County Mayo; and if same will be processed. [7964/10]

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.

273. **Deputy Michael Ring** asked the Minister for Health and Children the position regarding a medical card application in respect of a person (details supplied) in County Mayo, and if same will be processed. [7966/10]

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 Procedures.

274. **Deputy Michael McGrath** asked the Minister for Health and Children the number of out patient hospital appointments in the Health Service Executive nationally in 2009 in which the patient did not show up; and the estimate of the cost to the HSE of this non attendance. [7967/10]

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.

275. **Deputy Michael McGrath** asked the Minister for Health and Children the position regarding an over 70 years medical card application in respect of a person (details supplied) in County Cork. [7969/10]

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 Protection.

276. **Deputy Jan O'Sullivan** asked the Minister for Health and Children if the two special rapporteurs for child protection have submitted their 2009 reports to her; when these reports will be made public; and if she will make a statement on the matter. [7995/10]

Minister of State at the Department of Health and Children (Deputy Barry Andrews): The Government appointed two Special Rapporteurs for Child Protection, Mr Geoffrey Shannon and Professor Finbarr McAuley. Mr Shannon has produced reports for each of the three years, 2007, 2008 and 2009. The 2007 and 2008 reports were laid before the Houses of the Oireachtas and were published. Mr Shannon's 2009 report is in the process of being brought before the Government with a view to presenting it to the Oireachtas. Professor McAuley submitted one report, in 2007, and this was laid before the Houses of the Oireachtas and published.

Medicinal Products.

277. **Deputy Jan O'Sullivan** asked the Minister for Health and Children if in the case of expensive medicines that have been prescribed and supplied under State-funded schemes, it is possible for the State to recoup the cost of medicines in cases in which the treatment changes and the medicines are unused and are returned to the dispensing pharmacist; and if she will make a statement on the matter. [8013/10]

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 Service Staff.

278. **Deputy Jan O'Sullivan** asked the Minister for Health and Children if the moratorium on hiring staff in the Health Service Executive will be waived in the case of staff who took up the HSE sponsorship scheme which trained them as nurses on condition that they signed up to a service agreement that they would return to work in the service and who cannot work as nurses; and if she will make a statement on the matter. [8016/10]

Minister for Health and Children (Deputy Mary Harney): The Health Service Executive operates a sponsorship scheme for eligible and experienced public service employees who wish to train as nurses/midwives. This scheme was introduced in 2002 to provide a career development pathway for health care assistants and other support staff who are involved in the delivery of care to patients and clients of the public health service. The implications of the moratorium on recruitment and promotions for this particular sponsorship scheme are currently the subject of discussions between my Department and the Department of Finance.

279. **Deputy Darragh O'Brien** asked the Minister for Health and Children if the vacancy for chairperson of the national working group on the regulation of complementary therapists has been filled; if not, when she plans to do so; and if she will make a statement on the matter. [8018/10]

285. **Deputy Darragh O'Brien** asked the Minister for Health and Children the status of the vacant position of facilitator for the therapists working days; and if she will make a statement on the matter. [8073/10]

Minister for Health and Children (Deputy Mary Harney): I propose to take Questions Nos. 279 and 285 together.

There are no vacant positions of Chairperson or Facilitator, as referred to by the Deputy, as these roles have already been provided for by my Department. The Report of the National Working Group on the Regulation of Complementary Therapists in 2006 made recommendations on strengthening the regulatory environment for complementary therapists. The Report of the National Working Group outlined guidance for professional associations and provided examples of codes of ethics and good practice, including grievance and disciplinary

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procedures. To support the development of robust voluntary self-regulation, my Department has facilitated the provision of work days to facilitate different therapies to come together to undertake a process of harmonisation and development with regard to common basic standards of practice, education and training.

Among the recommendations contained in the Report of the National Working Group on the Regulation of Complementary Therapists was that the Higher Education and Training Awards Council (HETAC) take a role in the accreditation of programmes of higher education and training for complementary therapists. HETAC has now determined and published a set of standards for complementary therapies to be used in the accreditation of any programmes submitted by providers of education and training in complementary therapies. These standards will be a valuable tool in the accreditation of relevant education and training programmes. In adopting these standards, HETAC has identified a requirement that each programme within a therapy should only be validated when there is federation into one representative organisation for that therapy.

Federation of individual professional therapy associations into one representative organisation for that therapy is a key component required for the development of common standards of education and training for complementary therapies. This approach is essential to ensure harmonisation of standards and to eliminate variations in standards of education and training or codes of practice within each complementary therapy discipline. The complementary therapy sector is currently engaged in forming the solid frameworks and federations with which to link and to govern the sector, and it is hoped that further progress in this area can be achieved over time.

Ministerial Orders.

280. **Deputy Leo Varadkar** asked the Minister for Health and Children the fees or charges set by her by way of ministerial order for the provision of goods or services to persons or businesses; the charge; and if she will make a statement on the matter. [8033/10]

281. **Deputy Leo Varadkar** asked the Minister for Health and Children the charges levied by her Department or agencies under her Department in respect of the provision of goods or services to persons or businesses; the charge; the anticipated income from such charges in 2010; and if she will make a statement on the matter. [8045/10]

Minister for Health and Children (Deputy Mary Harney): I propose to take Questions Nos. 280 and 281 together.

The information sought by the Deputy in relation to fees or charges set by my Department for the provision of services to businesses is currently being collated and will be forwarded to the Deputy as soon as it is available.

Charges levied by agencies under my Department's aegis is an operational matter for the agencies themselves and my Department does not routinely compile or hold this information. My Department has referred the Deputy's question to the Parliamentary Affairs Division of the Health Service Executive for its attention and direct reply to the Deputy.

Medical Cards.

282. **Deputy Brian O'Shea** asked the Minister for Health and Children if her attention has been drawn to the fact that 4,000 applications for renewal of medical card are being renewed in the Waterford community care area on a monthly basis pending processing due to the staff

shortages which only allow for new cases to be processed; and if she will make a statement on the matter. [8062/10]

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.

283. **Deputy Michael McGrath** asked the Minister for Health and Children the details of the means test for a medical card for persons under 70 years regarding the treatment of savings and investments. [8070/10]

Minister for Health and Children (Deputy Mary Harney): Under the Health Service Executive's Medical Card / GP Visit Card National Assessment Guidelines, savings or similar investments up to the first €36,000 for a single person and up to the first €72,000 for a couple are disregarded in the assessment process for eligibility to a medical card. The Guidelines also state:

- The next €10,000 is assessed at 1 Euro per week per €1,000.
- The next €10,000 is assessed at 2 Euro per week per €1,000.
- Savings in excess of the above are assessed at 4 Euro per week per €1,000.

Alternatively, where an applicant wishes, he/she can have the actual rate applied by the bank/institution if he/she provides a certificate of interest paid on savings in the last full calendar year and the HSE will apply this method of assessment. In respect of fixed term or long term savings products that apply the interest after a fixed number of years, and if the applicant so wishes, the Executive can take account of the interest earned in the year of maturity of the investment or can apply its notional rate to determine the income. The HSE's Central Application Unit reviews the notional rate on a quarterly basis.

Thalidomide Survivors' Compensation.

284. **Deputy Jan O'Sullivan** asked the Minister for Health and Children if she will review the supports available to thalidomide survivors to address the extra needs not covered by their current supports; and if she will make a statement on the matter. [8071/10]

Minister of State at the Department of Health and Children (Deputy John Moloney): 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. 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.

[Deputy John Moloney.]

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.

Question No. 285 answered with Question No. 279.

Health Service Staff.

286. **Deputy Michael McGrath** asked the Minister for Health and Children if she will provide a list of public health sector employers who have been instructed to apply pay adjustments in accordance with the Financial Emergency Measures in the Public Interest (No. 2) Act, 2009. [8075/10]

Minister for Health and Children (Deputy Mary Harney): The Financial Emergency Measures in the Public Interest (No. 2) Act 2009, provides for the application of a reduction in remuneration for all public servants. For the purposes of the Act, a public servant includes a person who is employed by, or who holds any office or other position in a public service body. The Health Service Executive and bodies funded under Section 38 of the Health Act 2004 are public service bodies, as defined in this Act. My Department circulated a revised version of the Health Sector Consolidated Salary Scales in December 2009 to reflect the required reduction in remuneration. These were sent to all public health sector employers, including the HSE and all Non-Commercial State Sponsored Bodies under the aegis of this Department.

My Department has also clarified to the HSE, at their request, that Bodies funded under Section 39 of the Health Act 2004 were not directly affected by the pay adjustments provided for under the Financial Emergency Measures in the Public Interest (No. 2) Act 2009. Section 39 agencies are not public service employers, nor are their employees public sector employees. However, there have been corresponding cuts in the Exchequer funding for these bodies and their grants have been reduced by €21.5m overall. The HSE were advised that it was a matter for each individual employer of a Section 39 body to determine how to effect the reduction in the grant to their organisation, without impacting on service delivery.

Medical Cards.

287. **Deputy Michael McGrath** asked the Minister for Health and Children the position regarding the provision of a medical card in respect of a person (details supplied) in County Cork. [8076/10]

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.

288. **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. [8089/10]

Minister of State at the Department of Health and Children (Deputy Barry Andrews): As this is a service matter it has been referred to the HSE for direct reply.

Child Care Services.

289. **Deputy Emmet Stagg** asked the Minister for Health and Children if, in view of the exceptional circumstances, he will review the decision to exclude a facility (details supplied) from the early childhood care and education scheme; and if he will sanction funding under the four day week arrangement. [8180/10]

Minister of State at the Department of Health and Children (Deputy Barry Andrews): I have responsibility for the free Pre-School Year in Early Childhood Care and Education (ECCE) scheme which was introduced in January of this year. This scheme provides for a free pre-school year for all eligible children prior to commencing primary school.

To provide for the flexible delivery of the new free pre-school provision, childcare services participating in the scheme can choose to provide the free pre-school year from a range of options. For example a full or part-time daycare service will normally provide the place for 2 hours 15 minutes a day, five days a week over 50 weeks. A playschool sessional service will normally be required to provide a pre-school service for 3 hours a day, five days a week over 38 weeks. However, where for good reason a sessional service is unable to operate over 5 days, it may participate in the scheme by providing a place for 3 hours 30 minutes a day, 4 days a week over 41 weeks.

Further flexibility is provided for in that, a full or part-time service may choose to provide a sessional service over 38 weeks of a year (or 2 sessional services each day) while a sessional service may choose to provide 2 hours 15 minutes per day over 50 weeks. Also in cases where children attend a full or part-time daycare service for 3 days a week only, consideration will be given to allowing the service to participate in the scheme on the basis of providing the pre-school year to those children for 3 hours 45 minutes a day for 3 days a week. In such cases, a service will be required to provide the pre-school year over 50 weeks.

I regret to advise the Deputy that the pre-school service in question could not be accepted into the ECCE scheme due to its rental agreement with the local community centre. The service was not in a position to meet the scheme's requirements to provide the pre-school year on the basis of either the 38 week model (5 days a week for 3 hours each day) or the alternative 41 week model (4 days a week for 3 hours 30 minutes each day).

Family Support Services.

290. **Deputy David Stanton** asked the Minister for Health and Children further to Parliamentary Question No. 50 of 8 December 2009, if she has received the final draft of the report on the study of children as carers being undertaken by the Child and Family Research Centre at NUI, Galway; when she will publish same; and if she will make a statement on the matter. [8184/10]

Minister of State at the Department of Health and Children (Deputy Barry Andrews): The report on the study on Children as Carers being undertaken by the Child and Family Research Centre at NUI, Galway has not yet been finalised. A final draft is expected in early 2010. It is envisaged that this report will be launched at the annual conference of the Carers' Association, which will be held on 7th May 2010.

Cancer Screening Programme.

291. **Deputy David Stanton** asked the Minister for Health and Children the number of letters issued to women for screening under the cervical check programme; the number of these women that have presented for a test; the number of payments issued to registered smear

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takers as a result; the length of time it takes for payment to be processed and issued to registered smear takers; and if she will make a statement on the matter. [8185/10]

292. **Deputy David Stanton** asked the Minister for Health and Children the number of women who have had smear tests carried out each month respectively under the cervical check scheme since it began on 1 September 2008; the average amount of time it takes to process results under the scheme; the number of referrals to colposcopy clinics as a result; the numbers seen to date; the average amount of time it takes to get an appointment at these colposcopy clinics; the number and location of these clinics; and if she will make a statement on the matter. [8186/10]

293. **Deputy David Stanton** asked the Minister for Health and Children the number of eligible women aged between 25 years and 60 years who have been contacted by or have contacted the cervical check service since it began; when she expects all 1.1 million eligible women to have been contacted by the service; and if she will make a statement on the matter. [8187/10]

Minister for Health and Children (Deputy Mary Harney): I propose to take Questions Nos. 291 to 293, inclusive, together.

The matters raised by the Deputy are the responsibility of the National Cancer Screening Service. Accordingly, I have requested the Chief Executive Officer of the Service to respond directly to the Deputy.

Departmental Agencies.

294. **Deputy Jim O’Keeffe** asked the Minister for Health and Children the number of bodies and agencies under her aegis; and her proposals for the rationalisation of same. [8199/10]

Minister for Health and Children (Deputy Mary Harney): The number of non commercial State sponsored bodies established currently under the aegis of my Department is 24.

The primary aim of the programme of agency rationalisation within the health sector is to streamline service delivery, professional registration and policy making in a number of areas, through the integration and/or amalgamation of functions. The rationalisation programme involves a significant legislative programme and a considerable amount of work is ongoing in this area at present and considerable progress has been made in implementing the programme. In parallel, discussions with the agencies concerned is ongoing with a view to progressing the programme. The progress to date is as follows—

The Post Graduate Medical and Dental Board was successfully rationalised into the HSE on 1 January 2009. The National Council on Aging and Older People and the Women’s Health Council were successfully subsumed into the Department of Health and Children in 2009. The Crisis Pregnancy Agency was subsumed into HSE in January 2010 and the Drug Treatment Centre Board is due to follow early in 2010.

Legalisation is required to facilitate the rationalisation of the Pre Hospital Emergency Care Council, the National Social Work Qualifications Board and the Opticians Board into the Health and Social Care Professionals Council. It is envisaged that the legislation will be finalised during 2010.

The Government approved the inclusion of provisions in the Child Care (Amendment) Bill 2009 to disestablish the Children Acts Advisory Board (CAAB) and to subsume some of its functions into the Office of the Minister for Children and Youth Affairs on an administrative

basis. The Bill was published on 16 September 2009 and it is expected that the Bill will be brought forward in 2010. It is intended that the CAAB staff will move to the Department on an administrative basis until such time as the Bill is enacted.

Legislation is already in place to facilitate the rationalisation of the National Cancer Screening Service into the HSE in April 2010 and arrangements are under way in this regard.

The dissolution of the National Cancer Registry and the transfer of its staff to the HSE will be dealt with under the Health Information Bill.

Legislative provisions for the dissolution of the National Council for the Professional Development of Nursing and Midwifery will be contained in the proposed Nurses and Midwives Bill.

Parking Regulations.

295. **Deputy Chris Andrews** asked the Minister for Transport his views on granting city and county councils the discretion to regulate partial footpath parking in areas in which parking shortage is an issue. [7658/10]

Minister for Transport (Deputy Noel Dempsey): Under the Road Traffic (Traffic and Parking) Regulations 1997 it is an offence to park a mechanically propelled vehicle on any part of a footpath.

Footpaths are provided for the safety of pedestrians to segregate them from passing or parking traffic. Mounting of footpath kerbs by vehicles is potentially an unsafe practice.

It is also important to have a minimum width of passable footpath for the safe passage of wheelchairs or prams/buggies, and to bear in mind that footpaths have been constructed to a certain weight bearing standard and provide access points for utilities.

Local authorities have other options including, for example, restricting parking to one side of a street or the indenting of the footpath to provide on street parking.

Accordingly, I have no proposals to amend the Traffic and Parking Regulations insofar as they relate to parking of vehicles on footpaths.

Ministerial Orders.

296. **Deputy Leo Varadkar** asked the Minister for Transport the fees or charges set by him by way of ministerial order for the provision of goods or services to persons or businesses; the charge; and if he will make a statement on the matter. [8037/10]

Minister for Transport (Deputy Noel Dempsey): The information requested by the Deputy is not readily available. It will be compiled for the Deputy and will be forwarded to him in due course.

297. **Deputy Leo Varadkar** asked the Minister for Transport the charges levied by his Department or agencies under his Department in respect of the provision of goods or services to persons or businesses; the charge; the anticipated income from such charges in 2010; and if he will make a statement on the matter. [8049/10]

Minister for Transport (Deputy Noel Dempsey): The information requested by the Deputy is not readily available. It will be compiled for the Deputy and will be forwarded to him in due course.

School Transport.

298. **Deputy Michael McGrath** asked the Minister for Transport the way schools may apply for funding under the green schools travel programme in 2010 for the provision of a bicycle shelter on campus. [8072/10]

Minister for Transport (Deputy Noel Dempsey): The Green Schools Travel Programme, which has delivered a 22% reduction in reliance on the private car for school travel among participating schools, is module 4 of An Taisce's Green-Schools Programme. The Green Schools Programme adopts a structured approach and it is necessary for a school to have successfully completed the first three modules relating to litter and waste; energy; and water before participating in the travel module.

There is a high level of awareness of, and participation in, the overall Green Schools Programme and I understand from An Taisce that almost 80% of all schools in Ireland are registered.

Funding for cycle parking through the Green Schools Travel programme has proven to be an effective method of encouraging and facilitating students cycling to school. However, research indicates that the provision of cycle parking must be combined with other activities to generate an increase in the number of students cycling to school. These activities include the provision of cycle training and engagement of the wider school community in the decision making process on an ongoing basis.

Schools that participate in the Green-Schools Travel Programme may discuss cycle parking proposals with An Taisce's Environmental Education Unit who will consider these in the context of competing demands on the funding that is made available to that programme by my Department through the National Transport Authority.

Gaming and Lotteries Act.

299. **Deputy Tom Hayes** asked the Minister for Justice, Equality and Law Reform the position regarding fixed odds betting terminals; the impact of these machines in other countries; and if he will make a statement on the matter. [7708/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Deputy should be aware, from the many statements I have made in this House on the matter, of my opposition to Fixed Odds Betting Terminals (FOBTs). I can assure the Deputy that I have no plans to change the law in this area as it currently stands.

In the current regulatory environment, I am advised that FOBTs, if they were introduced in bookmakers' premises, would be illegal as they would be classified as gaming machines. The Gaming and Lotteries Act 1956 as amended prohibits gaming except in limited circumstances, for example in a licensed amusement arcade; at a circus or travelling show; or at a carnival — and then subject to limitations. Furthermore, the Betting Act 1931, which falls to the responsibility of my colleague the Minister for Finance severely restricts what business — other than the business of bookmaking — that can take place in a licensed betting office.

As the Deputy may be aware, the major review of gambling under way in my Department is aimed at developing a new and comprehensive legal and organisational framework governing the gambling architecture in the State. Player protection will be an important consideration in developing any new regulatory environment for gambling. The initial consultation phase of the review process is now completed and my Department is now finalising an examination of the submissions received. Based on that examination and taking account of the Report of the

Casino Committee, *Regulating Gaming in Ireland*, I hope to be in a position to seek Government approval of policy proposals for a new gambling architecture in the State.

Technological innovations, including fixed odds betting terminals are to be found in many jurisdictions. I understand, for example, that there are some 25,000 FOBTs installed in betting offices in the United Kingdom, where they are classed as B2 gaming machines, with a maximum stake of Stg £100, and a maximum prize of Stg £500. The most recent British Gambling Prevalence Survey 2007 commissioned by the UK Gambling Commission found that while those gambling on FOBTs represented only 3% of overall gambling, the prevalence of problem gambling in those who used FOBTs was 11.2%. The message that I take from this finding, is to proceed with caution in relation to FOBTs.

Technological advances over recent years have changed the face of the world in which we live and consequently the various forms of gambling cannot be immune to such technological advances. However, foremost in my mind is the protection of young people and the vulnerable.

Asylum Applications.

300. **Deputy Chris Andrews** asked the Minister for Justice, Equality and Law Reform his plans to streamline the appeals process for asylum seekers; his views on whether the protracted appeal system has any impact on the decision making process for asylum seekers; and the amount of money that has been spent by the State in 2008 and 2009 when defending deportation orders in the High Court and Supreme Court. [7595/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): My proposals in relation to the future of the asylum appeals system are set out in the Immigration, Residence and Protection Bill 2008 which is currently before this House.

I am not clear on what the Deputy means by ‘whether the protracted appeal system has any impact on the decision making process for asylum seekers’. Based on the latest information available to me to the end of December 2009, the median waiting time in the tribunal to process and complete a substantive oral appeal is 24 weeks and nine weeks in the case of a paper appeal. Cases taking longer than this to complete arise for many reasons such as adjournments, postponements, availability of interpreters, judicial reviews, etc.. All asylum appeals are processed in accordance with the Refugee Act 1996 (as amended), and high quality and fair decision making in all cases continues to be a high priority in the tribunal.

With regard to the Deputy’s question concerning the amount of money spent by the State in 2008 and 2009 defending deportation orders in the High Court and Supreme Court, this information is not readily available and would require an inordinate amount of time and staff resources to extract it.

Citizenship Applications.

301. **Deputy Dan Neville** asked the Minister for Justice, Equality and Law Reform if a citizenship application form will be sent to a person (details supplied) in County Limerick. [7597/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): An application form for a certificate of naturalisation has been forwarded to the person concerned. I wish to inform the Deputy that information on naturalisation and citizenship, application forms and guides are available on the Irish Nationality and Immigration Services website at <http://www.inis.gov.ie>.

Criminal Prosecutions.

302. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform the number of prosecutions for perjury each year for the past five years; the number of convictions that followed as a consequence in each year in tabular form; and if he will make a statement on the matter. [7631/10]

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.

Speed Detection Equipment.

303. **Deputy Fergus O'Dowd** asked the Minister for Justice, Equality and Law Reform if he will respond to correspondences from a person (details supplied); and if he will make a statement on the matter. [7634/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Road Traffic Acts provide that speed detection equipment may be used for the establishment of *prima facie* proof of the constituent of an offence, including the speed at which a person was driving. The issuing of fixed charge notices and the initiation of court proceedings follow the establishment of such proof of speeding. The use of such equipment by An Garda Síochána, as proposed in the correspondence referred to by the Deputy, would require amendment of road traffic legislation, which is the responsibility of my colleague the Minister for Transport.

Citizenship Applications.

304. **Deputy Leo Varadkar** asked the Minister for Justice, Equality and Law Reform the position regarding an application for naturalisation in respect of a person (details supplied); and if he will make a statement on the matter. [7680/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I regret that the information requested by the Deputy is not readily to hand. The information sought will be provided at a later date.

305. **Deputy Leo Varadkar** asked the Minister for Justice, Equality and Law Reform if he will expedite an application for naturalisation in respect of a person (details supplied); and if he will make a statement on the matter. [7681/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I regret that the information requested by the Deputy is not readily to hand. The information sought will be provided at a later date.

Garda Investigations.

306. **Deputy Phil Hogan** asked the Minister for Justice, Equality and Law Reform further to Parliamentary Question No. 254 of 13 October 2009, if he has received a report from the Garda regarding his views on the opinion of retailers that the recently introduced public display ban makes it easier for criminals and rogue shopkeepers to infiltrate the legitimate trade channels with contraband and counterfeit packages; and if he will make a statement on the matter. [7690/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I have received reports from both the Garda and Revenue authorities in relation to this matter. The Revenue

Authorities advise that there is no evidence that the point of sale display ban, that was introduced last July, has contributed to the problem of cigarette smuggling. Prior to the introduction of the ban, counterfeit and contraband cigarettes were usually not on open display in the retail outlets where they were detected and were usually kept hidden from sight. Furthermore a series of random checks on high street retail outlets have not uncovered counterfeit or contraband cigarettes on sale. On the other hand, inland detections are made primarily at markets, distribution centres and at certain unscrupulous retail outlets. An Garda Síochána, separately and in conjunction with the Revenue Commissioners, will continue to target offenders and, where appropriate directions are received from the Law Officers, prosecute any person, whether they are legitimate traders or not, found to be engaged in the sale and / or distribution of counterfeit / contraband cigarettes.

Tobacco Smuggling.

307. **Deputy Phil Hogan** asked the Minister for Justice, Equality and Law Reform if he advised the Department of Finance that the high price of cigarettes was leading to an increase in cigarette smuggling; if this information was made available to the Department of Finance prior to the introduction of budget 2009; and if he will make a statement on the matter. [7691/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): In October 2009, I wrote to my colleague, the Minister for Finance in relation to cigarette smuggling. In that letter I expressed my concerns about the health and exchequer implications of illegal cigarette smuggling. At no stage, did I refer to the high price of cigarettes leading to an increase in cigarette smuggling. Law enforcement in relation to smuggled cigarettes is primarily a matter for the Customs authorities of the Revenue Commissioners as most offences committed are contrary to the Finance Acts.

Ministerial Statement.

308. **Deputy Dan Neville** asked the Minister for Justice, Equality and Law Reform if he will make a statement on the case of a person (details supplied) in County Limerick. [7694/10]

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.

Tobacco Smuggling.

309. **Deputy Phil Hogan** asked the Minister for Justice, Equality and Law Reform further to Parliamentary Question No. 714 of 3 November 2009, if the continued rise in the number of cigarette seizures has led to additional Garda resources being put in place to combat cigarette smuggling; and if he will make a statement on the matter. [7701/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): As I stated in my reply in November 2009, all members of An Garda Síochána are tasked with enforcing criminal legislation in collaboration with other relevant agencies within and outside the State. The Anti-Racketeering Unit, within the National Bureau of Criminal Investigation, provides expert guidance and support to Divisional and District Garda personnel tasked with the investigation of the importation and sale of illicit and counterfeit goods, including cigarettes.

The Criminal Assets Bureau, in conjunction with the Revenue Commissioners (Customs & Excise) and Her Majesty's Revenue and Customs have been involved in a number of operations

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targeting the large scale importation of cigarettes by organised crime gangs. These investigations have resulted in a number of actions by the Criminal Assets Bureau against individuals involved in this activity. As part of its statutory remit the Criminal Assets Bureau will continue to target the proceeds of this criminal activity.

The Minister for Finance recently approved a derogation from the moratorium on recruitment and appointments in the Public Service and as a result some 170 supervisory and management positions are being filled in An Garda Síochána. In addition to this over 200 student Gardaí will attest as sworn members of An Garda Síochána during the course of 2010.

Responsibility for the allocation of all personnel within the force, including to the National Criminal Bureau of Investigation, rests with the Garda Commissioner, in consultation with his senior management team. Resource levels are constantly monitored, in conjunction with crime trends and other demands made on An Garda Síochána and the situation is kept under continuing review.

Departmental Agencies.

310. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the reason the Irish Naturalisation and Immigration Service has a customer service charter that has never complied with the Fitzpatrick report; and if he will make a statement on the matter. [7703/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The 2007 Fitzpatrick report evaluated the customer service charters of some thirty Departments and agencies including my Department's charter which incorporates the Irish Naturalisation and Immigration Service (INIS). The charter was updated last year to cover the period 2009-2011 and together with my Department's Customer Action Plan, have been developed in accordance with the Department of the Taoiseach's guidelines taking into account the recommendations in the report referred to by the Deputy.

The new charter has a clearer definition of different customer groups with aspects of the charter tailored specifically to the delivery of INIS services. In addition, as set-out in the Customer Action Plan, a formal consultation process with non-governmental organisations for immigration and related services has been put in place through a Customer Liaison Panel. The INIS meets with the Panel on a regular basis to consider suggestions and proposals put forward. The Charter and Action Plan are published on my Department's and the INIS websites.

311. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the measures the task force on the public service has taken to improve the service levels of the Irish Naturalisation and Immigration Service and the Garda National Immigration Bureau following the publication of the Organisation for Economic Co-operation and Development, OECD, public service review in 2008. [7704/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed by the Immigration Division of my Department that a number of initiatives are ongoing in the Irish Naturalisation and Immigration Service (INIS) and Garda National Immigration Bureau (GNIB) in the areas of change management, business process improvement and electronic Government in line with the reports of the task force and the OECD.

The Irish Naturalisation and Immigration Service has a comprehensive change management programme underway since 2007. The programme is focused on restructuring and reforming the business processes of INIS in order to improve the delivery of immigration services to the

public and to maximise the overall efficiency of the organisation in the context of the preparations for implementing the new Immigration, Residence and Protection Bill following its enactment. Under the programme, INIS-wide shared services opportunities have been identified in the areas of Corporate services, the management of Court proceedings (Judicial Review), training, customer services, finance and registries. Steps have already been taken to consolidate activities across INIS in the areas of statistical analysis with the establishment last year of an INIS Research & Analysis Unit and the creation of a central corporate services and finance unit.

In line with E-Government initiatives, information systems are being updated in INIS with the roll-out of the Automated Visa Application and Tracking System (AVATS) completed in mid-2009. The system includes an on-line visa application facility and tracks visa applications worldwide. Over 130,000 visa applications were processed through AVATS in 2009. An upgrade to the GNIB information system is also planned to meet ongoing and future requirements.

One of the recommendations in the OECD report concerns further civilianisation in the Garda Síochána, including in the immigration area. In this regard, the number of civilian staff in the GNIB has increased by 124% from 33 to 74 since the report was commissioned in December, 2006.

Irish Naturalisation and Immigration Service.

312. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the number of persons who were refused leave to land here in 2008 and 2009; the number of these persons who had inadequate documentation to satisfy immigration officers of their bona fides in 2008 and 2009; the number of these persons who were visa required and non-visa required nationals in 2008 and 2009; and if he will make a statement on the matter. [7705/10]

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.

313. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the steps he is taking to ensure that the attention of non-visa required nationals is drawn to the requirements that can be asked of them by immigration officers at point of entry here; and if he will make a statement on the matter. [7706/10]

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.

Courts Service.

314. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if he funds the Courts Service from the Vote of his Department; and if he will make a statement on the matter. [7723/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Courts Service operates under its own Vote — Vote 22 — for which the Chief Executive of the Service is the Accounting Officer. My Department does not fund the Service out of its own Vote.

Residency Permits.

315. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if temporary travel documents will issue to a person (details supplied) in Dublin 7; if his attention has been drawn to the fact that the person has been requested by his Department to produce a passport in order to have stamp 4 issued to them and that this person must travel to the UK to make the necessary arrangements; and if he will make a statement on the matter. [7724/10]

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.

316. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding residency in the case of a person (details supplied) in County Meath; and if he will make a statement on the matter. [7725/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The person concerned applied for asylum on 3 February 2006. In accordance with the provisions of Section 9 of the Refugee Act 1996 (as amended) he was entitled to remain in the State until his application for asylum was decided. His asylum application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, the Refugee Appeals Tribunal.

Subsequently, in accordance with Section 3 of the Immigration Act 1999 (as amended), the person concerned was informed, by letter dated 13 February 2009, that the Minister proposed to make a Deportation Order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out reasons why a Deportation Order should not be made against him. In addition, he was notified of his entitlement to apply for Subsidiary Protection in the State in accordance with the European Communities (Eligibility for Protection) Regulations 2006 (S.I. No. 518 of 2006).

The person concerned submitted an application for Subsidiary Protection in the State in accordance with these Regulations and this application is under consideration at present. When consideration of this application has been completed, the person concerned will be notified in writing of the outcome.

In the event that the Subsidiary Protection application is refused, the case file of the person concerned, including all representations submitted, will then be 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. When this latter consideration has been completed, 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.

Human Rights Issues.

317. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the communications he has had with the Department of Foreign Affairs or the US authorities in respect of accepting former Guantanamo Bay detainees; the nature of that correspondence; and the decisions taken on foot of the correspondence. [7733/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Deputy will be aware that last September Ireland accepted two former detainees from the Guantanamo Bay detention facility. The decision followed a US request to a number of countries for assistance in

bringing about the closure of the facility and the adoption by EU Justice and Home Affairs Ministers of a framework relating to the resettlement of former Guantanamo detainees. In the context of that EU framework Ireland indicated its willingness to accept the two individuals for resettlement. Since their arrival the two individuals have been receiving support and assistance to help them to adjust to their new circumstances. I hope they will continue to be given the room to help rebuild their lives in Ireland.

Citizenship Applications.

318. **Deputy Olwyn Enright** asked the Minister for Justice, Equality and Law Reform the position regarding a citizenship application in respect of a person (details supplied) in County Offaly; and if he will make a statement on the matter. [7738/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I regret that the information requested by the Deputy is not readily to hand. The information sought will be provided at a later date.

Garda Deployment.

319. **Deputy Pat Rabbitte** asked the Minister for Justice, Equality and Law Reform the estimated number of gardaí deployed on static protection duties; if he will review whether this is the best use of Garda manpower; and if he will make a statement on the matter. [7744/10]

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.

320. **Deputy Pat Rabbitte** asked the Minister for Justice, Equality and Law Reform the number of gardaí deployed on immigration duties; if many of the duties concerned could be done by civilians; and if he will make a statement on the matter. [7745/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I regret that the information requested by the Deputy in relation to the number of Gardaí deployed on immigration duties is not readily to hand in the detail required. I will write to the Deputy as soon as it is available.

Garda Deployment.

321. **Deputy Pat Rabbitte** asked the Minister for Justice, Equality and Law Reform the reforms on offer in respect of the Garda Síochána during the pre-Christmas negotiations between the social partners; and if he will make a statement on the matter. [7746/10]

322. **Deputy Pat Rabbitte** asked the Minister for Justice, Equality and Law Reform the reforms in work practices that are currently the subject of negotiation between the authorities and the gardaí and other grades representative organisations; the reforms he will be implementing in 2010; and if he will make a statement on the matter. [7747/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I propose to take Questions Nos. 321 and 322 together.

In the talks late last year with public service unions, which as the Deputy knows did not result in agreement, the discussion with the Garda Associations centred on issues such as a revision of the Garda rostering system, the augmentation of Garda civilian staff through redeployment, and the development of performance management in the organisation.

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More generally, an extensive Garda modernisation programme is in place under the terms of Towards 2016, and issues relating to this and other aspects of reform and modernisation can be discussed at local partnership level in the Garda Síochána or at the Garda Conciliation and Arbitration Council.

Closed Circuit Television Systems.

323. **Deputy Chris Andrews** asked the Minister for Justice, Equality and Law Reform the position regarding the community closed circuit television scheme; his plans to provide future funding for this scheme; and the amount of funding that was distributed under this scheme. [7759/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Community-based CCTV Scheme was launched in 2005 to provide financial assistance towards the capital costs of establishing a community CCTV system. Two types of grant have been made available. Substantive grants of up to €100,000 have been made available from my Department with the Department of Community, Rural and Gaeltacht Affairs providing matching funding for successful applications from RAPID areas. Pre-development grants of up to €5,000 have also been made available to assist local communities to develop substantive proposals in their areas.

Two major rounds of the scheme were advertised in 2005/2006 and 2007 with a total of 13 and 30 substantive schemes respectively approved for funding. A further 2 schemes under the Limerick Regeneration programme were approved in 2008. In addition, 54 schemes were awarded pre-development grants over the same period. To date, a total of 26 substantive schemes have been installed with the remaining 19 schemes at various stages of implementation.

Any further plans for extension of CCTV are dependent on a number of factors, including the availability of funding, progression of the schemes already grant aided and overall policy considerations.

Up to date information regarding the amount of funding distributed under the schemes is not readily to hand and I will write to the Deputy as soon as it is available.

324. **Deputy Chris Andrews** asked the Minister for Justice, Equality and Law Reform the criteria under which closed circuit television will be provided to a location; and the number of Garda closed circuit television cameras in operation in Dublin south east. [7760/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): Applications for Garda CCTV systems are prepared in co-operation and with the support of local Garda District and Divisional Officers before being submitted to the Garda Advisory Committee for consideration and evaluation. All Garda CCTV schemes are planned and implemented on the basis of the Garda Commissioner's identified operational needs and priorities.

I regret that current information with regard to the number of Garda CCTV cameras in operation in Dublin South East is not readily to hand. I will write to the Deputy as soon as it is available.

Anti-Social Behaviour.

325. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform the number of antisocial behaviour orders that were handed down in each year since the introduction of the parent legislation; and if he will make a statement on the matter. [7781/10]

326. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform the number of prosecutions for non-compliance with an antisocial behaviour order to date in 2010; and if he will make a statement on the matter. [7784/10]

341. **Deputy Terence Flanagan** asked the Minister for Justice, Equality and Law Reform if he will respond to a matter (detail supplied); and if he will make a statement on the matter. [7979/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I propose to take Questions Nos. 325, 326 and 341 together.

Part 11 of the Criminal Justice Act 2006, which provides for civil proceedings in relation to anti-social behaviour by adults, was commenced on 1 January, 2007. Part 13 of the Act, which relates to anti-social behaviour by children, was commenced on 1 March, 2007. These provisions set out an incremental procedure for addressing anti-social behaviour by adults and children. With regard to children, these range from a warning from a member of An Garda Síochána, to a good behaviour contract involving the child and his or her parents or guardian, to referral to the Garda Juvenile Diversion Programme and finally to the making of a behaviour order by the Children's Court. With regard to adults, they include a warning and the making of a civil order by the court.

I am informed by the Garda authorities that, up to 31 January, 2010, 1,461 behaviour warnings were issued to adults and 1,103 to children. Thirteen good behaviour contracts were issued to children. In addition, three civil orders (in respect of adults) and three behaviour orders (in respect of children) have been issued by the courts.

In setting up the regime the intention was that these interventions would address the problem behaviour. If they succeed, there will be no need to apply to the courts for an order. It is only if they fail to lead to a behaviour adjustment by the person in question, that a court order will be applied for.

In relation to statistics on prosecutions, I am not in a position to provide information sought at this time, but will do so as soon as it is available.

Visa Applications.

327. **Deputy John McGuinness** asked the Minister for Justice, Equality and Law Reform the action he is taking to promote bus tours of Ireland for Asian tourists relative to the visa issues; and if a workable solution can be found to issue visas faster and accommodate tour operators. [7787/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The promotion of tourism in Ireland is a matter for the Department of Arts, Sport and Tourism and associated agencies. However, I am aware of recent media coverage in relation to the matter of visas for tourists. As with all visa regimes in all countries worldwide, the central concern is to strike an appropriate balance between protecting the country's vital national interests by maintaining an effective immigration regime, while at the same time not placing unnecessary or unreasonable obstacles in the way of those who intend travelling for legitimate purposes and who are likely to abide by the terms of their visa. Each visa application is decided on its own merits and I believe that, in most cases, my Department achieves this balance. Visa approval rates for some of the countries mentioned in recently media reports bear this out. Approval rates for visas applications of all types processed through some Irish overseas Visa Offices in 2009 were:

- New Delhi (serving India, Bangladesh, Sri Lanka, Nepal) — 90%;

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- Beijing (serving China, Cambodia, Mongolia) — 86%;
- London (serving all visa required nationals based in the UK) — 98%.

As always, my officials are willing to meet stakeholders in the tourism sector to discuss areas of interest and concern.

Sex Offenders.

328. **Deputy Mary Wallace** asked the Minister for Justice, Equality and Law Reform the way the register for sex offenders operates; the central location for the register; the way same operates on a day to day basis in relation to decisions by sex offenders to change address; the steps that are taken regarding the new areas of residence; and if he will make a statement on the matter. [7792/10]

329. **Deputy Mary Wallace** asked the Minister for Justice, Equality and Law Reform the date upon which the sex offender register commenced; the provision that is made for existing sex offenders that are in prison on that date to be placed on the register and that were aware of their release from prison; and if he will make a statement on the matter. [7793/10]

330. **Deputy Mary Wallace** asked the Minister for Justice, Equality and Law Reform the position regarding sex offenders who are sentenced with community service as distinct from prison service; if this avoids the sex offender having to be placed on the sex offenders register; if so, the steps he will take to rectify this anomaly; and if he will make a statement on the matter. [7794/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I propose to take Questions Nos. 328 to 330, inclusive, together.

The Sex Offenders Act 2001 contains a comprehensive set 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, including notification of changes of address. The provisions of the Act also extend to any offenders convicted abroad of the same range of sexual offences who enter the State, including from Northern Ireland. The entire Act was commenced on 27 September, 2001.

An Garda Síochána has a system in place for the monitoring of all persons subject to these requirements. The Domestic Violence and Sexual Assault Investigation Unit monitors and manages the notification provisions and 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 a sex offender, this information is immediately passed to the nominated Inspector.

A High Level Group set up by my Department and also 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. The review is taking into account the relevant legislative provisions in force in Northern Ireland and the United Kingdom. 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.

Garda Stations.

331. **Deputy Mary Wallace** asked the Minister for Justice, Equality and Law Reform the names of the towns here that have a Garda station and have less than a population of 10,000; the towns here that have a population of greater than 10,000 and do not have a Garda station; and if he will make a statement on the matter. [7796/10]

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.

Citizenship Applications.

332. **Deputy Jim O’Keeffe** asked the Minister for Justice, Equality and Law Reform the reason there is a two year wait for naturalisation applications to be processed; and if a more efficient process will be introduced to alleviate this waiting time. [7808/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Deputy will appreciate that the granting of Irish citizenship through naturalisation is an honour and applications must be processed in a way which preserves the necessary checks and balances to ensure that it is not undervalued and is given only to persons who satisfy the necessary qualifying criteria.

The average processing time for applications for certificates of naturalisation is currently 26 months and this is primarily due to the significant increase in the volume of applications received in recent years, highlighted by a 155% increase in applications in 2009 over 2008. Despite improvements in 2009 to citizenship forms, guidance notes and web-pages a significant volume of invalid or ineligible applications continue to be received and the processing of these applications takes valuable resources away from the processing of valid applications. To help reduce the levels of invalid and ineligible applications a number of enhancements will shortly be introduced on the Irish Naturalisation and Immigration Services website at www.inis.gov.ie. These include an online residency checker, which allows prospective applicants to input their residency permission periods to check if they satisfy the statutory residency conditions, along with enhancements to the presentation of information on the site and changes to guides and forms.

I am assured by my officials that the procedures involved in processing an application are reviewed regularly to ensure that they are conducted as efficiently as possible. However, there is a limit to the reduction in the processing time that can be achieved whilst maintaining the integrity of the system.

333. **Deputy Jim O’Keeffe** asked the Minister for Justice, Equality and Law Reform the number of applications awaiting naturalisation as of 31 December 2007, 2008 and 2009. [7809/10]

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.

Prison Accommodation.

334. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform when he expects to be in a position to publish the preliminary observations of the recent visit to Ireland from 25 January to 5 February in 2010 by the committee for the prevention of torture investigating conditions of detention in prisons, and examining the safeguards in place in Garda stations and also the findings of their investigation of the conditions in psychiatric institutions and an establishment for the intellectually disabled; and if he will make a statement on the matter. [7818/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, which operates under the aegis of the Council of Europe, was established under the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment in 1997.

The Committee visited Ireland for the fifth occasion from the 25th January to the 5th February, 2010. The CPT submits a formal report of its visit to the Irish Government, which is subsequently published along with the Government's response. The timing and content of the publication of the observations of the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment is a matter in the first instance for the Committee itself. The Committee made an oral presentation of its preliminary observations at the end of its recent visit to Ireland and indicated that it received excellent cooperation both before and during the visit. The CPT issued a press statement on the 9th February indicating the places visited during the visit and to the best of my knowledge this will be the extent of their public communication on the visit until later in the year.

The Committee has advised that it will submit its detailed report later this year and seek a written response from the Government. As the Deputy and the House will be aware it has been the practice for Ireland to request that the Committee publish simultaneously its observations and the State's response.

Garda Operations.

335. **Deputy Olivia Mitchell** asked the Minister for Justice, Equality and Law Reform if the Garda central vetting unit will process an application in respect a person (details supplied) in Dublin 14; and if he will make a statement on the matter. [7828/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed by the Garda Authorities that an employment vetting application was received at the Garda Central Vetting Unit with regard to the person to whom the Deputy refers and a response issued on 5 February 2010.

Garda Deployment.

336. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform further to Parliamentary Question Nos. 231, 232 and 233 of 4 February 2010, when Garda liaison officers were first based in London, The Hague, Madrid, Parish, Europol and Interpol; and if he will make a statement on the matter. [7853/10]

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.

Citizenship Applications.

337. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding an application for naturalisation in the case of a person (details supplied); and if he will make a statement on the matter. [7855/10]

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.

Closed Circuit Television Systems.

338. **Deputy Arthur Morgan** asked the Minister for Justice, Equality and Law Reform if closed circuit television systems in RAPID areas will be joined to gardaí CCTV systems; if there is a regulatory basis in place for such connection; the areas that are being considered for such connection; and when such connections will occur; and if he will make a statement on the matter. [7864/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): Section 38 of the Garda Síochána Act, 2005 regulates the operation of closed circuit television in public places.

CCTV systems installed as aids to policing fall into two distinct categories: Garda CCTV systems and Community Based CCTV Systems. The Community Based CCTV Scheme was not intended as a replacement for Garda CCTV systems but rather as a means to assist communities to install their own local CCTV system.

While An Garda Síochána do not have responsibility for monitoring community CCTV systems arrangements can be made for Garda personnel to view images from these systems. This is a matter which is dealt with in line with Garda operational requirements.

Departmental Correspondence.

339. **Deputy Finian McGrath** asked the Minister for Justice, Equality and Law Reform if he will support a matter (details supplied) in Dublin 5. [7913/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am not in a position to respond to the Deputy at this time, but will do so as soon as the relevant information is available.

Garda Operations.

340. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if the gardaí have requested information from insurance companies regarding data gathered using global positioning systems installed in vehicles for the investigation of complaints; the number of requests made during each of the years 2006, 2007, 2008 and 2009; the number of these investigations which resulted in conviction; and if he will make a statement on the matter. [7971/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed by the Garda authorities that it is not the policy of An Garda Síochána to comment on or disclose techniques utilised in criminal investigations.

Question No. 341 answered with Question No. 325.

Crime Levels.

342. **Deputy Chris Andrews** asked the Minister for Justice, Equality and Law Reform the number of prosecutions for aggravated and non-aggravated burglaries in 2008; the sentences handed down for each of those crimes nationally; the average sentence received for each of these crimes; and if he will make a statement on the matter. [7993/10]

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 relevant information is available.

Visa Applications.

343. **Deputy John McGuinness** asked the Minister for Justice, Equality and Law Reform if Garda national immigration bureau cards will be renewed in respect of a person (details supplied) in County Kilkenny. [8010/10]

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.

Judicial Appointments.

344. **Deputy Darragh O'Brien** asked the Minister for Justice, Equality and Law Reform the number of judges serving in the Circuit Courts her; if vacancies exist; if so, when they will be filled; and if he will make a statement on the matter. [8017/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Circuit Court is comprised of a President and 37 judges (increased from 33 under the provisions of section 3 of the Courts and Court Officers (Amendment) Act 2007). There are no vacancies in the Circuit Court at present.

Ministerial Orders.

345. **Deputy Leo Varadkar** asked the Minister for Justice, Equality and Law Reform the fees or charges set by him by way of ministerial order for the provision of goods or services to persons or businesses; the charge; and if he will make a statement on the matter. [8034/10]

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.

346. **Deputy Leo Varadkar** asked the Minister for Justice, Equality and Law Reform the charges levied by his Department or agencies under his Department in respect of the provision of goods or services to persons or businesses; the charge; the anticipated income from such charges in 2010; and if he will make a statement on the matter. [8046/10]

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 Stations.

347. **Deputy Maureen O'Sullivan** asked the Minister for Justice, Equality and Law Reform the timescale for the refurbishment of Fitzgibbon Street Garda station, Dublin 1; the alternative

arrangements for staff and the community; if he will give a commitment to the reopening of Fitzgibbon Street Garda station. [8065/10]

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 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 have been informed by the Garda authorities that, due to its condition, it is necessary to vacate Fitzgibbon Street Garda Station to facilitate refurbishment of the premises. I want to emphasise that this is a purely temporary measure, and that the station is not being closed. During this period, the Garda personnel allocated to Fitzgibbon Street will operate from Mountjoy Garda Station. I have also been assured by the Garda authorities that current policing levels will be maintained and that there will be no diminution of the service being provided to the local community. I would emphasise that the measures I have referred to will be discontinued when the necessary refurbishment work at Fitzgibbon Street Station has been completed.

Visa Applications.

348. **Deputy Brian O'Shea** asked the Minister for Justice, Equality and Law Reform the assistance he will give the tourism industry regarding overseas visitors experiencing difficulty in obtaining holiday visas (details supplied); and if he will make a statement on the matter. [8068/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The promotion of tourism in Ireland is a matter for the Department of Arts, Sport and Tourism and associated agencies. However, as well as the individual case raised by the Deputy, I am aware of recent media coverage in relation to the matter of visas for tourists which makes largely the same points. As with all visa regimes in all countries worldwide, the central concern is to strike an appropriate balance between protecting the country's vital national interests by maintaining an effective immigration regime, while at the same time not placing unnecessary or unreasonable obstacles in the way of those who intend travelling for legitimate purposes and who are likely to abide by the terms of their visa. Each visa application is decided on its own merits and I believe that, in most cases, my Department achieves this balance. Visa approval rates for some of the countries mentioned in recently media reports bear this out. Approval rates for visas applications of all types processed through some Irish overseas Visa Offices in 2009 were : New Delhi (serving India, Bangladesh, Sri Lanka, Nepal) — 90%; Beijing (serving China, Cambodia, Mongolia) — 86%; London (serving all visa required nationals based in the UK) — 98%. As always, my officials are willing to meet stakeholders in the tourism sector to discuss areas of interest and concern.

Passport Applications.

349. **Deputy John Perry** asked the Minister for Justice, Equality and Law Reform the options open to a person (details supplied) in County Sligo who is unable to obtain a passport due to the fact that they do not have a birth certificate; and if he will make a statement on the matter. [8182/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): Matter relating to pensions entitlements and identity checking requirements in relation to pension application

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should be raised with the appropriate authorities in the United Kingdom and with the Department of Social and Family Affairs in the State.

In relation to obtaining an Irish passport, a non-Irish national can become an Irish citizen through naturalisation. The Irish Nationality and Citizenship Act, 1956, as amended, provides that the Minister may, in his absolute discretion, grant an application for a certificate of naturalisation provided certain statutory conditions are fulfilled. The conditions are that the applicant must — be of full age or be a minor born in the State; be of good character; have had a period of one year's continuous residency in the State immediately before the date of application and, during the eight years immediately preceding that period, have had a total residence in the State amounting to four years; intend in good faith to continue to reside in the State after naturalisation; have made, either before a Judge of the District Court in open court or in such a manner as the Minister for special reasons allows, a declaration in the prescribed manner, of fidelity to the nation and loyalty to the State.

It should be noted that in the context of naturalisation certain periods of residence in the State are excluded. These include periods of residence in respect of which an applicant does not have permission to remain in the State, periods granted for the purposes of study and periods granted for the purposes of seeking recognition as a refugee within the meaning of the Refugee Act, 1996. It is open to the person concerned to lodge an application for a certificate of naturalisation if and when he is in a position to meet the statutory requirements. Further information and application forms are available on the Department's website <http://www.inis.gov.ie>.

Departmental Agencies.

350. **Deputy Jim O'Keeffe** asked the Minister for Justice, Equality and Law Reform the number of bodies and agencies under his aegis; and his proposals for the rationalisation of same. [8200/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I wish to refer the Deputy to my reply to Question No. 188 of 21 January, 2010.

Northern Ireland Issues.

351. **Deputy Finian McGrath** asked the Minister for Foreign Affairs if he will raise a matter (details supplied) with the British Prime Minister. [7644/10]

Minister for Foreign Affairs (Deputy Micheál Martin): The Government remains in close and regular contact with the British Government about the range of issues which are the legacy of the Troubles, including follow-up to the report of the Eames Bradley Consultative Group on the Past. One of the key recommendations contained in that report was the establishment of a Legacy Commission which, amongst other things, would be charged with examining issues arising from the conflict which remain of significant public concern, including collusion. The British Government is currently compiling responses to its public consultation process on the Eames Bradley recommendations with a view to identifying how this sensitive and important matter might best be taken forward.

The Department of Foreign Affairs has been actively monitoring the case to which the Deputy's question refers, including meeting relatives of those murdered, and in the light of recent developments has again raised the matter with the British Government through the British Irish Intergovernmental Secretariat in Belfast. In addition, my officials are in close

contact with the Northern Ireland Police Ombudsman, Al Hutchinson, on the matter. His investigation, which led to the recent arrest, is ongoing.

Ministerial Travel.

352. **Deputy Billy Timmins** asked the Minister for Foreign Affairs his travel plans for 2010; and if he will make a statement on the matter. [7360/10]

Minister for Foreign Affairs (Deputy Micheál Martin): I am committed to undertaking a number of foreign trips in 2010. Earlier this month I visited London, and had the opportunity to meet with the British Foreign Secretary, David Miliband and with the Conservative Shadow Foreign Secretary, William Hague. We had substantive discussions on a wide range of foreign policy matters of mutual interest including Afghanistan, Iran, the Middle East Peace Process and EU issues post-Lisbon and post-Copenhagen. We also discussed the developments which were taking place in Northern Ireland in relation to the devolution of policing and justice powers.

During my visit, I launched the Global Irish Network at the Embassy of Ireland, an important initiative which arose out of the Global Economic Forum at Farmleigh last September. I also had the opportunity to address the Irish International Business Network (IIBN) and I met with a number of leading client companies of our State Agencies. While in London, I also met with members of our Irish community including the Southwark Irish Pensioners Project.

I travelled to Paris last week for a meeting with the French Foreign Minister, Bernard Kouchner. We discussed current EU priority issues, including implementation of Lisbon Treaty, the Nuclear Non-proliferation Treaty Review Conference, matters relating to the Organisation for Security and Co-operation in Europe and the follow-up to the informal European Council of 11 February. We also discussed current international issues, including Iran, Afghanistan, Haiti and the Middle East Peace Process.

I plan to attend the next meetings of the General Affairs Council and the Foreign Affairs Council in Brussels on 22 February and, as is usual, will continue to attend Council meetings on a monthly basis throughout 2010.

I intend to travel to Cordoba in Spain on 5 March, for the informal meeting of EU Foreign Ministers to be hosted by the Spanish Presidency. It is expected that a further meeting in this format will be held during the Belgian Presidency, most likely in September.

While visiting Ireland last November, the UN High Commissioner for Human Rights, Ms. Navi Pillay, extended an invitation to me to attend and address the High-Level segment of the UN Human Rights Council session in Geneva in early March. I have accepted her invitation and during this visit, I also plan to address the UN Conference on Disarmament, to meet with the Heads of the main UN agencies and international organisations in Geneva and with Irish UN officials and members of civil society organisations.

I will accompany the Taoiseach on his visit to Washington D.C. in March to participate in the annual St. Patrick's Day Programme. The celebration of St. Patrick's Day in the US and across the world offers an unparalleled opportunity to send out a positive message about Ireland and to inform political and business leaders, trading and investment partners and the international media about recent developments in Ireland and how we are tackling our current economic challenges. The large Irish community in the US, and the development of the special relationship between Ireland and US resulting from this, is a very important part of the St Patrick's Day celebration. Building on the Global Irish Economic Forum, the St Patrick's Day visit to the US will offer the opportunity to further engage the interest and support of the Irish Diaspora to ensure that its valuable experience and expertise is harnessed to maximum effect.

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I also plan to attend the opening of the Nuclear Non-Proliferation Treaty (NPT) Review Conference in New York in early May. Nuclear disarmament has been a policy priority for successive Irish Governments, and the NPT is the key international mechanism for controlling the spread of nuclear weapons.

As is customary, I am also due to travel to New York in late September to attend the Ministerial week which marks the start of the new UN General Assembly session. The primary purpose of my visit will be to deliver Ireland's national statement to the General Assembly and also to undertake a series of bilateral meetings with senior UN officials and other Foreign Ministers.

Deputies will be aware of my unfulfilled plans late last year to visit Gaza. It is still my wish to visit Gaza at the earliest opportunity and the issue is being actively considered within my Department. The primary purpose of any visit I may undertake would be to assess the humanitarian situation on the ground and the impact and effectiveness of the substantial assistance provided by Irish Aid to Gaza, principally through UNRWA (the UN Relief and Works Agency).

A number of other visits are currently under consideration, including visits to a number of EU member states to meet my opposite numbers, but no final decisions have yet been taken.

Human Rights Issues.

353. **Deputy Aengus Ó Snodaigh** asked the Minister for Foreign Affairs if he has raised the issue of the continued operation of the Guantanamo Bay detention facility with the US authorities in the past year. [7729/10]

356. **Deputy Aengus Ó Snodaigh** asked the Minister for Foreign Affairs the progress made to date on a European wide level towards fulfilling the premise of the Framework Agreement between the European Union and the USA on the reception of former Guantanamo Bay detainees, 45 of whom have been cleared for release but who remain incarcerated due to the fact that no host country has come forward. [7730/10]

357. **Deputy Aengus Ó Snodaigh** asked the Minister for Foreign Affairs if he will, at the next EU council meeting argue that the EU member states do more to ensure the closure of Guantanamo Bay, by accepting more of the 45 detainees who have been cleared by the US authorities for release but who remain incarcerated due to the fact that no host country has come forward. [7731/10]

Minister for Foreign Affairs (Deputy Micheál Martin): I propose to take Questions Nos. 353, 356 and 357 together.

In March 2009, the Taoiseach in Washington offered to assist the United States in implementing their commitment to close the detention facility at Guantanamo Bay. In this context, two former detainees have been received for resettlement in Ireland. They arrived in Ireland in late September 2009.

On the two occasions that I met with Secretary of State Clinton in 2009 we discussed progress on the closure of the detention facility at Guantanamo Bay. On both occasions she expressed appreciation for Ireland's contribution. In June 2009, the EU and US reached a framework agreement setting out certain modalities to facilitate the possible reception by the Member States of individuals detained at Guantanamo Bay. In this context, certain EU Member States have taken a number of former detainees and others continue to consider the acceptance of

detainees still in Guantanamo Bay. Issues surrounding the closure of Guantanamo Bay are discussed in various fora within the EU where we have shared our experience with partners. Together with our EU partners, Ireland continues to encourage the US to bring about the closure of Guantanamo Bay in the shortest possible time.

354. **Deputy Aengus Ó Snodaigh** asked the Minister for Foreign Affairs when the Cabinet sub-committee on certain aspects of international human rights has met; the progress to date completing its remit; and the persons in attendance at the meetings. [7728/10]

Minister for Foreign Affairs (Deputy Micheál Martin): The Cabinet Committee on Aspects of International Human Rights was established in 2008, and meetings took place on 20 October 2008 and 28 October 2009. The issues under its remit are considered on an on-going basis. The Committee membership includes the Department of the Taoiseach, the Department of Foreign Affairs, the Department of Transport, the Department of Justice, Equality and Law Reform, the Department of the Environment and Local Government, and the Department of Communications, Energy and Natural Resources.

355. **Deputy Ruairí Quinn** asked the Minister for Foreign Affairs if his attention has been drawn to the fact that a group (details supplied) is seeking formal accreditation with the United Nations as a children's rights advocacy group; if his further attention has been drawn to the fact that the founders of this organisation have a well documented track record in the abuse of children within this State, as evidenced in the Ryan Report; if he will instruct the Irish permanent representative to the United Nations to make a submission to the UN that draws attention to this fact; and if he will make a statement on the matter. [7626/10]

Minister for Foreign Affairs (Deputy Micheál Martin): The UN Economic and Social Council (ECOSOC) is the UN body responsible for the granting of consultative status to non-governmental organisations (NGOs) which meet certain criteria, including that the NGOs' aims and purposes are in conformity with the "spirit, purposes and principles" of the UN Charter. This and other criteria for eligibility are set out in ECOSOC resolution 1996/31. Consultative status allows NGOs to contribute their views on issues coming before the ECOSOC.

Applications for consultative status are considered by the ECOSOC Committee on NGOs which evaluates each applicant NGO on its merits. Ireland is not currently a member of this Committee, which comprises 19 UN member States. The most recent review of applications for consultative status took place in early February 2010. According to the information available to my Department, no application from the group in question for consultative status has as yet been made.

Questions Nos. 356 and 357 answered with Question No. 353.

Passport Applications.

358. **Deputy Terence Flanagan** asked the Minister for Foreign Affairs if he will support the case of a person (details supplied) in Dublin 13; and if he will make a statement on the matter. [7779/10]

Minister for Foreign Affairs (Deputy Micheál Martin): Only Irish citizens may be issued with Irish passports. A person who was born abroad, one of whose parents was born in Ireland, is automatically an Irish citizen from birth. However, first-time passport applicants who were born abroad to a parent who, although not born in Ireland, was an Irish citizen at the time of the person's birth, must first apply to the nearest Irish Embassy for Irish citizenship through

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entry in the Foreign Births Register. The relevant Embassy in this case is the Embassy of Ireland, Canberra, 20 Arkana Street Yarralumla ACT 2600. The Embassy can be contacted by telephone at 00 612 6273 3022, or by e-mail at irishemb@cyberone.com.au. Application forms in connection with Foreign Births registration are available to download from the Embassy's website at www.embassyofireland.au.com. Each applicant for Foreign Births Registration is required to produce sufficient documentation including birth, marriage and death certificates and other relevant records for him/herself and the parent, (and grandparent, if relevant) through whom citizenship is claimed to confirm the applicant's entitlement to Irish citizenship.

EU Enlargement.

359. **Deputy Bernard J. Durkan** asked the Minister for Foreign Affairs the position regarding the European Union enlargement; and if he will make a statement on the matter. [7831/10]

Minister for Foreign Affairs (Deputy Micheál Martin): The issue of enlargement was discussed by EU Foreign Ministers at the December 2009 General Affairs Council. The Council's conclusions, subsequently endorsed by the European Council, underlined that enlargement is based on consolidating commitments, fair and rigorous conditionality and the EU's capacity to integrate new members, and that each country is assessed on its own merits. The General Affairs Council commended Croatia for the considerable efforts it made in 2009 and the good overall progress achieved in meeting benchmarks in the accession process. Negotiations are now entering their final phase. The Council underlined that building on the progress made, further efforts will be required over the coming year in a number of areas of reform and in relation to cooperation with the International Criminal Tribunal for the former Yugoslavia. A working group commenced work on the drafting of the Croatian Accession Treaty in December.

On Turkey, the Council welcomed progress in some areas of reform and stated that it was encouraged by the Turkish Government's democratic initiative. It noted that further efforts are required in a number of areas including freedom of expression, freedom of the press and trade union rights and invited Turkey to step up the pace of reform. Recalling previous conclusions, the Council noted with deep regret Turkey's continued non-compliance with its obligations under the Ankara Protocol and that it had not made progress towards normalisation of its relations with the Republic of Cyprus. It called for progress without further delay and invited the Commission to monitor and report on these various issues in its next annual report. Subsequent to the December Council, the European Union and Turkey opened the environment chapter of negotiations on 21 December.

The Council welcomed the progress made by the former Yugoslav Republic of Macedonia (FYROM) in a number of important areas and that the country had substantially addressed the key priorities of the accession framework. It stressed that the reform agenda must be continued. The Council noted Commission's recommendation to open accession negotiations with FYROM and will return to the matter during the current Spanish Presidency. The Council welcomed the progress over the past year made by Montenegro and Albania and highlighted areas where further efforts are required. It agreed to consider the opening of formal negotiations with both, as well as with Iceland, when the Commission provides its formal opinions in respect of each application.

Serbia applied for EU membership on 22 December 2009. The next step will be for the Council to consider whether to refer Serbia's application to the Commission for a formal opinion.

International Election Observers.

360. **Deputy Bernard J. Durkan** asked the Minister for Foreign Affairs if international observers can report that the recent presidential election in the Ukraine was carried out in a democratic fashion; and if he will make a statement on the matter. [7832/10]

Minister for Foreign Affairs (Deputy Micheál Martin): The first round of Ukraine's presidential election took place on 17 January 2010. As no candidate received more than 50% of the vote, the two leading candidates in the first round, Viktor Yanukovich and Yulia Tymoshenko, proceeded to a second round. This round was held on 7 February. Turnout for the second round has been estimated at just over 69% and the Central Election Commission has confirmed that Viktor Yanukovich won the election by a margin 3.5% of those voting. I would like to extend my congratulations to Mr Yanukovich. The Government look forward to working with him to further our relationship, both bilaterally and through the European Union.

The International Election Observation Mission, led by the OSCE's Office for Democratic Institutions and Human Rights (ODIHR), issued a positive assessment of the first round noting that the election was 'of high quality and showed significant progress over previous elections, meeting most OSCE and Council of Europe commitments'. The European Commission shared this positive assessment. The International Election Observation Mission has made a positive preliminary assessment of the second round, noting that the 'electoral process met most OSCE and Council of Europe commitments' and 'consolidated progress achieved since 2004'. The Mission noted shortcomings in the legal framework of the electoral process which will need to be addressed but said that 'the professional, transparent and honest voting and counting should serve as a solid foundation for a peaceful transition of power'. The European Union has welcomed this positive assessment of the election.

I also welcome the positive assessment of the conduct of the presidential election in Ukraine. The high turnout represents a clear demonstration of the Ukrainian people's commitment to the democratic process. The European Union remains committed to deepening its relationship with Ukraine and supporting the implementation of its reform agenda, and will work with the new President to this end. Ireland contributed two long term and fifteen short term observers to the OSCE Mission for the first round, and two long term and nine short term observers for the second round.

Humanitarian Assistance.

361. **Deputy Bernard J. Durkan** asked the Minister for Foreign Affairs the extent to which the EU and UN can combine by way of emergency response force in order to more effectively deal with natural disasters such as the earthquake in Haiti with particular need to ensure a well organised co-ordinated and phased response at international level; and if he will make a statement on the matter. [7833/10]

362. **Deputy Bernard J. Durkan** asked the Minister for Foreign Affairs the extent to which the EU or UN have examined issues relating to the earthquake in Haiti with particular reference to the need for rapid and well co-ordinated early intervention; and if he will make a statement on the matter. [7834/10]

Minister for Foreign Affairs (Deputy Micheál Martin): I propose to take Questions Nos. 361 and 362 together.

The tragic consequences of the earthquake in Haiti on 12 January have underlined the importance of early and sustained coordinated action in the response of the international community to humanitarian emergencies. It is agreed internationally that the United Nations has

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the lead role in coordinating this international response. There will be lessons to be learned from the response to the Haiti earthquake, but it is clear at this stage that there has been very close cooperation and coordination between the European Union and the United Nations in their response to the devastation caused.

The EU has targeted its support for the relief effort in Haiti in areas where capacity gaps have been identified in the overall UN effort. This has included, for example, a commitment to provide at least 300 police personnel to the UN Stabilisation Mission in Haiti, the deployment of expert personnel across all sectors, and the channelling of significant financial resources to UN agencies. A civil protection team deployed through the EU Monitoring and Information Centre was on the ground very quickly after the earthquake to support the UN Disaster Assessment and Coordination team in conducting initial assessments of needs and establishing the operations coordination centre in Port au Prince.

At the political level, the EU has emphasised from the start its strong support for the UN in its leadership of relief and recovery efforts in Haiti. High Representative Catherine Ashton met with the UN Secretary General on 22 January to discuss coordination and how the EU could make the most effective contribution to the UN-led international efforts. This commitment was reiterated by the European Council at its informal meeting in Brussels last Thursday. The EU and the UN are now participating in a comprehensive Post-Disaster Needs Assessment in Haiti, which will provide the framework for the support of the international community over the medium and longer term. The Assessment is being undertaken with the full involvement of the Government of Haiti, the World Bank and the Inter-American Development Bank. Its recommendations will be considered by the major conference on the reconstruction of Haiti, which is due to take place in April, in which Ireland will participate. In the months ahead, the EU will examine its response to the earthquake and consider if there are ways in which operational effectiveness could be further improved. The important point will be to ensure that all EU action adds value to the international effort and does not duplicate capacities in the UN or elsewhere.

Human Rights Issues.

363. **Deputy Bernard J. Durkan** asked the Minister for Foreign Affairs the extent to which the EU or UN have become involved or are likely to become involved in investigations into the kidnapping, detention or treatment of persons or prisoners in the Middle East with particular reference to the need to ensure that all prisoners or detainees are held in compliance only with international agreements; and if he will make a statement on the matter. [7835/10]

Minister for Foreign Affairs (Deputy Micheál Martin): The area of deprivation of liberty and treatment in detention is a key element in the protection of human rights and the rule of law and good governance in any state. This includes right to trial, due process, equitable treatment, conditions of detention, and the effect of any emergency measures. All of these issues therefore can form part of the dialogue on political and human rights issues which the EU expects to have as part of its relationship with all of its partners, including in the Middle East. If the Deputy has a particular issue or country in mind, he might wish to communicate with me and I will be happy to respond.

Questions Nos. 364 to 367, inclusive, answered with Question No. 95.

368. **Deputy Bernard J. Durkan** asked the Minister for Foreign Affairs the position regarding human rights violations, war and starvation in the various African countries most seriously affected by such issues; and if he will make a statement on the matter. [7840/10]

Minister for Foreign Affairs (Deputy Micheál Martin): Unfortunately, no part of the world is totally free from human rights abuses, and some countries in Africa also experience war and/or starvation. As I have stated on previous occasions it is not the policy of the Government to draw up a list of countries most seriously affected by such issues, and I shall therefore not focus on individual countries. Human rights concerns remain central to our foreign policy. Together with our EU partners, Ireland monitors closely the human rights situations in many countries throughout the world, on the basis of information obtained from a variety of sources including both official and non-governmental organisations. Where and when the situation warrants, we make known our concerns about human rights violations to the Governments in question. We do this either bilaterally, through the EU, or through action at the UN General Assembly and the UN Human Rights Council, including, in the case of the latter, through the new Universal Periodic Review process whereby the human rights performance of each UN State is reviewed.

Active participation in multilateral organisations such as the EU, the UN and the Council of Europe provides opportunities for Ireland to voice its concerns regarding human rights abuses. Through these organisations, international pressure can be brought to bear on those responsible for the violation of human rights. For example, together with our EU partners, Ireland has been a consistent and strong supporter of the International Criminal Court, recognising it as an essential means of combating impunity for the most serious violations of international humanitarian law and human rights law. The Court's Prosecutor has opened investigations into a number of country situations and we will continue to monitor this work closely.

With regard to the issue of starvation, it is estimated that more than a billion people today do not have enough food. Ireland is responding to this challenge and in doing, so we are working bilaterally in our programme countries, with our EU and partners and at a global level through the UN agencies. Since the publication of the report of the Hunger Task Force in September 2008, Ireland's focus on hunger reduction has become a cornerstone of Irish Aid's development programme. In particular, efforts are concentrated on the three priority areas identified in the report, namely: increasing smallholder agricultural productivity in Africa; targeting under-nutrition (especially maternal and infant); and promoting governance and leadership action on tackling global hunger. Nowhere is this work more challenging than in countries affected by conflict where it is critically important to move quickly with large-scale emergency food assistance in order to save lives.

Irish Aid is committed to responding to emerging global hunger issues. Funds are targeted at a number of different agriculture, food security and nutrition interventions. Food assistance and therapeutic care save lives when starvation has already caused malnutrition but it is also vitally important to focus on prevention — to reach vulnerable groups through nutritional interventions which have long-term positive effects. This means a particular focus on women and young children. Best practice and scientific research demonstrates that by intervening as early and aggressively as possible during the short interval from pregnancy to 24 months of age leads to greater reductions in child under-nutrition than later interventions aimed at reversing under-nutrition.

With regard to security, UN peacekeeping missions in Africa have a major role in stabilising former and current conflict zones. Members of the Irish Defence Forces have participated in numerous UN peacekeeping missions in Africa, including in the Congo, Eritrea, Liberia and currently in Chad. In developing a sustainable approach which properly addresses the root causes of human rights abuses, war and starvation, African leadership and responsibility are crucial. This is recognised by the EU and UN, which are both working to build the capacities of African States and the African Union to respond to these challenges. Ireland is committed

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to playing its part in this work, and I believe that our comprehensive and inclusive approach to the challenges of human rights abuses, poverty, conflict and security stands the best chance of facilitating real and positive change in the lives of millions of people in Africa.

369. **Deputy Bernard J. Durkan** asked the Minister for Foreign Affairs the progress made to date on foot of the imprisonment in Iran of a person (details supplied) who was arrested in Iran on 9 July 2009 and who has not had access to legal counsel; if he will enlist the aid of the international community with a view to ensuring that they are accorded family and legal visitations in line with international human rights criteria; and if he will make a statement on the matter. [7872/10]

Minister for Foreign Affairs (Deputy Micheál Martin): As the Deputy will be aware from my previous replies to him, most recently on 15 December, we have been following this case closely through our Embassy in Tehran. Following his arrest at his home on 9 July and his subsequent appearance at one of the televised show trials, Dr Kian Tajbakhsh was sentenced on 20 October, reportedly on allegations of espionage and playing a role in the public unrest which followed the disputed June Presidential elections in Iran. The exact charges which were brought against Dr. Tajbakhsh, and indeed the length of his sentence, were not made clear at that time. Dr. Tajbakhsh's lawyer initially indicated that he would be imprisoned for 12 years or more. Reports now indicate that Dr. Tajbakhsh's case was heard by an appeals court on 10 February and his sentence was set at 5 years for a variety of charges linked to the post election disturbances in Iran.

The case of Dr. Tajbakhsh, as an American citizen, continues to be dealt with actively by the Swiss Embassy in Tehran, which represents US interests in Iran. In a strong statement on Dr. Tajbakhsh's case on 1 December, the EU Presidency reiterated its concerns and described the reports of Dr. Tajbakhsh facing additional charges as "deeply worrying". The EU statement urged Iran to comply with all international and regional human rights instruments which it had ratified, and not least with the relevant articles of the International Covenant on Civil and Political Rights regarding the right to a fair trial, which is also enshrined in the Constitution of the Islamic Republic of Iran. In a Declaration issued on 11 December, the European Council again reiterated its deep concerns about continued violations of human rights in Iran.

I would also note that the EU and US issued a joint statement on 8 February condemning the continuing human rights violations in Iran while EU High Representative Catherine Ashton on 11 February reiterated the EU's support for those seeking to defend democracy, human rights and fundamental freedoms in Iran. Senior officials of my Department have raised Dr. Tajbakhsh's case directly with the Iranian Ambassador to Ireland and have made clear our concerns at his sentencing and the possibility of his facing additional charges. We will continue to bring the case of detainees such as Dr. Tajbakhsh to the attention of the Iranian authorities. We will also avail of every opportunity to express our concerns about the marked deterioration of human rights in Iran, both nationally and in an EU and international context.

370. **Deputy Bernard J. Durkan** asked the Minister for Foreign Affairs the extent to which he directly or in association with the EU or UN has managed to make positive intervention in areas throughout the world which appear to have the most serious human rights abuses; the serious cases that have arisen in recent times; the action or actions taken to combat this issue; and if he will make a statement on the matter. [7873/10]

Minister for Foreign Affairs (Deputy Micheál Martin): Unfortunately, no part of the world is totally free from human rights abuses. Ireland, both bilaterally and in association with EU

and other like-minded partners, makes frequent and numerous interventions regarding human rights concerns in the countries which have the most serious human rights abuses. Human rights concerns remain central to our foreign policy. Together with our EU partners, Ireland closely monitors the human rights situations in many countries throughout the world, on the basis of information obtained from a variety of sources including both official channels and non-governmental/civil society organisations.

Where and when the situation warrants, we make known our concerns about human rights violations to the Governments in question. We do this bilaterally, through the EU, or through action at the UN General Assembly and the UN Human Rights Council. We support the use of the full UN human rights machinery in responding to human rights abuses, including supporting the role of UN Treaty Monitoring Bodies, Special Procedures and Mandate Holders and the convening, where appropriate, of Special Sessions of the UN Human Rights Council. At these UN bodies, the EU regularly makes statements on the human rights situations in a number of countries from all regions. Ireland is fully associated with these statements. The EU also introduces or supports resolutions dealing with specific countries.

The Universal Periodic Review mechanism is one example of how Ireland and the international community can bring pressure to bear on those responsible for human rights violations. Ireland has engaged proactively with this UN Human Rights Council mechanism since its creation in March 2006. At the seventh session of the UPR, currently underway in Geneva, from 11- 22 February, Ireland is making numerous interventions, raising issues such as gender based violence, children's rights, death penalty, impartiality of the judiciary, freedom of expression, freedom of association and the protection of human rights defenders with the States under review in this round.

The EU has adopted Common Positions on certain countries, which attach priority to promoting human rights, democracy, good governance and the rule of law. In addition, the EU conducts human rights dialogues with a number of countries and also raises human rights concerns as part of political dialogue meetings. Together with our EU partners, Ireland has been a consistent and strong supporter of the International Criminal Court, recognising it as an essential means of combating impunity for the most serious violations of international humanitarian law and human rights law. The Court's Prosecutor has opened investigations into a number of country situations and we will continue to monitor this work closely.

The risk of human rights violations is greater where political, economic and administrative systems are weak. Development is essential to allow people the full enjoyment of their human rights, and this is a key concern for Ireland's development co-operation programme. Irish Aid supports specific actions designed to promote human rights, including by strengthening government systems and in-country human rights institutions, in particular through legal training. Support is also provided for legal aid programmes targeted at victims of human rights abuses. Irish Aid has a specific focus on governance in several programme countries. The Government will continue to avail of all the above-mentioned mechanisms and instruments as a means of highlighting violations of human rights and furthering their protection.

Departmental Expenditure.

371. **Deputy Billy Timmins** asked the Minister for Foreign Affairs the list of the Irish embassies and residences in which construction, development or decorative works have been carried out in 2007, 2008, and 2009; the costs of the works carried out in 2007, 2008, and 2009; and if he will make a statement on the matter. [8004/10]

Minister for Foreign Affairs (Deputy Micheál Martin): Irish Missions abroad and official residences of Heads of Mission serve as platforms for raising Ireland's international profile, providing services to the public, promoting Irish economic interests and representing the State in international organisations.

Construction and refurbishment of properties used for these purposes is carried out as necessary to ensure that Irish Missions have the accommodation required to fulfil their respective responsibilities. The costs of construction, development and decorative works carried out at Missions and Residences in the years 2007, 2008 and 2009 are set out in the attached table.

Construction, development and decorative works to Embassies

Location	2007
	€000
Abuja — Residence	3
Addis Ababa — Chancery	3
Athens — Residence	14
Belfast Secretariat — Residence	781
Brasilia — Chancery	2
Brussels (Embassy) — Residence	53
Brussels (Perm Rep — Eu) — Chancery	15
Brussels (Perm Rep — Eu) — Residence	11
Bucharest — Chancery	7
Buenos Aires — Residence	57
Cairo — Chancery	208
Canberra — Residence	6
Copenhagen — Residence	11
Dar-Es-Salaam — Chancery	70
Edinburgh Consulate General	76
Holy See — Residence	579
Kampala — Chancery	21
Lesotho — Chancery	17
Lilongwe — Chancery	153
Lilongwe — Residence	107
Lisbon — Residence	992
Ljubljana — Residence	5
London — Chancery	44
London — Passport Office	57
London — Residence	420
Lusaka — Chancery	23
Luxembourg — Residence	6
Madrid — Residence	15
Maputo -Chancery	76
Mexico — Residence	447
New York — Consulate General	17
New York (Pmun) — Chancery	2
New York (Pmun) — Residence	165
Nicosia — Residence	5
Oslo — Residence	30
Paris — Chancery	385

Location	2007
	€000
Prague — Chancery	5
Pretoria — Residence	6
Riga — Chancery	186
Sofia — Chancery	1
Sofia — Residence	21
Strasbourg — Chancery	401
Strasbourg — Residence	13
Tallinn — Residence	1
Tehran — Chancery	6
Tehran — Residence	3
The Hague — Chancery	330
The Hague — Residence	2,043
Valletta — Residence	2
Warsaw — Chancery	5
Warsaw — Residence	2
Washington Dc — Chancery	34
Washington Dc — Residence	25

Location	2008
	€000
Abuja — Chancery	2
Abuja — Residence	4
Athens — Chancery	62
Athens — Residence	16
Beijing — Compound	14
Belfast — Secretariat	10
Belfast Secretariat — Residence	13
Berlin — Residence	23
Brasilia — Residence	18
Bratislava — Residence	2
Brussels (Embassy) — Chancery	15
Brussels (Embassy) — Residence	42
Brussels (Perm Rep — Eu) — Chancery	6
Brussels (Pfp)	14
Buenos Aires — Chancery	3
Buenos Aires — Residence	2
Cairo — Chancery	14
Cairo — Residence	36
Canberra — Chancery	516
Canberra — Residence	46
Capetown-Residence	4
Copenhagen — Residence	21
Dar-Es-Salaam — Chancery	51
Dar-Es-Salaam — Residence	40
Edinburgh C.G.	213

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Location	2008
	€000
Helsinki — Residence	131
Holy See — Chancery	44
Kuala Lumpur — Chancery	22
Kuala Lumpur — Residence	3
Lisbon — Chancery	1
Lisbon — Residence	72
London — Chancery	224
London — Passport Office	22
Lusaka — Chancery	5
London — Residence	211
Madrid — Chancery	26
Madrid — Residence	3
Maputo — Chancery	55
Mexico — Residence	76
New Delhi — Chancery	2
New Delhi — Residence	5
New York — C.G.	378
New York (Pmun) — Chancery	5
New York (Pmun) — Chancery	2
Oslo — Residence	550
Ottawa — Residence	1,804
Paris — Chancery	199
Paris — Residence	4
Prague — Chancery	13
Pretoria — Chancery	1
Pretoria — Residence	3
Ramallah — Chancery	4
Riga — Chancery	33
Riga — Residence	9
Riyadh — Chancery	42
Seoul — Chancery	51
Sofia — Residence	12
Strasbourg — Chancery	38
Strasbourg — Residence	27
Tehran — Chancery	1
Tel Aviv — Chancery	11
The Hague — Chancery	1,165
The Hague — Residence	753
Vilnius — Residence	9
Warsaw — Residence	6
Washington Dc — Chancery	2
Washington Dc — Residence	709

Location	2009
	€000
Abu Dhabi — Residence	59
Abuja — Residence	2
Addis Ababa — Chancery	939
Ankara — Residence	2
Beijing — Compound	5
Belfast Secretariat — Residence	85
Berlin — Chancery	36
Berlin — Residence	40
Berne — Residence	84
Brussels (Embassy) — Chancery	169
Brussels (Embassy) — Residence	32
Brussels (Perm Rep — Eu) — Chancery	1,144
Buenos Aires — Chancery	1
Cairo — Chancery	3
Cairo — Residence	15
Canberra — Chancery	5
Canberra — Residence	2
Capetown-Residence	2
Copenhagen — Chancery	31
Edinburgh Consulate General	7
Dili — Chancery	8
Geneva — Residence	33
Helsinki — Residence	35
Holy See — Chancery	7
Kampala — Chancery	18
Kuala Lumpur — Residence	2
Lisbon — Chancery	11
Lisbon — Residence	20
London — Chancery	100
Lusaka — Chancery	56
Luxembourg — Residence	7
Moscow — Chancery	10
Moscow — Residence	15
New Delhi — Chancery	7
New Delhi — Residence	28
New York — Consulate General.	9
New York (Pmun) — Residence	51
Oslo — Residence	203
Ottawa — Residence	3,632
Paris — Chancery	30
Paris — Residence	15
Prague — Residence	198
Pretoria — Residence	28
Riyadh — Chancery	73
Stockholm — Residence	163
Strasbourg — Residence	1

[Deputy Micheál Martin.]

Location	2009
	€000
Tehran — Chancery	1
The Hague — Chancery	1,996
The Hague — Residence	175
Washington Dc — Chancery	28
Washington Dc — Residence	17

Ministerial Orders.

372. **Deputy Leo Varadkar** asked the Minister for Foreign Affairs the fees or charges set by him by way of ministerial order for the provision of goods or services to persons or businesses; the charge; and if he will make a statement on the matter. [8032/10]

Minister for Foreign Affairs (Deputy Micheál Martin): Details of fees or charges set by me by way of Ministerial Order for the provision of goods or services to persons or businesses are set out in, S.I. No. 341/1988 — Foreign Births (Amendment) Regulations 1988, S.I. No. 82/2004 — Diplomatic and Consular Fees (Amendment) Regulations 2004 as amended by S.I. No. 391/2005 — Diplomatic and Consular Fees (Amendment) Regulations 2005 and S.I. No 21/2009 — Diplomatic and Consular Fees (Amendment) Regulations 2009.

These Fees and charges are as follows:

Fees for Consular Services Provided by the Department of Foreign Affairs

Service Rendered	Fee
	€
Registration in a Foreign Births Entry Book in the case of the registration of a person under eighteen years of age	40.00
Registration in a Foreign Births Entry Book in the case of the registration of a person over eighteen years of age	127.50
Inspection of a Foreign Births Entry Book	2.50
To obtain a copy of an entry in a Foreign Births Entry Book — long certificate	12.00
To obtain a copy of an entry in a Foreign Births Entry Book — short certificate	2.50
Registration in the Foreign Births Register of a person under eighteen years of age	40.00
Registration in the Foreign Births Register of a person over eighteen years of age	127.50
Inspection of the Foreign Births Register at the Department of Foreign Affairs	2.50
To obtain a copy of an entry in the Foreign Births Register — long certificate	12.00
To obtain a copy of an entry in the Foreign Births Register — short certificate	2.50
For administering an oath or receiving a declaration or affirmation, with or without attestation of signature	10.00
For each diplomatic or consular signature attached to an exhibit referred to in an affidavit or declaration	5.00
For each execution of a power of attorney attested by a diplomatic or consular officer.	15.00
When 4 or more persons execute a power at the same time	45.00
For affixing a signature of a diplomatic or consular officer or a diplomatic or consular seal to, or attesting a signature or seal on, any commercial document connected with the export of merchandise from the State or all of the above	10.00
For affixing a signature or seal of a diplomatic or consular officer or both to any document or object not otherwise provided for by these Regulations (S.I. No 391/2005)	20.00

Service Rendered	Fee
	€
For uniting documents and attaching a diplomatic or consular seal to the fastening	5.00
For each alteration or interlineations initialled by a diplomatic or consular officer in any document not prepared by that officer	5.00
For taking evidence on commission	€40.00 for each hour or fraction maximum per day of €350.00
For issuing an apostille attesting a signature or seal on any document not otherwise provided for by these Regulations	20.00
For issuing a series of apostilles attesting signatures or seals on a set of documents in relation to foreign adoptions documents	50.00
For verifying or certifying a copy of any document	10.00
For making a translation of certain documents for consular purposes—	
(a) for the first 200 words, or fraction of 200 words	(a) 25.00
(b) for every additional 100, or fraction of 100 words	(b) 10.00
For certifying a translation of any document or part if a document	10.00
(If any document referred to above is in a language other than Irish or English, double the fee is charged)	
For attesting the signature or seal of a foreign authority	15.00
For each signature attested by a diplomatic or consular officer in any document not otherwise provided for	15.00
Arranging the repatriation of a person	45.00
Arranging the repatriation of a group of persons of the same family travelling together	45.00
Arranging the collection of funds for a person destitute outside the State seeking financial assistance to return home and the payment outside the state to or on behalf of such person of the equivalent of funds collected in the currency of the country or countries concerned	45.00
For granting any certificate in connection with a marriage abroad	20.00
For granting any certificate not otherwise provided for (This does not apply to certificates of nationality under Section 28 of the Irish Nationality and Citizenship Act, 1956)	20.00
For the provision, elsewhere than at a diplomatic or consular office, of any service for which a fee is charged under these regulations, in addition to such fee	€25.00 (For each hour or fraction thereof, maximum per day of €200.00)
For the provision of any service (other than the issue of a passport in the circumstances provided for in Regulation 9 (e) of these Regulations), for which a fee is charged under these Regulations, whether at a diplomatic or consular office or at a diplomatic or consular officer's residence, in addition to such fee, for each half-hour, or fraction thereof, out-side its normal hours of opening (this fee is chargeable for any attendance on weekends and public holidays)	25.00
For processing an application for an Irish visa valid for a single journey in transit through the State	25.00
For processing an application for an Irish visa valid for a single journey to the State	60.00
For processing an application for an Irish visa valid for multiple entries to the State	100.00
For processing an application for a work authorisation	100.00
For processing an application for a working holiday authorisation	
(a) in the case of a citizen of the United States America	250
(b) in the case of a citizen of any other state	60

[Deputy Micheál Martin.]

Fees for Passport Services provided by the Department of Foreign Affairs

Reference Number	Service Rendered	Fee
		€
1	For the issue of a passport of 34 pages to a person over 18 years of age but under 65 years of age	80.00
2	For the issue of a passport of 66 pages to a person over 18 years of age	110.00
3	For the issue of a passport of 34 pages to a person under 3 years of age	16.00
4	For the issue of a passport of 34 pages to a person over 3 years of age but under 18 years of age	26.50
5	For the issue of a passport of 34 pages to a person over 65 years of age	Nil
6	For the issue of an emergency passport to a person over 18 years of age by the relevant Passport Office, diplomatic mission or consular post outside its normal hours of opening. (<i>This fee is charged for any attendance on weekends and public holidays</i>) In addition, the applicable fee specified at reference number 1 or 2 of this table for the subsequent issue of a passport shall be payable.	110.00
7	For the issue of an emergency passport to a person under 18 years of age by the relevant Passport Office, diplomatic mission or consular post outside its normal hours of opening. (<i>This fee is charged for any attendance on weekends and public holidays</i>) In addition, the applicable fee specified at reference number 3 or 4 in this table for the subsequent issue of a passport shall be payable.	55.00
8	For the issue of a passport to a person over 18 years of age by the relevant Passport Office, diplomatic mission or consular post during normal hours of opening on the same day that the application was submitted or on the day after the application was submitted. In addition, the applicable fee specified at reference number 1 or 2 of this table shall be payable	55.00
9	For the issue of a passport to a person under 18 years of age by the relevant Passport Office, diplomatic mission or consular post during normal hours of opening on the same day that the application was submitted or on the day after the application was submitted. In addition, the applicable fee specified at reference number 3 or 4 of this table shall be payable	30.00
10	For the issue of an emergency travel certificate	15.00
11	For the issue of a European Union Emergency Travel Document, valid for a single journey	Nil

373. **Deputy Leo Varadkar** asked the Minister for Foreign Affairs the charges levied by his Department or agencies under his Department in respect of the provision of goods or services to persons or businesses; the charge; the anticipated income from such charges in 2010; and if he will make a statement on the matter. [8044/10]

Minister for Foreign Affairs (Deputy Micheál Martin): Details of charges levied by my Department or agencies under my Department in respect of the provision of goods or services to persons or businesses are set out in, S.I. No. 341/1988 — Foreign Births (Amendment) Regulations 1988, S.I. No. 82/2004 — Diplomatic and Consular Fees (Amendment) Regulations 2004 as amended by S.I. No. 391/2005 — Diplomatic and Consular Fees (Amendment) Regulations 2005 and S.I. No 21/2009 — Diplomatic and Consular Fees (Amendment) Regulations 2009. These fees and charges are as follows:

Fees for Consular Services Provided by the Department of Foreign Affairs

Service Rendered	Fee
	€
Registration in a Foreign Births Entry Book in the case of the registration of a person under eighteen years of age	40.00
Registration in a Foreign Births Entry Book in the case of the registration of a person over eighteen years of age	127.50
Inspection of a Foreign Births Entry Book	2.50
To obtain a copy of an entry in a Foreign Births Entry Book — long certificate	12.00
To obtain a copy of an entry in a Foreign Births Entry Book — short certificate	2.50
Registration in the Foreign Births Register of a person under eighteen years of age	40.00
Registration in the Foreign Births Register of a person over eighteen years of age	127.50
Inspection of the Foreign Births Register at the Department of Foreign Affairs	2.50
To obtain a copy of an entry in the Foreign Births Register — long certificate	12.00
To obtain a copy of an entry in the Foreign Births Register — short certificate	2.50
For administering an oath or receiving a declaration or affirmation, with or without attestation of signature	10.00
For each diplomatic or consular signature attached to an exhibit referred to in an affidavit or declaration	5.00
For each execution of a power of attorney attested by a diplomatic or consular officer.	15.00
When 4 or more persons execute a power at the same time	45.00
For affixing a signature of a diplomatic or consular officer or a diplomatic or consular seal to, or attesting a signature or seal on, any commercial document connected with the export of merchandise from the State or all of the above	10.00
For affixing a signature or seal of a diplomatic or consular officer or both to any document or object not otherwise provided for by these Regulations (S.I. No 391/2005)	20.00
For uniting documents and attaching a diplomatic or consular seal to the fastening	5.00
For each alteration or interlineations initialled by a diplomatic or consular officer in any document not prepared by that officer	5.00
For taking evidence on commission	€40.00 for each hour or fraction maximum per day of €350.00
For issuing an apostille attesting a signature or seal on any document not otherwise provided for by these Regulations	20.00
For issuing a series of apostilles attesting signatures or seals on a set of documents in relation to foreign adoptions documents	50.00
For verifying or certifying a copy of any document	10.00
For making a translation of certain documents for consular purposes—	
(a) for the first 200 words, or fraction of 200 words	(a) 25.00
(b) for every additional 100, or fraction of 100 words	(b) 10.00
For certifying a translation of any document or part if a document	10.00
(If any document referred to above is in a language other than Irish or English, double the fee is charged)	
For attesting the signature or seal of a foreign authority	15.00
For each signature attested by a diplomatic or consular officer in any document not otherwise provided for	15.00
Arranging the repatriation of a person	45.00
Arranging the repatriation of a group of persons of the same family travelling together	45.00
Arranging the collection of funds for a person destitute outside the State seeking financial assistance to return home and the payment outside the state to or on behalf of such person of the equivalent of funds collected in the currency of the country or countries concerned	45.00
For granting any certificate in connection with a marriage abroad	20.00

[Deputy Micheál Martin.]

Service Rendered	Fee
	€
For granting any certificate not otherwise provided for (This does not apply to certificates of nationality under Section 28 of the Irish Nationality and Citizenship Act, 1956)	20.00
For the provision, elsewhere than at a diplomatic or consular office, of any service for which a fee is charged under these regulations, in addition to such fee	€25.00 (For each hour or fraction thereof, maximum per day of €200.00)
For the provision of any service (other than the issue of a passport in the circumstances provided for in Regulation 9 (e) of these Regulations), for which a fee is charged under these Regulations, whether at a diplomatic or consular office or at a diplomatic or consular officer's residence, in addition to such fee, for each half-hour, or fraction thereof, out-side its normal hours of opening (this fee is chargeable for any attendance on weekends and public holidays)	25.00
For processing an application for an Irish visa valid for a single journey in transit through the State	25.00
For processing an application for an Irish visa valid for a single journey to the State	60.00
For processing an application for an Irish visa valid for multiple entries to the State	100.00
For processing an application for a work authorisation	100.00
For processing an application for a working holiday authorisation	
(a) in the case of a citizen of the United States America	250
(b) in the case of a citizen of any other state	60

Fees for Passport Services provided by the Department of Foreign Affairs

Reference Number	Service Rendered	Fee
		€
1	For the issue of a passport of 34 pages to a person over 18 years of age but under 65 years of age	80.00
2	For the issue of a passport of 66 pages to a person over 18 years of age	110.00
3	For the issue of a passport of 34 pages to a person under 3 years of age	16.00
4	For the issue of a passport of 34 pages to a person over 3 years of age but under 18 years of age	26.50
5	For the issue of a passport of 34 pages to a person over 65 years of age	Nil
6	For the issue of an emergency passport to a person over 18 years of age by the relevant Passport Office, diplomatic mission or consular post outside its normal hours of opening. <i>(This fee is charged for any attendance on weekends and public holidays)</i> In addition, the applicable fee specified at reference number 1 or 2 of this table for the subsequent issue of a passport shall be payable.	110.00
7	For the issue of an emergency passport to a person under 18 years of age by the relevant Passport Office, diplomatic mission or consular post outside its normal hours of opening. <i>(This fee is charged for any attendance on weekends and public holidays)</i> In addition, the applicable fee specified at reference number 3 or 4 in this table for the subsequent issue of a passport shall be payable.	55.00
8	For the issue of a passport to a person over 18 years of age by the relevant Passport Office, diplomatic mission or consular post during normal hours of opening on the same day that the application was submitted or on the day after the application was submitted. In addition, the applicable fee specified at reference number 1 or 2 of this table shall be payable	55.00

Reference Number	Service Rendered	Fee
9	For the issue of a passport to a person under 18 years of age by the relevant Passport Office, diplomatic mission or consular post during normal hours of opening on the same day that the application was submitted or on the day after the application was submitted. In addition, the applicable fee specified at reference number 3 or 4 of this table shall be payable	€ 30.00
10	For the issue of an emergency travel certificate	15.00
11	For the issue of a European Union Emergency Travel Document, valid for a single journey	Nil

The anticipated income from such charges in 2010 is €34.3 million.

Departmental Agencies.

374. **Deputy Jim O’Keeffe** asked the Minister for Foreign Affairs the number of bodies and agencies under his aegis; and his proposals for the rationalisation of same. [8198/10]

Minister for Foreign Affairs (Deputy Micheál Martin): There are no State agencies operating under the aegis of my Department.

There are currently three bodies which operate under the aegis of my Department: the Development Education Advisory Committee (DEAC); the Government Emigrant Services Advisory Committee (previously known as *Dion*); and the Fulbright Commission (The Board of the Ireland — United States Commission for Educational Exchange).

The DEAC and the Government Emigrant Services Advisory Committee are serviced from within my Department’s budget at modest costs and the members of both Committees serve in a voluntary capacity. The Fulbright Commission operates on a statutory basis and enjoys autonomy of management and administration in accordance with the Educational Exchange (Ireland and the United States of America) Act, 1991.

Cross-Border Projects.

375. **Deputy Liz McManus** asked the Minister for Arts, Sport and Tourism the cross-Border programmes, initiatives, areas of co-operation and so on which his Department is engaging in or is about to engage in with its counterparts in Northern Ireland; and if he will make a statement on the matter. [7616/10]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): The Department is engaging or about to engage with Northern Ireland authorities in respect of a range of cross-border programmes, initiatives and areas of co-operation, as set out below.

Arts/Culture

The Department operates a grant scheme to support cultural co-operation with Northern Ireland, in which projects are funded which seek to enhance, celebrate, commemorate or promote the artistic, musical, film and cultural heritage of the island of Ireland on a North/South basis. Applications for the 2010 scheme, which has a budget of €200,000, are currently being considered by the Department.

In addition, Culture Ireland, which forms part of the Department, has been involved in the co-location by Ireland and Northern Ireland of national pavilions and joint promotion initiatives at the Venice Art Biennale 2007 and 2009.

[Deputy Martin Cullen.]

Sport

A number of recent meetings have taken place between the Department and the Northern Ireland Department of Culture, Arts and Leisure to discuss sporting issues of mutual interest.

Tourism

North South cooperation on tourism has been ongoing for a number of years and continues on a regular basis between the relevant Departments North and South and the respective tourism agencies.

Tourism was specifically identified in the Good Friday Agreement as an area of co-operation. The establishment of Tourism Ireland as a North/South body responsible for marketing the island of Ireland overseas has been an impressive example of the tangible benefits to be achieved from closer, more structured economic collaboration on this island. Since assuming full responsibility for marketing the island overseas in the 2001/2002 period, Tourism Ireland has grown to become a professional, sophisticated international marketing organisation which is widely respected by its peers and the international tourism and travel trade in its main markets.

There have been regular meetings of the North-South Ministerial Council in Tourism Sectoral format since the restoration of the Northern Ireland Executive and Assembly. The most recent one was held in Co. Tyrone on 16 December 2009, at which Tourism Ireland's Business Plan for 2010 was considered. This Plan sets ambitious targets for returning to growth for tourism to the island of Ireland in 2010. Further Tourism Sectoral meetings will be held later this year.

The Department also participates in the Northwest Gateway Initiative, as announced at the British-Irish Inter-governmental Conference in May 2006. The Initiative is designed to provide a comprehensive framework from which further planning and collaborative action can be co-ordinated at central and local government level to maximise the potential of the North West region. One of the key elements of the initiative is to create a framework for economic development on a cross-Border basis, of which tourism is a key component.

In addition, the Department is represented on the INTERREG IVA Monitoring Committee and Priority 1 Steering Committee, as managed by the Special European Union Programmes Body. The INTERREG IVA Programme is the Cross-Border Territorial Co-operation Programme for Northern Ireland, the Border Region and Western Scotland, having the overall aim of supporting strategic cross-border co-operation, including in tourism, for a more prosperous and sustainable region.

I remain fully committed to the development of North/South co-operation at all levels, and I am ready to support any new opportunities that may emerge in this regard in the future.

Departmental Funding.

376. **Deputy Jimmy Deenihan** asked the Minister for Arts, Sport and Tourism the amount of funding provided in respect of Campus and Stadium Ireland Development Limited and the National Sports Campus Development Authority for 2009 and 2010; and if he will make a statement on the matter. [7660/10]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): The amounts provided for the National Sports Campus Development Authority in 2009 (€4.398m) and for 2010 (€5.292m) are set out in Subhead C4 of Vote 35 in the 2010 Estimates for Public Services published in December last by the Department of Finance. The Revised Estimates for Public Services to be

published shortly will set out the finalised current and capital allocations to the Authority for 2010.

Sports Capital Programme.

377. **Deputy Michael McGrath** asked the Minister for Arts, Sport and Tourism his plans to reintroduce the sports capital grant programme at the earliest possible date. [7819/10]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): While no decision has been made on the timing of the next round of the Programme, €48 million has been provided in my Department's Vote in the 2010 Estimates to cover payments to be made from the C1 subhead, out of which grants are paid for the provision of sports and recreation facilities in respect of previously awarded grants.

Ministerial Orders.

378. **Deputy Leo Varadkar** asked the Minister for Arts, Sport and Tourism the fees or charges set by him by way of ministerial order for the provision of goods or services to persons or businesses; the charge; and if he will make a statement on the matter. [8026/10]

379. **Deputy Leo Varadkar** asked the Minister for Arts, Sport and Tourism the charges levied by his Department or agencies under his Department in respect of the provision of goods or services to persons or businesses; the charge; the anticipated income from such charges in 2010; and if he will make a statement on the matter. [8038/10]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): I propose to take Questions Nos. 378 and 379 together.

In respect of fees or charges set or levied by me and the Department for the provision of goods or services to persons or businesses, the requested information is as set out in tabular form below.

In addition, the National Archives, which currently forms part of the Department, charges nominal fees for copies of documents held by it.

Other fees or charges which are set or levied by the agencies under the remit of the Department are a matter for the agencies themselves.

Fee/Charge	Manner Set	Amount of Fee/Charge			Anticipated Income in 2010
		Nomination Fee Range	Rate Band	Fee in 2009	
Thoroughbred Foal Levy	Levy set by Horse Racing Ireland (HRI) with the consent of the Minister for Arts, Sport and Tourism	€		€	€ 1.8 million (approx.)*
		Up to 1,000	A Rate	41	
		1,001 to 2,500	B Rate	80	
		2,501 to 7,000	C Rate	160	
		7,001 to 12,000	Standard Rate	241	
		12,001 to 33,500	D Rate	402	
		33,501 and upwards	E Rate	641	

*This approximately €1.8 million is paid out by HRI as grants to the industry bodies.

Departmental Agencies.

380. **Deputy Jim O’Keeffe** asked the Minister for Arts, Sport and Tourism the number of bodies and agencies under his aegis; and his proposals for the rationalisation of same. [8190/10]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): There are fifteen bodies/agencies under the aegis of the Department.

With regard to the announcement in Budget 2009 that the National Gallery of Ireland (NGI), Irish Museum of Modern Art (IMMA) and Crawford Art Gallery Cork would be combined while retaining their separate identities, having now examined the matter in great detail, I have come to the conclusion that IMMA and the NGI should remain as stand-alone entities and that the Crawford can be amalgamated with the NGI. I am in the process of formalising the matter.

In respect of another announcement in Budget 2009 that the National Archives (which currently forms part of the Department) and the Irish Manuscripts Commission (which is funded by the Department) would be merged into the National Library of Ireland, the preparation of legislation to give effect to this Government decision is being advanced.

Also as announced in Budget 2009, Culture Ireland is to remain a part of the Department rather than be established as a statutory agency.

In respect of tourism bodies under the aegis of the Department, there has already been considerable rationalisation in recent years with the establishment of Tourism Ireland and the amalgamation of Cert and the former Bord Fáilte to form Fáilte Ireland. In addition, in 2006, five regional tourism authorities were subsumed into Fáilte Ireland.

Community Development.

381. **Deputy Richard Bruton** asked the Minister for Community, Rural and Gaeltacht Affairs if funding alternatives will be explored for social centres (details supplied) in Dublin 5 which face a loss of their administrator under the latest cutbacks. [7984/10]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy John Curran): I assume this question relates to the community development project located in the centre to which the Deputy refers.

As I outlined previously to the House, my Department has seen the need to re-design 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).

The aim of the new programme is to tackle poverty and social exclusion through partnership and constructive engagement between Government and its agencies and people in disadvantaged communities. It preserves elements of good practice from the CDP/LDSIP Programmes and will enable groups to objectively demonstrate the positive impacts they are securing for local communities.

In advance of proceeding to establish the LCDP, my Department undertook an evaluation of individual CDPs. 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.

I am advised that the community development project which I take to be the subject of this Question 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 future strategy for the company in light of the decision of the Appeals Board. My officials have been in contact with the project concerned 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. While such assistance could include limited financial assistance in appropriate circumstances, due account would have to be taken of the nature and extent of any net liabilities incurred by the company and the financial and regulatory limitations applicable to my Department.

As I have previously indicated, my primary concern is to make every effort to ensure that the front-line services provided by, or supported through, my Department — especially those providing tangible benefits for the most disadvantaged communities — are protected. An implementation strategy, involving the stakeholders, is underway for LCDP roll-out over the course of 2010. Under the new programme, local development companies will be able to identify and meet the needs of communities and I have asked that particular attention be given to RAPID areas and to those areas where a CDP is no longer operating.

National Drugs Strategy.

382. **Deputy Catherine Byrne** asked the Minister for Community, Rural and Gaeltacht Affairs the budget allocations for his Department to tackle the drugs problem for 2008, 2009 and 2010; and if he will make a statement on the matter. [7659/10]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy John Curran): The budget allocation for each of the years in question for drugs initiatives supported by my Department is as follows:

Year	€m
2008	64.332
2009	40.611
2010	36.182

The reduced allocation in 2009 reflects the fact with effect from 1st January that year, responsibility and funding for the Young Peoples Facilities and Services Fund transferred to the Office of the Minister for Children and Youth Affairs.

The Deputy will be aware that the National Drugs Strategy is based on a co-ordinated approach across many Government Departments and Agencies and my Department's allocation is part of a much bigger investment programme in drugs services by these other bodies.

In 2009, it was estimated that total expenditure on drugs programmes was over €275m. With reductions in the level of public spending generally, it is likely that the overall spend in the drugs area in 2010 will be marginally down on the 2009 level. However, through my co-ordination role across the Strategy, I am working to ensure that the optimum use is made of the

[Deputy John Curran.]

available resources, which will again be substantial. As part of this, every effort will be made to protect front-line services to the greatest extent possible.

383. **Deputy Catherine Byrne** asked the Minister for Community, Rural and Gaeltacht Affairs when the post of Minister of State with responsibility for the national drugs strategy was first created; and if he will make a statement on the matter. [7671/10]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy John Curran): In July 1997, Mr Chris Flood, T.D., was appointed Minister of State at the Department of Tourism and Trade with special responsibility for Local Development. He was also given responsibility for the National Drugs Strategy Team.

Community Development.

384. **Deputy Martin Ferris** asked the Minister for Community, Rural and Gaeltacht Affairs if the cuts in wages and other funding to a centre (details supplied) in County Kerry will be reversed to enable the centre to continue its community projects. [7693/10]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): The organisation referred to by the Deputy has had a contract with my Department's Community Service Programme (CSP) for the provision of a range of services for elderly people and those with disabilities in their own homes or in homes that are provided by the organisation. Along with some 315 other organisations, its contract with the CSP expired at the end of December 2009. It has since been extended to the end of 2010 on the same terms and conditions.

Under the CSP, the organisation in question receives a contribution of the order of €89,000 towards the costs of employing a manager and three full-time equivalents posts.

Of the 450 or so organisations approved to deliver services under the CSP, an increase of 80 on the 01/01/2009 position, contracts in respect of some 320 projects expired at the end of 2009. 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 Programme, I can only do this by abolishing the non-wage grant that was previously payable.

I have, however, provided a review process where an immediate examination of the impacts of the reduction in support to organisations is being undertaken.

Finally, it should be noted that organisations providing services under the CSP are required to develop non-public forms of income by way of charging fees, trading or fund-raising, as the programme is not designed to cover the full operating costs of supported organisations.

National Drugs Strategy.

385. **Deputy Aengus Ó Snodaigh** asked the Minister for Community, Rural and Gaeltacht Affairs the reason for the delay in front-loading funding to community-based drug services that are facing financial difficulty due to funds from statutory agencies and funding channels being held up by his Department. [7812/10]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy John Curran): The Office of the Minister for Drugs (OMD) was established under the National Drugs Strategy 2009-2016 to facilitate greater cohesion in policy-making and service delivery. All financial matters are now overseen by the OMD which includes the allocation of annual budgets to the Drugs Task Forces and associated payments.

The OMD formally approved funding to the Drugs Task Forces in regard to their 2010 allocations on 22nd December 2009. As part of the approval process, the relevant funding agencies were also advised. In this context, the Deputy should note that payments do not directly issue to projects from my Department. Rather, funding is channelled through various Departments and Agencies which reflect the focus of the project(s) in question and these agencies have ultimate responsibility for the release of my Department's funding to the projects on the ground.

The timing and value of payments issuing from my Department to the relevant funding agencies is, of course, inextricably linked to the timing and value of their respective claims to the Department. In this regard, I would like to assure the Deputy that every effort is made to process and expedite payments in the timeliest manner. Payment is predicated on all claims being made in the prescribed format and with all the requisite supporting information being provided.

Of the completed claims received up to last Friday, 12th February, I understand that, with the exception of one claim, all payments have issued. Claims are being received on an ongoing basis and are being processed accordingly.

The Deputy will, of course, appreciate that there are several factors that determine the release of funding, e.g. number and timing of payment runs and the subsequent transfer of funds through the Electronic Funds Transfer (EFT) system. While the EFT system represents significant benefits in terms of speed, there are set working days required to effect the transactions.

My Department is very aware of the significance of funding being with the projects as early as possible in the year to obviate any undue hardship. To support this, arrangements were made in December 2009 to provide salary advances for the first two weeks of January 2010 to those projects, identified by the Drugs Task Forces, that might have been under financial pressure.

Again, I reiterate that every effort is made by my Department to facilitate timely and prompt payments to drugs projects. However, as you appreciate, this is also contingent on the co-operation and engagement of the other stakeholders involved. In all cases, cognisance is taken of due process while also respecting all appropriate and requisite financial parameters.

Finally, the Deputy will wish to note that, as previously indicated, it is my intention during 2010, to review the funding procedures in place in relation to drugs initiatives to see whether any adjustments are necessary.

Community Development.

386. **Deputy Richard Bruton** asked the Minister for Community, Rural and Gaeltacht Affairs the planned cuts in the combined budget of community development and local development social inclusion; the impact it will have on numbers employed in the programmes; the number of clients served in various categories in Dublin; his plans to protect projects which are of particular high social value; and if he will make a statement on the matter. [8021/10]

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 re-design 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

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and have been superseded by a new programme, the Local and Community Development Programme (LCDP).

Funding of €67.5m has been made available in 2010 for the LCDP, which will provide a more efficient and streamlined social inclusion service to those people in the country who need it most. The aim of the new programme is to tackle poverty and social exclusion through partnership and constructive engagement between Government and its agencies and people in disadvantaged communities. The new programme preserves elements of good practice from the CDP/LDSIP Programmes and will enable groups to objectively demonstrate the positive impacts they are securing for local communities. An implementation strategy, involving the stakeholders, is underway for LCDP roll-out over the course of 2010. Under the new programme, local development companies will be able to identify and meet the needs of communities and I have asked that particular attention be given to RAPID areas and to those areas where a CDP is no longer operating. My Department and Pobal will be providing a range of supports to ensure the process is successful.

In advance of proceeding to establish the LCDP, my Department undertook an evaluation of individual CDPs. 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 provided 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 its report has been published on my Department's website at www.pobail.ie.

Following the initial review by my Department, 29 projects were deemed non-viable. Of these, 24 projects submitted an appeal to the CDP Appeals Board, of which 10 were successful. Some 23 full-time staff equivalents in total were funded within the 14 projects that were unsuccessful in their appeals.

The Deputy will appreciate that it is now a matter for the voluntary boards of management in each case to decide the future strategy for their companies in light of the decisions of the Appeals Board. My officials have been in contact with each of the projects concerned 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. While such assistance could include limited financial assistance in appropriate circumstances, due account would have to be taken of the nature and extent of any net liabilities incurred by the companies and the financial and regulatory limitations applicable to my Department.

While my Department is not the employer and has no role in employment matters in relation to CDPs, I understand that the number of core staff (full-time equivalents) employed by CDPs that have been successful in obtaining funding under the new LCDP for 2010 is of the order of 290.

It is intended that the new programme will be implemented nationally on an integrated basis and through new integrated structural arrangements involving the 53 local development companies and the remaining CDPs. As I have previously indicated, my primary concern is to make every effort to ensure that the front-line services provided by, or supported through, my Department — especially those providing tangible benefits for the most disadvantaged communities — are protected.

In regard to the number of clients served in various categories in Dublin, I am advised that overall figures for 2009 will be available in my Department's 2010 Annual Output Statement, which will be submitted in due course to the Oireachtas Committee on Arts, Sports, Tourism, Community, Rural and Gaeltacht Affairs.

Ministerial Orders.

387. **Deputy Leo Varadkar** asked the Minister for Community, Rural and Gaeltacht Affairs the fees or charges set by him by way of ministerial order for the provision of goods or services to persons or businesses; the charge; and if he will make a statement on the matter. [8027/10]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): I do not set fees or charges by way of Ministerial Order for the provision of goods or services except in relation to Waterways Ireland. In that particular case, there is provision for me, as Minister, under section 11(5) of the British-Irish Agreement Act 1999 to approve charges proposed by the Body in relation to certain services provided by it.

Details are set out below of the charges that currently apply in this context, as set down in the Canals Act 1986 (Bye-Laws) 1988 (S.I. No. 247 of 1988) and the Shannon Navigation (Amendment) Bye-Laws 1994 (S.I. No. 66 of 1994). The Deputy should note that the original figures are shown in IR£, with the figures in brackets representing the current charges in euro.

Canals Act 1986 (Bye-Laws) 1988 (S.I. No. 247 of 1988)

Tolls and Charges

Charge	Service
£10.00 (€12.70)	Per month or part of month for each boat mooring on the canals.
£0.50 (€0.60)	Per boat for passage through each lock, except for boats passing through Camden Lock in Ringsend for which the toll is £10 per boat.
£100 (€126)	Per annum for each boat for mooring and passage through locks.
£11 (€13.90)	Per day or part of day for use of dry dock facilities

For boats exceeding 18.7 metres in length pay harbour rates at Grand Canal Dock, Ringsend, calculated on registered tonnage of ships on every ton of the net registered tonnage or on half the gross tonnage (whichever is the greater), as follows:

Category	Rate per Ton
Boats entering or leaving the dock for periods of up to 14 days for the purpose of shipping, unshipping or transshipping cargo	£1.10 (€1.40)
Periods in excess of 14 days — for each month or part thereof	£1.30 (€1.65)
Boats entering the dock to effect repairs afloat for periods up to 1 month	£1.72 (€2.18)
For periods in excess of one month for each period of a month or part thereof	£1.30 (€1.65)
Boats under 30 tons net registered tonnage, and which exceed 18.7 metres in length, entering into the dock for the purpose of lying or mooring therein.	Minimum charge £79.00. (€100.31)£39.50 (per month or part of month) (€50.15)
Dues on cargo of every description, shipped or unshipped at the wharves	£0.40 (per ton) (€0.51)
Pay a fee for each occasion when it is necessary to raise General McMahon Bridge, Ringsend, to allow passage of a boat.	£50 (€63.00)

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Shannon Navigation (Amendment) Bye-Laws 1994 (S.I. No. 66 of 1994)

Charge	Service
£0.50 (€0.63)	Passage of a vessel or boat through a lock on the Ballinamore and Ballyconnell navigation or the Erne and Lough Oughter navigation
£1.20 (€1.50)	Passage of a vessel or boat through a lock or a movable bridge on the Shannon Navigation.
£10 (€12.70) for any period of more than 7 days and less than 1 month provided that the total charge shall not exceed £50.00 (€63.40)	Mooring a vessel or boat in a harbour, or at a quay, wharf or other property of the commissioners in the Shannon Navigation at any time between the 1st day of April in the following year.
£100 (€126) for any period of occupancy of not more than 3 days together with, where the occupancy is for more than 3 days, £11(€13.90) for each day in excess of 3 days.	Occupation by a vessel of a dry dock in the Shannon Navigation on the property of the Commissioners.
£5.00 (€1.27)	Use by vessel of toilet pump-out facilities on the property of the Commissioners.
£1.00 (€1.26)	Use of chemical toilets on the property of the Commissioners.
£1.00 (€1.26)	Use of showers on the property of the Commissioners.
£1.00 (€3.15)	Use of laundry washing machines on the property of the Commissioners.
£2.50 (€3.15)	Use of laundry drying machines on the property of the Commissioners.

For ‘Commissioners’ read ‘Waterways Ireland’.

388. **Deputy Leo Varadkar** asked the Minister for Community, Rural and Gaeltacht Affairs the charges levied by his Department or agencies under his Department in respect of the provision of goods or services to persons or businesses; the charge; the anticipated income from such charges in 2010; and if he will make a statement on the matter. [8039/10]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): My Department currently charges the following fees for use of airstrips on the three Aran Islands:

- landing charge per aircraft under Public Service Obligation agreement: €68.21; and
- charge per passenger departing on PSO flights: €16.21,

The estimated income from this source in 2010 is approximately €350,000. There are no other charges levied by my Department in respect of the provision of goods or services to persons or businesses.

In relation to agencies funded from my Department’s Vote Group, Waterways Ireland and the Western Development Commission receive income from certain charges

Waterways Ireland’s income is derived mainly from the collection of tolls for lock and moveable bridge passages, charges for permits, dry docks usage, winter moorings, smart cards, navigation charts and publications, as well as monies in respect of granting of easements, wayleaves, operating licences, licence agreements and other property transactions. Waterways Ireland’s anticipated income from such sources for 2010 is €440,000.

The Western Development Commission charges investment fund management fees. The anticipated income for 2010 is forecast at €31,500.

Departmental Agencies.

389. **Deputy Jim O’Keeffe** asked the Minister for Community, Rural and Gaeltacht Affairs the number of bodies and agencies under his aegis; and his proposals for the rationalisation of same. [8192/10]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): Currently, the number of relevant bodies funded from my Department’s Vote Group is 7. These are:

- An Coimisinéir Teanga;
- Commissioners of Charitable Donations and Bequests;
- Dormant Accounts Board;
- Údarás na Gaeltachta;
- Western Development Commission;
- Waterways Ireland; and

An Foras Teanga, comprising Foras na Gaeilge and the Ulster-Scots Agency.

With regard to rationalisation, the Government proposes to abolish the Dormant Accounts Board in 2010. Appropriate legislation is currently being prepared for this purpose.

The Charities Act 2009 provides for the dissolution of the Commissioners of Charitable Donations and Bequests. The Act further provides that the Office of the Commissioners will be replaced by a new Charities Regulatory Authority, which will take on the statutory functions of the Office of the Commissioners, as well as having broader statutory regulatory functions relating to charities operating in the jurisdiction. My Department is currently rolling out an implementation plan for the Act.

As Waterways Ireland and An Foras Teanga are North/South Bodies, established pursuant to the Good Friday Agreement, they are jointly overseen in conjunction with the NI administration. A review of all the North/South Implementation Bodies, as provided for in the St. Andrews Agreement, is currently underway.

Social Welfare Benefits.

390. **Deputy Dan Neville** asked the Minister for Social and Family Affairs if she will make a statement on the case of a person (details supplied) in County Limerick. [7637/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

391. **Deputy Michael Ring** asked the Minister for Social and Family Affairs when a person (details supplied) in County Mayo will be approved and awarded a one-parent family allowance. [7584/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

Pension Provisions.

392. **Deputy Michael D’Arcy** asked the Minister for Social and Family Affairs the reason a person (details supplied) in County Wexford has received correspondence indicating that his or her contributory State pension has been disallowed from 31 January 2009; if she will review this decision; and if she will make a statement on the matter. [7587/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

Social Welfare Benefits.

393. **Deputy Pat Breen** asked the Minister for Social and Family Affairs the reason a person (details supplied) in County Clare is not in receipt of full payment; when arrears will be awarded; and if she will make a statement on the matter. [7589/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

394. **Deputy Brian Hayes** asked the Minister for Social and Family Affairs when a person (details supplied) in Dublin 24 will be granted the family income supplement; and if she will make a statement on the matter. [7591/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

395. **Deputy Jack Wall** asked the Minister for Social and Family Affairs the reason a person (details supplied) in County Kildare is not in receipt of the free fuel allowance; and if she will make a statement on the matter. [7593/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

Social Welfare Appeals.

396. **Deputy Frank Feighan** asked the Minister for Social and Family Affairs when a decision will be made on a carer's allowance appeal in respect of persons (details supplied) in County Roscommon. [7600/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

Social Welfare Benefits.

397. **Deputy Joe Costello** asked the Minister for Social and Family Affairs further to Parliamentary Question No. 455 of 2 February 2010, when a reply will issue; and if she will make a statement on the matter. [7607/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

398. **Deputy Joe Costello** asked the Minister for Social and Family Affairs if members of the permanent Defence Forces are in receipt of family income supplement; and if she will make a statement on the matter. [7608/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

Cross-Border Co-operation.

399. **Deputy Liz McManus** asked the Minister for Social and Family Affairs the cross border programmes, initiatives, areas of co-operation and so on which her Department is engaging in

or about to engage in with its counterparts in Northern Ireland; and if she will make a statement on the matter. [7613/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The Department is involved in a number of specific initiatives with our counterparts in Northern Ireland as set out as follows.

Control of Fraud

The Department has 600 staff at local, regional and national level engaged on a full or part-time basis on work related to the control of fraud and abuse of the social welfare system. In relation to cross-border co-operation, procedures are in place to deal with ongoing referrals, fraud and non-fraud in Ireland, Northern Ireland and the UK. People who move from Northern Ireland to Ireland may have an entitlement to a social welfare payment. However, if there is any suspicion of a fraud being perpetrated, this is investigated by local Social Welfare Inspectors.

A Memorandum of Understanding (MOU) between the Government of Ireland and the Government of the United Kingdom and Northern Ireland was signed in October 2000. Under the aegis of the MOU, the Cross — Border Operations Forum assists and directs activities relating to the investigation of social security benefit fraud with a cross border dimension. The Cross — Border Operations Forum undertakes individual fraud investigations and larger projects and shares best practice in counter fraud operations. Due to operational sensitivities the Department cannot release information regarding the specifics of control activities that target cross border fraud.

Free Travel scheme

The Free Travel scheme permits a customer to travel free of charge on most CIE public transport services, Luas and a range of services offered by a large number of private operators in various parts of the country. The cross-border free travel scheme, introduced in July 1995, enables customers make journeys from a point in the Republic of Ireland to a destination in Northern Ireland. Similarly, residents in Northern Ireland in receipt of concessionary travel can avail of cross border journeys to this State. Since April 2007, customers aged 66 years and over can also travel free of charge on all bus and rail services within Northern Ireland. Likewise, pensioners in Northern Ireland travel free of charge on transport services within the Republic of Ireland.

Social Welfare Summer School

The annual Social Welfare Summer School, run jointly by the Department of Social and Family Affairs and the Department for Social Development Northern Ireland, provides a significant development opportunity for staff, particularly so for those who would not normally in the course of their day to day work have an involvement in policy development. Within a university environment, it provides an opportunity each year for 24 staff from the South and 24 from the North to analyse and discuss topical social policy issues and to gain insights into the policy development process. It also gives opportunities for staff to exchange views and discuss topics with their counterparts from Northern Ireland.

Healthy Food for All

The Healthy Food for All is an all-island multi-agency initiative seeking to promote access, availability and affordability of healthy food for low-income groups. The Department (in continuance of a commitment made by the former Combat Poverty Agency) is one of a number of bodies, which are funding the initiative for the period 2008-2010. Other bodies include Food

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Safety Authority Ireland, Safefood and the HSE. Administrative support to the initiative is provided by Crosscare.

To date, the initiative has published a good practice guide to school food provision (June 2009), developed an extensive all-island network and contacts and has been involved in the EU scheme for the provision of fruits and vegetables in schools. In October 2009 the initiative held a policy briefing regarding the costs of a healthy diet for low-income families. The initiative also works to identify good practice and alternative approaches to the provision of accessible and affordable healthy food particularly for those on low income. In 2010 an amount of €25,000 is being provided through the Social Inclusion Division of the Department for this initiative.

The Irish and UK Governments are committed to promoting North/South consultation, co-operation and common action concerning policies on poverty and social exclusion and both *Lifetime Opportunities: Government's Anti-Poverty and Social Inclusion Strategy for Northern Ireland* and the *National Action Plan for Social Inclusion 2007-2016* contain common text outlining how the Irish and UK Governments are committed to identifying potential areas for further co-operation.

Social Welfare Appeals.

400. **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. [7627/10]

406. **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. [7651/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): I propose to take Questions Nos. 400 and 406 together.

Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

Social Welfare Benefits.

401. **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. [7633/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

402. **Deputy Terence Flanagan** asked the Minister for Social and Family Affairs if she will support the case of a person (details supplied) in Dublin 15; and if she will make a statement on the matter. [7641/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

403. **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. [7642/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

404. **Deputy Bernard Allen** asked the Minister for Social and Family Affairs the reason a person (details supplied) in County Cork is still awaiting a decision on their carer's allowance application. [7648/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

405. **Deputy Pat Breen** asked the Minister for Social and Family Affairs the position regarding an application in respect of persons (details supplied) in County Clare; and if she will make a statement on the matter. [7650/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

Question No. 406 answered with Question No. 400.

407. **Deputy Aengus Ó Snodaigh** asked the Minister for Social and Family Affairs the reason a person (details supplied) in Dublin 12 has been denied social welfare payments; if the full family circumstances have been taken into account when deciding on whether they satisfy the habitual residency conditions; if they will be granted an exemption from said conditions on the basis of the circumstances; and the other options available to this person. [7664/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

408. **Deputy Aengus Ó Snodaigh** asked the Minister for Social and Family Affairs if she will support the case of a person (details supplied) in Dublin 8. [7665/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

Social Welfare Appeals.

409. **Deputy Paul Connaughton** asked the Minister for Social and Family Affairs when a decision will issue on a disability benefit appeal in respect of a person (details supplied) in County Galway; and if she will make a statement on the matter. [7667/10]

412. **Deputy Paul Connaughton** asked the Minister for Social and Family Affairs the position regarding a disability allowance appeal in respect of a person (details supplied) in County Galway; and if she will make a statement on the matter. [7670/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): I propose to take Questions Nos. 409 and 412 together.

Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

Social Welfare Benefits.

410. **Deputy Paul Connaughton** asked the Minister for Social and Family Affairs the position

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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. [7668/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

411. **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. [7669/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

Question No. 412 answered with Question No. 409.

413. **Deputy Michael Ring** asked the Minister for Social and Family Affairs if arrangements to repay an overpayment in respect of a person (details supplied) in County Mayo will be put in place. [7672/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

Pension Provisions.

414. **Deputy Michael Ring** asked the Minister for Social and Family Affairs if arrears for a widower's contributory pension in respect of a person (details supplied) in County Mayo will be re-examined. [7687/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

415. **Deputy Dan Neville** asked the Minister for Social and Family Affairs the position regarding a non-contributory pension application in respect of a person (details supplied) in County Limerick. [7692/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret I am unable to provide the information sought by the deputy.

Social Welfare Benefits.

416. **Deputy Fergus O'Dowd** asked the Minister for Social and Family Affairs if an application for disability allowance will be expedited in respect of a person (details supplied) in County Louth; and if she will make a statement on the matter. [7697/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

417. **Deputy Michael Creed** asked the Minister for Social and Family Affairs the reason a person (details supplied) in County Cork who is in receipt of illness benefit can no longer sign on for credits; and if she will make a statement on the matter. [7700/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

Social Welfare Appeals.

418. **Deputy Bobby Aylward** asked the Minister for Social and Family Affairs the reason for the delay in deciding on a review of carer's allowance in respect of a person (details supplied) in County Kilkenny which commenced in May 2009; and if she will make a statement on the matter. [7719/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

Pension Provisions.

419. **Deputy Olwyn Enright** asked the Minister for Social and Family Affairs when a non-contributory State pension application submitted to her Department over three months ago will be processed in respect of a person (details supplied) in County Offaly; and if she will make a statement on the matter. [7721/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret I am unable to provide the information sought by the deputy.

Social Welfare Benefits.

420. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs when bereavement grant will issue to a person (details supplied) in County Kildare; and if she will make a statement on the matter. [7726/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret I am unable to provide the information sought by the Deputy.

421. **Deputy Noel J. Coonan** asked the Minister for Social and Family Affairs the reason illness benefit has been cut in respect of a person (details supplied) in County Tipperary; and if she will be reinstated; and if she will make a statement on the matter. [7736/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

Pension Provisions.

422. **Deputy Noel J. Coonan** asked the Minister for Social and Family Affairs when an application for State pension will be finalised in respect of a person (details supplied) in County Tipperary; and if she will make a statement on the matter. [7737/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret I am unable to provide the information sought by the Deputy.

423. **Deputy Olwyn Enright** asked the Minister for Social and Family Affairs if she will review a non contributory State pension in respect of a person (details supplied) in County Offaly; and if she will make a statement on the matter. [7740/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret I am unable to provide the information sought by the deputy.

Social Welfare Benefits.

424. **Deputy Thomas Byrne** asked the Minister for Social and Family Affairs the position

[Deputy Thomas Byrne.]

regarding of a carer's allowance appeal in respect of a person (details supplied) in County Meath. [7741/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

425. **Deputy John O'Mahony** asked the Minister for Social and Family Affairs when a person (details supplied) in County Mayo will receive a payment under jobseeker's benefit; and if she will make a statement on the matter. [7743/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

426. **Deputy Michael Noonan** asked the Minister for Social and Family Affairs when a decision will issue on an 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. [7748/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

427. **Deputy David Stanton** asked the Minister for Social and Family Affairs the reason a person (details supplied) in County Cork has had their supplementary welfare rental allowance stopped on taking up the back to work enterprise allowance; and the possibility of restoring same; and if she will make a statement on the matter. [7758/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

428. **Deputy Martin Ferris** asked the Minister for Social and Family Affairs if a job seekers allowance claimant, aged 21 years, who was on back to work allowance for ten months ending December 2009 and on jobseeker's prior to that is entitled to the full rate of pay; and if she will make a statement on the matter. [7762/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy. However, the Deputy would need to supply the details of the individual concerned in order to examine the particular case.

429. **Deputy Dan Neville** asked the Minister for Social and Family Affairs if she will make a statement on the case of a person (details supplied) in County Limerick. [7763/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

Pension Provisions.

430. **Deputy Pat Breen** asked the Minister for Social and Family Affairs the reason a person (details supplied) in County Clare is not being provided with a pension; and if she will make a statement on the matter. [7766/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

Social Welfare Benefits.

431. **Deputy Arthur Morgan** asked the Minister for Social and Family Affairs the reason a person (details supplied) in County Louth was refused carer's benefit and carer's allowance; and if she will reverse this decision. [7769/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

432. **Deputy Denis Naughten** asked the Minister for Social and Family Affairs when a person (details supplied) in County Roscommon will receive their payment; the reason for the delay in same; and if she will make a statement on the matter. [7770/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

433. **Deputy Joe Costello** asked the Minister for Social and Family Affairs if she will reconsider the decision to refuse jobseeker's allowance and child benefit in respect of a person (details supplied) in Dublin 7; and if she will make a statement on the matter. [7771/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

434. **Deputy Jack Wall** asked the Minister for Social and Family Affairs the position regarding an application for jobseeker's allowance in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [7772/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

435. **Deputy Terence Flanagan** asked the Minister for Social and Family Affairs if she will support the case of a person (details supplied) in Dublin 5; and if she will make a statement on the matter. [7773/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

436. **Deputy P. J. Sheehan** asked the Minister for Social and Family Affairs the number of persons in receipt of domiciliary care allowance; the number of persons in receipt of domiciliary care allowance caring for persons who have been diagnosed with ADHD; and if she will make a statement on the matter. [7775/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the current statistics on the information sought by the Deputy. However the latest data available would indicate that approximately 25,000 people are in receipt of Domiciliary Care Allowance. Of those claims that have the child's disability recorded; circa 6-7% have the disability listed as either attention deficit hyperactivity disorder or ADHD.

437. **Deputy Charles Flanagan** asked the Minister for Social and Family Affairs the reason for a reduction in a pension payment in respect of a person (details supplied) in County Laois; and if she will make a statement on the matter. [7785/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret I am unable to provide the information sought by the deputy.

Social Welfare Code.

438. **Deputy Mary Wallace** asked the Minister for Social and Family Affairs the circumstances in which a person in employment may qualify for the family income supplement scheme; and if she will make a statement on the matter. [7798/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

439. **Deputy Mary Wallace** asked the Minister for Social and Family Affairs the criteria for which a person may qualify by mortgage interest supplement; and if she will make a statement on the matter. [7799/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The supplementary welfare allowance scheme (SWA) provides for a supplement to be paid in respect of mortgage interest to any person in the State whose means are insufficient to meet their needs. The scheme is administered by the community welfare service of the Health Service Executive on behalf of the Department. The purpose of mortgage interest supplement is to provide short term support to eligible people who are unable to meet their mortgage interest repayments in respect of a house which is their sole place of residence. The supplement assists with the interest portion of the mortgage repayments only. In general a person may be entitled to a mortgage interest supplement provided that:

- s/he is habitually resident in the State,
- the loan agreement was entered into at a time when, in the opinion of the Health Service Executive, the person was in a position to meet the repayments,
- the residence in respect of which the loan is payable, is not offered for sale.
- the mortgage interest payable does not exceed such amount as the Health Service Executive considers reasonable to meet his or her residential needs. In exceptional circumstances, a supplement may be awarded where the mortgage interest exceeds such amount as the Executive considers reasonable but such a supplement is payable for a maximum of 12 months only.
- s/he satisfies a means test

Mortgage interest supplements are normally calculated to ensure that a person, after the payment of mortgage interest, has an income equal to the rate of supplementary welfare allowance appropriate to family circumstances less a minimum weekly contribution, currently €24, which recipients are required to pay from their own resources. Many recipients pay more than the minimum contribution because they are also required, subject to income disregards, to contribute any additional assessable means that they have over and above the appropriate basic SWA rate towards their accommodation costs.

The existing mortgage interest supplement assessment provides for a gradual withdrawal of payment as hours of employment or earnings increase. In recent years improvements have been made to the means test to encourage eligible people to engage in employment without losing their entire mortgage interest supplement. Those availing of part-time employment

and/or training opportunities can continue to receive mortgage interest supplement subject to their satisfying the standard means assessment rules.

Where a person has additional income in excess of the standard weekly rate of supplementary welfare allowance, the first €75 of such additional income together with 25% of any additional income above €75 is disregarded for means assessment purposes. This ensures that those returning to work or participating in training schemes are better off as a result of taking up such an opportunity. Each application for mortgage interest supplement is determined by a community welfare officer taking account of the relevant legislative provisions and on the basis of the merits of each individual case.

440. **Deputy Mary Wallace** asked the Minister for Social and Family Affairs the criteria by which a person may qualify for rent allowance; and if she will make a statement on the matter. [7801/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The supplementary welfare allowance scheme provides for a weekly or monthly supplement to be paid in respect of rent or mortgage interest to any person in the State whose means are insufficient to meet their needs. The supplementary welfare allowance scheme is administered by the community welfare service of the Health Service Executive on behalf of the Department.

In order to qualify for Rent Supplement an applicant must first satisfy the habitual residence condition and pass a means test. Furthermore they must prove that the accommodation is suitable for their needs, and the rent is at or below the prescribed maximum rent levels.

Rent supplements are normally calculated to ensure that a person, after the payment of rent, has an income equal to the rate of supplementary welfare allowance appropriate to family circumstances less a minimum weekly contribution, currently €24, which recipients are required to pay from their own resources. Many recipients pay more than the minimum contribution because they are also required, subject to income disregards, to contribute any additional assessable means that they have over and above the appropriate basic SWA rate towards their accommodation costs.

The existing rent supplement assessment provides for a gradual withdrawal of payment as earnings increase. In recent years improvements have been made to the means test to encourage eligible people to engage in employment without losing their entire rent supplement. Those availing of part-time employment and/or training opportunities can continue to receive rent supplement subject to their satisfying the standard means assessment rules.

Where a person has additional income in excess of the standard weekly rate of supplementary welfare allowance, the first €75 of such additional income together with 25% of any additional income above €75 is disregarded for means assessment purposes. This ensures that those returning to work or participating in training schemes are better off as a result of taking up such an opportunity.

The following conditions also apply:

1. The applicant must be assessed in the last 12 months by a local authority as being eligible for and in need of social housing, or;
2. Living in accommodation for homeless people for 6 months (183 days) out of the last 12 months, or;
3. Living in private rented accommodation for 6 months (183 days) out of the last 12 months, or;

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4. Be a tenant of accommodation provided under one of the Social Housing Schemes in operation.

Rent Supplement is not payable if the applicant:

1. Is in full-time employment, that is, employment for 30 hours per week or more. (In the case of couples, if one of the couple is in full time employment both are excluded from claiming Rent Supplement). or;
2. Has refused a second offer of local authority accommodation in a 12-month period, or;
3. Has left a local authority housing without reasonable cause, or;
4. Is attending full-time education. A person may retain or obtain rent supplement if they are entitled to a Back to Education Allowance or participating in the Back to Education Programme.

Each application for rent supplement is determined by a community welfare officer taking account of the relevant legislative provisions and on the basis of the merits of each individual case.

Social Welfare Benefits.

441. **Deputy Darragh O'Brien** asked the Minister for Social and Family Affairs the position regarding an application for jobseeker's benefit in respect of a person (details supplied) in County Dublin; when the application will be completed; and if she will make a statement on the matter. [7806/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

442. **Deputy Michael McGrath** asked the Minister for Social and Family Affairs if a person (details supplied) in County Cork will be entitled to any transition State pension on reaching the age of 65 years or the contributory State pension on reaching 66 years. [7807/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

443. **Deputy John McGuinness** asked the Minister for Social and Family Affairs if a State pension and free schemes will be granted in respect of a person (details supplied) in County Carlow; and if she will expedite a response. [7811/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret I am unable to provide the information sought by the deputy.

444. **Deputy Pat Breen** asked the Minister for Social and Family Affairs when a person (details supplied) in County Clare will be assessed; and if she will make a statement on the matter. [7821/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

445. **Deputy Mary Upton** asked the Minister for Social and Family Affairs if a person (details supplied) in Dublin 15 is in receipt of all their proper entitlements; and if she will make a statement on the matter. [7861/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

446. **Deputy Olwyn Enright** asked the Minister for Social and Family Affairs the reason a person (details supplied) in County Offaly who applied for fuel allowance in October 2009, awarded payment on 6 January 2010 did not receive arrears; and if she will make a statement on the matter. [7862/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

447. **Deputy Charles Flanagan** asked the Minister for Social and Family Affairs when job-seeker's allowance will be awarded to a person (details supplied) in County Laois who applied in September 2009; and if she will make a statement on the matter. [7865/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

448. **Deputy Emmet Stagg** asked the Minister for Social and Family Affairs the reason for the delay in awarding carer's allowance in respect of a person (details supplied) in County Kildare. [7866/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

Social Welfare Code.

449. **Deputy Emmet Stagg** asked the Minister for Social and Family Affairs if it is possible for a person to claim family income supplement as well as jobseeker's benefit when the person is on a three day week and works three days and receives jobseeker's benefit for the other three days. [7867/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

Social Welfare Benefits.

450. **Deputy Terence Flanagan** asked the Minister for Social and Family Affairs if she will support the case of a person (details supplied) in Dublin 5; and if she will make a statement on the matter. [7869/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

Social Welfare Appeals.

451. **Deputy Bernard Allen** asked the Minister for Social and Family Affairs when a decision will be made on a carer's allowance appeal in respect of a person (details supplied) in County Cork. [7871/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

Social Welfare Benefits.

452. **Deputy Leo Varadkar** asked the Minister for Social and Family Affairs the number of persons each month whose eligibility for jobseeker's benefit expired due to the length of time they have been claiming the benefit; the number of persons who subsequently applied for jobseeker's assistance; the number of persons who were deemed ineligible for jobseeker's allowance on the basis of the means test; and if she will make a statement on the matter. [7898/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

453. **Deputy Jack Wall** 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 Kildare; and if she will make a statement on the matter. [7901/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

454. **Deputy Liz McManus** asked the Minister for Social and Family Affairs the number of persons here in receipt of telephone allowance for mobile phones; the number of those over 70 years who are in receipt of the telephone allowance for mobile phones; and if she will make a statement on the matter. [7919/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): There are 35,900 customers in receipt of the telephone allowance for mobile phones under the household benefits package. Of these, 5,900 customers are over 70 years.

455. **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. [7923/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

Social Insurance.

456. **Deputy Michael Ring** asked the Minister for Social and Family Affairs the contribution record of a person (details supplied) in County Mayo; if their record is sufficient for them to qualify for a contributory State pension; and if she will make a statement on the matter. [7930/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

Social Welfare Benefits.

457. **Deputy Dan Neville** asked the Minister for Social and Family Affairs if an application for disability allowance will be process in respect of a person (details supplied) in County Limerick. [7937/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

458. **Deputy Michael Creed** asked the Minister for Social and Family Affairs the reason a person (details supplied) in County Cork did not receive their child benefit from November 2009 to February 2010; and if she will make a statement on the matter. [7940/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

Social Welfare Appeals.

459. **Deputy John McGuinness** asked the Minister for Social and Family Affairs if an appeal against the decision of her Department in the case of a person (details supplied) will be expedited; and if a decision on the appeal will issued. [7944/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

Social Welfare Benefits.

460. **Deputy John McGuinness** asked the Minister for Social and Family Affairs if illness benefit will be restored in the case of a person (details supplied) in County Carlow; and if she will expedite a response. [7946/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

461. **Deputy John McGuinness** asked the Minister for Social and Family Affairs if jobseeker's allowance will be approved in the case of a person (details supplied) in County Carlow; and if she will expedite a response. [7947/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

462. **Deputy Michael Ring** asked the Minister for Social and Family Affairs when a person (details supplied) in County Mayo will be approved disability allowance. [7952/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

Social Welfare Appeals.

463. **Deputy Michael Ring** asked the Minister for Social and Family Affairs when an appeal will be heard regarding carer's allowance in respect of a person (details supplied) in County Mayo. [7953/10]

471. **Deputy Michael Ring** asked the Minister for Social and Family Affairs the position regarding an appeal in respect of a person (details supplied) in County Mayo. [7961/10]

472. **Deputy Michael Ring** asked the Minister for Social and Family Affairs if a new appeal will be opened for a person (details supplied) in County Mayo, in view of new evidence submitted to her Department; and if an oral hearing will be held. [7963/10]

473. **Deputy Michael Ring** asked the Minister for Social and Family Affairs when an appeal will be heard regarding disability allowance in respect of a person (details supplied) in County Mayo. [7965/10]

475. **Deputy Michael Ring** asked the Minister for Social and Family Affairs further to Parliamentary Question No. 520 of 9 February 2010, when a reply will issue. [7974/10]

476. **Deputy Michael Ring** asked the Minister for Social and Family Affairs further to Parliamentary Question No. 317 of 3 February 2010, when a reply will issue. [7975/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): I propose to take Questions Nos. 463, 471 to 473, inclusive, 475 and 476 together.

Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

464. **Deputy Michael Ring** asked the Minister for Social and Family Affairs when an appeal will be heard regarding disability allowance in respect of a person (detail supplied) in County Mayo. [7954/10]

465. **Deputy Michael Ring** asked the Minister for Social and Family Affairs when an appeal will be heard regarding illness benefit in respect of a person (details supplied) in County Mayo. [7955/10]

466. **Deputy Michael Ring** asked the Minister for Social and Family Affairs when an appeal for carer's allowance will be finalised in respect of a person (details supplied) in County Mayo. [7956/10]

467. **Deputy Michael Ring** asked the Minister for Social and Family Affairs when an appeal will be heard regarding domiciliary care allowance in respect of a person (details supplied) in County Mayo. [7957/10]

468. **Deputy Michael Ring** asked the Minister for Social and Family Affairs when an invalidity pension appeal will be finalised in respect of a person (details supplied) in County Mayo. [7958/10]

470. **Deputy Michael Ring** asked the Minister for Social and Family Affairs the position regarding an appeal in respect of a person (details supplied) in County Mayo. [7960/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): I propose to take Questions Nos. 464 to 468, inclusive, and 470 together.

Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

469. **Deputy Michael Ring** asked the Minister for Social and Family Affairs the position regarding an appeal for jobseeker's benefit in respect of a person (details supplied) in County Mayo. [7959/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

Question No. 470 answered with Question No. 464.

Questions Nos. 471 to 473, inclusive, answered with Question No. 463.

Pension Provisions.

474. **Deputy Michael Ring** asked the Minister for Social and Family Affairs further to Parliamentary Question No. 269 of 4 February 2010, when a reply will issue. [7973/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

Questions Nos. 475 and 476 answered with Question No. 463.

Social Welfare Benefits.

477. **Deputy Michael Ring** asked the Minister for Social and Family Affairs, further to Parliamentary Question No. 318 of 3 February 2010, when a reply will issue. [7976/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

478. **Deputy Michael Ring** asked the Minister for Social and Family Affairs, further to Parliamentary Question No. 316 of 3 February 2010, when a reply will issue. [7977/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

479. **Deputy Michael Ring** asked the Minister for Social and Family Affairs, further to Parliamentary Question No. 541 of 9 February 2010, when a reply will issue. [7978/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

480. **Deputy Jack Wall** asked the Minister for Social and Family Affairs the position regarding a claim for jobseeker's allowance in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [7988/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

481. **Deputy Jack Wall** asked the Minister for Social and Family Affairs the reason rent allowance has been reduced and no rent allowance paid for October, November and December 2009 in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [7992/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

482. **Deputy Jim O'Keefe** asked the Minister for Social and Family Affairs the reason arrears of jobseeker's allowance have not been awarded in respect of a person (details supplied) in County Cork; and if she will confirm that arrears will be awarded. [7997/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

483. **Deputy Jim O’Keeffe** asked the Minister for Social and Family Affairs the reason illness benefit granted in respect of a person (details supplied) in County Cork has not been awarded; and if payment with arrears will issue. [7998/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

484. **Deputy Michael Ring** asked the Minister for Social and Family Affairs if a review will take place in relation to the household benefits package in respect of a person (details supplied) in County Mayo. [8003/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

485. **Deputy John McGuinness** asked the Minister for Social and Family Affairs if a person (details supplied) in County Kilkenny is entitled to family income supplement and mortgage relief. [8007/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

Social Insurance.

486. **Deputy John McGuinness** asked the Minister for Social and Family Affairs if she will examine the contributions made over a 23 year period by a person (details supplied) in County Kilkenny to determine if they are entitled to benefit in their own right. [8008/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

Social Welfare Benefits.

487. **Deputy John McGuinness** asked the Minister for Social and Family Affairs if rent supplement back-dated to the date of suspension has now been awarded in respect of a person (details supplied) in County Kilkenny in accordance with the decision of the appeals officer. [8009/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

Higher Education Grants.

488. **Deputy Jan O’Sullivan** asked the Minister for Social and Family Affairs her views to correspondence sent to her by a person (details supplied) on 27 January 2010 who could not take up an offer of a third level grant and a third level course due to the delay in processing their application for back to education allowance; and if she will make a statement on the matter. [8015/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

Social Welfare Benefits.

489. **Deputy John McGuinness** asked the Minister for Social and Family Affairs the reason for the delay in dealing with an application for carer’s allowance under appeal since 2009 in

respect of a person (details supplied) in County Kilkenny; and if she will expedite a hearing and response. [8024/10]

494. **Deputy John McGuinness** asked the Minister for Social and Family Affairs if she will expedite an appeal for increased rent allowance in respect of a person (details supplied) in County Kilkenny; and if she will expedite a response. [8058/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): I propose to take Questions Nos. 489 and 494 together.

Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

Ministerial Orders.

490. **Deputy Leo Varadkar** asked the Minister for Social and Family Affairs the fees or charges set by her by way of Ministerial Order for the provision of goods or services to persons or businesses; the charge; and if she will make a statement on the matter. [8035/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): There are no fees or charges for the provision of goods or services set by me by way of Ministerial Order. Fees for Dental and Optical treatments are set following discussions with the representative associations, the fees are subject to an annual review which take cognisance of movement in the consumer price index, practice costs and other developments in clinical procedures. Fees for medical certificates and reports are also set following discussions with the representative association. In accordance with the provisions of the Financial Emergency Measures in the Public Interest Act 2009 in December 2009 I made regulations setting out revised fees payable by the Department to registered dentists, dispensing opticians, ophthalmologists, optometrists and audiologists in respect of services provided under the Treatment Benefit Scheme.

491. **Deputy Leo Varadkar** asked the Minister for Social and Family Affairs the charges levied by her Department or agencies under her Department in respect of the provision of goods or services to persons or businesses; the charge; the anticipated income from such charges in 2010; and if she will make a statement on the matter. [8047/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

Social Welfare Appeals.

492. **Deputy John McGuinness** asked the Minister for Social and Family Affairs if an appeal against her Department decision to discontinue payment of carers allowances in respect of person (details supplied) in County Kilkenny will be expedited; and if a decision will issue. [8056/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

Social Welfare Benefits.

493. **Deputy John McGuinness** asked the Minister for Social and Family Affairs the reasons rent allowance payment has been cut from €96.10 to €42.36 in the case of a person (details supplied) in County Kilkenny. [8057/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

Question No. 494 answered with Question No. 489.

Social Welfare Code.

495. **Deputy John McGuinness** asked the Minister for Social and Family Affairs if a person (details supplied) in County Carlow was entitled to the full value of their claim while they were out sick from work for a period; if their employer was entitled to recoup the social welfare payments from their salary. [8059/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

Social Welfare Benefits.

496. **Deputy John McGuinness** asked the Minister for Social and Family Affairs if an application for carers allowance will be expedited in respect of a person (details supplied) in County Kilkenny. [8060/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

497. **Deputy John McGuinness** asked the Minister for Social and Family Affairs if a claim for invalidity pension will be approved in respect of a person (details supplied) in County Kilkenny. [8061/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

Social Welfare Appeals.

498. **Deputy Michael Creed** asked the Minister for Social and Family Affairs further to a previous parliamentary question, when a person (details supplied) in County Cork will receive a decision on their appeal for jobseeker's benefit claim which dates back to 12 March 2009; and if she will make a statement on the matter. [8085/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

499. **Deputy Pat Breen** asked the Minister for Social and Family Affairs when a person (details supplied) in County Clare will be facilitated with a date and time for an oral hearing; and if she will make a statement on the matter. [8086/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

Departmental Agencies.

500. **Deputy Jim O'Keeffe** asked the Minister for Social and Family Affairs the number of bodies and agencies under her aegis; and her proposals for the rationalisation of same. [8201/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The four statutory bodies operating under the aegis of the Department are the Pensions Board, the Citizens Information Board, the Family Support Agency and the Social Welfare Tribunal. In addition the Pensions Ombudsman comes under the remit of the Department. On 1 July 2009, the Combat Poverty Agency integrated with the former Office for Social Inclusion within the Department of Social and Family Affairs, to form the new Social Inclusion Division within the Department. Responsibility for the Money Advice and Budgeting Service (MABS) transferred to the Citizens Information Board on 13 July 2009. There are no further proposals for the rationalisation of any of the Boards/Agencies under the aegis of the Department at present.

Defence Forces Recruitment.

501. **Deputy Brian O'Shea** asked the Minister for Defence the number of non-Irish nationals recruited to the Reserve Defence Force in the past ten years; and if he will make a statement on the matter. [7643/10]

502. **Deputy Brian O'Shea** asked the Minister for Defence the number of non Irish nationals who have applied to join the Reserve Defence Force but have been refused. [7647/10]

Minister for Defence (Deputy Willie O'Dea): I propose to take Questions Nos. 501 and 502 together.

In the time available it has not been possible to collate figures due to the manual nature of the Reserve Defence Force records system. The military authorities advise me, however, that they are currently preparing this information and as soon as it is available it will be provided directly to the Deputy.

503. **Deputy Brian O'Shea** asked the Minister for Defence his plans to relax the regulations regarding non Irish nationals joining the Defence Forces; and if he will make a statement on the matter. [7649/10]

Minister for Defence (Deputy Willie O'Dea): Defence Force Regulations have always allowed for the recruitment of foreign-nationals to the Defence Forces. Non-Irish Nationals have been and are currently employed in the Permanent Defence Force, but this has mainly been in certain specialised areas.

Entry to the Permanent Defence Force is either through the Cadetship Competition, Apprenticeship Competition, General Service Enlistment or Direct Entry Competitions which are held to fill vacancies in specialist appointments. All applicants for each of these entry streams are required to meet qualifying criteria.

There are generally more applicants for positions in the Defence Forces than places available. My Department and the Defence Forces are fully committed to ensuring that all suitably qualified candidates who wish to do so are given the opportunity to join the Defence Forces. The primary focus in recruitment is to attract people with the core competencies required by the Defence Forces.

The regulations for recruitment are periodically reviewed to ensure that they meet the operational requirements of the Defence Forces. There are currently no plans to change the regulations in this regard.

Air Corps Recruitment.

504. **Deputy Richard Bruton** asked the Minister for Defence his plans to provide apprentice place in the Air Corps in 2010; and if he will make a statement on the matter. [8019/10]

Minister for Defence (Deputy Willie O’Dea): As I have already stated in the House within the available resources, I am committed to maintaining the strength of the Defence Forces at a level of 10,000 all ranks, for which I have secured Government approval in the context of Budget 2010. This reflects the reductions in personnel recommended in the Report of the Special Group on Public Service Numbers and Expenditure Programmes.

I am advised by the Military authorities that the strength of the Permanent Defence Force as at 31 December, 2009 was, 9,933 comprising 8,095 Army, 801 Air Corps and 1,037 Naval Service.

As the numbers in the Permanent Defence Force have dropped below 10,000, recruitment will be carried out in 2010 in order to bring the numbers back to this level. Details of the recruitment campaign for 2010 in relation to the numbers of general service recruits, Air Corps apprentices etc. are not yet available. Planning for this process is underway and will be prioritised based on the operational requirements of the Defence Forces.

Ministerial Orders.

505. **Deputy Leo Varadkar** asked the Minister for Defence the fees or charges set by him by way of ministerial Order for the provision of goods or services to persons or businesses; the charge; and if he will make a statement on the matter. [8028/10]

Minister for Defence (Deputy Willie O’Dea): The setting of fees or charges by way of Ministerial Order does not arise in the context of the business carried out by my Department.

506. **Deputy Leo Varadkar** asked the Minister for Defence the charges levied by his Department or agencies under his Department in respect of the provision of goods or services to persons or businesses; the charge; the anticipated income from such charges in 2010; and if he will make a statement on the matter. [8040/10]

Minister for Defence (Deputy Willie O’Dea): Information relating to charges levied by my Department is set out as follows.

Financial institutions are charged for the costs incurred by the Defence Forces for the provision of cash escorts. The cost includes pay and allowances, subsistence and the cost of transport and aerial surveillance charged on an actual time usage basis. Costs in respect of each 12 month period to end-December, are paid the following year on or before the 1 June. The amount received in 2009 for the calendar year 2008 was €7.45m. The figure for 2009 is estimated to be around the same amount.

My Department is in consultation with other organisations such as the Central Bank and An Post who also avail of the services of the Defence Forces. The Central Bank has agreed to pay for costs incurred by the Defence Forces in providing an armed guard at the currency centre and an armed security escort for bullion transfers. Similar to the process agreed with the banks, the amount due in respect of 2009 will be paid on or before 1 June 2010. The amount due is expected to be in the region of €2m. Consultation with An Post on the methodology and calculation of costs are ongoing.

Departmental Agencies.

507. **Deputy Jim O’Keeffe** asked the Minister for Defence the number of bodies and agencies under his aegis; and his proposals for the rationalisation of same. [8193/10]

Minister for Defence (Deputy Willie O’Dea): The bodies under the aegis of my Department are the Civil Defence Board, the Army Pensions Board and the Board of Coiste an Asgard.

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.

As a result, no funding has been provided in 2010 in respect of Coiste an Asgard. Other than this decision, there are no proposals for the rationalisation of bodies under the aegis of my Department.

International Agreements.

508. **Deputy Joe Costello** asked the Minister for the Environment, Heritage and Local Government when Ireland signed the Aarhus Convention agreement; the reason Ireland has failed to ratify the agreement to date; when he expects same will be ratified; and if he will make a statement on the matter. [7609/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Ireland signed the Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters on 25 June 1998. Progress towards ratification of the Convention is closely aligned with work at EU level and, in that context, the European Union has adopted two Directives as part of the ratification process for the Convention. These deal with public access to environmental information (2003/4/EC) and public participation in certain environmental decision-making procedures (2003/35/EC).

The European Communities (Access to Information on the Environment) Regulations 2007 came into effect on 1 May 2007. These Regulations transpose EU Directive 2003/4/EC on public access to environmental information.

The process to transpose the Public Participation Directive is well advanced. However, the recent European Court of Justice judgement in case C427/07 concerning implementation of the Public Participation Directive in Ireland, requires certain legislative amendments which my Department is prioritising, in consultation with the Office of the Attorney General.

In addition, on the recent advice of the Attorney General, my Department, in consultation with other Departments, is conducting a review of all relevant legislation to ensure we fully meet our obligations under the Convention. This is necessary due to our dualist legal system, which requires that all relevant aspects be implemented through domestic law. Many other countries have legal systems which allow international agreements to take direct effect in law, without specific implementation measures.

When this work has been completed the instrument of ratification of the Aarhus Convention will be submitted to Government and laid before the Dáil as a matter of urgency.

Planning Issues.

509. **Deputy Phil Hogan** asked the Minister for the Environment, Heritage and Local Government when he received confirmation of date of application and date of approval in respect of planning matters for a company (details supplied) in County Carlow arising from the pig dioxin investigation carried out by his Department; and if he will make a statement on the matter. [7624/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Under planning legislation, the decision as to whether to grant a planning application, with or without conditions, is a matter for the relevant planning authority and An Bord Pleanála on appeal. In making decisions on planning applications, planning authorities and the Board must consider the proper planning and sustainable development of the area, having regard to the

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provisions of the development plan, any submissions or observations received, relevant Ministerial or Government policies, including any guidelines issued by the Department.

Under section 30 of the Planning and Development Act 2000, I am specifically precluded from exercising any power or control in relation to any particular case, with which a planning authority or An Bord Pleanála is or may be concerned. I am, however, a statutory consultee in relation to planning applications which impact on the built and natural heritage and in this regard, a copy of an application, reference 0987, for retention of variations from previous permissions granted for this site was received by my Department from Carlow County Council on 6 April 2009. My Department had no observations on the planning application, which I understand was granted by the Council on 30 September 2009. My Department has received no record of a notification from the Council of the permission being granted.

Departmental Programmes.

510. **Deputy Kieran O'Donnell** asked the Minister for the Environment, Heritage and Local Government if, in view of media reports, he will clarify his plans to advance the Limerick regeneration process, in terms of both capital and current funding for 2010 and subsequent years; and if he will make a statement on the matter. [7656/10]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): Up to the end of 2009, some €51 million was provided by my Department to support the development of Limerick City's integrated regeneration programme, to fund an ambitious schedule of demolition and enabling works, as well as to implement the associated regeneration relocation strategy. In addition, funding was provided for a broad range of much needed social inclusion, community development and enterprise development initiatives. This investment does not include the significant additional investment from other Departments and State Agencies. As part of the broader stabilisation initiatives, some 80 additional Garda Personnel have been assigned to the city and a range of specialist supporting Garda resources have been deployed. Co-ordinated education programmes have been developed for the regeneration areas, while new targeted community-based initiatives are being provided in the areas of health, children, youth and family support to combat the effects of social exclusion.

The Government, in December 2009, reaffirmed its commitment to the regeneration programme for Limerick and endorsed the programme's overall vision for a ten-year transformation of the Limerick Regeneration areas. The Government has requested that detailed fully costed plans for phase one be completed by the end of the first quarter of this year. The Agencies, with expert advice from the National Building Agency, and in consultation with the relevant stakeholders, are working intensively to finalise a prioritised plan that will provide a road map for the social, physical and economic regeneration of the areas concerned for the next three to five years. The Agencies have been charged with determining the intended mix of refurbishment and new build, and the projected costs having regard to the better values now available in the economy generally. In doing this, they will be informed by the wider strategic planning environment including the investment envisaged by Government Departments and State agencies, as well as the private investment required to underpin the sustainability of the regeneration process.

However, while this important work is underway, my Department continues to provide significant support for the regeneration project to ensure a strong foundation, in terms of the

physical, social, and economic regeneration strands, is in place for phase one of the project. To that end, I have increased my Department's annual provision for Limerick Regeneration to €25 million in 2010.

While much attention to date has been focused on demolition and other essential works associated with the preparation of the areas for physical regeneration, the Agencies and Limerick City Council acknowledge the importance of progressing "new build" projects at this stage in the process. Work has been progressing over the past year on the detailed planning and design of two housing projects which will provide up to 100 new homes, primarily for older people living in the Moyross and Ballinacurra Weston areas, with a view to advancing the projects to tender stage in 2010. Design work will also progress this year on two further projects for Southill and St. Mary's Park. The costs of progressing these projects will be met within the overall resources available for 2010.

Grant Payments.

511. **Deputy Pat Breen** asked the Minister for the Environment, Heritage and Local Government when payment will issue in respect of a person (details supplied) in County Clare; and if he will make a statement on the matter. [7914/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Payment is expected to issue within the coming days.

Foreshore Licences.

512. **Deputy John O'Donoghue** asked the Minister for the Environment, Heritage and Local Government when the foreshore licence will be issued to Knightstown Harbour, Valentia Island, County Kerry; and if he will make a statement on the matter. [8054/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Following the enactment of the Foreshore and Dumping at Sea (Amendment) Act 2009, my Department assumed responsibility on 15 January 2010 for a range of foreshore functions including all foreshore energy-related developments (including oil, gas, wind, wave and tidal energy).

The foreshore application made by Kerry County Council in respect of the project referred to was approved by the Minister of State Killeen in the Department of Agriculture, Fisheries and Food on 10 December 2009. The approval was subject to a number of specific conditions, as recommended by the Marine Licence Vetting Committee. My Department is now making the necessary arrangements to finalise the lease document.

Water and Sewerage Schemes.

513. **Deputy John Cregan** asked the Minister for the Environment, Heritage and Local Government the progress made to date on an application submitted by Limerick County Council to up-grade the sewerage system and sewage treatment plant at Dromcollogher, County Limerick; and if he will make a statement on the matter. [8372/10]

524. **Deputy Dan Neville** asked the Minister for the Environment, Heritage and Local Government the position regarding a sewerage scheme (details supplied) in County Limerick.; and if he will make a statement on the matter. [7841/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I propose to take Questions Nos. 513 and 524 together.

The Dromcollogher, Hospital, Pallasgreen and Bruff Grouped Sewerage Scheme was included for funding in my Department's Water Services Investment Programme 2007-2009. My Department is currently examining Limerick County Council's Preliminary Report for the Grouped Scheme and a decision on it will be conveyed to the Council as soon as possible.

Further progress on the Grouped Scheme awaits the finalisation of the Water Services Investment Programme for 2010 to 2012, taking account of the priority attached to the Scheme by Limerick county Council in its recent assessment of needs. 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.

Environmental Policy.

514. **Deputy Terence Flanagan** asked the Minister for the Environment, Heritage and Local Government if he will reply to a matter (details supplied); and if he will make a statement on the matter. [7599/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Harvested rainwater has potential as an alternative source of water for various purposes, including supplying toilet cisterns, washing machines etc. and for a number of business operations. Environmental and economic benefits can also accrue from a reduction in the demand for water abstraction at source and the subsequent expensive treatment of raw water.

Large-scale rainwater harvesting systems are already in use by some schools, factories and other buildings and are increasingly being incorporated into new developments.

Water and Sewerage Schemes.

515. **Deputy Joe Carey** asked the Minister for the Environment, Heritage and Local Government the position regarding the provision of a new sewerage treatment plant in Kilkee, County Clare; and if he will make a statement on the matter. [7605/10]

516. **Deputy Joe Carey** asked the Minister for the Environment, Heritage and Local Government the position regarding the development of a new sewerage treatment plant in Kilrush, County Clare; and if he will make a statement on the matter. [7606/10]

518. **Deputy Joe Carey** asked the Minister for the Environment, Heritage and Local Government the position regarding the provision of new sewerage facilities in Killaloe, County Clare; and if he will make a statement on the matter. [7673/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I propose to take Questions Nos. 515, 516 and 518 together.

The Kilkee & Kilrush Sewerage Schemes and the Killaloe Sewerage Scheme were included for funding in my Department's Water Services Investment Programme 2007-2009.

My Department is currently examining Clare County Council's Preliminary Report for the Kilkee & Kilrush Sewerage Schemes and a decision on it will be conveyed to the Council as soon as possible. The Council's proposals in relation to the Killaloe Sewerage Scheme are awaited.

Further progress on these schemes awaits the finalisation of the Water Services Investment Programme for 2010 to 2012, taking into account the priority attached to the schemes by Clare County Council in its recent assessment of needs. 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.

Social and Affordable Housing.

517. **Deputy Chris Andrews** asked the Minister for the Environment, Heritage and Local Government the number of affordable homes that have been leased by Dublin City Council under the long term leasing initiative; the location of these premises; the number of private homes that have been leased by Dublin City Council under this scheme; the number of affordable homes that are unsold in the Dublin south east area. [7657/10]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): Some 301 unsold affordable homes in the Dublin City area have been approved for use under the Social Housing Leasing Initiative. Of these, 158 units are operational with lease agreements signed and in place. To protect the privacy of individual households in receipt of housing support it is not the normal practice to provide information on the location of such properties.

There are currently no private homes leased by Dublin City Council under the Social Housing Leasing Initiative.

It is understood that the number of affordable homes unsold in the Dublin City area is 233, of which 46 are in the process of sale. My Department does not hold information in relation to the specific number of properties that are unsold in the South East of the city.

Question No. 518 answered with Question No. 515.

Departmental Correspondence.

519. **Deputy Ruairí Quinn** asked the Minister for the Environment, Heritage and Local Government if he has received correspondence from a group (details supplied). [7685/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I have received correspondence from the Group referred to in the Question.

Motor Taxation.

520. **Deputy Seán Barrett** asked the Minister for the Environment, Heritage and Local Government the motor tax collected on a county basis in respect of each of the years 2007, 2008 and 2009; the way these amounts of motor tax income were distributed; and if he will make a statement on the matter. [7778/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley):

The total gross receipts nationally from motor tax were €956.73m in 2007, €1,059.69m in 2008 and €1,057.82m in 2009. The table sets out the gross receipts county-by-county including the on-line service.

The income received from motor tax is paid directly into the Local Government Fund to support the funding of local authorities. The Fund is used predominately to finance local and regional roads and the general purpose needs of local authorities. Disbursement of grants for local and regional roads is a matter for the Minister for Transport.

Gross Motor Tax Receipts by Local Authorities 2007, 2008 and 2009

Local Authority	Gross Motor Tax Receipts 2007	Gross Motor Tax Receipts 2008	Gross Motor Tax Receipts 2009
Carlow	10,809,172	11,466,519	10,934,896
Cavan	11,798,100	12,211,054	11,645,970
Clare	19,913,424	20,940,921	19,848,442
Cork	74,932,968	77,016,232	70,580,674
Donegal	26,196,446	27,392,402	27,349,899
Galway	37,255,683	39,100,195	37,495,688
Kerry	23,124,460	24,003,652	22,545,569
Kildare	26,123,729	26,736,199	23,741,876
Kilkenny	15,461,876	16,236,157	15,203,721
Laois	12,009,466	12,785,390	12,072,177
Leitrim	5,386,598	5,673,433	5,476,294
Limerick Co. Co.	22,360,620	22,920,947	21,463,391
Longford	6,642,905	7,046,160	7,067,227
Louth	16,553,568	17,544,242	17,075,182
Mayo	21,245,387	22,398,214	21,741,503
Meath	27,566,483	27,797,372	23,962,053
Monaghan	11,511,238	12,081,119	11,891,539
Offaly	12,098,956	12,609,361	11,705,768
Roscommon	11,273,022	11,831,716	11,543,618
Sligo	10,649,476	11,353,315	11,098,369
N.Tipperary	12,983,524	13,535,808	12,590,822
S.Tipperary	16,615,964	17,301,248	16,364,564
Waterford Co. Co.	11,222,445	11,963,712	11,573,068
Westmeath	14,370,754	15,389,595	14,896,166
Wexford	25,531,000	26,413,451	23,953,921
Wicklow	19,923,480	20,360,629	19,611,844
Dublin City Cl.	130,380,228	132,532,166	120,656,664
Limerick City Cl.	6,631,423	7,915,230	7,798,425
Waterford City Cl.	7,128,288	7,566,163	6,950,649
On-line	309,030,717	387,568,685	428,982,755
Totals	956,731,400	1,059,691,287	1,057,822,734

Water and Sewerage Schemes.

521. **Deputy Michael Ring** asked the Minister for the Environment, Heritage and Local Government the position regarding the Belmullet sewerage works in County Mayo; and if he will make a statement on the matter. [7790/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The combined Belmullet/Foxford and Charlestown/Bellaghy Sewerage Schemes were included for funding in my Department's Water Services Investment Programme 2007-2009.

My Department has received Mayo County Council's contract documents for the collection network in Belmullet; however, those documents cannot be approved until the Council has completed the planning of the Scheme. The Council has also submitted a revised brief for the appointment of consultants to prepare the contract documents for wastewater treatment plants at Belmullet, Foxford and Charlestown/Bellaghy under a single Design Build Operate (DBO) contract. The contract documents for the collection networks at Foxford and Charlestown/Bellaghy are awaited.

Further progress on the combined schemes awaits the finalisation of the Water Services Investment Programme for 2010 to 2012, taking into account the priority attached to the schemes by Mayo County Council in its recent assessment of needs. 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.

Town Status.

522. **Deputy Mary Wallace** asked the Minister for the Environment, Heritage and Local Government the names of the towns here that have town status and have less than a population of 10,000; the towns here that have a population of greater than 10,000 and who do not have town status; and if he will make a statement on the matter. [7795/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): My response is based on the population statistics recorded in Census 2006.

The towns which have a population of less than 10,000 and which have a town council are listed in the attached table. For the purposes of the question the populations given are inclusive of the populations within the legal boundaries as well as the populations contained in the environs, as defined by the Central Statistics Office.

The towns that have a population of greater than 10,000 and which do not have a town council are Swords, Celbridge, Malahide, Carrigaline and Maynooth.

The matter of town local government is among a broad suite of issues which are being considered by Government in the context of current deliberations on the proposed White Paper on local government.

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Towns with populations of 10,000 or less which have a Town Council

Ardee	Clonakilty	Macroom
Athy	Clones	Monaghan
Ballinasloe	Cootehill	Mountmellick
Ballybay	Dungarvan	Muinebeag
Ballyshannon	Edenderry	Nenagh
Bandon	Enniscorthy	New Ross
Bantry	Fermoy	Passage West
Belturbet	Gorey	Shannon
Birr	Granard	Skibbereen
Boyle	Kells	Templemore
Buncrana	Kilkee	Thurles
Bundoran	Kilrush	Tipperary
Carrickmacross	Kinsale	Tramore
Carrick-on-Suir	Lismore	Trim
Cashel	Listowel	Tuam
Castleblayney	Longford	Westport
Cavan	Loughrea	Youghal

Social and Affordable Housing.

523. **Deputy Emmet Stagg** asked the Minister for the Environment, Heritage and Local Government if he has made regulation under the Housing (Miscellaneous Provisions) Act 2009 to enable affordable home purchases to re-finance their existing mortgages with private banking institutions. [7829/10]

542. **Deputy Caoimhghín Ó Caoláin** asked the Minister for the Environment, Heritage and Local Government the position regarding his proposals to allow existing local authority mortgage holders to re-mortgage without triggering the claw-back; and if he will make a statement on the matter. [8088/10]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): I propose to take Questions Nos. 523 and 542 together.

While provision has been made in the Housing (Miscellaneous Provisions) Act 2009 to allow purchasers under the new Affordable Dwelling Purchase Arrangements to re-mortgage or top-up their mortgage without triggering the clawback, the Act does not, in error, provide this facility for purchasers under existing affordable housing or shared ownership arrangements. I have requested my Department to arrange to have the provisions necessary to address this matter included in the first appropriate legislative vehicle that becomes available.

Question No. 524 answered with Question No. 513.

Road Safety.

525. **Deputy Olwyn Enright** asked the Minister for the Environment, Heritage and Local Government when he will meet with a delegation (details supplied) from County Laois; if his attention has been drawn to the need of this request; when a meeting will be facilitated; and if he will make a statement on the matter. [7843/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I refer to the reply to Question No. 576 of 9 February 2010.

Social and Affordable Housing.

526. **Deputy Billy Timmins** asked the Minister for the Environment, Heritage and Local Government the position in relation to the rental accommodation scheme run by South Dublin County Council; if, under the scheme the Council negotiates availability, contracts with landlords for the use of their properties for medium to long term use whereby the Council enjoy exclusive nomination rights to the property which is used to provide accommodation to those who have been in receipt of rent supplement for at least 18 months and who have a long term housing need which they cannot meet from their own resources, is it correct that the new tenant has a choice of three houses and can refuse the first two even if they are in their area of choice and in good condition and previously privately rented, usually in the Council's own housing scheme; if a person on the housing list refuses a house or flat they have to wait for a year before they are offered another house or flat; and if he will make a statement on the matter. [7859/10]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): The Rental Accommodation Scheme (RAS) is designed to cater for the accommodation needs of persons in receipt of rent supplement who have a long-term housing need. It is a collaborative project between my Department, local authorities, the Department of Social and Family Affairs and the Health Service Executive, and it operates in all housing authority areas.

Under the scheme, which commenced in 2005, local authorities assume responsibility for accommodating long-term recipients of supplementary welfare allowance rent supplement. One of the main features of the scheme is that local authorities in sourcing accommodation for these households make use of the private and voluntary sector and enter into contractual arrangements to secure medium to long-term availability of rented accommodation.

To the end of 2009, South Dublin County Council had transferred 1,740 households from rent supplement either directly into RAS accommodation or into other forms of social housing.

With regard to how many offers of accommodation a rent supplement recipient may refuse, the Department of Social and Family Affairs is responsible for the administration of the rent supplement scheme. Under the relevant regulations, a rent supplement payment will not be payable for 12 months where a recipient has refused two offers of accommodation either from a housing authority or an approved housing body within any continuous 12 month period.

Waste Management.

527. **Deputy Caoimhghín Ó Caoláin** asked the Minister for the Environment, Heritage and Local Government the progress that has been made on the implementation of the recommendations in the report of the Ombudsman on Waste Waiver Schemes Administered by Local Authorities; and if he will make a statement on the matter. [7932/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Relevant recommendations contained in the Report of the Ombudsman on Waste Waiver Schemes Administered by Local Authorities are being considered in the context of the overall review of waste management policy, provided for in the Programme for Government, which is now at an advanced stage. To underpin this review consultants were appointed to undertake a study of the waste management sector in Ireland, based on best practice internationally, to cover a wide range of issues, having regard to the current regulatory arrangements, from both an environmental and socioeconomic standpoint. The report was delivered late last year, and

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it is my intention to prepare a draft waste management policy statement, for public consultation, drawing on the recommendations of the report.

Social and Affordable Housing.

528. **Deputy Ciarán Lynch** asked the Minister for the Environment, Heritage and Local Government his views on the introduction of a rent to buy scheme to replace the affordable homes scheme which has left many local authorities with unsaleable properties on their hands; and if he will make a statement on the matter. [7934/10]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): At any given time, whatever the prevailing market conditions, there will always be a certain level of stock of unsold affordable units on hands, including units in the course of being sold or being readied for sale. Very considerable progress continues to be made on the sale of affordable housing with over 1,300 affordable homes sold in the first 9 months of 2009, despite the current difficult economic and banking climate, and on the deployment of unsold affordable homes for other purposes, including temporary use under the social leasing or RAS schemes.

The immediate focus for affordable housing in the period ahead is on continuing to progress measures to ensure the most effective deployment of the remaining 1,100 or so unsold affordable homes which are not yet in use. Local authorities are continuing their work in this regard, supported by my Department and the Affordable Homes Partnership.

I have no immediate plans to introduce a general rent-to-buy scheme across all local authorities because I do not believe such a scheme is needed in areas where there are only very small numbers of unsold units on hands. However, my Department is considering whether a pilot scheme operating in a small number of suitable areas may have potential.

Water Supply.

529. **Deputy Ciarán Lynch** asked the Minister for the Environment, Heritage and Local Government if examinations have been undertaken to establish the reason for water shortages in local authority areas despite heavy rainfall; the advice that has been given to local authorities to avoid a recurrence of the problem; the measures that are in place to prevent water shortages following a drought; and if he will make a statement on the matter. [7935/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): It is the responsibility of the relevant water services authority to deliver quality public water supplies to meet current and future needs. My Department coordinates and finances a major programme of investment in improved drinking water supply infrastructure, on which some €1.8 billion has been invested by the Government in the period 2000-2009. Substantial funding of €508m is being provided this year from the Exchequer for the provision of water services infrastructure.

Continued investment by Government has seen the provision of 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 over the period 2000-2008.

The water shortages experienced during the prolonged cold spell in January were primarily due to the damage caused to distribution networks by the freezing weather and the subsequent thaw. The shortages experienced have underlined 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, which I expect to publish early this year.

The difficulties experienced this winter point not only to the need for investment in water conservation, but also to the positive role which individual consumers can play in conserving water. There was good consumer response to the calls by water services authorities, which I endorsed, for careful conservation of supplies during the period of shortages.

Apart from providing such information and advice, there are also specific water conservation powers available to water service authorities under Section 56 of the Water Service Act, 2008. This section provides for the issuing of emergency notices to direct an owner or occupier of a premises to limit consumption of a water supply to a specified quantity where an authorised officer of the water services authority is of the opinion that an immediate risk to human health or the environment or to the integrity of the water supply system necessitates such action. This section can also be applied where viability of a water supply service may be under immediate threat because of excessive consumption of water or drought. Regulations giving effect to the provisions of section 56 were made in December 2008 (Water Conservation Regulations, 2008) and my Department issued detailed guidance to water services authorities on the implementation of these regulations in May 2009.

Waste Management.

530. **Deputy Ciarán Lynch** asked the Minister for the Environment, Heritage and Local Government if, in view of the call by the manager of Cork County Council, he plans to establish an expert committee to deal with concerns regarding the toxic waste dump at Haulbowline Island in view of the fact that the cancer rates in the areas adjacent to the island are up to 40% higher than the national average; his plans to alleviate local concerns; and if he will make a statement on the matter. [7936/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): As previously advised, the Government has decided that the Office of Public Works (OPW) will chair a working group to develop a structured and coherent approach to the further management and development of the site of the former steelworks on Haulbowline Island. The establishment and convening of this group is a matter for the OPW and my Department will be represented on the group. In regard to the terms of reference of the group, my Department has recommended to the OPW that a suitable mechanism be put in place for ongoing dialogue with local communities to ensure that the group can take account of their views in arriving at an overall approach.

Water and Sewerage Schemes.

531. **Deputy Martin Ferris** asked the Minister for the Environment, Heritage and Local Government when funding will be released to Kerry County Council to provide a new sewerage treatment plant in Lixnaw, County Kerry; and if he will make a statement on the matter. [7981/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I refer to the reply to Question No. 551 of 2 February 2010.

532. **Deputy Martin Ferris** asked the Minister for the Environment, Heritage and Local Government when funding will be released to Kerry County Council to provide a new sewerage treatment plant in Ardfert, County Kerry; and if he will make a statement on the matter. [7982/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley):

The NSS Hub Cluster Sewerage Scheme, which includes Ardfert, was a scheme to advance through planning in my Department's Water Services Investment Programme 2007-2009. Planning for the Ardfert scheme has progressed during the period but additional information relating to the 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 scheme and contract 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.

533. **Deputy James Bannon** asked the Minister for the Environment, Heritage and Local Government the funding that is to be provided to Westmeath County Council for the upgrading of the water supply to areas (details supplied) in that county; and if he will make a statement on the matter. [7985/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley):

The South Westmeath Regional Water Supply Scheme was included in my Department's Water Services Investment Programme 2007-2009. Westmeath County Council's brief for the appointment of consultants to progress this scheme is under examination in my Department. A decision will be conveyed to the Council as soon as possible in the light of the finalisation of the Water Services Investment Programme for 2010-2012.

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.

534. **Deputy Seán Fleming** asked the Minister for the Environment, Heritage and Local Government further to Parliamentary Question No. 148 of 28 January 2010, the contact he has had with Laois County Council regarding a project (details supplied); and if he will make a statement on the matter. [7999/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley):

There is no proposal before my Department in relation to the provision of a surface water drainage scheme in Shanahoe.

Social and Affordable Housing.

535. **Deputy Aengus Ó Snodaigh** asked the Minister for the Environment, Heritage and Local Government the protections available to local authority mortgage holders who are having difficulty making their repayments due to the current economic climate; the further measures he will implement; and if he will make a statement on the matter. [8014/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley):

Provisions regarding lending by local authorities for the purposes of house purchase are set out in section 11 of the Housing (Miscellaneous Provisions) Act 1992. Where a loan stands in

default, section 11(10) provides that a local authority may make such monetary arrangements with a borrower as they consider equitable to take account of the particular circumstances of the borrower.

However, it is important that households facing difficulties are treated fairly and consistently across all local authority areas. In that regard, my Department is developing guidance to ensure that cases of local authority mortgage arrears are handled in a manner that is sympathetic to the needs of the particular household, while also protecting the position of the local authority concerned.

Ministerial Orders.

536. **Deputy Leo Varadkar** asked the Minister for the Environment, Heritage and Local Government the fees or charges set by him by way of ministerial order for the provision of goods or services to persons or businesses; the charge; and if he will make a statement on the matter. [8030/10]

537. **Deputy Leo Varadkar** asked the Minister for the Environment, Heritage and Local Government the charges levied by his Department or agencies under his Department in respect of the provision of goods or services to persons or businesses; the charge; the anticipated income from such charges in 2010; and if he will make a statement on the matter. [8042/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I propose to take Questions Nos. 536 and 537 together.

The information requested is being compiled in my Department and will be forwarded to the Deputy as soon as possible.

Water and Sewerage Schemes.

538. **Deputy John O'Donoghue** asked the Minister for the Environment, Heritage and Local Government if funding will be made available in 2010 for the rural water programme; and if he will make a statement on the matter. [8052/10]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): I expect to notify local authorities of my Department's block grant allocations under the 2010 Rural Water Programme shortly.

539. **Deputy John O'Donoghue** asked the Minister for the Environment, Heritage and Local Government if the minimum grant of €2000 for group sewerage scheme will be reviewed in order to make schemes viable; and if he will make a statement on the matter. [8053/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The rate of grant available for Group Sewerage Schemes is €2,031.58 per house or 75% of the cost of the scheme, whichever is the lesser.

My Department has funded a pilot programme to test a range of new, small-scale wastewater collection and treatment systems under Irish conditions. The objective of this pilot programme was to evaluate new approaches to meeting the wastewater collection and treatment needs of rural communities. The National Rural Water Services Committee, which will be established shortly, will consider the Final Report on the performance of new infrastructure provided under this pilot programme. I will review the future role of group sewerage schemes in the provision of waste water collections systems in the light of the Committee's report.

Local Authority Housing.

540. **Deputy Brian O'Shea** asked the Minister for the Environment, Heritage and Local Government his plans to assist persons on lone parent allowance living in social housing who need to transfer to another area in order to have any realistic prospect of employment. [8080/10]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): The Housing (Miscellaneous Provisions) Act 2009, signed into law in July 2009, provides the legal framework for a new approach to the allocation of social housing by local authorities. The progressive implementation of this new framework will provide for clearer provisions in relation to preferences identified by applicant households, including location preferences.

Notwithstanding this, it will remain a matter for housing authorities to make decisions with regard to transfer applications in accordance with the terms of their allocation schemes.

541. **Deputy Fergus O'Dowd** asked the Minister for the Environment, Heritage and Local Government the number of proposals from local authorities and other housing agencies for the leasing of properties for housing purposes which have been approved to date by his Department; the location of such properties by local authority; if such properties are owned by financial institutions, banks, property developers, the National Asset Management Agency and so on; the number of such approvals which have been refused subsequently by the banks; the reason therefor; the action he is taking as a result; and if he will make a statement on the matter. [8087/10]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): At the end of January 2010, some 27 housing authorities and 4 approved housing bodies have had projects approved under the Social Housing Leasing Initiative comprising over 2,000 units. A breakdown of the units per authority/approved body is provided in the table below. To protect the privacy of individual households in receipt of housing support, it is not the normal practice to provide information on the location such properties.

Breakdown by LA, Approved Housing Body and status end of January 2010

LA/Status	Operational	Funding Approval	Provisional Approval	Total Approvals
Buncrana TC		13		13
Carlow CC			31	31
Cork City Council			50	50
Cork County		387		387
Donegal CC		22		22
Drogheda BC			12	12
Dublin City	158	143		301
Ennis TC		6		6
Fingal County Council		97		97
Galway City		67		67
Kildare CC		56		56
Laois CC	42	38		80
Leitrim CC			10	10
Limerick CC			24	24

LA/Status	Operational	Funding Approval	Provisional Approval	Total Approvals
Longford CC			5	5
Mayo CC		20		20
Meath CC	74		43	117
Monaghan CC			21	21
New Ross TC			9	9
Offaly CC	20		16	36
Roscommon CC		6		6
South Dublin	100	21	20	141
Templemore TC		20		20
Waterford CC		6		6
Waterford City			27	27
Westmeath CC	43			43
Wexford CC		14		14
LA Total	437	916	268	1,621
Cluid		52	120	172
Helm		30	57	87
Respond			72	72
The Iveagh Trust			64	64
AHB Total		82	313	395
Grand Total	437	998	581	2,016

My Department does not collect information in relation to the ownership of the properties supplied under the Social Housing Leasing Initiative. While discussions have taken place with a range of relevant parties, including the banking sector and the National Assets Management Agency, regarding the Initiative, my Department would generally not be aware of the details of individual negotiations between authorities, property owners and financial institutions.

Question No. 542 answered with Question No. 523.

Departmental Agencies.

543. **Deputy Jim O’Keeffe** asked the Minister for the Environment, Heritage and Local Government the number of bodies and agencies under his aegis; and his proposals for the rationalisation of same. [8196/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The information requested in relation to the bodies and agencies under the aegis of my Department is set out as follows:

Name of body/board
Affordable Homes Partnership
An Bord Pleanála
Building Regulations Advisory Board
An Chomhairle Leabharlanna
Comhar Sustainable Development Council
Designated Areas Appeals Advisory Board
Dublin Docklands Development Authority

[Deputy John Gormley.]

Name of body/board

Environmental Protection Agency
 The Heritage Council
 Housing Finance Agency
 Irish Water Safety
 Limerick Northside Regeneration Agency
 Limerick Southside Regeneration Agency
 Local Government Computer Services Board
 Local Government Management Services Board
 National Building Agency
 Private Residential Tenancies Board (PRTB)
 Radiological Protection Institute of Ireland (RPII)
 The Rent Tribunal
 Fire Services Council

Under the rationalisation programme for State Agencies the administrative functions of the Rent Tribunal were transferred to the PRTB with effect from 1 October 2009.

In 2010 the Affordable Homes Partnership and the National Building Agency, along with the Centre for Housing Research and the Homeless Agency, will merge to form a new Housing and Sustainable Communities Agency (HSCA). The HSCA will work with and assist my Department and local authorities in their objective of delivering sustainable communities in a high quality living environment, by advising on and assisting in policy development and implementation, providing specialist support services, facilitating the provision of good quality housing and neighbourhoods and ensuring that development takes place in a manner that respects people, surroundings and the long-term common interest. It is hoped that the new Agency will be established in the first half of 2010.

The Limerick Northside and Southside Regeneration Agencies are already serviced by a single executive. It is proposed formally to merge both agencies, thereby achieving greater efficiencies.

Work is well advanced towards the merger, in 2010, of the Local Government Management Services Board and the Local Government Computer Services Board, to become the Local Government Management Agency.

The functions of the Fire Services Council are being undertaken by my Department since the term of office of its members expired on 30 June 2009. It is not intended to reappoint a Council.

Energy Saving Scheme.

544. **Deputy Mary Wallace** asked the Minister for Communications, Energy and Natural Resources the circumstances a person may qualify for the home energy saving scheme; and if he will make a statement on the matter. [7800/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I regret to advise the Deputy that it is not possible to provide a response to her Question at this time. I will write to the Deputy as soon as it is available.

545. **Deputy Mary Wallace** asked the Minister for Communications, Energy and Natural Resources the circumstances in which a person may not qualify for the home energy saving scheme; and the number of applicants that have been deferred to date in 2010. [7933/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I regret to advise the Deputy that it is not possible to provide a response to her Question at this time. I will write to the Deputy as soon as it is available.

Broadcasting Services.

546. **Deputy Liz McManus** asked the Minister for Communications, Energy and Natural Resources if, in view of the announcement that RTÉ will be free to air in the North of Ireland and BBC in the South of Ireland, this arrangement will include their respective Internet players, RTÉ Player in the North of Ireland and the BBC iPlayer in the South of Ireland; and if he will make a statement on the matter. [7611/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The Memorandum of Understanding that I signed with my UK counterpart, Secretary of State Ben Bradshaw, MP, on 1 February 2010 deals with broadcast services and related radio spectrum issues in the context of the provision of digital terrestrial services on the island of Ireland.

The Memorandum aims to facilitate the widespread availability of RTÉ in Northern Ireland and BBC in the south. It is my intention that RTÉ services will be available on a ‘free-to-air’ basis throughout the island of Ireland. The manner in which BBC services will be provided will, in the first instance, be a matter for the BBC.

The Memorandum does not encompass the provision of public broadcast services on other platforms, such as the Internet, and the availability of the BBC iPlayer services in Ireland is a commercial matter for the BBC.

In regard to the availability of the RTÉ Player, I can confirm that, on 12 January 2010, RTÉ became one of the first broadcasters in the world to launch a comprehensive international online TV catch-up service when it made its Internet-based RTÉ Player service available on a worldwide basis.

A copy of the Memorandum of Understanding is available on www.dcenr.ie.

North-South Co-operation.

547. **Deputy Liz McManus** asked the Minister for Communications, Energy and Natural Resources the cross-Border programmes, initiatives, areas of co-operation and so on which his Department is engaging in or about to engage in with its counterparts in Northern Ireland. [7612/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I regret to advise the Deputy that it is not possible to provide a response to his Question at this time. I will write to the Deputy as soon as it is available.

Energy Saving Scheme.

548. **Deputy Olwyn Enright** asked the Minister for Communications, Energy and Natural Resources if his attention has been drawn to the fact that a significant number of applicants under the home energy saving scheme do not have bank accounts and that applications have been returned on this basis stating that the application cannot be processed; the procedure he will put in place to assist and facilitate these applications; and if he will make a statement on the matter. [7699/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I regret to advise the Deputy that it is not possible to provide a response to her Question at this time. I will write to the Deputy as soon as it is available.

Departmental Agencies.

549. **Deputy Liz McManus** asked the Minister for Communications, Energy and Natural Resources if he will direct State agencies and Departments to use both a lo-call number and local number for members of the public in view of the fact that many persons with mobile phones are charged higher tariffs by calling the lo-call number; the cost of calling a lo-call number during the day from a mobile phone; the cost of a landline phone call to a lo-call number; his views on that there are many persons on low incomes who only have a mobile phone number; and if he will make a statement on the matter. [7922/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): My Department uses both a lo-call number and local number for members of the public. These numbers are published on the Department's website.

The use of a lo-call number is appropriate for persons who do not have access to free national call services and it affords considerable savings to such persons and is, accordingly, current best practice in customer relations. Persons who have an entitlement to free national calls can of course ring the main Department number for free.

I am very supportive of the wider application of such facilities across other areas of the Public Service but do not have powers of direction in that regard.

Television Licence.

550. **Deputy John O'Donoghue** asked the Minister for Communications, Energy and Natural Resources his plans to review the licensing regime in respect of commercial television licences; his view on whether the regime is inequitable; and if he will make a statement on the matter. [8055/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): Currently every premises in Ireland that has a television must have a television licence and no commercial television licence system operates.

Section 144 of the Broadcasting Act, 2009 provides for the introduction of regulations in relation to different classes of licences in respect of different classes of premises e.g. commercial premises.

The future development of any regulations in this area will take the matters raised by the Deputy into account.

Departmental Agencies.

551. **Deputy Jim O'Keeffe** asked the Minister for Communications, Energy and Natural Resources the number of bodies and agencies under his aegis; and his proposals for the rationalisation of same. [8191/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I can inform the Deputy that the number of State Boards, agencies, regulators or other bodies currently under the remit of my Department is 25. Legislation currently before the House will reduce the number of Inland Fisheries Agencies from eight to one. I will keep other options as regards rationalisation under review.

Harbours and Piers.

552. **Deputy Martin Ferris** asked the Minister for Agriculture, Fisheries and Food if he will continue to fund the construction of a breakwater at a location (details supplied). [7830/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Due to Industrial Action by staff in my Department, I am not in a position to provide a reply to this question.

Cross-Border Programmes.

553. **Deputy Liz McManus** asked the Minister for Agriculture, Fisheries and Food the cross border programmes, initiatives, areas of co-operation and so on which his Department is engaging in or about to engage in with its counterparts in Northern Ireland; and if he will make a statement on the matter. [7614/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The co-operation that can take place within the Agriculture sector was laid down in the Good Friday Agreement. The areas specifically identified were animal and plant health. Subsequently the North South Ministerial Council (NSMC) agreed that there should be formal co-operation in the following sectors of agriculture:- the development of an All-Island Animal Health Strategy for control of animal movements and the prevention, containment and eradication of epizootic diseases in Ireland. the development of an All-Island Plant Health and Research Strategy including co-operation between both jurisdictions in relation to plant protection products. liaison on issues arising at WTO, EU enlargement and the mid-term review of the CAP.

In addition to these formal arrangements, my officials regularly engage with their counterparts in the Department of Agriculture and Rural Development, Northern Ireland on other issues of mutual concern.

Rural Environment Protection Scheme.

554. **Deputy Michael Ring** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Mayo will receive their REPS four payment. [7635/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Due to industrial Action by staff in my Department, I am not in a position to provide a reply to this question.

Meat Investment Fund.

555. **Deputy Joe Carey** asked the Minister for Agriculture, Fisheries and Food the implementation and moneys spent to date in 2010 on the beef and sheep meat investment fund; and if he will make a statement on the matter. [7636/10]

556. **Deputy Joe Carey** asked the Minister for Agriculture, Fisheries and Food the conditions that are in place in relation to profitability transparency of those companies that have received funding under the beef and sheep meat investment fund; and if he will make a statement on the matter. [7640/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): I propose to take Questions Nos. 555 and 556 together.

The Beef and Sheepmeat Investment Fund supports investment in scale and efficiency in primary processing, and added value in further processing for retail, food service and manufacturing outlets. This is part of a strategy to ensure the long-term competitiveness of the industry. The selection of projects followed evaluation by an expert committee comprising members from Enterprise Ireland, my Department, Bord Bia, the Department of Enterprise, Trade and Employment, private industry and academia.

Applicants were requested to supply financial information including audited accounts for the previous two years, projected profit and loss, balance sheet and cash flow statements for four

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years with the key assumptions used in drawing up the projections, and the financial data that formed part of the application form. Grant recipients are also required to submit annual audited accounts during the period of the grant agreement.

In all, 15 projects have been approved for grant assistance of over €69 million, contributing to total investment in the region of €168 million. Payments amounting to €8.4 million were made to four companies under the scheme in 2009. One payment of €69,300 has been made to-date in 2010 and provision has been made for expenditure of €12 million in the full year.

Rural Environment Protection Scheme.

557. **Deputy Jimmy Deenihan** asked the Minister for Agriculture, Fisheries and Food when a district inspector will be appointed for the Kerry area due to the fact that this is delaying REP scheme four grant payments; and if he will make a statement on the matter. [7661/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): As the Deputy will be aware there is a moratorium on recruitment and promotion in the public service. My Department has alternative arrangements in place to ensure the prompt processing of claims.

558. **Deputy Beverley Flynn** asked the Minister for Agriculture, Fisheries and Food the reason a person (details supplied) in County Mayo has not received their REP scheme payment. [7662/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Due to industrial Action by staff in my Department ,I am not in a position to provide a reply to this question.

Fish Quotas.

559. **Deputy Arthur Morgan** asked the Minister for Agriculture, Fisheries and Food the reason his Department has denied two fishing vessels (details supplied) their full mackerel quota; his views on whether there is discrimination against these boats; and if he will make a statement on the matter. [7679/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): This matter is subject to proceedings in the High Court and is accordingly *sub judice*.

Cattle Grading System.

560. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food the data his Department has regarding the accuracy of the quality system for grading cattle; if he will provide this Deputy with this data; and if he will make a statement on the matter. [7698/10]

566. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food the number of Department officials who are on site monitoring the quality pricing system cattle grid on a factory to factory basis; and if he will make a statement on the matter. [7897/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): I propose to take Questions Nos. 560 and 566 together.

The new quality payment system was introduced a number of weeks ago following intensive negotiations between Meat Industry Ireland (MII) and the IFA. The payment system makes use of sub-classes to determine the price paid, with the aim of rewarding farmers for producing the better quality and higher value carcasses. The question of the price paid for particular grades is, of course, a matter for the producers and processors.

My Department conducts regular inspections of meat plants to ensure the accuracy and performance of the grading machines. A total of 472 control visits in meat plants were conducted during 2009, with 45,266 carcasses checked during these visits.

The Department produces an annual report each year containing detailed statistics on beef carcass classification in meat plants, which is publicly available on the Departments' website at <http://www.agriculture.gov.ie/farmingsectors/beef/beefcarcassclassificationfigures/>.

Production Levies.

561. **Deputy Andrew Doyle** asked the Minister for Agriculture, Fisheries and Food his plans to suspend production levies when the producer is receiving a below cost of production price; and if he will make a statement on the matter. [7717/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The only production levy operated by my Department is the milk super levy.

The rules governing milk quotas and super levy are laid down in EU regulations. Article 79 of Council Regulation (EC) No 1234/2007, states that the surplus levy shall be entirely allocated among the producers who contributed to each of the overruns of the national quotas and that producers shall be liable for payment of their contribution to the surplus levy due. I have no discretion in the matter.

Figures supplied in monthly intake reports to my Department indicate that, to the end of December 2009, Ireland is approximately 11% under quota nationally. Given this position, and with only three months of the milk quota year remaining, it is unlikely that Ireland will incur a super levy fine for the 2009/2010 milk quota year.

Electronic Tagging.

562. **Deputy Richard Bruton** asked the Minister for Agriculture, Fisheries and Food his views on the EU suggestion of electronically tagging the sheep flock; the estimated compliance cost of this proposal; the estimated benefits in terms of traceability that will be gleaned from the system; his further views on whether the present system of traceability is adequate to meet the objectives set by the EU; and if he will make a statement on the matter. [7786/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): My consistent view has been that the introduction of EID of sheep should only have been on a voluntary basis. Unfortunately, there was 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 or for a voluntary scheme. Under EU rules, therefore EID is now applicable throughout the Union.

I now, have no discretion as regards the date of implementation for electronic identification and there can be no question of deferring its introduction for a further period. In these circumstances, we now must proceed with the introduction of EID this year.

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 are now permanently 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 minimise costs for producers.

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

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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 have an adverse effect on competitiveness in the industry.

As a result of these concessions, it is expected that mandatory EID will apply to no more than 18% of the national flock (450,000 — 550,000). Some 70% of flocks are 100 sheep or less and in these cases less than 20 animals will be affected. Farmers will not be required to purchase readers since, as is the case at present, an ear tag will continue to have a number on it that is readable to the human eye so there will be minimal change to current practice. The additional annual cost to the average farmer with a flock of 100 sheep is estimated to be approximately €30 to €40.

Our existing system has up until now provided adequate assurances in terms of animal identification and traceability. Indeed it is partly with that in mind that I have decided to minimise the impact on farmers by confining electronic tagging to mainly breeding sheep. I am striving however to minimise the change to the existing National Sheep Identification System (NSIS). My Department has circulated a technical document outlining the proposed changes to the NSIS to farm organisations and other stakeholders for comments. The stakeholders have been asked to examine this document carefully and engage with DAFF officials so that whatever revisions are made to the existing NSIS best suit Irish conditions and minimise the burden on farmers within the parameters of the new legislation.

Farm Waste Management.

563. **Deputy Mary Wallace** asked the Minister for Agriculture, Fisheries and Food the amount paid out to date under the waste management grant scheme on a county basis; the percentage of applicants these payments cover; and if he will make a statement on the matter. [7791/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The following table sets out the amount paid, to date in 2010, under the Farm Waste Management Scheme on a county-by-county basis:

County	Amount Paid
	€m
Carlow	2.54
Cavan	13.84
Clare	4.97
Cork	27.22
Donegal	13.45
Dublin	0.37
Galway	8.61
Kerry	12.96
Kildare	1.52
Kilkenny	7.34
Laois	3.46
Leitrim	6.91
Limerick	8.90
Longford	2.35
Louth	3.34

County	Amount Paid
	€m
Mayo	7.01
Meath	6.44
Monaghan	15.49
Offaly	4.47
Roscommon	5.21
Sligo	4.41
Tipperary	10.89
Waterford	4.64
Westmeath	3.12
Wexford	7.59
Wicklow	3.68
Total	190.73

In February 2009, it was decided to make the remaining payments under the Scheme on a phased basis with 40 per cent being paid in 2009 as claims are approved, a further 40 per cent in 2010 and the final instalment of 20 per cent in early 2011. Of the €190.73 million paid to date this year, payment of the second instalment of 40 per cent accounts for €190.59 million.

In a small number of cases (estimated at less than 1 per cent), no grant payment has yet been approved for applicants under the Scheme (i) as applicants have not yet submitted the necessary tax clearance documentation or have not provided the required documentary proof of payment of the contractors concerned, or (ii) due to technical issues having arisen in relation to the standard of the completed buildings.

Departmental Schemes.

564. **Deputy Pat Breen** asked the Minister for Agriculture, Fisheries and Food the reason a person (details supplied) in County Clare has been refused a scheme; and if he will make a statement on the matter. [7820/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Due to industrial Action in my Department, I am not in a position to provide a reply to this question.

Grant Payments.

565. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Kerry will receive the balance of their single farm payment and forestry payment; if this payment will issue promptly; and if he will make a statement on the matter. [7842/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): I understand that a technical issue relating to the mapping of the plots on this site has now been resolved. The forestry application is currently being processed and I have asked that payment to be expedited. I understand that there are no outstanding single farm payments due to the person in question.

Question No. 566 answered with Question No. 560.

567. **Deputy Dan Neville** asked the Minister for Agriculture, Fisheries and Food the position regarding an application for grant under the farm improvement scheme in respect of a person (details supplied) in County Limerick; and if he will make a statement on the matter. [7899/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Due to industrial action by staff in my Department, I am unable to provide a reply to this question.

568. **Deputy Dan Neville** asked the Minister for Agriculture, Fisheries and Food further to Parliamentary Question No. 349 of 7 April 2009, the position regarding this application for REP scheme. [7900/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Due to industrial Action by staff in my Department, I am not in a position to provide a reply to this question.

569. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food if he will review the terms and conditions governing the recently announced compensation scheme for potato and vegetable growers to take into account the non-availability of crop protection insurance here, the need to enable farmers to proceed to harvest salvageable crops, and the need to expedite the timeframe involved in processing applications in view of the crop management and land leasing practicalities; and if he will make a statement on the matter. [7941/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Given that I have only recently announced a Scheme of financial assistance to certain potato and vegetable growers who have suffered significant losses of produce due to frost damage, it would not be appropriate or indeed justified to review its terms and conditions. The closing date for receipt applications under this Scheme is Friday next, 19 February, and thereafter every effort will be made to process applications and carry out inspections as quickly and efficiently as possible.

570. **Deputy John McGuinness** asked the Minister for Agriculture, Fisheries and Food if all matters relating to the payment and benefits in the case of a person (details supplied) in County Carlow will be finalised by his Department; if he will clarify the benefits and payments due to the spouse; if the application for the early retirement scheme submitted on the 30 October 2009 has been processed; and if he will make a statement on the matter. [7943/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Due to industrial Action by staff in my Department, I am not in a position to provide a reply to this question.

National Herd.

571. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food the number of active herd numbers in issue; and if he will make a statement on the matter. [7950/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The number of active bovine herd numbers recorded at 31 December 2009 was 117,287.

Grant Payments.

572. **Deputy Chris Andrews** asked the Minister for Agriculture, Fisheries and Food the position regarding an application in respect of a person (details supplied) in County Limerick. [8011/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Due to industrial Action by staff in my Department, I am not in a position to provide a reply this question.

573. **Deputy Paul Kehoe** asked the Minister for Agriculture, Fisheries and Food the crops that will be considered for compensation under the recently announced review of crop damage by frost; if fodder beet will be considered; and if he will make a statement on the matter. [8022/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Following a preliminary assessment of the crop losses caused by the severe weather conditions in January 2010, I recently announced the introduction of a limited scheme of financial assistance to certain potato and field vegetable growers who have suffered significant losses of produce due to frost damage. It is not proposed to extend the scope of the scheme to include fodder beet.

574. **Deputy Paul Kehoe** asked the Minister for Agriculture, Fisheries and Food when an appeal will be finalised in respect of a person (details supplied; and if he will make a statement on the matter. [8023/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Due to industrial Action by staff in my Department, I am not in a position to provide a reply to this question.

575. **Deputy Brian O'Shea** asked the Minister for Agriculture, Fisheries and Food his plans to introduce a compensation scheme for the hardy nursery stock sector; and if he will make a statement on the matter. [8025/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Following a preliminary assessment of the crop losses caused by the severe weather conditions in January, I recently announced the introduction of a limited scheme of financial assistance to certain potato and field vegetable growers who have suffered significant losses of produce due to frost damage. It is not proposed to extend the scope of the scheme to include hardy nursery stock.

Harbours and Piers.

576. **Deputy John O'Donoghue** asked the Minister for Agriculture, Fisheries and Food the position regarding the proposed pier at Cromane, Killorglin, County Kerry; and if he will make a statement on the matter. [8051/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Due to Industrial Action by staff in my Department, I am not in a position to provide a reply to this question.

Departmental Agencies.

577. **Deputy Jim O'Keeffe** asked the Minister for Agriculture, Fisheries and Food the number of bodies and agencies under his aegis; and his proposals for the rationalisation of same. [8189/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): There are currently ten State Bodies (listed below) under the aegis of my Department with the marketing function for seafood transferred from BIM to Bord Bia in June 2009 and COFORD subsumed into my Department with effect from 1 August 2009. While there are no plans to further rationalise any of these bodies at this time, the situation is under constant review.

List of Bodies: Bord Bia; Bord Iascaigh Mhara (BIM); Coillte; Irish National Stud; Marine Institute; National Milk Agency; Sea Fisheries Protection Authority; Teagasc; Veterinary Council of Ireland; and Aquaculture Licence Appeals Board (ALAB).

Pension Provisions.

578. **Deputy Pat Rabbitte** asked the Minister for Education and Science the current date that figures are available, the number of active members in the superannuation scheme for teachers by primary and post primary teacher; the number of members with deferred rights; the number of retired personnel in receipt of payments; the number of dependants in receipt of dependant payments; and if he will make a statement on the matter. [7638/10]

Minister for Education and Science (Deputy Batt O’Keeffe): On 5th February 2010 there were 35,705 active members of the Primary School Teachers Pension Scheme and 23,847 active members of the Secondary, Community and Comprehensive School Teachers Pension Scheme. The figures include permanent, temporary whole-time, part-time and substitute teachers.

On the 5th February, 2010 there were 11,147 retired Primary Teachers in receipt of pension payment and 7,802 retired Secondary, Community and Comprehensive School Teachers in receipt of pension. In addition 884 dependent spouses and 173 dependent children of deceased primary teachers were in receipt of pension. A total of 517 dependent spouses and 126 dependent children of deceased Secondary, Community and Comprehensive School Teachers were also in receipt of pension.

Figures for the number of members, of the above mentioned schemes, with deferred pension rights are not readily available. My department has recently commenced an exercise with a view to quantifying the numbers involved however this task is expected to take some time to reach completion.

The figures for post-primary teachers do not include VEC teachers where the retirements and pension awards are made by the relevant VEC.

579. **Deputy Pat Rabbitte** asked the Minister for Education and Science the estimated amount to be paid by teachers in pension contributions in the calendar year 2010 by primary and post primary teachers; the estimated amount of expenditure on payment of pensions in 2010; the average pension in payment from the scheme anticipated for 2010; the contribution rates by employees and by his Department as employer in respect of the scheme; and if he will make a statement on the matter. [7639/10]

Minister for Education and Science (Deputy Batt O’Keeffe): I will arrange for the details being requested by the deputy to be forwarded to him.

The pension scheme for first and second level teachers are unfunded defined benefit schemes. There is no pension fund nor are contributions by teachers invested. Like many other public sector pension schemes, the teachers schemes operate on a pay-as-you-go basis. Pension contributions are credited as appropriations to the Vote for the Department of Education and Science in the year in which they are received. The cost of pensions in payment during the year is met from current revenue through monies voted by the Oireachtas.

There are no explicit Employer contributions. The pension contribution rate paid by teachers while in employment is related to the PRSI category into which the teacher falls. A teacher liable for PRSI at the modified rate (Class D rate) pays a pension contribution of 5% of pay towards his/her own benefits and, where a member of the associated Spouses and Children’s Pension Scheme scheme, an additional 1.5% towards that scheme. A teacher liable for full-rate (Class A) RPSI pays a pension contribution of 1.5% of pay plus 3.5% of net pensionable pay, (i.e pay reduced by twice the personal rate of State Pension Contributory), towards his/her own benefits and, where a member of the associated Spouses and Children’s Pension Scheme scheme, an additional 1.5% towards that scheme.

Commissions of Inquiry.

580. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Education and Science the date on which persons (details supplied) were removed from the payroll of the Commission to Inquire into Child Abuse; the last date on which these individuals received payment from the State; and if he will make a statement on the matter. [7912/10]

Minister for Education and Science (Deputy Batt O’Keeffe): The position regarding the persons referred to is that they were taken off pay on various dates between 30th June 2009

and the 18th December 2009. As a result of end of year adjustments, some further payments were made on the 24th December 2009.

Higher Education Grants.

581. **Deputy Michael Ring** asked the Minister for Education and Science if there is funding available from the European Union for an Irish student attending private college in England; and if he will make a statement on the matter. [7951/10]

Minister for Education and Science (Deputy Batt O’Keeffe): The Higher Education Grants Scheme operates under the Local Authorities (Higher Education Grants) Acts, 1968 to 1992. Each year, the scheme specifies a list of approved institutions for grants purposes. The approved institutions mainly comprise of publicly-funded third level institutions. Grants for undergraduate students may be portable to publicly-funded colleges in other EU Member States. There are no plans at present to extend the scope of the student grant schemes to private colleges.

Section 473A of the Taxes Consolidation Act, 1997 provides for tax relief, at the standard rate of tax, for tuition fees paid in respect of approved full/part-time courses in both private and publicly funded third level colleges and universities in the State and any other EU Member State. Further details and conditions in relation to this tax relief are available from the Revenue Commissioners.

In relation to EU funding, eligible workers made redundant at the DELL computer manufacturing plant in Raheen, Co. Limerick and ancillary enterprises in the Mid-West region have the possibility of seeking support under measures in the areas of upskilling, retraining, entrepreneurial supports and educational opportunities being provided with the assistance of the European Globalisation Adjustment Fund (EGF).

This support is co-ordinated by FÁS, including in relation to training courses from private service providers. In general, courses should be on the National Qualifications Framework and be accredited by FETAC or by a recognised industry awarding body. Each application for such grant aid is considered on its individual merits. Strict eligibility criteria apply for access to EGF-funded measures, details of which are available from the FÁS EGF Co-ordination Unit.

Schools Building Projects.

582. **Deputy Michael Ring** asked the Minister for Education and Science if funding will be granted to replace a prefab at a school (details supplied) in County Mayo. [7590/10]

Minister for Education and Science (Deputy Batt O’Keeffe): I can confirm to the Deputy that the Department grant-aids the provision of temporary accommodation in respect of schools requiring interim accommodation to cater for additional staffing allocations while awaiting the provision of permanent accommodation.

The school to which the Deputy refers applied for the replacement of existing prefabs with new prefabs in April 2009. Unfortunately, the school’s application was not successful as it was considered that the school had sufficient accommodation to meet its needs at that time. The school appealed the decision and the original decision was upheld.

In the context of the numbers of applications for temporary accommodation received and the funding available, it is considered that the priority must be in providing additional accommodation to schools that have a deficit of accommodation.

Telecommunications Services.

583. **Deputy Timmy Dooley** asked the Minister for Education and Science if it is possible

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for a secondary school to choose its own Internet supplier under schools internet broadband programme. [7598/10]

Minister for Education and Science (Deputy Batt O’Keeffe): I wish to inform the Deputy that it is not possible for schools to choose their own service provider under the Schools Broadband Programme, as public procurement procedures require that Internet Service Providers are selected for the Schools Broadband Programme through a competitive, technology-neutral, central procurement process. My Department is currently awarding contracts under the second phase of the Programme and the indications from the recently completed evaluation of tenders are that this will mean enhanced bandwidth for schools. My Department is managing the transition period between the phasing out of the current service providers and the connections to new providers to get schools switched over as soon as possible.

Furthermore, in general, I am not in favour of schools availing of an internet service outside of the Schools Broadband Programme, as under the Programme connectivity to the internet is routed through a National Broadband Network, which has been developed by HEAnet (the National Education and Research Network provider). HEAnet has established a Network Operations Centre to channel and control the broadband access to schools, and it provides centrally managed services for schools such as security, anti-spam/anti-virus and content filtering. A national helpdesk has been established to interface between the network, the Internet Service Provider (ISP) and the schools, and to provide schools with on-going advice and assistance. This helpdesk is managed by the NCTE. Schools who use a service provider not contracted to the Department do not have access to these services, protections and support.

Cross-Border Co-operation.

584. **Deputy Liz McManus** asked the Minister for Education and Science the cross border programmes, initiatives, areas of cooperation and so on which his Department is engaging in or about to engage in with its counterparts in Northern Ireland; and if he will make a statement on the matter. [7615/10]

Minister for Education and Science (Deputy Batt O’Keeffe): My Department seeks to develop cooperation and common action in education on an all-island basis in the context of the Good Friday Agreement principally through the North South Ministerial Council (NSMC). Through the NSMC framework my Department cooperates with the Department of Education in Northern Ireland (DENI) to develop common policies and approaches in areas such as of special education needs, educational underachievement, teacher qualifications and mobility and school, youth and teacher exchanges.

The Middletown (Co. Armagh) Centre for Autism project is a jointly funded initiative between DENI and my Department aimed at supporting the promotion of excellence in the development and harmonisation of education and allied services to children and young people with autistic spectrum disorders across the island. A strong cooperative relationship has been established between the Middletown Centre Training Unit and the Special Education Support Service (SESS) in the South. The Middletown Centre is also in discussion with a number of universities and colleges in relation to areas of collaboration.

My Department also cooperates with DENI to develop and support and manage joint funding for a range of programmes and joint initiatives designed to increase mutual understanding and promote closer co-operation. A number of these extend beyond the island of Ireland, involving co-operation with education authorities in Britain, the United States, the European Union and other countries and institutions with a view to maximising the positive contribution they can make to North/South co-operation. A table showing the projects and initiatives sup-

ported by my Department in 2009 follows. Further details in relation to these initiatives are also available on my Department's website — www.education.ie

My Department and DENI have also recently commenced a joint study on North South Cooperation in Education. This study will cover current cooperation in the education sector between our two Departments, the potential for further collaboration and a recommended programme of action.

The Department of Employment and Learning (DEL) in Northern Ireland has responsibility, inter alia, for further education and training and higher education in the North. My Department cooperates with that Department at official level on issues of mutual interest such as conferences on higher education issues. Moreover, there is a considerable degree of cooperation between individual colleges North and South. This includes an initiative under a Strategic Innovation Funded project between Letterkenny IT and the University of Ulster which is examining the potential for delivery of additional higher education capacity in the North West.

Department of Education and Science North South Funded Projects 2009

Name	Source of Funding	
	(Ireland)	(Northern Ireland)
<i>School, Youth & Teachers</i>		
Civic Link	DES*	DE**
Dissolving Boundaries	DES	DE
European Studies Project	DES	DE
East/West Programme	DES	DE
Pushkin Prize	DES	DE
Irish Science Olympiad	DES	DE
Maths Week	DES	DE
Cinemagic	DES	
International Music Camp	DES	
<i>3rd Level</i>		
SCoTENS	DES	DE, DEL
Universities Ireland	DES	DEL
Washington Ireland Programme	DES	OFMDFM***
Dare to be Digital	DES	DEL
Glór na nGael	DES	
<i>Other</i>		
Middletown Centre for Autism	DES	DE
Centre for Cross Border Studies	DES	
North South Exchange Consortium	DES	DE

*Department of Education and Science

**Department of Education, Northern Ireland

***Office of the First Minister and Deputy First Minister

Magdalen Laundries.

585. **Deputy Ruairí Quinn** asked the Minister for Education and Science if he will allow access to all records for each woman and child the State was complicit in referring to the laundries; and if he will make a statement on the matter. [7623/10]

Minister for Education and Science (Deputy Batt O'Keeffe): As the Deputy is aware the Magdalen Laundries were privately owned and operated institutions which were not subject to

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State regulation or inspection and, as a consequence, are not scheduled institutions for the purposes of the Residential Institutions Redress Act, 2002.

My Department does not have details of every individual who was placed in a laundry. In relation to the number of children that were transferred to a Laundry from a State regulated institution (scheduled institution), my Department only maintains records on those children who were admitted to Industrial & Reformatory Schools via the Courts. Some of these records may indicate instances of children being transferred to Laundries. My Department is currently reviewing these records in an attempt to identify the incidence of this practice within the records available to the Department.

My Department however does not generally hold any records in relation to children who may have been otherwise placed in the Industrial and Reformatory schools, e.g. voluntary placements, Health Authority referrals, etc. nor indeed would my Department hold any records in respect of former residents of the remaining scheduled institutions.

I wish to advise the Deputy however that officials at my Department recently met with a delegation representing the Justice for Magdalenes Group. At that meeting, my Department indicated its willingness to facilitate requests for personal information from individuals who were transferred to a Laundry from either an Industrial or Reformatory School.

In addition, my officials are continuing to liaise with the Department of Justice, Equality and Law Reform regarding its ongoing inquiries in relation to the role of the criminal justice system in referring individuals to Magdalen Laundries.

Schools Building Projects.

586. **Deputy Noel J. Coonan** asked the Minister for Education and Science the position regarding an application for a refurbishment and extension project in respect of a school (details supplied) in County Tipperary; the timeframe for completion of works; the works to be carried out; and if he will make a statement on the matter. [7625/10]

Minister for Education and Science (Deputy Batt O’Keeffe): I can confirm that my Department has received an application for major capital funding from the school to which the Deputy refers. The application has been assessed in accordance with the published prioritisation criteria for large scale building projects and assigned a band rating of 2.

Information in respect of the current school building programme along with all assessed applications for major capital works, including the project referred to by the Deputy, are now available on my Department’s website at www.education.ie

The priority attaching to individual projects is determined by published prioritisation criteria, which were formulated following consultation with the Education Partners. There are four band ratings under these criteria, each of which describes the extent of accommodation required and the urgency attaching to it. Band 1 is the highest priority rating and Band 4 is the lowest. Documents explaining the band rating system are also available on my Department’s website.

The progression of all large scale building projects, including this project, from initial design stage through to construction phase will be considered in the context of my Department’s multi-annual School Building and Modernisation Programme. However, in light of current competing demands on the capital budget of the Department, it is not possible to give an indicative timeframe for the progression of the project at this time.

587. **Deputy Brendan Howlin** asked the Minister for Education and Science if his attention has been drawn to the serious subsidence at a school (details supplied) in County Wexford and danger to pupils and staff; when an application was made to his Department for a new school

premises; the position regarding this application; the way he plans to eliminate the danger to staff and pupils; and if he will make a statement on the matter. [7630/10]

Minister for Education and Science (Deputy Batt O’Keefe): The Planning and Building Unit of my Department is aware of the issues at the school to which the Deputy refers. An Emergency Works Grant was approved in July 2009 to address these issues. As the grant was not drawn down by the school, it was again offered in December 2009. To date, the funding has still not been drawn down.

In January 2008, the school applied for large scale capital funding for a new building. This project has been assigned a Band 2 rating under the published prioritisation criteria for large scale building projects. Due to the level of demand on the Department’s capital budget, it is not possible to give an indicative timescale for the progression of a project for the school at this time.

588. **Deputy Darragh O’Brien** asked the Minister for Education and Science the position regarding the planned extension to a school (details supplied) in County Dublin; and if he will make a statement on the matter. [7632/10]

Minister for Education and Science (Deputy Batt O’Keefe): The project at the school to which the Deputy refers is 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 phase will be considered in the context of my Department’s multi-annual School Building and Modernisation Programme.

However, in light of current competing demands on the capital budget of my Department, it is not possible to give an indicative timeframe for the progression of the project at this time.

Higher Education Grants.

589. **Deputy Brendan Howlin** asked the Minister for Education and Science if he has re-examined a post leaving certificate maintenance grant application in respect of a person (details supplied) in County Wexford; and if he will make a statement on the matter. [7653/10]

Minister for Education and Science (Deputy Batt O’Keefe): Under the terms of the student grant schemes, a student is not eligible for grant assistance in respect of a second period of study at the same level, irrespective of whether or not a grant was paid previously. 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.

A reply has issued to the correspondence referred to by the Deputy.

Irish Language.

590. **Deputy Arthur Morgan** asked the Minister for Education and Science the list of schools included in the Abair Leat Irish language pilot project. [7686/10]

Minister for Education and Science (Deputy Batt O’Keeffe): Abair Leat is a virtual online language laboratory in which students can improve their Irish by interacting over the internet with native Irish Speakers. The pilot phase of Abair Leat is aimed at supporting the oral syllabus in first year of post-primary school.

Fifteen schools were invited to participate in the Pilot Project and fourteen have accepted. The schools were selected on the basis of criteria which included access to enhanced broadband, geographical distribution, representation of school types and representation of school dialects.

The fourteen post-primary schools involved in Pilot Project are:

Scoil

- Oirthear
- Coláiste Pobail, Caisleán Cnucha, Co Átha Cliath
- Coláiste Bhríde, Cluain Dolcáin, BAC 22
- St. Mac Dara’s Community College, Teach Méalóg, BAC 16
- Coláiste Pobail, Dún Seachlainn, Co Mhí
- Iarbhunscoil Mhá Nuad, Má Nuad, Co Cill Dara

Iarthar

- St Joseph’s College, Nun’s Island, Galway
- Clochar na Toirbhirte, Áth Chinn, Co na Gaillimhe
- Coláiste Ghobnait, Inis Oirr, Co na Gaillimhe
- Pobalscoil Chora Droma Rúisc, Co Liathdroma

Deisceart

- Coláiste Choilm, Baile an Chollaigh, Co Corcaí
- Crescent College Comprehensive, Limerick
- St Angela’s Clochar na nUrsulach, Co Phort Láirge
- Coláiste Pobail Naomh Deagláin, Coill Mhic Thomáisín, Co Phort Láirge
- Pobalscoil Ghuaire, Co Loch Garman
- Pobalscoil Inbhear Scéine, An Neidín, Co Chiarraí

Special Educational Needs.

591. **Deputy Michael Noonan** asked the Minister for Education and Science if his attention has been drawn to the work in respect of children carried out at a school (details supplied) in County Limerick; if he will give a commitment to retain the full staff complement of seven teachers and 16 special needs assistants at this school; and if he will make a statement on the matter. [7710/10]

Minister for Education and Science (Deputy Batt O’Keeffe): I assume that the Deputy is referring to the review of Special Needs Assistant (SNA) allocations currently being carried out by the National Council for Special Education (NCSE) through its network of Special Educational Needs Organisers (SENOS).

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 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.

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

I have arranged for the details supplied to be forwarded to the NCSE for their attention and direct reply.

I wish to assure the Deputy that supports will continue to be made available to schools which have enrolled pupils who qualify for such support and children with special educational needs will continue to receive an education appropriate to their needs.

Schools Refurbishment.

592. **Deputy Brian O'Shea** asked the Minister for Education and Science if he will approve the application of a primary school (details supplied) in County Waterford for the replacement of windows under the summer works scheme for primary schools in 2010; and if he will make a statement on the matter. [7722/10]

Minister for Education and Science (Deputy Batt O'Keeffe): The closing date for the receipt of applications under the Summer Works Scheme 2010 was 27 November 2009. Following an assessment process, successful projects will be selected for funding from all valid and approved applications on a top down basis in accordance with the prioritisation criteria published with the Scheme. In keeping with the timetable published with the governing Circular letter, I expect to be in a position to publish the list of successful applicants in March 2010.

Schools Building Projects.

593. **Deputy Michael Noonan** asked the Minister for Education and Science if his attendance has been drawn to the inadequate facilities at a secondary school (details supplied) in County Limerick; if his further attention has been drawn to the need to replace prefabs with permanent classrooms and to provide canteen facilities; and if he will make a statement on the matter. [7749/10]

615. **Deputy Jan O'Sullivan** asked the Minister for Education and Science when the building programme of a school (details supplied) in Limerick will be advanced; if he will re-examine the urgency of this application in view of the fact that it has no canteen facilities and nine prefabs that are over 20 years old; and if he will make a statement on the matter. [7996/10]

Minister for Education and Science (Deputy Batt O'Keeffe): I propose to take questions Nos. 615 and 593 together. I can confirm that my Department has received an application for major capital funding from the school to which the Deputy refers. The application has been assessed in accordance with the published prioritisation criteria for large scale building projects and assigned a band rating of 2. Information in respect of the current school building programme along with all assessed applications for major capital works, including the project referred to by the Deputy, are now available on my Department's website at www.education.ie.

The priority attaching to individual projects is determined by published prioritisation criteria, which were formulated following consultation with the Education Partners. There are four band

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ratings under these criteria, each of which describes the extent of accommodation required and the urgency attaching to it. Band 1 is the highest priority rating and Band 4 is the lowest. Documents explaining the band rating system are also available on my Department’s website.

The progression of all large scale building projects, including this project, from initial design stage through to construction phase will be considered in the context of my Department’s multi-annual School Building and Modernisation Programme. However, in light of current competing demands on the capital budget of the Department, it is not possible to give an indicative timeframe for the progression of the project at this time.

In the meantime, it is open to the school authority to apply for temporary accommodation, if the need arises, pending the delivery of its large scale building project.

Child Protection.

594. **Deputy Ruairí Quinn** asked the Minister for Education and Science further to Parliamentary Question No. 1080 of 19 January 2010, the number of schools where his Department’s inspectorate discussed child protection concerns with all staff and examined related records in the case of concerns reported to the Health Service Executive by the designated liaison person; the number of schools where the Inspectorate sought and inspected those files and following all inspections, checks and discussions then recorded in the whole school evaluation report that each school was fully compliant with its written policy in the 2001 child protection guidelines and procedures; and if he will make a statement on the matter. [7774/10]

Minister for Education and Science (Deputy Batt O’Keeffe): The primary statutory responsibility for child protection lies with the Health Service Executive. The role of my Department is to provide guidance and support to schools in implementing child protection policy and to refer any allegations the Department receives to the appropriate authorities for investigation. My Department has issued child protection guidelines and procedures to all schools. The guidelines are based on Children First — the Department of Health & Children’s national guidelines for the protection and welfare of children. The Children First guidelines make very clear the reporting and investigation mechanisms to be followed in cases of suspected child abuse wherever they occur, and the lead role of the HSE. The guidelines for schools require each board of management to designate a senior member of staff, normally the principal, as the Designated Liaison Person (DLP) for the school. The DLP acts as a liaison person with the health authorities and other agencies on child protection issues and as a resource person to any staff member who has concerns in this regard.

As the Deputy will be aware, responsibility for ensuring that child protection requirements are complied with rests with the school board, the principal and the staff of each school. The Inspectorate of my Department undertakes whole-school evaluations in line with its quality assurance remit set out in Section 13 of the Education Act 1998. The WSE process involves evaluating schools under the areas of management, planning, curriculum provision, teaching and learning and student support. A total of 302 whole-school evaluations in 245 primary and 57 post-primary schools, and 21 evaluations of centres for education were conducted in 2009.

The procedures in these evaluations include a specific review of school policies in the area of child protection. This review involves checking that each school has formally adopted the child protection guidelines as recommended in Children First and in the child protection guidelines of the Department of Education and Science. Confirmation is sought from the school authorities that the child protection procedures have been brought to the attention of management, school staff and parents and that a copy of the procedures has been provided to all staff (including all new staff). The procedures also involve checking that a Designated Liaison Person (DLP) has been nominated by the school. Where necessary, inspectors examine the minutes

of board meetings, the recorded details of the adoption of the school's child protection policy and official school documentation naming the Designated Liaison Person (DLP). Inspectors may also follow up on any issues with members of school management and staff. The relevant findings are included in the WSE inspection report which is provided to the school's board of management and published on the Department's website. In addition, my Department's Schools Division may also follow-up with schools, where appropriate. The investigation of cases of concern reported to the Health Service Executive by a Designated Liaison Person is a matter for the Health Service Executive (HSE), within its statutory remit, as distinct from the statutory remit of the Inspectorate under the Education Act, 1998 in relation to inspections. Accordingly the Inspectorate does not examine the details of individual files or cases.

The Deputy will be aware that, in anticipation of the review and recent updating of Children First, my Department wrote to all the education partners last Autumn inviting submissions from them on potential changes that might be desirable to the Department's existing child protection guidelines to schools. The education partners were also invited to participate in a working party to review the guidelines and the working party commenced its work before Christmas. A review of oversight arrangements in relation to cases that arise in schools will be an element of that work.

School Accommodation.

595. **Deputy Chris Andrews** asked the Minister for Education and Science the areas in Dublin south east that have been identified by the forward planning unit in his Department as requiring additional school provision at both primary and post primary level; the criteria for an area being identified as requiring future capacity; the future projected school capacity requirement in the Dublin 6, 8 and 4 areas; and the current capacity available in each of these areas in both primary and post primary level. [7776/10]

Minister for Education and Science (Deputy Batt O'Keeffe): The Forward Planning Section of my Department has carried out a study of the country to identify the areas where, due to demographic changes, there may be a requirement for significant additional school provision at both primary and post-primary levels over the coming years. This study has been conducted using data from the Central Statistics Office, the General Register Office and the Department of Social & Family Affairs with reference to recent schools' enrolment data. The study indicates that the requirement for additional primary provision in years 2010, 2011 and 2012 is likely to be greatest in more than 40 identified locations across the country based on significant changes to the demographics of those areas.

Forward Planning Section is in the process of carrying out detailed analysis and reports for each of these locations in order to identify the school accommodation requirements for each area up to and including the school year 2014/2015. School accommodation requirements within the Dublin 4 area have been considered as part of this detailed study of the identified areas. The progression of all large scale building projects arising from Forward Planning Section's analysis of accommodation needs will be considered in the context of my Department's multi-annual School Building and Modernisation Programme.

When the required reports have been completed for the initial areas Forward Planning Section will continue to work on preparing reports on a priority basis for the remainder of the country. Overall primary and post primary accommodation requirements in Dublin 6 and 8 areas will be considered in this regard.

School Curriculum.

596. **Deputy Seán Barrett** asked the Minister for Education and Science the reason only 40 minutes per week is allocated to presenting the civic, social and political education programme

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to junior certificate students; if he is satisfied that this programme developed will be developed and delivered within such a short timeframe; and if he will make a statement on the matter. [7777/10]

Minister for Education and Science (Deputy Batt O’Keeffe): Civic, Social and Political Education aims to prepare students for active participatory citizenship. This is achieved through comprehensive exploration of the civic, social and political dimensions of their lives at a time when pupils are developing from dependent children into independent young adults. The content of this course has been written in the form of unit descriptions rather than as a specified list of topics to be covered. This format allows teachers and pupils enough scope and flexibility to select and deal with issues such as gender equity, racism and xenophobia, interculturalism, the environment, development, work and unemployment, poverty and homelessness, minorities, and conflict situations such as that in Northern Ireland.

The content of the course incorporates four units of study:

- Unit 1: The Individual and Citizenship
- Unit 2: the Community
- Unit 3: The State — Ireland
- Unit 4: Ireland and the World.

The Course in Civic, Social and Political Education complements the treatment and coverage which the civic, social and political dimensions receive within the Junior Certificate programme. Each day, across a range of subjects, pupils study topics and issues, encounter concepts and practice skills which are common both to those subjects and to Civic, Social and Political Education. In this way, various subject teachers already teach particular aspects of Civic, Social and Political Education through their course Material. The Civic, Social and Political Education course provides unique opportunities and greater potential for cross-curricular work in schools.

The course in Civic, Social and Political Education is allocated one class period per week or its equivalent. For a school operating a timetable based on forty-minute class periods, this will allow for a course of approximately 70 hours over the three year period of the junior cycle. Civic, Social and Political Education (CSPE) was introduced as an obligatory subject in the Junior Certificate Curriculum in 1997. Since then a variety of resource materials and guidelines have been made available to teachers.

The CSPE Support Service have prepared the CSPE Starter Pack CD-Rom for teachers new to Civic, Social and Political Education and these are given out at the Induction In-service courses. All of the key documents relating to CSPE are on the CD-Rom (including the CSPE Syllabus, Teacher Guidelines, Teaching and Learning Materials, Past-Examination Papers, Information on Subject Planning and Subject Inspection, etc.).

Higher Education Grants.

597. **Deputy Fergus O’Dowd** asked the Minister for Education and Science if an application for a higher education grant will be reviewed in respect of a person (details supplied) in County Louth; and if he will make a statement on the matter. [7780/10]

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.

Vocational Education Committees.

598. **Deputy Mary Wallace** asked the Minister for Education and Science the number of post leaving certificate course places in relation to population on a county basis; if his attention has been drawn to the increase in demand for PLC places in a college (details supplied) in County Meath; his views on the fact that this college is catering for the majority of PLC students in County Meath and that the adjoining area of Dublin, which as no PLC college of its own, and students from Dublin 15 and the surrounding areas of west Dublin are depending on the Meath Vocational Education Committee PLC places at this college as there are no places in their own area; his plans to review the position with a view to addressing this imbalance in view of the fact of the 2009 figures where 705 people applied for places at this college which has an allocation of 212 places from the County Meath cap of 250 places; and if he will make a statement on the matter. [7797/10]

Minister of State at the Department of Education and Science (Deputy Seán Haughey): The Post Leaving Certificate (PLC) programme provides an integrated general education, vocational training and work experience programme for young people who have completed their Leaving Certificate and adults returning to education. The information requested by the Deputy is in the following table.

List of PLC places sanctioned for 2009/2010 academic year and Population by County

County	2009/10 Approved PLC Places	Population (2006 Census)
Cavan	1,216	64,003
Carlow	870	50,349
Clare	290	110,950
Cork	5,374	481,295
Dublin	10,915	1,187,176
Donegal	205	147,264
Galway	1,568	231,670
Kerry	562	139,835
Kildare	357	186,335
Kilkenny	528	87,558
Laois	370	67,059
Leitrim	108	28,950
Limerick	1,470	184,055
Longford	350	34,391
Louth	1,100	111,267
Mayo	665	123,839
Meath	328	162,831
Monaghan	278	55,997
Offaly	50	70,868
Roscommon	79	58,768

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County	2009/10 Approved PLC Places	Population (2006 Census)
Sligo	580	60,894
Tipperary	919	149,244
Waterford	1,023	107,961
Wexford	904	131,749
Westmeath	599	79,346
Wicklow	980	126,194
Total	31,688	4,239,848

Population data sourced from *www.cso.ie*.

There are a total of 31,688 approved PLC places available nationwide. The number of approved PLC places allocated to County Meath Vocational Education Committee (VEC) has more than doubled over the past five years from 136 in 2004/2005 to 290 in the current academic year (2009/2010). Currently three schools within County Meath VEC are approved PLC providers: the College of Further Education, Dunboyne; St. Oliver's Post Primary School, Oldcastle; and Beaufort College, Navan.

There are also two approved PLC providers in County Meath outside the VEC sector: Boyne Community School, Trim (22 places); and Athboy Community School (16 PLC places). This brings the total number of approved PLC places in Co Meath to 328. PLC places are allocated to providers, mainly VECs, on an annual basis following an application process. It is a matter for VECs to allocate places to their colleges and institutions. Each application is examined by my Department on its merits, taking into account current and previous allocations, current and previous demand and uptake, the overall places available and the overall demand from VECs generally. Regard is also had in this context to ensuring appropriate provision on a geographic basis and the necessary critical mass for delivery of a quality education service.

The overall number of approved PLC places is set at its current level because there is a continuing requirement to plan and control numbers and to manage expenditure within the context of overall educational policy and provision.

Special Educational Needs.

599. **Deputy Paul Gogarty** asked the Minister for Education and Science the rationale used in the reduction of staff levels from 16 to six and special needs assistants from 17 to seven at a school (details supplied) in Dublin 24; if his attention has been drawn to the effects this will have on the school's ability to provide the full primary curriculum, junior certificate, leaving certificate applied, further education and training awards council or indeed operate at all due to health and safety issues; the guarantees that are in place to ensure that all of the vulnerable children in question will continue to have similar high standard of education with parents from Tallaght and Clondalkin areas; if he will meet the staff and parents to discuss ways to ensure that such children will be protected at a time when education was largely protected in the budget under the revised programme for Government; and if he will make a statement on the matter. [7814/10]

Minister for Education and Science (Deputy Batt O'Keeffe): The Deputy will be aware that the National Council for Special Education (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 also be aware that the NCSE, through its network of local Special Educational Needs Organisers (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.

The NCSE has advised the school in question that it is to reduce the number of SNAs by four and that this should be achieved by 19th February. The NCSE has also advised the school that it will not alter the level of teaching staff in the school for the remainder of the current school year. The NCSE is committed to engaging with the school authorities and all other relevant State agencies to manage the situation in the short term and to ensure a sound basis for staff levels in the interest of pupils. My Department has already indicated to the NCSE that it is prepared to attend a meeting with the school if this is considered helpful. The NCSE is also arranging to meet with parents individually in consultation with the school authorities.

The Deputy is fully aware that I have prioritised the provision of special education supports to schools. This is a key Government policy. However, this does not mean that resources, allocated in response to various historical factors, are retained in schools *ad infinitum*. At a time of constrained resources it is essential that we ensure that public resources, both staff and resources, are deployed as effectively as possible. Resources left in an area that are not in accordance with criteria mean public resources are not available for another deserving area.

I am sure that the Deputy shares my concern to ensure that there is a consistent application of policy in relation to the allocation of special needs supports across the country. This is all that is happening at the moment. I can assure the Deputy that supports will continue to be made available to schools which have enrolled pupils who qualify for such support and children with special educational needs will continue to have access to an appropriate education in line with my Department's policy.

600. **Deputy Paul Gogarty** asked the Minister for Education and Science the reason some special needs assistant posts are already being earmarked for removal, even though the review has not been completed; and if he will make a statement on the matter. [7815/10]

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 with a view to ensuring that the criteria governing the allocation of such posts, as outlined in my Department's Circular 07/02, 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. The NCSE has advised that the review will be completed by end March 2010.

Given that a number of the NCSE decisions relating to the review were taken in very close proximity to the end of the last school year, the Department of Education and Science was concerned to allow schools some time to put transitional arrangements in place for pupils whose care needs had diminished. It was agreed to allow schools keep these (diminishing care only) SNA posts until the end of last month — 31 January 2010 — to facilitate transitional arrangements. There is no basis for these arrangements to continue. All schools have been fully aware of the review for a number of months at this stage and should have been making appropriate arrangements.

SENOs are communicating the outcome of the review directly to schools as the reviews progress. There is no question of SNA posts being removed from schools where they continue to meet the scheme's criteria. However, there is also no question of posts being left in schools

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where they are deemed to be surplus to pupils’ care needs. Resources left in an area that are not in accordance with criteria mean public resources are not available for another deserving area. 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.

Adult Education.

601. **Deputy Arthur Morgan** asked the Minister for Education and Science the rate of illiteracy amongst under 25 years; the number of persons under 25 years who are illiterate; and if he will make a statement on the matter. [7823/10]

Minister of State at the Department of Education and Science (Deputy Seán Haughey): The current rate of illiteracy amongst those under 25 years of age or the number of persons under 25 years of age who are illiterate is not available. In 1995, Ireland participated in an international literacy survey of adults conducted by the OECD. Published in 1997, the survey found that approximately 25% of Irish adults between 16 and 64 years old were at the lowest literacy level (Level One). These are the most recent statistics currently available.

Ireland is participating in a new survey of adult competencies organised by the OECD — the Programme for International Assessment of Adult Competencies (PIAAC). PIAAC is a major international survey of adults between the ages of 16-65 on a range of skills covering the interest, attitude and capacity of individual adults to access, manage, understand, integrate and evaluate various types of information (principally text and numerical) as well as to respond and communicate with others in the information age. Not alone will PIAAC yield important data about the skills and competencies of our adult population but it will enable us to compare our performance against the 1995 international survey. Preparatory work is already underway and results are expected in 2013.

Higher Education Grants.

602. **Deputy Brian O’Shea** asked the Minister for Education and Science further to Parliamentary Question No. 680 of 9 February 2010, his views on concerns regarding the accuracy of statements of income from applicants in the self employed sector; and if he will make a statement on the matter. [7844/10]

Minister for Education and Science (Deputy Batt O’Keeffe): Awarding authorities are obliged to satisfy themselves beyond doubt that an acceptable degree of proof has been submitted by the grant applicant. The Department regularly emphasises the obligation on the Awarding Authorities to take appropriate action to detect fraud and to take action when a suspected case of fraud has come to their attention. The Department actively encourages Awarding Authorities to rigorously pursue cases where there is any doubt about the integrity of the information/document provided as part of an application.

Cycle to Work Scheme.

603. **Deputy Ciarán Cuffe** asked the Minister for Education and Science if employees of his department are only allowed to apply for the Cycle to Work scheme between 1 and 15 December each year; if it will be possible to change the practice in order to facilitate applications throughout the year; and if he will make a statement on the matter. [7850/10]

Minister for Education and Science (Deputy Batt O’Keeffe): The Cycle to Work Scheme is available to approximately 1,300 employees of my Department the whole year round and to date 37 employees have availed of it. The terms of the cycle to work scheme for approximately

60,000 teaching and non teaching staff who are employed by the managerial authorities of schools and paid on my Department's payrolls are set out in Circular 54/2009. This Circular provides that teachers must apply for the scheme no later than 15th December for the application of the arrangement in the following calendar year. The reason for this deadline is to ensure that all salary deductions under the scheme are completed within the calendar year following the application. This is necessary due to the large number of applications under the scheme. A total of 880 teachers applied for the scheme in 2010.

School Accommodation.

604. **Deputy Bernard J. Durkan** asked the Minister for Education and Science when permanent school buildings will be provided to a school (details supplied) in County Kildare to cater for 140 students; and if he will make a statement on the matter. [7851/10]

Minister for Education and Science (Deputy Batt O'Keeffe): The school to which the Deputy refers opened with provisional recognition from my Department in September 2004. During the period of provisional recognition, it is the responsibility of a school patron to provide interim accommodation. Notwithstanding this position, my Department is aware of the accommodation issues at the school in question and it is taking steps to assist the Patron in this regard. It will be in contact with the Patron again in due course in relation to this matter.

School Placement.

605. **Deputy Bernard J. Durkan** asked the Minister for Education and Science if and when placement at a school will be offered to a person (details supplied) in County Kildare who has special needs; and if he will make a statement on the matter. [7852/10]

Minister for Education and Science (Deputy Batt O'Keeffe): The question of enrolment in individual schools is the responsibility of the managerial authority of those schools. My Department's main responsibility is to ensure that schools in an area can, between them, cater for all pupils seeking places. This may result, however, in some pupils not obtaining a place in the school of their first choice.

It is the responsibility of the managerial authorities of schools to implement an enrolment policy in accordance with the Education Act, 1998. In this regard a Board of Management may find it necessary to restrict enrolment to children from a particular area or a particular age group or, occasionally, on the basis of some other criterion. This selection process and the enrolment policy on which it is based must be non-discriminatory and must be applied fairly in respect of all applicants.

Under section 15(2)(d) of the Education Act 1998, each school is legally obliged to disclose its enrolment policy and to ensure that as regards that policy that principles of equality and the right of parents to send their children to a school of the parents choice are respected.

Section 29 of the Education Act 1998, provides parents with an appeal process where a Board of Management of a school or a person acting on behalf of the Board refuses enrolment to a student. Where a school refuses to enrol a pupil, the school is obliged to inform parents of their right under Section 29 of the Education Act 1998 to appeal that decision to either the relevant Vocational Educational Committee or to the Secretary General of my Department.

The National Educational Welfare Board (NEWB) is the statutory agency which can assist parents who are experiencing difficulty in securing a school place for their child. The NEWB advises parents to apply to more than one school in order to assist in securing a school place-

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ment. The Board can be contacted at National Educational Welfare Board, National Headquarters, 16-22 Green Street, Dublin 7 or by telephone at 01-8738700.

Grant Payments.

606. **Deputy Billy Timmins** asked the Minister for Education and Science the position regarding the case of a person (details supplied) in County Wicklow; and if he will make a statement on the matter. [7921/10]

Minister for Education and Science (Deputy Batt O’Keeffe): 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 support 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. Students 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 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 support maintenance grants but can apply for assistance towards the cost of the student services charge and any fees payable.

It was decided to discontinue the practice of allowing students to hold both the BTEA or VTOS allowance and a student maintenance grant simultaneously as this represents a duplication of income support payments.

Schools Building Projects.

607. **Deputy Ciarán Lynch** asked the Minister for Education and Science if, as promised in the Adjournment debate in the Houses of the Oireachtas on the 27 January 2010, he will confirm that money has been ring fenced for the development of a new school (details supplied) County Cork; and if he will make a statement on the matter. [7938/10]

Minister for Education and Science (Deputy Batt O’Keeffe): As the Deputy will be aware the project for the school to which he refers was one of 25 projects that I announced to go into architectural planning in 2009. Any decision to progress this project is contingent, among other things, on the receipt of the necessary statutory approvals and the completion by the school patron of the acquisition of the site for the proposed new school building.

Special Educational Needs.

608. **Deputy John McGuinness** asked the Minister for Education and Science if an appeal lodged by the board of management of a school (details supplied) against the decision of his Department relative to the three special needs assistants attached to the school will be expedited; if the evidence of the educational and care needs of the children attending the school will be examined; if a decision will be made; and if he will make a statement on the matter. [7945/10]

Minister for Education and Science (Deputy Batt O’Keeffe): I wish to clarify for the Deputy that my Department has not taken a decision relating to special needs assistants (SNAs) in the school in question.

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-

ing resource teachers and 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 independent in the making and issuing of its decisions relating to the allocation of such supports and has its own review mechanism in this regard.

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.

I have arranged for the details supplied to be forwarded to the NCSE for their attention and direct reply.

Schools Building Projects.

609. **Deputy Darragh O'Brien** asked the Minister for Education and Science the progress made to date on the delivery of the new school building project for a school (details supplied) in County Dublin that has attained priority one; and if he will make a statement on the matter. [7970/10]

Minister for Education and Science (Deputy Batt O'Keeffe): The Deputy will be aware that on 12 February, 2009, I announced details of 25 projects to commence architectural planning. The project for the school in question was included in that announcement.

Since then, the Department has sought clarification from the school in relation to their proposal to purchase additional land to add to the existing school site and confirmation regarding a temporary site to decant the school during construction. In October 2009, the school confirmed the legal arrangements in relation to the decant site and advised that the site purchase of additional land had not yet concluded.

In the meantime, the Department's technical staff are progressing a Brief Formulation Report on the basis of providing an extension to bring the school to 32 classrooms plus ancillary accommodation and appropriate special needs accommodation on an expanded site.

The process of appointing a Design Team can commence once the brief formulation report is concluded and the site has been acquired.

Special Educational Needs.

610. **Deputy Tom Hayes** asked the Minister for Education and Science the number of special needs assistants that were made redundant in south Tipperary on 29 January 2010, or in the weeks preceding or following that date; when an audit of special needs assistants was agreed by his Department; the rationale of this audit; the provision that has been made for children previously being assisted by special needs assistants and who will now have to be educated without one; his views on schools being left without any special needs assistants; and if children's outstanding applications to be assessed for special needs assistants are being delayed by this audit. [7980/10]

Minister for Education and Science (Deputy Batt O'Keeffe): My Department became aware of increasing evidence that a number of SNA posts were not being used in line with the SNA scheme criteria. The National Council for Special Education (NCSE) was requested by my Department in February 2009 to arrange for its SENOs to review SNA allocations in all schools with a view to ensuring that the criteria governing the allocation of such posts are properly

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met. There has been no change in these criteria and the review is being carried out by reference to those criteria.

SENOs are 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, as outlined in my Department’s Circular 07/02, 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 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. The NCSE continues to process applications for SNA support from schools. There is no question of SNA posts being removed from schools where they continue to meet the scheme’s criteria. However, there is also no question of posts being left in schools where they are deemed to be surplus to pupils’ care needs. Resources left in an area that are not in accordance with criteria mean public resources are not available for another deserving area.

I am arranging for the specific information sought by the Deputy to be compiled and issued as soon as possible.

Pension Provisions.

611. **Deputy Joe Costello** asked the Minister for Education and Science if employees in the education sector on disability should have to pay pension levy for 2009; and if he will make a statement on the matter. [7983/10]

Minister for Education and Science (Deputy Batt O’Keeffe): Under section 2 of the Financial Emergency Measures in the Public Interest Act 2009 a person is liable to pay the pension related deduction if he or she is a public servant on or after 1 March 2009 and is a member of a public service pension scheme, is entitled to a benefit under such a scheme or receives a payment in lieu of membership of such a scheme.

Where a public servant, including a public servant in the education sector, although absent from employment through ill-health, is in receipt of remuneration, (as distinct from a disability pension), and accruing pensionable service for the period involved, that person is liable to pay the pension related deduction in respect of the remuneration s/he receives. In contrast a retired public service employee in receipt of a public service pension does not pay the pension related deduction in respect of that pension.

Third Level Participation.

612. **Deputy James Bannon** asked the Minister for Education and Science if he will give an assurance that his recent statement in relation to attracting more foreign students to our universities will not impact adversely on applications from students here, particularly those returning to third level due to lack of employment; and if he will make a statement on the matter. [7986/10]

Minister for Education and Science (Deputy Batt O’Keeffe): Participation by Irish students in higher education is continuing to increase. There is no cap on student numbers and higher education institutions have been responding to increasing demand by increasing the number of places they offer. In this regard, in 2009/10 acceptances of a place through the CAO increased by 8.3% on 2008/09.

I have established a High Level Group to facilitate a nationally co-ordinated approach to international education. The Group is currently developing an action plan for enhanced performance, which will consider in detail the opportunities and challenges involved in raising numbers of international students.

A key element of the Group's work will be to develop policies and practices which will facilitate increased numbers of international students in a way which is consistent with other national policies, for example, promoting equity of access to higher education, and which does not impact negatively on the position of Irish students.

Education Schemes.

613. **Deputy Ruairí Quinn** asked the Minister for Education and Science his plans to introduce a book loan scheme so that parents could simply borrow school books instead of having to purchase them; the estimate of the amount of start-up capital that would be required to set up such a system; and if he will make a statement on the matter. [7990/10]

Minister for Education and Science (Deputy Batt O'Keeffe): I have no plans to introduce a general book loan scheme, as suggested by the Deputy. Accordingly, my Department has not estimated the cost of introducing such a scheme.

The Deputy will be aware that the Renewed Programme for Government provides for funding to be made available to allow schools to provide grant assistance for books. I am pleased to inform the Deputy that €7.65m of additional grant support has been made available as a result of the Budget for 2010. This is in addition to the €7m that was allocated for books to Delivering Equality of Opportunity in Schools (DEIS) schools in 2009, €2 million of which was allocated in the form of an increased grant targeted at supporting the establishment, development and ongoing operation of book loan rental schemes.

I have consistently said that it is my intention to streamline and rationalise the different grant schemes that provide funding to primary and post-primary schools, both for ease of administration and to ensure that school management has greater autonomy over the funding provided.

My officials will be consulting with the management bodies to consider the details of how these funds will be channelled to schools having regard to the desirability of streamlining grant payments. Schools will be advised of the arrangements following this process.

I have consistently urged schools to implement book rental schemes, which are the most effective means of lowering costs for parents and ensuring that books are recycled. I will continue to encourage schools to use this funding to establish book rental schemes.

Third Level Fees.

614. **Deputy Ruairí Quinn** asked the Minister for Education and Science when the third level registration fee was introduced; the justification given at the time for its introduction; the original intention of the moneys raised by the registration fee; and if he will make a statement on the matter. [7991/10]

Minister for Education and Science (Deputy Batt O'Keeffe): As the Deputy may be aware, prior to the introduction of the free fees initiative, the standard practice had been that the charge for examinations, registration and student services was included with the tuition fee as a single payment.

In acknowledgement of the variation in the arrangements that existed in the colleges, a standardised charge was levied by the third level institutions, in the context of the introduction

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of the free fees initiative in the 1995/96 academic year, to defray the costs of examinations, registration and students services. The distribution of the charge payable by students was a matter for the individual third level institutions. In that regard, to enhance systems of consultation with students, the Higher Education Authority issued in early 1998 a Framework of Good Practice for the Provision of Student Services to the publicly funded higher education institutions that consists of guidelines with particular emphasis on principles of transparency and accountability.

All students who are eligible for maintenance grants under the means tested student support schemes do not have to pay this charge as it is paid on their behalf by the Local Authorities or the Vocational Education Committees.

Question No. 615 answered with Question No. 593.

Pension Provisions.

616. **Deputy Seán Fleming** asked the Minister for Education and Science when a pension will be awarded in respect of a person (details supplied) in County Carlow; and if he will make a statement on the matter. [8000/10]

Minister for Education and Science (Deputy Batt O’Keeffe): This case is somewhat complex and involves the reckoning of service which historically was not pensionable but which can now be made pensionable as a result of recent improvements in the superannuation provisions. In addition, the person in question gave service, many years ago, with another public service employer which may be capable of being transferred to count for the purposes of her pension. My Department has sought details of that service from the other employer and these details are awaited. The Pensions Section of my Department is working to bring this case to conclusion and expects to make an award to the person involved within the next 4 weeks.

School Enrolments.

617. **Deputy Seán Fleming** asked the Minister for Education and Science further to Parliamentary Question No.65 of 8 April 2009, the position regarding the continued enrolment of a child in County Laois at a school (details supplied); and if he will make a statement on the matter. [8001/10]

625. **Deputy Seán Fleming** asked the Minister for Education and Science when he will issue guidelines to schools in the area of admissions and participation under the Education Acts to address the rights of spouses and guardians to grant the appropriate consent of parents of children attending primary schools; and if he will make a statement on the matter. [8069/10]

Minister for Education and Science (Deputy Batt O’Keeffe): I propose to take Questions Nos. 617 and 625 together.

My Department has received correspondence from the person in question and has outlined the position in relation to his child’s enrolment in the school concerned.

The person has been advised that in the event that a disagreement arises between parents or guardians in relation to the enrolment of a child, it is a matter to be resolved between the parents/guardians concerned. It is not open to my Department or a school to intervene in such matters and my Department has no plans to issue guidelines to schools in this regard.

Where joint guardians cannot reach an agreement on an issue concerning the child then an application can be made to the court under the Guardianship of Infants Act 1964 and the court will make a decision in the child's best interest.

Schools Building Projects.

618. **Deputy Seán Fleming** asked the Minister for Education and Science the position regarding the construction of a school (details supplied) in County Laois; and if he will make a statement on the matter. [8002/10]

Minister for Education and Science (Deputy Batt O'Keeffe): A revised Stage 2b (i.e. detailed design) was requested by my Department in January 2010. Upon receipt of this submission and assuming that no further issues arise the project will proceed to tender.

619. **Deputy Ruairí Quinn** asked the Minister for Education and Science further to Parliamentary Question No. 1202 of 6 October 2009, when a school (details supplied) in County Mayo will be built; and if he will make a statement on the matter. [8012/10]

Minister for Education and Science (Deputy Batt O'Keeffe): The project to which the Deputy refers was recently tendered. The Design Team is currently addressing a number of post tender clarifications with the preferred bidder. When this process is complete and assuming that no further issues arise the project will proceed to construction. It is anticipated that the project will commence construction in Quarter 2 of 2010.

School Placement.

620. **Deputy Richard Bruton** asked the Minister for Education and Science if parents who are unable to gain admission for their children to their chosen school can apply to his Department to gain admission to a suitable school; and if his Department allows the parents any choice in the school chosen. [8020/10]

Minister for Education and Science (Deputy Batt O'Keeffe): The question of enrolment in individual schools is the responsibility of the managerial authority of those schools. My Department's main responsibility is to ensure that schools in an area can, between them, cater for all pupils seeking places. This may result, however, in some pupils not obtaining a place in the school of their first choice.

It is the responsibility of the managerial authorities of schools to implement an enrolment policy in accordance with the Education Act, 1998. In this regard a Board of Management may find it necessary to restrict enrolment to children from a particular area or a particular age group or, occasionally, on the basis of some other criterion. This selection process and the enrolment policy on which it is based must be non-discriminatory and must be applied fairly in respect of all applicants.

Under section 15(2)(d) of the Education Act 1998, each school is legally obliged to disclose its enrolment policy and to ensure that as regards that policy that principles of equality and the right of parents to send their children to a school of the parents choice are respected.

Section 29 of the Education Act 1998, provides parents with an appeal process where a Board of Management of a school or a person acting on behalf of the Board refuses enrolment to a student. Where a school refuses to enrol a pupil, the school is obliged to inform parents of their right under Section 29 of the Education Act 1998 to appeal that decision to either the relevant Vocational Educational Committee or to the Secretary General of my Department.

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The National Educational Welfare Board (NEWB) is the statutory agency which can assist parents who are experiencing difficulty in securing a school place for their child. The NEWB advises parents to apply to more than one school in order to assist in securing a school placement. The Board can be contacted at National Educational Welfare Board, National Headquarters, 16-22 Green Street, Dublin 7 or by telephone at 01-8738700.

Ministerial Orders.

621. **Deputy Leo Varadkar** asked the Minister for Education and Science the fees or charges set by him by way of ministerial order for the provision of goods or services to persons or businesses; the charge; and if he will make a statement on the matter. [8029/10]

Minister for Education and Science (Deputy Batt O’Keeffe): The information requested must be compiled from details supplied by line sections within my Department. The details in question have been sought from all line sections and a response will be forwarded to the Deputy as soon as the relevant information is to hand.

622. **Deputy Leo Varadkar** asked the Minister for Education and Science the charges levied by his Department or agencies under his Department in respect of the provision of goods or services to persons or businesses; the charge; the anticipated income from such charges in 2010; and if he will make a statement on the matter. [8041/10]

Minister for Education and Science (Deputy Batt O’Keeffe): The information requested must be compiled from details supplied by line sections within my Department. The details in question have been sought from all line sections and a response will be forwarded to the Deputy as soon as the relevant information is to hand.

Higher Education Grants.

623. **Deputy John McGuinness** asked the Minister for Education and Science the reason a person (details supplied) in County Kilkenny has been refused an appeal for a higher education grant; if the matter will be reconsidered and a response issued based on the changed financial circumstances outlined in the appeal documents; and if he will make a statement on the matter. [8050/10]

Minister for Education and Science (Deputy Batt O’Keeffe): My Department received an appeal from the candidate referred to by the Deputy. The appeal was made on the grounds of a reduction in income. My Department examined the appeal and the decision of the assessing authority was upheld. The income in the case of the candidate referred to by the Deputy exceeds the reckonable income limits for the 2009 Schemes. The candidate in question may apply to be reassessed in future years if the reckonable income falls below the prescribed income limits.

I have no plans at present to depart from the above practice in respect of the determination of income.

School Transport.

624. **Deputy Willie Penrose** asked the Minister for Education and Science if, in respect of the provision of transport for eligible students to post-primary schools, his attention has been drawn to the fact that during the 2008-09 school year and for previous years, payment for such transport was made on a per term basis, but for the 2009-10 school year, new and increased

charges were introduced, and the charge at the level of junior and senior students is fixed at €300 payable in full by 31 July or in two instalments by 31 July and 4 December; if, in this context, his further attention has been drawn to the fact that this has created hardship for families that already have students attending a school and paying charges, which has resulted in parents being unable to pay the full charges demanded, and who have tried to transport their children to school privately or resorted to utilising private operators that take payments on a weekly basis, which is much more parent-friendly; if same system will be applied by Bus Éireann; and if he will make a statement on the matter. [8064/10]

Minister of State at the Department of Education and Science (Deputy Seán Haughey): The school transport scheme, which is operated by Bus Éireann on my Department's behalf, facilitates the transportation of over 125,000 children to primary and post-primary schools each day. School transport is a very significant operation involving about 42 million journeys and over 82 million kilometres on 6,000 routes every school year.

The introduction of the annual charge which replaced the term payment system enabled Bus Éireann to streamline the payments system and the allocation of tickets. It also ensures that route planning and seating arrangements are managed in a more efficient and cost effective manner.

Furthermore, those who pay the full annual charge, in advance, will benefit from a ticket being issued for the school year and this includes pupils on concessionary travel.

The increase in school transport charges is confined to eligible post-primary pupils and pupils availing of concessionary transport. Charges continue to be waived in the case of eligible post-primary children where the family is in possession of a valid medical card. In addition, eligible children attending primary schools and children with special needs will still travel free.

A maximum family rate of €650 also applies.

While I appreciate the Deputy's concerns, given the complexity of the system and the necessity to provide a seat for each child availing of school transport services, it would not be feasible or practical to provide seats on a weekly basis.

Question No. 625 answered with Question No. 617.

Schools Building Projects.

626. **Deputy Michael McGrath** asked the Minister for Education and Science the position regarding an application for the development of phase two of a primary school (details supplied) in County Cork. [8077/10]

Minister for Education and Science (Deputy Batt O'Keeffe): The school to which the Deputy refers made an application for a new school building in May 2005. The Department delivered an 8 classroom building in 2009 as the first phase of the project to meet the school needs.

Forward Planning Section of the Department is in the process of identifying the areas where significant additional accommodation will be required at primary and post-primary level for future years and the area referred to by the Deputy will be included in this process.

Factors under consideration include population growth, demographic trends, current and projected enrolments, recent and planned housing developments and capacity of existing schools to meet demand for places. Having considered these factors decisions will be taken on the means by which emerging needs will be met within the area. Any further development at the school in question will be considered in that context.

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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.

Higher Education Grants.

627. **Deputy Brian O’Shea** asked the Minister for Education and Science the assistance he will give to a person (details supplied) in County Waterford in accessing full-time third level education; and if he will make a statement on the matter. [8181/10]

Minister for Education and Science (Deputy Batt O’Keeffe): Under the Higher Education Grants Scheme, an approved course is defined as a full-time undergraduate course of at least two years duration or a full-time postgraduate course of not less than one year duration pursued in an approved institution. There are no plans at present to extend the scope of the student support schemes to part-time courses.

The decision on eligibility for student grants is a matter for the relevant assessing authority, i.e. the Local Authority or VEC. 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.

Under the terms of my Department’s Free Fee Initiative the Exchequer meets the cost of tuition fees in respect of eligible students who are pursuing full-time undergraduate courses of study. The main conditions are that students must:

- (a) Be first-time undergraduates; and
- (b) Hold E.U. nationality; and
- (c) Have been ordinarily resident in an E.U. Member State for at least three of the five years preceding their entry to an approved third level course.

The Free Fees Initiative also extends to persons with official refugee status in the State and their family members and to certain non-EU family members of EU nationals who have permission from the Minister for Justice to reside in the State. In any case where the Free Fees Initiative does not apply, the rate of tuition fee to be charged is a matter for the individual third level institution.

However, Section 473A, Taxes Consolidation Act, 1997 provides for tax relief at the standard rate of tax for tuition fees paid in respect of approved full/part-time courses in both private and publicly funded third level colleges and universities in the State and any other EU Member State. Further details and conditions in relation to this tax relief are available from a candidate’s local tax office or on the Revenue Commissioners’ website at <http://www.revenue.ie>

Schools Refurbishment.

628. **Deputy Pat Breen** asked the Minister for Education and Science the position regarding an application by a school (details supplied) in County Clare; and if he will make a statement on the matter. [8183/10]

Minister for Education and Science (Deputy Batt O’Keeffe): I can confirm that an application under the Summer Works Scheme 2010 has been received from the School to which the Deputy refers.

Following an assessment process, projects will be selected for funding from all valid and approved applications on a top down basis in accordance with the prioritisation criteria published with the Scheme.

The timetable for the Summer Works Scheme 2010 has been published as part of the governing Circular Letter for the Scheme. This Circular Letter (0057/2009) is available on the Department's website www.education.ie.

In accordance with the timetable, it is my intention to publish a list of successful SWS applicants in the Spring.

Irish Language.

629. **Deputy Arthur Morgan** asked the Minister for Education and Science if all three Irish language dialects will be covered equally in the new Abair Leat pilot project. [8188/10]

Minister for Education and Science (Deputy Batt O'Keeffe): The Abair Leat resource was developed by Coláiste Lurgan, an independent college which organises summer Irish courses designed to cater primarily for post-primary students who wish to improve their competence in the Irish language.

The Abair Leat website was designed to support Coláiste Lurgan's students in consolidating the Irish they learned while attending Coláiste Lurgan and residing with Gaeltacht families. Because Coláiste Lurgan is situated in Indreabhán, Conamara, the Irish dialect spoken locally comprises the largest proportion of the material on the website, as it is the dialect with which Coláiste Lurgan students would be most familiar. The Department's Second Level Support Service for the teaching of Irish developed one module on the website aimed at First Year students. All the major Irish dialects are equally represented in this module.

The pilot project has two objectives: to assess the impact of internet-based resources on student's achievement in Irish and to assess the robustness of the technology in delivering learning content via the internet.

When I receive a report on the pilot project later this year, I will consider whether further development of internet resources is appropriate. In the event that further resources are developed, the major Irish dialects will be represented in the material.

Departmental Agencies.

630. **Deputy Jim O'Keeffe** asked the Minister for Education and Science the number of bodies and agencies under his aegis; and his proposals for the rationalisation of same. [8194/10]

Minister for Education and Science (Deputy Batt O'Keeffe): Since 2008 my Department has undertaken a number of measures as part of the Government's programme for the rationalisation of agencies. Most recently in January 2010, two bodies that were under the aegis of my Department, the International Education Board Ireland (IEBI) and Advisory Council for English Language Schools (ACELS) ceased operations. The functions of the IEBI have been assigned to Enterprise Ireland and the Higher Education Authority and those of the ACELS have gone to the National Qualifications Authority of Ireland. Accordingly there are currently 19 non commercial bodies under the aegis of my Department — details follow for information.

In relation to other rationalisation proposals, I should like to inform the Deputy that the Government recently approved the General Scheme for the legislation which will amalgamate the National Qualifications Authority of Ireland (NQAI), the Further Education & Training Awards Council (FETAC) and the Higher Education & Training Awards Council (HETAC). The legislation will also contain provisions to dissolve the National University of Ireland. It is

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anticipated that the legislation will be published in the summer with the passage of the Bill likely to occur before the end of the year. However, the amalgamated agency will not be established until the beginning of next year.

As the Deputy may be aware the Programme for Government includes a specific commitment to develop proposals for the reorganisation of the number of Vocational Education Committees. When I spoke at last year’s annual conference of the Irish Vocational Education Association (IVEA) I indicated publicly my general intentions in relation to the future organisation of the VEC system. I invited the IVEA and other interested parties to make written submissions if they wished that I would consider in finalising proposals. The Deputy will appreciate that in advance of bringing the matter before Government, which I expect to do in the coming period, it would not be appropriate for me to comment on any particular element of the reorganisation.

List of bodies under the aegis of the Department of Education & Science — February 2010

Body Name

An Chomhairle um Oideachais Gaeltachta agus Gaelscolaíochta (COGG)
 Commission to Inquire into Child Abuse
 Education Finance Board (EFB)
 Further Education & Training Awards Council (FETAC)
 Grangegorman Development Agency
 Higher Education & Training Awards Council (HETAC)
 Higher Education Authority (HEA)
 Irish Research Council for Science, Engineering and Technology
 Irish Research Council for the Humanities and Social Sciences
 Léargas — The Exchange Bureau
 National Centre for Technology in Education (NCTE)
 National Centre Guidance in Education (NCGE)
 National Council for Curriculum and Assessment (NCCA)
 National Council for Special Education (NCSE)
 National Education Welfare Board (NEWB)
 National Qualifications Authority of Ireland (NQAI)
 Residential Institution Redress Board
 Residential Institutions Review Committee
 State Examinations Commission

Note 1: The Teaching Council has been self-financing since March 2008.