



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

TUAIRISC OIFIGIÚIL—*Neamhcheartaithe*

(OFFICIAL REPORT—*Unrevised*)

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DÁIL ÉIREANN

Dé Céadaoin, 17 Feabhra 2010.
Wednesday, 17 February 2010.

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

Paidir.
Prayer.

Leaders' Questions.

Deputy Enda Kenny: The Tánaiste has failed, yet again, to secure jobs for north Dublin and Meath. We are now in the realm of excuses. It cannot happen because there is a contract between Aer Lingus and DAA. It cannot happen because there is a 20 year lease. It cannot happen because DAA is in there. It cannot happen because DAA effectively runs the country and the Government is not in charge.

Yesterday I asked the Taoiseach to intervene in the matter. He had no problem intervening when the banks came calling to the Government's doors. The red carpet was rolled out and he intervened to ensure they were given a guarantee. He also intervened when recapitalisation was made available and to see that legislation was drafted within days. In this case, however, all of a sudden we cannot do anything because it is down to failure by excuse. DAA has in effect given two fingers to 300 high skilled jobs for 300 families in north Dublin and Meath because the Government failed to secure them. The Taoiseach could have intervened.

His Government owns 100% of DAA and 25% of Aer Lingus. Ryanair owns a further 29% of the latter. He can intervene, as he did in other cases, to secure these jobs. I ask him, before these 300 jobs go across the sea, whether he will intervene today to do what the Tánaiste said she would do in terms of pulling out all the stops to secure these high technology jobs and their incomes for 300 families in north Dublin and Meath. He should prove he is Taoiseach and in charge by putting it up to them.

Deputies: Hear, hear.

The Taoiseach: It may be news to Deputy Kenny that neither Governments nor State bodies can act unlawfully.

Deputy Jim O'Keeffe: They cannot act.

Deputy Dinny McGinley: That is news to me.

The Taoiseach: The Government, as owner of DAA, is like any other shareholder in that it cannot direct a company in which it owns shares to breach a contract. To do so would amount to inducing a breach of contract and would be unlawful and render the Government liable to damages to Aer Lingus for all losses suffered. Let us put a few facts on the table.

Deputy Paul Kehoe: About time.

The Taoiseach: The licence agreement is a binding contractual agreement for which a competition was held. It was contracted in November. Ryanair did not compete to take the hangar which it contends will play such a part in creating these jobs. We can create the 300 jobs at Dublin Airport. Hangar three, which is similar to the one in Prestwick, is available. We can build a facility similar to the Prestwick hangar on the northern and western sides of the runways, which would not affect the crossing of the runways in terms of heavy maintenance.

Deputy Jim O'Keeffe: How long will that take?

The Taoiseach: Hangar four, which can accommodate four narrow bodied aircraft at one time, is vacant. Hangar six is the 24,000 sq. m. facility held under licence by Aer Lingus, which requires it for its wide bodied aircraft.

Deputy Damien English: It is empty.

The Taoiseach: No other hangar in Dublin Airport can take wide bodied aircraft. All the other hangars can take the aircraft in question.

Deputy Joe Carey: Excuses, excuses.

Deputy Damien English: Hangar six is not being used.

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

The Taoiseach: These are the facts. If 6,000 sq. m. is required at Prestwick to create half the jobs, as Ryanair outlined last week, is it too much to assume that a similar floor area would be suitable to create the remaining jobs here? Two hangars are available at present for this work. Given that hangars one and two were subject to negotiation between Ryanair and DAA, it is not a case of the airline never having dealings with the authority.

The issue is that Mr. Michael O'Leary wants hangar six to be provided to Ryanair. It is not possible to breach those binding contracts. Deputy Kenny might think he can walk into Office as Taoiseach and breach contracts but he cannot. He would induce a breach of contracts and would in any event be stopped with an injunction by those who have the benefit of the licence agreement.

Deputy James Reilly: There is provision in the contract to do it.

An Ceann Comhairle: Deputy Reilly, allow the Taoiseach to reply without interruption.

Deputy Dermot Ahern: Put the taxpayer on the hook.

The Taoiseach: These are the facts.

Deputy James Reilly: The Government is not even trying.

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

The Taoiseach: I make it clear that this Government is anxious to facilitate, in every way we possibly can, the provision of those jobs for Dublin Airport. Two hangars are available at present and we are prepared to build another one. However, hangar six, which is 24,000 sq. m. or four times the size of the facility in Prestwick, is under licence to another company. DAA has a commercial mandate and those agreements stand. If it is Deputy Kenny's view that one can simply walk in and tear up contracts, then he should be prepared to take the consequences legally. Second, it is a provision in that licence that 24 months notice must be given.

Deputy James Reilly: It is 12 months.

The Taoiseach: I am sorry, but I have seen the licence agreement. The Deputy might not have seen it. Twenty four months notice has to be given, not 12.

Deputy Paul Connaughton: Who signed that agreement?

The Taoiseach: It was signed between the DAA and Aer Lingus because they are the parties to the agreement.

Deputy Paul Connaughton: Did the Taoiseach put any spin on that?

An Ceann Comhairle: Deputy Connaughton, please. The Taoiseach should be allowed to speak without interruption.

The Taoiseach: Let us have the facts of the situation. The facts are as I have set them out.

Deputy Bernard J. Durkan: The Government is going to lose the jobs.

The Taoiseach: We want to deal with this matter. We want to proceed to work with Ryanair, but a landlord cannot eject a tenant where there is no breach of contract on the basis of a licensed agreement signed in November 2009.

Deputy Pat Rabbitte: The last contract was in August 2009.

Deputy Shane McEntee: Ask Aer Lingus to lease it on.

Deputy Enda Kenny: That is another reply washed in failure. I understand that the Tánaiste was 15 minutes late for the meeting yesterday. She was not 15 minutes late for her own job interview.

Deputy Mary Coughlan: Because I was in the House.

Deputy Dermot Ahern: She was in the House.

Deputy Enda Kenny: Three hundred jobs are at stake.

Deputy Michael Kennedy: That is all bluster.

Deputy Enda Kenny: Go tell that to the families in north Dublin and County Meath. Go out and tell them what you are “ráiméising” about in this House.

Deputy Seán Barrett: Look after Shannon.

Deputy Enda Kenny: The Taoiseach is well aware that he owns 100% of the DAA. He is well aware of his part ownership of Aer Lingus. I do not know what discussions have taken place with Aer Lingus but I am quite sure that it being a reputable company also, it would want to safeguard and secure jobs in the general region of Dublin and Dublin Airport. Aer Lingus would have an interest in securing that too.

I do not know whether the Taoiseach had any discussions with Aer Lingus, but the lease agreements all state that if the licensor, which is the DAA, requires at any time the licensed area, or any part for the purpose of the aircraft operation or airport development at Dublin Airport, the licensee shall yield to the licensor the full, free and vacant possession of the licensed area in the event of the licensor so exercising its right to relocate the licensed area in accordance with schedule 2.

Deputy Michael Kennedy: Subject to 24 months notice.

Deputy Shane McEntee: SR Technics did not give 24 months notice.

Deputy Enda Kenny: Aer Lingus could be relocated out of hangar six if the DAA wishes to use hangar six for aircraft maintenance or airport development. They are the terms of the lease that apply in all cases with contracts with the DAA. I do not accept for a minute that it is not possible to save those jobs. If the Taoiseach believes Michael O'Leary is bluffing, then call his bluff——

Deputy Dermot Ahern: There is the leader. Enda is being himself.

Deputy Enda Kenny: ——and write the contract so that if he does not do what he says he will do, he will hand it back to the lessee, in this case the IDA. I am sure we will not see leaflets delivered all over north Dublin with explanations by the Taoiseach and the Tánaiste for those workers on why the Government failed yet again to secure 300 high-tech jobs in the interests of this industry, region and the country. It is not too late yet; those jobs have not gone across the sea.

If the Taoiseach is supposed to be in charge then he should get out of his seat in Government Buildings and prove it — invite Mr. O'Leary in today and personally intervene, as he did with the banks. He wrote a cheque on behalf of the people for €54 billion for NAMA. Write that cheque, intervene and secure those jobs for Dublin and Meath and prove himself to be the Taoiseach. When I get the chance, when I am over there, I will intervene.

Deputies: Hear, hear.

Deputy Noel Dempsey: Deputy Kenny is being himself all right. Silly.

Deputy Dermot Ahern: Watch out for the daggers in your back.

Deputy James Bannon: When Deputy Dermot Ahern is on the backbenches——

Deputy Dermot Ahern: Richard.

(Interruptions).

The Taoiseach: A Cheann Comhairle——

Deputy Denis Naughten: Has Deputy Dermot Ahern planted any trees recently?

Deputy Dermot Ahern: Poor George. What did you do to him?

An Ceann Comhairle: The Taoiseach should be allowed to speak without interruption, please.

The Taoiseach: This is a serious matter.

Deputy Paul Connaughton: It is.

Deputy Enda Kenny: The Taoiseach failed to intervene.

The Taoiseach: I do not know who the last effort was intended to impress but the termination of a licence for the sole purpose of giving a hangar to Ryanair does not constitute operational development reasons. Even if it did, one would still be required to give two years notice. They are the terms of the licence.

Deputy Noel J. Coonan: Ring Bertie, he will find a way around it.

The Taoiseach: If, in that event——

Deputy Shane McEntee: The Taoiseach is saying that SR Technics——

An Ceann Comhairle: Please, Deputy McEntee.

The Taoiseach: If, in that event, there was a definition for operational development reasons——

Deputy Shane McEntee: SR Technics——

An Ceann Comhairle: Deputy McEntee, please.

Deputy James Reilly: The Taoiseach is saying that, with all his skills, he cannot negotiate this deal.

The Taoiseach: ——which these present circumstances do not constitute, but even if there were, as contemplated by the agreement, we would be required to compensate Aer Lingus. We would also be required to give it facilities similar to what we were asking it to leave.

Deputy Enda Kenny: They should not mess with the Government.

The Taoiseach: That is what one does. Deputy's Kenny's philosophy is that one does not mess with the Government.

Deputy Enda Kenny: Correct.

The Taoiseach: The Government cannot mess with contracts that have a legal validity.

Deputy Enda Kenny: The DAA is giving the Government the two fingers. It is in charge.

Deputy Denis Naughten: Why was the contract not changed?

The Taoiseach: The Government is not above the law. The point I am trying to make to Deputy Kenny is that one cannot simply walk out to Dublin Airport, tear up a licence agreement, tell the existing tenant to leave in order to facilitate this particular requirement, as if it is the only viable option available. It is not the only viable option available.

Deputy Enda Kenny: Tell the DAA to get stuffed.

The Taoiseach: We want to protect jobs. We want to provide that facility. There are two hangars in existence at the moment, similar to what has been sufficient in Prestwick to bring 200 jobs there to deal with that issue, so where is the rationale and logic behind Deputy Kenny's position that says go out and tear up agreements——

Deputy Enda Kenny: It is about 300 jobs. That is the rationale.

An Ceann Comhairle: Deputy Kenny, please.

The Taoiseach: ——and make sure that this can happen? It can happen without tearing up any agreements.

Deputy Enda Kenny: The Taoiseach will not intervene because he does not care.

An Ceann Comhairle: Deputy Kenny.

The Taoiseach: Excuse me Deputy.

An Ceann Comhairle: Let us hear the Taoiseach out.

The Taoiseach: I outlined to Deputy Kenny the issues that relate to this request.

Deputy Enda Kenny: The Taoiseach was not long acting on the banks' behalf.

The Taoiseach: I have made that point. In this matter or any other matter I will act, and have always acted, properly, appropriately and in every way I can to bring forward a positive outcome.

Deputy Enda Kenny: I did not suggest anything else.

The Taoiseach: Deputy Kenny cannot suggest, as he is trying to do, that all of that can be set aside. It cannot be set aside, no more than it could be set aside if Mr. O'Leary was the incumbent and the roles were reversed.

Deputy Bernard J. Durkan: But it is an empty shed.

The Taoiseach: Let us be clear, in Prestwick, Scotland a 6,000 m² hangar is being constructed to provide for 200 heavy maintenance jobs. Hangar three, which is of similar size at 5,000 m² is available. Hangar four, which is 8,000 m² is also available.

Deputy Bernard J. Durkan: Every option but the one sought.

An Ceann Comhairle: Deputy Durkan, please.

The Taoiseach: If those two do not fit the bill, another hangar can be built to the appropriate specifications. We are prepared to do whatever is required.

Deputy Enda Kenny: Excuses.

The Taoiseach: But we are not in a position, nor would Deputy Kenny be in a position were he in power, to sign off on agreements——

Deputy Enda Kenny: I would get all those people around the table.

The Taoiseach: ——and not be prepared to take the consequences, legal and financial, that would come with that.

Deputy Noel Dempsey: Deputy Kenny is only a mouthpiece.

Deputy Bernard J. Durkan: It is a good day for you.

(Interruptions).

An Ceann Comhairle: I call Deputy Gilmore.

Deputy Eamon Gilmore: The Taoiseach always has an excuse. There is always a reason it cannot be done.

Deputy Bernard J. Durkan: That is right.

The Taoiseach: It can be done.

Deputy Noel Dempsey: It can be done.

Deputy Eamon Gilmore: As President Clinton once said in a different context, when it comes to jobs I am afraid the Government never misses an opportunity to miss an opportunity. There was no contract last August when this company started talking to the Government. There was no contract last April when the staff of SRT had a plan to develop that business and to create jobs. There is a contract now. I wonder who approved a contract——

Deputies: Hear, hear.

Deputy Eamon Gilmore: ——with a 24 months notice clause. This is not just about SRT, and it is not just about Michael O’Leary.

Deputy Ciarán Lynch: Hear, hear.

Deputy Eamon Gilmore: This is about jobs, and the fact that the Government is not addressing the jobs crisis. The Taoiseach said he cannot act unlawfully. The problem is he is not acting at all. Before SRT he did nothing to save the jobs in Waterford. We have probably——

Deputy Martin Cullen: That is completely untrue.

Deputy Eamon Gilmore: The Government did nothing. The jobs were lost in Waterford Glass.

Deputy Martin Cullen: It shows that Deputy Gilmore knows nothing.

An Ceann Comhairle: Deputy Gilmore should be allowed to speak without interruption please.

Deputy Eamon Gilmore: The jobs were lost in Waterford Glass and if we had back——

Deputy Martin Cullen: That is not true and Deputy Gilmore knows it.

An Ceann Comhairle: Deputy Gilmore should be allowed to speak without interruption.

Deputy Eamon Gilmore: ——the €60 million Deputy Cullen wasted on electronic voting machines it could have been used to keep jobs in Waterford and keep an iconic brand in this country.

Deputy Martin Cullen: Deputy Gilmore would not fill a good coat hanger.

Deputy Pat Rabbitte: We could store the voting machines in the empty hangar.

Deputy Eamon Gilmore: You did not deliver. He did not save the jobs in Waterford. It is the same all over. It is the same in this case.

An Ceann Comhairle: Deputy Gilmore should address his remarks to the Chair.

(Interruptions).

Deputy Martin Cullen: Deputies Gilmore and Kenny come in here every day playing games all the time. That is all they do.

Deputies: Order.

Deputy Paul Kehoe: Throw the Minister out.

An Ceann Comhairle: Minister Cullen, please. I invite Deputy Gilmore to address his remarks through the Chair.

Deputy Eamon Gilmore: In any decent Government, Deputy Cullen would no longer be a Minister.

Deputy Martin Cullen: That is original. This is kindergarten economics.

Deputies: Throw the Minister out.

An Ceann Comhairle: Minister Cullen, please.

Deputy Eamon Gilmore: Let us follow this. The Minister wasted——

Deputy Martin Cullen: The Oireachtas made that decision.

Deputies: Order from the Minister.

Deputy Eamon Gilmore: The Minister made that decision. I was there.

Deputy Martin Cullen: I did not make the decision.

Deputy Eamon Gilmore: I was at——

An Ceann Comhairle: Will the Minister please refrain from engaging with the Deputy?

Deputy Brian Hayes: Will the Ceann Comhairle name the Minister? He is not being named, unlike Deputy Charles Flanagan yesterday.

Deputy Eamon Gilmore: The Minister spent——

An Ceann Comhairle: The Deputy should address his remarks through the Chair.

Deputy Brian Hayes: Will the Ceann Comhairle name the Minister? There is one rule for one side and another rule for the other.

Deputy Martin Cullen: I am——

Deputy Seán Barrett: Throw the Minister out.

An Ceann Comhairle: Deputy Gilmore is in possession.

Deputy Brian Hayes: Will the Ceann Comhairle name the Minister? There is one rule for one side and another rule for the other.

Deputy Ruairí Quinn: If I were Deputy Cullen, I would change my tablets.

Deputy Brian Hayes: Will the Ceann Comhairle name the Minister? Where is the consistency?

An Ceann Comhairle: Will Deputy Hayes stop interrupting the Deputy in possession?

Deputy Bernard Allen: The Minister is interrupting.

An Ceann Comhairle: Could we allow the Deputy in possession to have the floor please?

Deputy Alan Shatter: The Deputy is in possession and the Minister is possessed.

Deputy Eamon Gilmore: The Minister wasted €60 million of taxpayer's money buying electronic voting machines, which have never been used, which cannot be used and which are now in storage. I recall the day well. He did that by taking a decisive ministerial decision. It is amazing how this incompetent, wasteful Government can take decisive decisions doing daft things but the Government parties can take no decision when it comes to trying to save the jobs of people in SRT, Cadburys, Waterford Glass, Dell and other businesses that cannot get money from the banks into which they have put billions of euro of taxpayer's money. The basic problem in this country is we have a Government that does not care about jobs or people who are losing their jobs and it has not lifted its finger to protect jobs in any of these businesses.

Deputy Jim O'Keeffe: Except their own.

Deputy Eamon Gilmore: They have spent 12 years in Government wasting money like the Minister, Deputy Cullen, wasted it. That is the reason the country is in the mess it is in. They are incompetent and they are not capable of getting us out of it.

Deputy Martin Cullen: Does the Deputy think that rhetoric will get him elected? He does not have a hope.

Deputy Dermot Ahern: Where was the question?

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

The Taoiseach: I do not know what the question was but I will do the best I can to answer.

Deputy James Reilly: The Government parties look a little like Ryanair. They do not know what they want so they cannot give it to the company.

The Taoiseach: The Government and its predecessors over the past 12 years have created more jobs in this country than any other.

Deputy Joan Burton: And it has lost more.

The Taoiseach: In the midst of a recession, we are doing everything necessary with or without the Opposition's support to make sure we get our public finances back in order, bring more competitiveness into the economy and see an export performance by this country that will get us back on the road to recovery.

Deputy Emmet Stagg: The Government got us into this mess in the first place.

The Taoiseach: That is what we will do.

Deputy Jim O'Keeffe: The Government told us the fundamentals were sound.

The Taoiseach: With regard to the specific matter raised initially by Deputy Gilmore about SR Technics and hangar 6, a number of parties at the time SRT closed down — I said this yesterday — considered the proposal from the workers but it was not viable at the end of the day.

Deputy Joan Burton: Yes, it was.

The Taoiseach: It was not.

Deputy Joan Burton: The Government could not have done a little more work on it.

The Taoiseach: There was a competition. Michael O'Leary and Ryanair for whatever reason, which is their own business, did not compete for the hangar, seek ownership of the hangar or seek a lease for it last September, even though they suggested they needed the hangar to go ahead with a heavy line maintenance operation. However, they never negotiated and they never contacted the DAA about that hangar. They contacted the authority in the past about hangars 1 and 2 and they are using them.

Ryanair knew it was available and did not apply for it while another company required it because it is the only hangar that can facilitate the maintenance it required for wide bodied aircraft. Other hangars exist in Dublin Airport to do this job. They are vacant and available.

Deputy Fergus O'Dowd: So is hangar 6.

The Taoiseach: That is the truth. If we are talking about getting the job done, we have hangars 3 and 4 to do the job. If Ryanair wants to build, as it has done at Prestwick Airport, we will do that as well and, therefore, it is not true to say we are indifferent to trying to protect or create jobs; quite the contrary. However, this or any Government cannot engage in breaking a licence agreement, for which they are consequences, and we would be injuncted from doing so if we even attempted to by the parties who hold the licence.

Deputy Seymour Crawford: Has the Taoiseach talked to them?

Deputy Bernard Allen: What about the Government's cronies on the board? Can Ministers not talk to them?

The Taoiseach: These parties have made it clear that they require the property for this purpose. That is why they leased it.

Deputy James Reilly: What is the plan for it?

The Taoiseach: That is the situation. We must deal with the issue as it is rather than as others would like it to be. There are facilities available in Dublin Airport to do this job if there is a willingness on behalf of the promoter of the project to sit down and negotiate that through. That is what we can do. I agree with Deputy Gilmore jobs should be the issue. If that is the case, then alternative facilities are available to do this in a way that allows us to proceed. That is the sensible, logical thing to do and that is what I am asking people to do.

Deputy Eamon Gilmore: The Taoiseach appears to have become an expert on the size of hangars overnight. This is not about hangars 1, 2, 6 or whatever because his responsibility in this is the strategic importance of this particular business. Last year when SRT decided it was transferring its operations to Switzerland, the Taoiseach needed to say to himself — which he did not do — as we said to him at the time that this was a strategic business that we could keep. We are an island and aircraft maintenance and servicing is something we should do and we should not lose. We have built up a skilled pool of labour at Dublin Airport that can be reassembled to maintain this business and the maximum number of jobs. The Taoiseach did not take that approach. He should never have ended up in a situation where it is now about the size of various hangars and the terms of various contracts. The Government's job was to say there is a strategic business with sustainable jobs that can be saved and people can be put to work. The Government parties missed the time. They lost all of last year and they have ended up at the 11th hour with a gun to their heads, flapping around between one hangar and the next because they left it too late.

11 o'clock

It is the Taoiseach and the Government's responsibility to resolve this issue. A total of 200 jobs have been lost and potentially another 300 jobs could be lost. The test for the Taoiseach, to which we will return, is whether he will ensure the 300 jobs will be available at Dublin Airport. How he does that is a matter for the Government. If he has boxed himself into a corner, that is his problem but his responsibility to the people whose families and livelihoods depend on those jobs is to secure them. Will he do that?

The Taoiseach: I have just explained to the Deputy three viable ways in which we are prepared to do it. The other party is saying it wants possession of a hangar in the leasehold interest of a rival company. I have explained how we can do this and how we should proceed but the suggestion by the Opposition is that we should forget about the law and it does not matter about agreements——

Deputy Noel Dempsey: Tear up the agreement.

Deputy James Reilly: Use the law as an excuse.

The Taoiseach: Tear up the agreement. "You can do it" is the answer on the other side of the House.

Deputy James Reilly: It is about 95 people working in a hangar in which 1,100 used to work. How is that useful?

An Ceann Comhairle: Deputy Reilly, please.

The Taoiseach: This is the sort of debate that people who care about jobs are supposed to take seriously.

Deputy James Reilly: The Taoiseach explained his plan earlier.

Deputy Enda Kenny: The Taoiseach has made an unwarranted assertion.

An Ceann Comhairle: I ask Deputy Kenny to sit down.

Deputy Noel Dempsey: We heard what the Deputy said.

An Ceann Comhairle: We have to proceed on the principle that whoever is in possession is allowed to speak. I ask the Deputy to resume his seat.

Deputy Enda Kenny: The Taoiseach says he is not going to break the law and the Government will not break the law, and I respect that.

The Taoiseach: If I may proceed, a Cheann Comhairle——

Deputy Enda Kenny: Yet we have a motion of confidence in a Cabinet Minister who submitted a false sworn affidavit.

The Taoiseach: I would like to continue. The Deputy has had three chances to make sense and he has not made sense yet.

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

The Taoiseach: He has had three chances to make sense and he has not made sense yet.

Deputy James Reilly: The Taoiseach has won the prize for jargon more than once.

An Ceann Comhairle: Deputy Reilly, please.

The Taoiseach: Whether he does it in a loud voice or a low one, the absence of content is obvious.

Deputy Enda Kenny: The law seems to be subjective here.

The Taoiseach: I have outlined to the House the means by which this problem can be solved. From what I am hearing in the supplementary questions, there is an acknowledgement that the Government is not in a position to break the law.

Deputy Joan Burton: Nobody is asking the Government to do that.

Deputy James Reilly: It would not have to break the law.

The Taoiseach: It is not in a position to have bodies under its aegis induce a breach of contract.

Deputy Bernard J. Durkan: That is what the Taoiseach is saying.

The Taoiseach: That is the situation.

Deputy James Reilly: Did the Taoiseach ever hear of negotiation?

Deputy Joan Burton: The Government is erecting a road block to taking action.

The Taoiseach: If people want to give an impression, as Deputy Kenny has tried to do, that it is only a matter of walking out to the airport——

Deputy Enda Kenny: That is not what I am saying.

The Taoiseach: ——taking out Aer Lingus, putting in Ryanair and away we go, I am sorry, but the world is not like that.

Deputy Róisín Shortall: Why will the Taoiseach not answer the question?

An Ceann Comhairle: The Taoiseach without interruption, please.

The Taoiseach: It might have been like that in Deputy Kenny's day, but when it comes to doing the serious business that must be done here, it is not like that.

Ceisteanna — Questions.

Departmental Bodies.

1. **Deputy Enda Kenny** asked the Taoiseach when the cross-departmental team on infrastructure and public private partnerships will meet; the number of meetings of the team planned for 2010; and if he will make a statement on the matter. [48391/09]

2. **Deputy Caoimhghín Ó Caoláin** asked the Taoiseach the membership of the Cabinet committee on housing, infrastructure and public private partnership. [1239/10]

3. **Deputy Caoimhghín Ó Caoláin** asked the Taoiseach the membership of the Cabinet committee on health. [1240/10]

4. **Deputy Eamon Gilmore** asked the Taoiseach when the cross-departmental team on housing, infrastructure and public private partnership last met; when the next meeting is due; and if he will make a statement on the matter. [3178/10]

The Taoiseach: I propose to take Questions Nos. 1 to 4, inclusive, together.

A Cabinet committee on economic renewal was established in September 2008. Its role is to bring a new focus to the key policies and programmes necessary to ensure an appropriate and cohesive response to the scale of the challenges facing our economy. This includes overseeing the development and implementation of the Government's smart economy framework for sustainable economic renewal. As I indicated to the House in February and October last, the work of the Cabinet committee on housing, infrastructure and PPPs, and its supporting cross-departmental team, has been subsumed within these arrangements.

The Cabinet committee on economic renewal meets as necessary, which is generally on a monthly basis. Membership of the committee, which I chair, includes the Tánaiste and Minister for Enterprise, Trade and Employment, the Minister for Finance, the Minister for the Environment, Heritage and Local Government and the Minister for Health and Children. Other Ministers attend where necessary: the Ministers for Education and Science, Communications, Energy and Natural Resources, Agriculture, Food and Forestry, Transport, Social and Family Affairs, and Arts, Sport and Tourism. The Minister of State with responsibility for science, technology and innovation attends on a regular basis.

I chair the Cabinet committee on health, of which the other members are the Ministers for Health and Children and Finance and the Minister of State with responsibility for children and youth affairs. Other Ministers who are not members of the Cabinet committee may attend meetings where appropriate.

Cabinet committees are an integral part of the Cabinet process. Questions as to the business conducted at Cabinet or Cabinet committee meetings have never been allowed in the House on the grounds that they are internal to Government. The reasons for this approach are founded on sound policy principles and the need to avoid infringing the constitutional protection of Cabinet confidentiality. Questions on specific policy or programme matters are most appropriately addressed to the Minister with responsibility for the area concerned.

Deputy Enda Kenny: What labour-intensive projects does the Government propose to announce this year? I am speaking of projects such as the metro west, the metro north and the rail interconnector. When will work commence on such major projects? Were these discussed by the Cabinet sub-committee?

The Taoiseach: As I said, we never discuss what goes on at Cabinet committee meetings other than by indicating the fact that they have taken place and what they broadly cover. To be helpful to the Deputy, I will mention that €6.4 billion is being spent under the capital investment programme this year — a significant amount, which represents an estimated 80,000 jobs in a range of areas including education, with school building throughout the country.

With regard to transport, under Transport 21 the inter-urban motorway system will be completed by the end of the year. It is envisaged that there will also be significant investment in public transport this year. At this stage of Transport 21, we are moving towards significant investment in public transport as a component of the transport spend, and this will increase over the coming years. The projects mentioned by the Deputy are proceeding through the various preparatory stages and will be dealt with in due course.

An Ceann Comhairle: I remind the House that the proceedings of Cabinet committees are confidential.

Deputy Enda Kenny: I understand that. I will not ask the Taoiseach for details of the meetings.

On a recent visit to Brussels for a meeting, I took the opportunity to visit a massive wind farm halfway between Charleroi and Brussels, which has the largest wind turbines in the world. It is run by a company called Enercon, from northern Germany. Each of these turbines is about 400 ft. high. They cost €12 million apiece and are provided in a month. There are two permanent jobs associated with each tower, and the farmer on whose land the wind farm is situated gets €100,000 per year. Each one generates enough electricity to power 5,000 houses. In a county with 60,000 houses, a small number of these turbines could provide enough electricity to power all of them. Large stretches of the country could be powered in this fashion.

The targets set by the Minister for Communications, Energy and Natural Resources will never be reached because we do not have community buy-in, and the planning structure makes things difficult with objections and so on. In County Clare, the county manager and councillors of all parties and none agreed on a material contravention of the county development plan after designating various areas of the county as having high, medium, low or zero potential for wind energy. In terms of its equivalent in oil, there is a Saudi Arabia blowing up and down the west coast every day. When one considers the statistics and the economics of it, one sees massive opportunities in terms of job creation. Many of the materials required for such facilities could be manufactured in this country — concrete, metal, plastics, environmentally benign coatings and so on. Jobs would be provided for architects, engineers and tradesmen.

I do not know whether the Cabinet sub-committee has examined the urgency of dealing with this, but if we are serious about the targets the Government has set for itself in terms of wind energy, we are far behind. We would need to provide one of the turbines I mentioned every three or four days until the deadline to meet our stated objective. An effort should be made to gain acceptance of such projects among communities. The Joint Committee on Climate Change and Energy Security, chaired by Deputy Barrett, voted in favour of the revised EU Commission decision to allocate billions of euro to renewable energy and carbon capture projects across the EU.

We do not have to start disrupting special areas of conservation, national heritage areas or areas of environmental sensitivity. As has happened in County Clare, an examination of State-owned and private lands that are not zoned would find adequate space for major wind energy projects. When the next meeting of the Cabinet sub-committee takes place, I suggest the Taoiseach seek a report on the potential that exists. We should be driven by a sense of urgency. There would be thousands of jobs for people all over the country if we could get the structure right and ensure acceptance by communities, with a real drive by Government to start the manufacturing process. In this way we can meet the targets set by Government for energy production.

The Taoiseach: The target we have set of achieving 15% of our overall energy mix from sustainable sources will be reached this year. As the Deputy knows, we have a longer term plan to reach a target of 40% sustainable energy to meet our overall energy requirements. There is a lot of work ongoing in regard to that. The Minister, I think everyone will agree, is very committed to that area and is pursuing it, as are the ESB and other incumbents in the energy market. We now have a more competitive energy market and certainly not one that is dominated by any one company, although the ESB is clearly the largest player in the market. Viridian and others in the market are moving in that direction and looking at having an investment programme that will see an increase in sustainable energy sources in the future.

I commend councillors, whether in Clare or anywhere else, where they can see an advantage or where they have a resource that can be harnessed. Obviously, one welcomes the broad,

unanimous support there is for moving in that direction, but it is important to point out the Government is committed to this area. Moving to a more sustainable energy source is important for us. We can become net exporters in due course. We have an interconnector with which we are proceeding at the moment. We have unified the electricity sector on an all-island basis and there has been a lot of co-operation undertaken in that area, much to the benefit of all consumers, North and South. Whether in wind energy or wave energy, a number of projects being undertaken hold some prospects. Were they to prove as successful as those involved hope for, they would make a very serious contribution towards changing the energy landscape in Ireland over a period of time. It is an area to which we are committed.

Deputy Caoimhghín Ó Caoláin: Has the Cabinet committee on housing infrastructure and public-private partnership set new terms of reference or has it a new programme of work, given the changed situation in terms of housing and the economy generally since it was first established? Will it carry out any assessment of need in the context of housing stock, with a particular focus on the need for social housing across the economy? Will it deal with the long-promised regeneration plan in, for example, Dublin? There was to have been undertaken a significant regeneration plan under the aegis of private developers via PPPs who subsequently collapsed. I refer specially to St. Michael's estate, St. Theresa's Gardens, O'Devaney Gardens and Dominick Street. Given the serious impact of the collapse of these planned regeneration schemes, will the Taoiseach ask the Cabinet committee to address this matter and to report to him and to the Minister with responsibility and that it would be reflected in the House?

While the Minister for Defence is at the Taoiseach's side, does the latter not also believe it to be important for the Cabinet committee to address what I sadly understand to be the now scuttled regeneration plan for Limerick? Some €1.7 billion was proposed to be committed to the regeneration of communities in the Limerick area that have suffered marginalisation and a lack of investment and resourcing over many years. I am referring specifically to Moyross, Southill, Ballinacurra Weston and St. Mary's Park, all of which are familiar to the Minister. I agree with the comments of the Minister, Deputy O'Dea, regarding that regeneration programme. He stated that it was vital not only for the future development of Limerick city, but for the entire mid-west region. Certainly that is the case.

Will the Taoiseach indicate that the Cabinet committee on housing infrastructure and PPP will address these serious matters? Does he agree that, where we are trying to create real jobs, these regeneration projects offer significant opportunity within the construction sector? Not only would they have considerable benefits for their respective communities, but they would also make a large contribution to the great numbers of people in the construction sector who have found themselves on the dole queues. Such an initiative in both of these incidences — Dublin and Limerick — would be of enormous benefit.

The Taoiseach: I thank the Deputy for referring to the Minister at my side. According to the correspondence I received from Deputy Ó Caoláin this morning, the Minister would not be at my side for too long.

Deputy Caoimhghín Ó Caoláin: That is what we believe will occur.

The Taoiseach: We will make sure that is defeated and that the Deputy's concerns——

Deputy Willie O'Dea: The Deputy has some neck.

The Taoiseach: To deal with the matters that he raised, the question of the surplus housing stock we have and the need for long term leasing is an initiative that the Minister of State, Deputy Finneran, has brought forward and that will require the full co-operation of all of the

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housing departments of local authorities to ensure that, rather than the traditional way of constructing housing, we have the houses available that we need to acquire. There is a lot of acquisition of housing going on. As the Deputy knows, there are different means by which councils obtain housing to meet requirements. This is to be welcomed. It is not simply the old traditional construction method.

There are also important sectors of the housing sector where special arrangements need to be made. For example, I very much welcome the fact that this year, over 1,000 units will be built for people with disabilities throughout local authorities in Ireland. This is an important initiative that the Minister of State, Deputy Finneran, has championed. It is a very good initiative.

On the question of regeneration as I understand it, while everyone is clearly disappointed that the PPPs were not proceeded with at that time — they were dealt with and debated in the House at the time — the Minister of State was very active with Dublin City Council and the other local authorities in Dublin, which remain committed to proceeding with these projects. Clearly, the PPP model provided the best and fastest means for providing them rather than by their being exclusively Exchequer funded. However, the councils remain committed to all of those projects and are working through those issues as best they can with the resources that are available. It is not a question of whether something in Dublin or Limerick is not proceeding. It is a question of trying to ensure that we can get some private sector buy-in in addition to the commitments that we are making, for example, in Limerick this year, a total of €25 million.

Deputy Caoimhghín Ó Caoláin: The Taoiseach has suggested that there is some significant address of the social housing need. He must specify what we are discussing because I have noted that the dependency of the majority of local authorities, certainly those of which I am aware and exposed to, is on the rental accommodation scheme, RAS. This is not a solution. At best, it is a stopgap situation only applying to those already in receipt of rental supplement and in accommodation circumstances that require transfers. The RAS is not an answer, but it is what most local authorities are depending on. They do not have funding. They have been starved of the essential funding necessary to progress with social housing construction.

The situation is very serious. Housing waiting lists are not shortening in the majority of local authority areas throughout this jurisdiction. This is a matter that the so-called Cabinet committee on housing needs to address, but there is no evidence that it has done or is doing so in any way. The Taoiseach did not indicate in his reply whether there is to be any assessment of current need to underscore the reality facing many families the length and breadth of the State and to inject some urgency into Cabinet address of these issues.

I want to address my second question regarding the Cabinet committee on health. It could hardly have done so in respect of one report already, but will it address the Joint Committee on Health and Children's report on primary care, which was published last week? Will it also address the Comptroller and Auditor General's report on hospital emergency departments?

An Ceann Comhairle: The Deputy should avoid detailed questions. They would be more appropriately put to the line Minister.

Deputy Caoimhghín Ó Caoláin: We are discussing the Cabinet Committee on Health and what it will do and address. Will the Taoiseach confirm that the Cabinet committee will address the matters raised in these two critical reports, one on primary care and the other on the absolutely outrageous and disastrous situation pertaining in several accident and emergency departments in hospitals sites throughout the State? Will the Cabinet committee exercise itself and impress on the Minister the importance of proceeding with the rollout of primary care

centres throughout the State and the significant investment necessary to upgrade from their current disgraceful state the accident and emergency departments in many hospitals?

The Taoiseach: With regard to housing, the rental accommodation scheme, RAS, is not the only initiative. There always has been a rental sector to help deal with local authority housing lists. In many cases that arrangement, more than others, suited people. That arrangement will continue and it is not the only means available. As I mentioned, there is the question of acquisition and long-term leasing etc. Some construction is taking place, much of it in specialised sectors to provide for the elderly and people with disabilities. The objective is to build community-based models of health care, quite rightly, for people in those situations and to give them the prospect of independent living, supported living etc. All of that work is ongoing. The Minister of State, Deputy Finneran, is committed to that area.

On the question on health, the Cabinet Committee on Health meets regularly, has worked through the service plans of the HSE and has been very instrumental in bringing forward the cancer strategy. I am sure the work the Oireachtas committee has done on primary care will have an input into policy for the Department and the Minister. There is a clear commitment to move to a greater degree of primary care and greater co-ordination and collaboration among GPs and other people in nursing, physiotherapy and the various care professions to work together. Many primary care centres have been set up and, from my experience, they have significantly improved the provision of primary care services to the people.

With regard to accident and emergency services, the central points are highlighted in the report. First, actions have been taken in line with this report and improvements have been made. For example, in October 2006, only 11 of the 34 emergency departments were consistently admitting patients within 24 hours. In December 2009, 29 of the 34 emergency departments were consistently admitting patients within that period, which is almost a threefold improvement. Second, a critical issue highlighted by the report is access to decision making by senior clinicians, that is, by consultants. The Minister has pointed out that, under the new consultants contract, we have appointed clinical directors to every hospital and that is bringing its own improvements and benefits. Consultants are now working in teams. They have an extended working day and structured weekend work. A key task for this year for the HSE is to have these features of the new contract fully implemented. That would mean responsibility to achieve the best clinical care and to improve patient experience at the hospital at all stages of care, including at the emergency department, would be shared by the consultant team and the management of each hospital. The report sets challenging benchmarks against which to judge the performance of emergency departments. The HSE's waiting time targets for admissions to emergency departments has been reduced from 24 hours in 2007 to six hours now. Since the data for the Comptroller and Auditor General's report were completed, the HSE's information on actual waiting times of all patients has improved. Waiting times from arrival at emergency departments are now being measured alongside many other criteria of good patient services. The HSE's service plan for 2010 includes actions to reduce waiting times, including——

Deputy Caoimhghín Ó Caoláin: Its plan is to reduce the number of beds available.

The Taoiseach: ——more treatment in primary care settings and more use of medical assessment units for people with chronic conditions rather than trauma. While the report rightly points to an acceptable waiting time for patients waiting to be admitted, it is also true that 94% of patients who did not require admission were treated and discharged within the HSE's maximum target of six hours. The Comptroller and Auditor General's report refers to waiting times for admissions only and uses 2 p.m. trolley waits from January to May compared with

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January to May 2009. Some 87% of all patients at emergency department, irrespective of whether they are admitted, are seen within six hours. On 54% of patients needing admission get a bed within six hours. This has improved from just over 40% since last February.

There has been significant capital investment in emergency departments to improve both the fabric of the units and their capacity to meet patients' needs effectively. There also has been investment in the provision of medical assessment units and substantial investment in services that reduces the need for hospital admission, including primary care teams, homecare packages and home helps.

Deputy Caoimhghín Ó Caoláin: The HSE service plan proposes a reduction of 1,100 beds this year. That is not addressing the problem.

Deputy Eamon Gilmore: I wish to refer to the Taoiseach's reply to Deputy Ó Caoláin's questions on housing and in particular the Taoiseach's response on the long-term leasing arrangement that has been announced by the Minister of State, Deputy Finneran. Does the Taoiseach consider that is the best use of public money? As I understand it, the long-term leasing arrangement is one whereby the State will provide money to local authorities to lease properties for up to 20 years for subletting to people on the local authority housing lists. The cost involved over 20 years is approximately €240,000 in today's money paid in rent by local authorities for a long-term lease. Would it not make more sense to purchase these properties rather than to lease them on a long-term basis? If the public authority leases them on a long-term basis, it will have no asset at the end of the 20 year lease. Furthermore, the tenants will not be able to avail of the opportunity to apply to purchase the properties under a tenant purchase scheme as they would if they were living in local authority dwellings. I understand the local authority construction programme is being wound down.

An Ceann Comhairle: The Deputy is going into detail.

Deputy Eamon Gilmore: I know I am but I am responding to the Taoiseach's reply to Deputy Ó Caoláin and I am pursuing the value for money aspect of this arrangement. It does not seem sensible to rent long term. I do not know of anybody other than the State that would enter into long-term leases at present in circumstances where the housing market is such that it makes more sense to buy. Why are the authorities not buying these dwellings rather than entering into long-term lease arrangements?

In relation to the committees on various matters, which of them deals with transport? There is an issue concerning taxi regulation that the Government should address. The taxi regulator has proposals to bring in a regulation whereby vehicles used as taxis will have to be changed after nine years. One can have a car that might be ten or 12 years old and, depending on the car and how it has been maintained, it might be much better than another car that is five years old. I understand from full-time taxi drivers that, in the first instance, many of them do not have the money to change their cars. If they go to their banks, they will be refused loans to change their cars, which will drive many of them out of this business. They tell me that a part-time taxi driver with a pension, or another income, is in a better position to get a car loan from his or her bank. This measure will have a distorting effect on the taxi business and it is unnecessary given that these cars have to undergo an NCT and meet the requirements of the carriage office and taxi drivers have to maintain their taxis to the required standard. The Government should examine this proposal because it seems the taxi regulator has gone far beyond what needs to be done to ensure there is a good quality taxi service.

The Taoiseach: On the Deputy's second matter, I will raise it with the Minister, Deputy Dempsey, and ask him to correspond directly with the Deputy.

Deputy Eamon Gilmore: I appreciate that and I look forward to receiving the Minister's response. The Taoiseach could be soon using a taxi again but, of course, he will get to keep the car.

Deputy Brian Hayes: He will get to keep it.

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

Deputy Brian Hayes: He will not have to use public transport.

Deputy Bernard J. Durkan: The lads behind him will not be so lucky.

Deputy Eamon Gilmore: The man seated next to the Taoiseach could be travelling in a taxi very soon.

Deputy Pat Carey: That is what the Deputy hopes.

The Taoiseach: Deputy Gilmore will not get as many scalps as he thinks. Long-term leasing is part of the housing issue. There is a far greater variety of approaches being taken by local authorities now in respect of housing need than was the case when I was on the council many years ago. It is all for the better because different people have varying needs and requirements. Acquisition is ongoing, with some houses on the market being purchased by local authorities. As has been mentioned, there is also a rental accommodation scheme and long-term leasing.

There is a range of specialised housing now available that was never available in the past, with superior specifications in houses in general than was the case in the 1970s and 1980s when we built big estates all over the place without a social mix. We then introduced £5,000 grants for people who minded the houses to move off and there was a further loss of social mix, much to the detriment of the maintenance and cost of housing estates. I am a great believer in social mixing.

Deputy Caoimhghín Ó Caoláin: There is some social mixing on the Labour benches.

The Taoiseach: The acquisition of private housing is good, and we have seen it in community-based models of care for people formerly in mental institutions now being well cared for in the community. There are various means and methods, although the process requires housing officers and departments in all our local authorities to be up to speed and open to some of these changes. The changes could be tried in a far more energetic fashion than some authorities do.

Some counties are very good at the process and sometimes it comes down to personnel in Departments who have an ability to adapt and do the job as envisaged. Some continue on a narrow train waiting for allocations to be made and houses to be built. Others are more proactive and find far better solutions on the market which could be more cost-efficient. There is a varying degree of success in that which must be addressed by local authorities.

Deputy Eamon Gilmore: The Taoiseach is correct in that there is a greater variety of formulae for providing housing, which is to be welcomed and which is supported by the Labour Party. The problem is that the Government, at present, is involved in a process of reduction. I am told that the local authorities' construction programme has been effectively wound down, with little or no local authority construction taking place. There were fewer dwellings purchased

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by local authorities last year than the previous year, with 900 bought last year compared to 3,000 or 4,000 the year before. There has been a winding down of purchase activity.

Deputy Bernard J. Durkan: Correct.

Deputy Eamon Gilmore: I am specifically asking about long-term leasing arrangement, the logic of which I do not understand. This process does not give good value for money. Anybody looking at the housing market currently knows there are many vacant dwellings and unfinished apartments and housing estates, which could be used for housing people on the housing list.

Deputy Bernard J. Durkan: Correct.

An Ceann Comhairle: This is more appropriate for the Minister for the Environment, Heritage and Local Government.

Deputy Eamon Gilmore: I do not understand the logic. The Taoiseach did not answer the specific question on the logic of long-term leasing when we could be buying the properties. Why would a local authority — or any of us — enter into a 20-year lease for a dwelling that we could buy for the same money? This does not make sense, unless it is a great favour for the people from whom the properties are being leased.

The Taoiseach: It is about trying to ensure we use the resources available to us to benefit the greatest possible number of users. If the authorities only acquire houses and do not get involved in leasing arrangements, there would be no opportunity to pay over a period. There would be up-front costs.

Deputy Eamon Gilmore: That is right. It makes more sense.

The Taoiseach: Given the level of housing need and the variety of approaches adopted, none of which is exclusive from the other, if we were to talk exclusively about purchasing as suggested by the Deputy rather than long-term leasing, it would only be possible to procure with the allocation far fewer houses to meet a growing need on the housing lists.

Deputy Eamon Gilmore: No, it is the same.

The Taoiseach: It is not the same.

Deputy Eamon Gilmore: It is.

The Taoiseach: No. As I have indicated, the housing stock would be acquired over a much longer period. It is a basic fact that the capital up-front cost of purchase, if used as an exclusive approach, would by definition provide far fewer houses than would be the case through the other.

Deputy Eamon Gilmore: The properties would be owned. After 20 years nothing would be owned in this respect.

The Taoiseach: We have to provide housing need.

Deputy Brian Hayes: I wish to put on the Taoiseach's radar the very important educational project at Grangegorman, which he appreciates is a major infrastructural project on which the Houses have already passed legislation to establish an authority. The project involves the DIT and HSE. I am aware that the Government in the recent budget allocated funds to allow the

project to progress. It is a major infrastructural project in Dublin and is very positive for the DIT, which is already spending significant sums in trying to patch existing constituent colleges. Does the Taoiseach agree it is long overdue for the project to get under way on the basis that construction prices in education are down at least a third from where they were two years ago?

The Taoiseach: This is a very important and ambitious project for the north inner city and there is no question or doubt about that. I have been to the location and spoken to the people involved and I commend them for the work done so far. The benefits for the DIT are significant in terms of reducing rental costs and being able to acquire a more integrated campus arrangement than is currently the case, where it has built up over many years various departments in different locations. That brings its own administrative and managerial difficulties as well.

The project is ambitious and involves not just meeting educational needs, as the Deputy noted, but also housing and social need in the widest community sense. The Minister for Education and Science is keeping a very close eye on the matter and perhaps a detailed question to him on its present status would be the best action for the Deputy.

Programme for Government.

5. **Deputy Enda Kenny** asked the Taoiseach the progress made to date in respect of the implementation of those elements of the revised programme for Government for which his Department is responsible; and if he will make a statement on the matter. [48392/09]

6. **Deputy Enda Kenny** asked the Taoiseach if he will report on the implementation of the revised programme for Government; and if he will make a statement on the matter. [48408/09]

7. **Deputy Eamon Gilmore** asked the Taoiseach the progress made to date regarding the implementation of those areas of the revised programme for Government for which his Department has line responsibility; and if he will make a statement on the matter. [1464/10]

8. **Deputy Eamon Gilmore** asked the Taoiseach if he has satisfied himself with the rate of implementation of the revised programme for Government; and if he will make a statement on the matter. [1465/10]

9. **Deputy Caoimhghín Ó Caoláin** asked the Taoiseach the progress made on the implementation of the revised programme for Government; and if he will make a statement on the matter. [3457/10]

The Taoiseach: I propose to take Questions Nos. 5 to 9, inclusive, together.

The review of the programme for Government was completed last October. As Deputies are aware our initial programme for Government made clear that its delivery was based on an annual growth rate of 4.5%. It was negotiated prior to the worst global downturn since the 1930s. The renewed programme for Government takes account of the changed economic circumstances which have arisen from the period of unprecedented global economic turmoil. It also takes account of progress to date in implementing the original programme for Government as well as the template going forward upon which Government will be focusing its priorities in a different economic environment. I am confident that the programme will serve us well in the years to come.

It is the responsibility of each individual Minister to ensure that the commitments in the renewed programme for Government that fall within a particular portfolio are fully implemented. We all have to adapt to changed economic circumstances. Just as businesses and families are adapting to the new reality, the Government is doing so too. This renewed prog-

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ramme for Government will direct and inspire the Government's efforts in dealing with both national and international issues which are fundamental to Ireland's economic well-being and development.

There is growing evidence that the economic position has stabilised and there has been a positive reaction from both domestic and international commentators to the corrective measures taken in the 2010 budget. We are now focusing on implementation of the programme in order to deliver measures which will stimulate sustainable economic recovery in line with the Government's smart economy framework.

The Department of the Taoiseach derives its mandate from my role as head of government. As such, it is involved to some degree in virtually all aspects of the work of the Government. It provides support to me as Taoiseach and to the Government through the Government secretariat, the Cabinet committee system and through its involvement in policy areas and initiatives.

Deputy Enda Kenny: The programme for Government included a commitment to ban corporate donations. What is the status of that commitment? It also gave a commitment to create 120,000 green collar jobs. One of the biggest white elephants appears to be the smart economy document and the €500 million innovation fund. We are still waiting for details of this 15 months after it was announced. When can we expect the details to be published? Is that the area in which the Government expects the 120,000 green collar jobs to be provided?

The last American ambassador said that if this country did not get serious about ocean energy, we would fall way behind. The recent development between Ocean Energy and Dresser-Rand was certainly good news for the Irish energy sector. This is not a pipe dream. Denmark — a country of similar size and resources to Ireland — created 20,000 jobs and exports 90% of what is produced by Danish wind turbine manufacturers. The Danish energy industry turnover was €390 million in 1996, but it reached €4.3 billion in 2006. There are clearly massive opportunities here.

The Taoiseach: The issue of donations is being proceeded with in the context of overall electoral reform. The smart economy document is far from being a white elephant. About 34 recommendations have been completed and 68 are being implemented at the moment. Work is ongoing with other recommendations. It is not correct to say that no action is being taken on the smart economy document.

The issue of investment funds arose during Leaders' Questions a few weeks ago, when I explained the situation. The NTMA personnel have come back from the US, having spoken to venture capitalists there. They listened intently to what those venture capitalists had to say and they are examining the type of model that can be brought forward that will attract the sort of commitment from venture capitalists that is necessary to assist and drive an innovation fund. Their work is continuing and I had a meeting with them a few weeks ago.

Deputy Eamon Gilmore: I also want to ask the Taoiseach about green jobs. One green job in particular is the job that the former Senator de Búrca did not get. What was the understanding in the reviewed programme for Government about jobbery in the Government and about the appointment of jobs like this? The former Senator claims that she was promised the job and that the Minister, Deputy John Gormley, could not deliver it for her. Was there an understanding about a job for Ms de Búrca in Commissioner Geoghegan-Quinn's cabinet? Why was he not able to deliver it for her?

The programme for Government states: “We will introduce on a legislative basis a more open and transparent system for appointments to public bodies. The legislation will outline a procedure for the publication of all vacancies likely to occur...” What progress has been made on that statement? Does it apply to the kind of job that the former Senator de Búrca did not get?

My final question is about the revised programme for Government and its policy on incineration. The Government issued a statement about two weeks ago which purported to provide some comfort for the Minister, Deputy Gormley in his constituency. Unfortunately, the statement does not say whether the building of the incinerator in Ringsend is Government policy. Is it Government policy to build that incinerator?

The Taoiseach: I have no comment on internal party matters in respect of the first issue. It is not referred to in the programme for Government and is not relevant to supplementary questions at all.

We are in favour of resource management in the area of waste management generally. The Minister has indicated his concerns about using a section 60 procedure regarding the prospect of capping levels of waste that go for incineration. That is a consultative process under EU directives. He has given his views on that matter individually and as Minister. Until the consultative process is completed, decisions taken by the Government will be taken in that context. To do otherwise would leave the Minister open to legal challenge, and that is something we wish to avoid. Part of the initiative undertaken by the Minister is related to the amount of waste that could be provided for incineration.

Deputy Eamon Gilmore: The Taoiseach refers to my first question as an internal party matter. It is not an internal party matter. I am asking him about the programme for Government, which is the marriage contract — if one could elevate it to that status at all — between his party and the Green Party. One of the provisions in that programme for Government relates to appointments to public bodies. There is a commitment in the programme — part of which I just read out — about a more open and more transparent system for appointments to public bodies. It is something that was very welcome and was sought by the Green Party. Does that commitment include a commitment to a more open and transparent system for appointments to public bodies? Does that include the kind of jobs that Green Party members get in the Government, or jobs that they would like to get from people who are appointed by the Government?

Deputy Enda Kenny: At home or abroad.

Deputy Eamon Gilmore: The Taoiseach states that this will require legislation, but could the Government not do this anyway? If there is a more open and transparent system for appointment to public bodies, the Government could do it without having to go through the bother of bringing in legislation. The job in Commissioner Geoghegan-Quinn’s cabinet could have been advertised in line with the provisions of this document, which would have given the former Senator de Búrca a fair opportunity to compete for it. According to what she said, the Minister, Deputy Gormley, told her that the Taoiseach shafted her. That cannot be good for relations in the Government.

I interpret what the Taoiseach is saying about the incinerator as meaning that it is Government policy to build the incinerator in Ringsend, but that at some stage in the future, the Government might put a cap on the amount of material that would be incinerated there. Is that a correct interpretation?

The Taoiseach: In respect of people in European Commissioners' cabinets or otherwise, it is a matter for the incumbent to decide such issues. That is the case here as it was in previous situations. The Deputy chooses his own cabinet and does not go around advertising it. I am sure none of his party members was aware of it if he did.

There is a statutory basis under which top level appointments to public bodies are set up. They are not *ad hoc*, but are based on certain powers that are provided by the Oireachtas for the proper appointment of people in those situations. We indicated in the programme for Government that we would reform the process, and I imagine that would require legislation.

Regardless of whether one is emphasising waste management policy as a resource management issue, incineration is part of the waste hierarchy. There is no waste plan in the developed world where incineration is not part of the hierarchy. The issue is to what extent one manages the resources one has in the waste pyramid that can be used for recycling. One maximises recycling and when there is a residual waste issue beyond that, heat to energy and other such means of disposal are legitimate in that context. Waste policy has been set out for some years.

Deputy Eamon Gilmore: Incineration is, therefore, Government policy.

The Taoiseach: It is part of policy but the issue has always been what is the relevant capacity and what is the best management of the resource that will ultimately require incineration in some form.

Suspension of Member.

An Ceann Comhairle: Before coming to the Order of Business I must deal with a postponed division relating to the suspension of a Member. On Tuesday last, on the question, "That Deputy Charles Flanagan be suspended from the service of the Dáil", a division was claimed and, in accordance with Standing Order 62, that division must take place now.

Question put.

The Dáil divided: Tá, 75; Níl, 69.

Tá

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

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

Tá—*continued*

Moloney, John.
 Moynihan, Michael.
 Mulcahy, Michael.
 Nolan, M. J.
 Ó Cuív, Éamon.
 Ó Fearghail, Seán.
 O'Brien, Darragh.
 O'Connor, Charlie.
 O'Dea, Willie.
 O'Donoghue, John.
 O'Flynn, Noel.
 O'Hanlon, Rory.
 O'Keefe, Batt.

O'Keefe, Edward.
 O'Rourke, Mary.
 O'Sullivan, Christy.
 Power, Seán.
 Roche, Dick.
 Ryan, Eamon.
 Scanlon, Eamon.
 Smith, Brendan.
 Treacy, Noel.
 Wallace, Mary.
 White, Mary Alexandra.
 Woods, Michael.

Níl

Allen, Bernard.
 Bannon, James.
 Barrett, Seán.
 Breen, Pat.
 Broughan, Thomas P.
 Bruton, Richard.
 Burke, Ulick.
 Burton, Joan.
 Carey, Joe.
 Clune, Deirdre.
 Connaughton, Paul.
 Costello, Joe.
 Coveney, Simon.
 Crawford, Seymour.
 Creed, Michael.
 Creighton, Lucinda.
 D'Arcy, Michael.
 Deasy, John.
 Deenihan, Jimmy.
 Doyle, Andrew.
 Durkan, Bernard J.
 English, Damien.
 Feighan, Frank.
 Flanagan, Charles.
 Flanagan, Terence.
 Gilmore, Eamon.
 Hayes, Brian.
 Hayes, Tom.
 Higgins, Michael D.
 Hogan, Phil.
 Howlin, Brendan.
 Kehoe, Paul.
 Kenny, Enda.
 Lynch, Ciarán.
 Lynch, Kathleen.

McCormack, Pádraic.
 McEntee, Shane.
 McGinley, Dinny.
 McGrath, Finian.
 McHugh, Joe.
 McManus, Liz.
 Mitchell, Olivia.
 Morgan, Arthur.
 Naughten, Denis.
 Neville, Dan.
 Ó Caoláin, Caoimhghín.
 Ó Snodaigh, Aengus.
 O'Donnell, Kieran.
 O'Dowd, Fergus.
 O'Mahony, John.
 O'Shea, Brian.
 O'Sullivan, Jan.
 O'Sullivan, Maureen.
 Penrose, Willie.
 Perry, John.
 Quinn, Ruairí.
 Rabbitte, Pat.
 Reilly, James.
 Ring, Michael.
 Shatter, Alan.
 Sheahan, Tom.
 Sherlock, Seán.
 Shortall, Róisín.
 Stagg, Emmet.
 Stanton, David.
 Timmins, Billy.
 Tuffy, Joanna.
 Upton, Mary.
 Varadkar, Leo.

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

Question declared carried.

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 notices to my office.

Deputy Frank Feighan: I seek the suspension of the Dáil under Standing Order 32 to address a matter of national importance, namely, the lack of urgency in setting up a single management

[Deputy Frank Feighan.]

authority for the River Shannon. As the House knows, many farm families, businesses and householders have been badly affected and the lack of progress on and investigation into this very serious matter is damning. I ask the Government to examine this serious situation.

Deputy Fergus O'Dowd: I seek the adjournment of the Dáil to discuss an issue of urgent national importance, namely, the need for the Taoiseach and the Ministers for Transport and Enterprise, Trade and Employment to urgently meet with all parties, including the Dublin Airport Authority, the IDA, Aer Lingus and Ryanair and leave no stone unturned to ensure that 300 Ryanair jobs are created in Dublin Airport.

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

Order of Business.

The Taoiseach: The Order of Business is No. 22, Criminal Justice (Money Laundering and Terrorist Financing) Bill 2009 — Order for Report and Report and Final Stages; and No. 4, the Road Traffic Bill, Order for Second Stage and Second Stage. Private Members' business is No. 3, Committees of the Houses of the Oireachtas (Powers of Inquiry) Bill 2010 — Second Stage (Resumed) to conclude at 8.30 p.m. tonight if not previously concluded.

Deputy Enda Kenny: A Cheann Comhairle, I had intended commenting on what I considered was an over-hasty reaction to expelling Deputy Flanagan from the House but I received a telephone call from an official in your office yesterday, I assume out of courtesy, at about 2 o'clock informing me of procedural matters. Your office said that I would be prevented from raising a matter of personal consideration; I assume this was in respect of the Minister for Defence. It was not my intention to raise that matter during Leaders' Questions in any event because we discussed the Ryanair position. I am wondering how it was that I got an unsolicited telephone call from your office on the assumption that it was my intention to raise an issue of importance about a Cabinet Minister. I am aware of the rules governing substantive motions where serious matters might be laid against any Member in that these are required to have four days' notice unless you, as Ceann Comhairle, change that. Did you get a flash or inspiration or some——

An Ceann Comhairle: No. A decision was taken to telephone all the leaders of the parties who were likely to raise the issue of——

Deputy Enda Kenny: May I ask you, Sir——

An Ceann Comhairle: It was not just Deputy Enda Kenny alone.

Deputy Enda Kenny: I know that.

An Ceann Comhairle: And the Taoiseach as well.

A Deputy: The Taoiseach was going to telephone was he?

Deputy Michael Noonan: What brought it on?

Deputy Enda Kenny: Was this political or divine inspiration, or did you suddenly come to a conclusion that you should telephone the other party leaders on the off-chance that they might want to raise something about the Minister for Defence?

An Ceann Comhairle: The important principle we were endeavouring to establish is that if there were to be any serious allegations made against any Member of the House they would have to be made by way of a substantive motion. That is an important principle to establish in this House——

Deputy Enda Kenny: Of course it is.

An Ceann Comhairle: ——and that was the purpose of it.

Deputy Enda Kenny: Does that mean that you will telephone again tomorrow because there is always an opportunity on every Order of Business to do something like that?

An Ceann Comhairle: It may not arise tomorrow.

Deputy Enda Kenny: It struck me that it was unusual to get an unsolicited telephone call from the Office of the Ceann Comhairle, for which I am grateful, to give me information of which I was already in possession.

Deputy Ruairí Quinn: Did the Ceann Comhairle initiate it?

Deputy Finian McGrath: You left out the Independents again, a Cheann Comhairle. You have not telephoned them yet.

Deputy Eamon Gilmore: I, too, got a similar telephone call. It is always very nice to hear from your office, a Cheann Comhairle, but as you know there is a rule that you apply to the rest of us. You regularly remind us that we should not anticipate debate. I believe you were anticipating debate and an approach to this issue that you should not have anticipated. As it turned out, it was not necessary for you to anticipate.

The more substantive issue was——

Deputy Pat Rabbitte: The issue was an issue for the DPP.

Deputy Eamon Gilmore: ——that the arrangement eventually arrived at here yesterday evening was a very unsatisfactory one whereby the Minister gave a statement but no opportunity was provided to Members of the House to ask him questions or to respond to the statement he made. I appreciate that the Ceann Comhairle responded to a request from the Minister to allow him an opportunity to make a statement of personal explanation. However, as I understand it, the rules in regard to statements of personal explanation require such statements to be brief, non-contentious and non-controversial in the political sense and to be such that they do not invite debate. The statement made by the Minister for Defence satisfied none of those conditions. It was highly contentious, highly partisan, highly self-serving and it required an opportunity for a response to be made to it. I do not blame the Ceann Comhairle for that; I blame the Taoiseach. The Government should have provided Government time for that statement to be made and for questions or responses to be made by Members.

The Taoiseach: In view of the point the Deputy has raised, I am quite prepared to give Government time today for the taking of a confidence motion on this issue. I am giving notice that we will do so.

Deputy Joan Burton: The Green Party may have a view on that.

Deputy James Reilly: This shows the Taoiseach can act when he wants to.

Deputy Noel Dempsey: Deputy Reilly is always acting.

Deputy Caoimhghín Ó Caoláin: To clarify, the Ceann Comhairle also did not telephone the leader of Sinn Féin in the House on this matter.

(Interruptions).

Deputy Caoimhghín Ó Caoláin: The programme for Government has a section dealing with equity of access to health care and indicates that this will be guaranteed through the implementation of the new consultants' contract. Is the Taoiseach aware that this contract is being frequently flouted by consultants throughout the hospital network and health service? Is he aware of the recent report by the Health Service Executive which highlights that some 17 consultants in the executive's western area are almost entirely functioning in the service of private patients and are not holding to the 20% allowed under the contract details? In other words——

An Ceann Comhairle: The Deputy is transgressing from the Order of Business.

Deputy Caoimhghín Ó Caoláin: My question is in the context of legislation. These consultants should be providing an 80% service to public patients but that is not happening. It is not only an issue of the programme for Government; my question is what measures the Taoiseach is prepared to take to ensure adequate monitoring and enforcement of these contracts. Will he consider legislation to ensure there is strict adherence to the terms of the contracts and, if necessary, to ensure there are appropriate penalties for blatant breaches of those terms?

The Taoiseach: Is this about promised legislation?

Deputy Caoimhghín Ó Caoláin: My question is whether the Taoiseach will consider legislation in order to ensure full adherence to the terms of the new consultants' contract given that there is such a degree of breach by consultants and, in particular——

An Ceann Comhairle: Will the Deputy consider putting a parliamentary question to the Minister for Health and Children?

Deputy Caoimhghín Ó Caoláin: ——in view of the catchment of consultants highlighted by the recent Health Service Executive report?

An Ceann Comhairle: Will the Deputy submit a parliamentary question to the Minister?

Deputy Caoimhghín Ó Caoláin: I have asked a question of the Taoiseach and it merits at least a response on his part.

The Taoiseach: The Deputy's question is not in order.

Deputy Caoimhghín Ó Caoláin: This is a very serious matter. The Taoiseach could make the effort to rise in his seat and give us some indication of what he will do to address the problem.

The Taoiseach: The Deputy is not in order.

An Ceann Comhairle: Is legislation promised in this area?

The Taoiseach: No.

An Ceann Comhairle: No legislation is promised. The Deputy may submit a parliamentary question.

Deputy Caoimhghín Ó Caoláin: It is no wonder there is no adherence to the contract requirements when there is absolutely no accountability.

An Ceann Comhairle: I have told the Deputy to table a parliamentary question.

The Taoiseach: I will give the Deputy an answer when his question is in order. He cannot make up the rules as he goes along.

Deputy Eamon Gilmore: The Taoiseach indicated earlier his willingness to have the motion of no confidence in the Minister for Defence taken today. I was surprised this morning that the Order of Business presented to the House did not include a counter-motion tabled by the Government, that is, a motion of confidence in the Minister. Is there some reason for that? Has the Taoiseach not yet secured the agreement of all members of the Government to table a motion of confidence in the Minister? When does he expect to be in a position to table such a motion?

The Taoiseach: The Deputy can take it that the Minister for Defence has the full confidence of the Government.

Deputy Pat Rabbitte: If that stands for anything.

The Taoiseach: We will table the motion and will have that debate this afternoon.

Deputy Joan Burton: What is the position in regard to section 110 of the Finance Act 2007, which was introduced by the Taoiseach as Minister for Finance? That section provided for the closure of a loophole whereby property developers were avoiding the payment of stamp duty. This provision was included in the legislation after a long campaign by the Labour Party but was never implemented.

The Minister for Finance has given a statement to the examiner from Brussels indicating that we may now see legislation to close off this loophole because, otherwise, the whole NAMA process, bad as it is, will sink further. As a result of this loophole that the Taoiseach engineered and then refused to close, we have a situation where most of the properties being transferred to NAMA have no title in terms of the associated loans. There is no capacity for NAMA to work, even in its appalling way, without this loophole being closed. It is four years since the Taoiseach and I engaged in this debate on numerous occasions in this Chamber and in the dungeons of the committees as we discussed the details of the Finance Bill 2007. As a result of his failure to close this loophole, it will now cost the Irish taxpayer not just the €250 million that the Taoiseach's own consultants, Goodbody Consultants, predicted at the time, but probably now a further €20 billion in bad loans. Not only are those loans bad but the underlying securities have no title.

An Ceann Comhairle: The Deputy is completely out of order.

Deputy Joan Burton: I am totally in order. I am referring to legislation that was passed by the Dáil but never implemented. The Minister for Finance made a statement to the examiner from Brussels—

An Ceann Comhairle: Will the Deputy consider putting down a parliamentary question to the Minister for Finance?

Deputy Joan Burton: —that he is considering bringing in legislation to close off this loophole finally in order to put the rickety NAMA train back on the tracks somehow or other. The Taoiseach, as the leader of the Government, did not know what the Minister for Defence, Deputy Willie O'Dea was doing. Does he know what the Minister for Finance is doing when he is in Brussels?

Deputy Pat Rabbitte: Does he know anything about his own Government?

An Ceann Comhairle: Is the Deputy inquiring about promised legislation in this area?

Deputy Joan Burton: Yes, I am. The Minister for Finance has indicated in a public statement that he proposes to introduce legislation, the provisions of which are already included in the Finance Act 2007 but never commenced by the Taoiseach when he was Minister for Finance. The loophole addressed in the relevant section of the 2007 Act was identified at that time, at the height of the boom, as costing the State €260 million in stamp duty forgone by developers either transferring shares in companies or entering into licences and resting contracts.

An Ceann Comhairle: The Deputy's query is more appropriate for a parliamentary question.

Deputy Joan Burton: The Taoiseach has spoken about this in the Dáil on some 12 separate occasions.

An Ceann Comhairle: The Deputy will obtain a more detailed answer by way of parliamentary question to the Minister.

Deputy Joan Burton: I am referring to pending legislation. The Minister for Finance told the examiner from Brussels that legislation is pending, but he did not have the guts to acknowledge it last week when I asked him about it in this House.

The Taoiseach: Committee Stage of the Finance Bill will be taken next week and there will be ample opportunity to discuss this matter.

Deputy Emmet Stagg: We are talking about secondary legislation. The provisions in the 2007 Act were not implemented. Deputy Burton has asked a legitimate question and it is not good enough for the Taoiseach to point to the current Finance Bill. We are discussing the Finance Act 2007.

An Ceann Comhairle: There will be a debate on the Finance Bill. The Deputy has an opportunity to put down a parliamentary question on this issue.

Deputy Emmet Stagg: We are entitled to ask about secondary legislation and to receive answers to those questions.

An Ceann Comhairle: This matter can be raised in the context of the debate on the Finance Bill.

The Taoiseach: As Deputy Burton said, I have spoken about this matter in the House on 12 occasions. That is on record.

Deputy Joan Burton: The Taoiseach refused to implement this provision because Fianna Fáil's developer friends did not want the loophole closed. Now the Minister for Finance is saying he will act despite the developers — or perhaps to rescue them and get their loans into NAMA — now that those developers, along with the banks, have made the country bust.

An Ceann Comhairle: Deputy Burton must put down a parliamentary question on this matter.

Deputy James Reilly: There is a report in this week's *Irish Medical Times* that at least five young people were admitted to hospital suffering the effects of substances they ingested having purchased them from head shops. I would like to help the Government here. We are expecting

a Bill that was mentioned in the Seanad by the Minister that is due to come before the House in the next month. I hope that is still on track and that it will be law by June. In the interim, could we not insert a provision into the Finance Bill on Committee Stage to make it necessary for such shops to have a licence to operate and to make that licence prohibitively expensive? It would be a short-term measure while these shops continue to damage young people every day; they are open 24 hours a day. The Minister for the Environment, Heritage and Local Government could equally issue a regulation on opening times. The sale of alcohol is limited but these shops can operate 24 hours a day.

The Taoiseach: Committee Stage of the Finance Bill will be taken next week if the Deputy would like to make a point then. The question of not being able to provide retrospective effect would be an issue. If the legislation is coming as quickly as the Deputy envisages, it is best to take the primary legislation on the issue itself.

Deputy Denis Naughten: It is not primary legislation, it is secondary legislation.

When will the sale of alcohol Bill come before the House? It is urgently required in light of the fact next year is the third anniversary of the enactment of the Criminal Justice Act 2006. Since then, on average of one ASBO a year has been introduced for children and one ASBO per year for adults. It is clear that legislation has failed because of a failure to implement it by the current Minister for Justice, Equality and Law Reform and his predecessor.

The eligibility for health and personal social services Bill is also promised. Will the Taoiseach intervene in the mess that has been created with medical cards? No one is answering phones or processing applications in north Dublin. This causes huge trauma for the elderly around the country. Some of these people are confined to bed in nursing homes and they are getting letters to tell them their medical cards are being withdrawn. They are relying on visits from neighbours and relative to pursue this. They cannot get a straight answer from the agency in north Dublin. It is an unmitigated mess. The Minister for Health and Children must at least state that she will not dump more medical card applications into that system, which is what she plans to do from next April.

An Ceann Comhairle: There are many other ways to raise that issue.

The Taoiseach: There is no date for the second Bill the Deputy mentioned. The sale of alcohol Bill shall be introduced mid-year.

Deputy Seán Power: In view of the huge disappointment and unfulfilled expectations arising from this week's meeting in Rome, does the Taoiseach consider it appropriate for Dáil Éireann to invite the Pope to visit Ireland and apologise to the survivors?

The Taoiseach: These are matters for consideration.

Deputy Enda Kenny: That is not a matter for the Taoiseach, it is a matter for the Cardinals.

Deputy Pat Rabbitte: At the time of the closure of the Dell plant, the Minister for Defence, Deputy Willie O'Dea, announced that he had negotiated 700 replacement jobs in Limerick. What progress has been made with that?

An Ceann Comhairle: A parliamentary question would secure much more detail on the matter.

The Taoiseach: I have no details.

Deputy Joe Carey: The Government is putting forward the view that EU competition legislation is the reason for the Lynxs cargo project delay at Shannon Airport. Has the Taoiseach, the Tánaiste or the Minister for Transport discussed this at EU level to progress the project forward? Is legislation required?

The Taoiseach: No pre-clearance facilities that go beyond aircraft passengers to include cargo pre-clearance are being used by the United States at present. Seeing how the present pre-clearance arrangements work will be a factor in any consideration that might be given to any widening of them. There are many issues that would be involved so instead of raising or dampening expectations, we must allow the present facility, which is working well, to gain confidence. We can then see where other possibilities might go.

Deputy David Stanton: When will we see legislation to establish the independent electoral commission? Also, when will we see legislation to prevent employers in the public and private sector retaliating against employees who, in the public interest, disclose misconduct? These were both promised in the programme for Government.

I notice Dáil reform is not a commitment in the renewed programme for Government. Is that why the Government is doing nothing about Dáil reform?

The Taoiseach: I will come back to the Deputy on the first two issues. Dáil reform is still with the Whips.

Deputy David Stanton: Nothing is happening and it is the Taoiseach's fault.

Deputy Michael D'Arcy: The Finance Bill is how we collect taxes. It appears, however, that the Revenue Commissioners are ignoring the Finance Bill and reinterpreting decisions they have made heretofore. It is a serious issue because businesses are struggling at the moment.

An Ceann Comhairle: These points can be made in the debate next week.

Deputy Michael D'Arcy: That places citizens in the situation whereby the Revenue Commissioners are claiming to have made mistakes in the past and are reinterpreting the legislation. If a citizen wants to settle——

An Ceann Comhairle: These points can be made next week.

Deputy Michael D'Arcy: I ask the Ceann Comhairle to excuse me, I am not finished. It is a very important issue.

An Ceann Comhairle: I do not disagree but this is the Order of Business, not Question Time.

Deputy Michael D'Arcy: I am dealing with the Finance Bill, which will be coming up next week. I did not get the opportunity to speak on Second Stage so I want to ask if the Revenue Commissioners are entitled to revisit all decisions in an arbitrary way without legislation or regulations. It is the Taoiseach's former stomping ground so I want to hear his views.

The Taoiseach: The Revenue Commissioners normally issue guidance notes where matters such as this arise. Those are then dealt with by the professional associations, which normally have a good relationship with the Revenue Commissioners, who can sit down with them and go through whatever issues are causing problems to see if matters can be dealt with without amending legislation. Revenue decisions can be appealed to the courts if people feel strongly enough that there is no legal basis for the interpretation they are giving, be that in the Revenue courts or the civil courts.

In respect of how matters are interpreted, it would be best to have the professional associations interact with senior personnel in the Revenue Commissioners to find out the basis for this and their justification.

Deputy Michael D'Arcy: If a practice has been accepted by the Revenue Commissioners over a number of years and that practice is changed on the basis that the Revenue Commissioners claim an incorrect interpretation of the matter——

An Ceann Comhairle: This is a matter for the Adjournment or a parliamentary question.

Deputy Michael D'Arcy: No, it is not. The Taoiseach has answered the question and I am probing further. Should the Revenue Commissioners rely upon the Finance Bill or regulations to show how and why the position has changed?

The Taoiseach: This is not in order strictly speaking but to be helpful, the Revenue Commissioners are entitled to interpret the law as they see it. If people want to challenge it, they can do so. They do not require the consent and agreement of every taxpayer. I do not know the detail so perhaps the Deputy should table a question or talk to senior personnel in the Revenue Commissioners who will give their side of the story. The issue is that the Revenue Commissioners are entitled to interpret the law as they see fit. If taxpayers have a difficulty with that, there are remedies which can be pursued.

Deputy James Reilly: This new interpretation by Revenue is having an extremely negative effect on co-ops, several of which have indicated that they may go out of business. As a result, we will lose the night cover that is in place at present. I communicated with the Minister for Health and Children in respect of this matter and she indicated that she would approach the Minister for Finance. Action must be taken before it becomes a crisis.

The Taoiseach: These points can be made during the Committee Stage debate on the Finance Bill.

Deputy Michael D'Arcy: We will raise the matter then.

Deputy Enda Kenny: Did the Taoiseach indicate that he will be moving a motion of confidence in the Minister for Defence today and, if so, at what time will it be moved?

The Taoiseach: I am of a mind to move it today or tomorrow, by agreement. Whatever people want, I will do. I am prepared to move the motion.

Deputy Enda Kenny: I thought the Taoiseach said he would move it today.

The Taoiseach: I can do it today or I can do it tomorrow.

Deputy Denis Naughten: The Taoiseach should put the Minister for Defence, Deputy Willie O'Dea, out of his misery.

Deputy Enda Kenny: I would be quite happy to deal with the matter next week.

The Taoiseach: We will deal with the matter in the House. On the basis of what people were saying——

Deputy Eamon Gilmore: Deputy Kenny is only trying to clarify what the Taoiseach said earlier.

Deputy Enda Kenny: I am sure the Taoiseach will inform us of the position.

The Taoiseach: What I said earlier was very simple. I stated that we will deal with the motion of confidence if people so desire.

Deputy Enda Kenny: So the Taoiseach will inform us of the position.

The Taoiseach: I will inform the Deputies with regard to whether it will be taken today or tomorrow.

Deputy Enda Kenny: I thank the Taoiseach.

Deputy Joan Burton: So it may be taken tomorrow.

The Taoiseach: I said I will inform the Deputies as to whether it will be taken today or tomorrow.

Deputy Eamon Gilmore: Has the Green Party agreed to the motion yet?

An Ceann Comhairle: I call Deputy Tom Sheahan.

Deputy Eamon Gilmore: Does the Green Party know about it? Has the Government made a decision on the matter?

Deputy Joan Burton: Is the Green Party in the know?

Deputy Dermot Ahern: There is more division among those opposite than there is between the parties in government.

Deputy Eamon Gilmore: You wish, Minister.

Deputy Pat Rabbitte: That is for sure.

Deputy Dermot Ahern: Absolutely.

Deputy Tom Sheahan: My query relates to the national tourism development authority (amendment) Bill, the purpose of which is to amend section 24(2) of the National Tourism Development Authority Act 2003 in order to increase the aggregate level of moneys provided by the Oireachtas in respect of expenditure on capital projects in tourism. In light of the serious difficulties being experienced by the tourism industry, will the Minister for Arts, Sport and Tourism introduce this legislation, which is most likely to be of assistance to the sector, as a matter of urgency? The tourism sector is on its knees and requires investment. Opportunities exist with regard to job creation——

An Ceann Comhairle: A well-crafted parliamentary question to the relevant Minister would be of assistance in this matter.

Deputy Tom Sheahan: I beg the Ceann Comhairle's pardon, but I am referring to promised legislation. In light of the problems faced by the tourism industry, would it not be possible to bring forward the Bill to which I refer? A date for its publication has not been provided. Are we going to go through another tourism season with the Bill left on someone's desk or on a shelf gathering dust?

An Ceann Comhairle: Is there promised legislation?

The Taoiseach: The information in my possession indicates——

Deputy Tom Sheahan: Investment is needed in the tourism sector now in order to capitalise on the opportunities that exist in respect of job retention and job creation. I urge the relevant Minister to bring forward the legislation.

An Ceann Comhairle: That is fine, we must move on.

Deputy James Bannon: I wish to raise——

An Ceann Comhairle: I apologise to Deputy Bannon, I did not see him offering.

Deputy James Bannon: It appears that this part of the Chamber is something of a blind spot. No one seems to be able to see us, even during votes.

An Ceann Comhairle: I apologise. I must become more conscious of those sitting in the area occupied by the Deputy.

Deputy James Bannon: In light of the appalling hardship being experienced by many low-income families and lone parents, why have the heads of the social welfare lone parent and other low income families reform Bill not been published? If the legislation was introduced, it would give effect to the proposals to support lone parents that arose on foot of the relevant discussion paper. There is a degree of urgency attaching to the introduction of this Bill.

It was interesting to hear what the Taoiseach had to say with regard to the motion of confidence in the Minister for Defence. Some 90% of the population has no confidence whatsoever in this incompetent Government.

The Taoiseach: Good man.

An Ceann Comhairle: We must move on.

Deputy James Bannon: The Taoiseach did not reply to my question.

The Taoiseach: There is no date for the legislation.

Criminal Justice (Money Laundering and Terrorist Financing) Bill 2009: Order for Report Stage.

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

Question put and agreed to.

Criminal Justice (Money Laundering and Terrorist Financing) Bill 2009: Report and Final Stages.

Acting Chairman (Deputy Noel O’Flynn): Amendments Nos. 1 to 3, inclusive, are related and may be discussed together.

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

In page 15, line 26, to delete “This section also applies to” and substitute “Subsections (2) to (6) extend to”.

[Deputy Dermot Ahern.]

The purpose of amendment No. 1 is to clarify that subsections (2) to (6) extend to proceedings for an offence under subsections 7(a) and (b), that is, sections 10 and 7(1) of the Criminal Law Act 1997, for aiding, abetting, counselling or procuring the commission of an offence under sections 7 to 9, inclusive.

Amendments Nos. 2 and 3 are related and are intended to clarify that subsections (8) and (9) apply to proceedings for an offence under this Part and also to an offence under section 7(1) of the Criminal Law Act 1997, that is, as referred to in subsection 7(b). The basic intention is to clarify the different sections relating to the issue of aiding, abetting, counselling or procuring.

Deputy Joe Carey: On behalf of Fine Gael, I wish to state that we agree to these technical amendments.

Deputy Dermot Ahern: I thank the Deputy.

Amendment agreed to.

Deputy Dermot Ahern: I move amendment No. 2:

In page 15, line 34, after “Part,” to insert the following:

“or an offence under section 7(1) of the Criminal Law Act 1997 referred to in *subsection (7)(b),*”.

Amendment agreed to.

Deputy Dermot Ahern: I move amendment No. 3:

In page 15, line 42, after “Part,” to insert the following:

“or an offence under section 7(1) of the Criminal Law Act 1997 referred to in *subsection (7)(b),*”.

Amendment agreed to.

Deputy Dermot Ahern: I move amendment No. 4:

In page 19, line 9, to delete “proceedings” and substitute “proceedings,”.

This is another technical amendment, the purpose of which is to insert a comma after the term “legal proceedings” in section 20(1)(a). It arises as a result of the absence of said comma, which should have been inserted as a result of a previous amendment.

Deputy Joe Carey: Again, we do not have a problem with this amendment, which is technical in nature.

Amendment agreed to.

Deputy Dermot Ahern: I move amendment No. 5:

In page 20, line 34, to delete “solicitor,” and substitute “solicitor, or”.

The purpose of this amendment is to insert the word “or” into section 24, between paragraphs (b) and (c) of the definition of “customer”.

Deputy Joe Carey: Fine Gael has no difficulty with this amendment. We agree to it.

Amendment agreed to.

Deputy Dermot Ahern: I move amendment No. 6:

In page 20, line 42, after “meaning” to insert “of Part 2”.

The definition of “designated accountancy body” in section 24 is by reference to a prescribed accountancy body within the meaning of the Companies (Auditing and Accounting) Act 2003. The purpose of the amendment is to insert the term “of Part 2”, as this is the correct reference within that Act.

Deputy Joe Carey: We agree to this technical amendment.

Amendment agreed to.

Acting Chairman: Amendments Nos. 7 to 9, inclusive, are related and may be discussed together.

Deputy Joanna Tuffy: I move amendment No. 7:

In page 38, between lines 14 and 15, to insert the following:

““cohabitant“ in relation to a person means a person cohabiting with the first-mentioned person as man and wife or in an equivalent same sex relationship;”.

Amendment No. 7 represents an attempt to include a definition of “cohabitant” in the legislation. Chartered Accountants Ireland and Compliance Ireland have both pointed out that the Bill does not contain such a definition and that in its absence, the relevant section is unduly vague. This matter was discussed at length on Committee Stage. I recall the Minister of State, Deputy Barry Andrews, indicating at that point that the matter would be considered before Report Stage. Has the Minister considered dealing with the issue raised in our amendment in the meantime?

Deputy Joe Carey: I support the amendment tabled by the Labour Party. Has the Minister considered the knock-on effects on this legislation of the Civil Partnership Bill? The inclusion of this clause would be just and we support the Labour Party on it.

Deputy Dermot Ahern: As Deputies stated, considerable discussion took place on this issue on Committee Stage. I did not take Committee Stage myself but I have seen the proceedings on it. We stated we would re-examine the matter and on balance, while we can understand the import of what the amendments are trying to do we felt it would be better to await the passing of the Civil Partnership Bill which will also deal with the issue of cohabitants and same sex relationships. This Bill is strictly on money laundering and it would be preferable that the full gamut of relationships and family relationship structures would be dealt with at that stage. Originally the term “cohabitant“ was not in the Bill. It has been included in the Bill to capture persons who are known as “*de facto*” and who would therefore be subject to the same level of scrutiny as persons in paragraphs (a) and (b) of the definition in section 36(10). Given that we are bringing forward the Civil Partnership Bill we think it is better to deal with it at that stage.

Deputy Joanna Tuffy: Will waiting for the Civil Partnership Bill delay this legislation? It will take time for the Civil Partnership Bill to go through the two Houses. We have completed Second Stage. The Bill contains provisions on qualified cohabitants, cohabitants and civil partners and it is very complicated. Bringing cohabitants into this legislation will make it very complex for those who must comply with it.

Deputy Dermot Ahern: I do not think there will be any difficulty in that we will amend the Civil Partnership Bill in the context of this Bill when it is passed. We do not see any difficulty in the meantime.

Amendment, by leave, withdrawn.

Deputy Dermot Ahern: I move amendment No. 8:

In page 38, to delete lines 22 and 23.

Amendment agreed to.

Deputy Dermot Ahern: I move amendment No. 9:

In page 38, to delete lines 30 and 31.

Amendment agreed to.

Acting Chairman: Amendment No. 10 arises out of Committee Stage proceedings. Amendments Nos. 11 to 13, inclusive, are related and amendments Nos. 10 to 13, inclusive, will be discussed together.

Deputy Dermot Ahern: I move amendment No. 10:

In page 40, between lines 42 and 43, to insert the following:

“(iv) who is a tax adviser and who is also a member of a designated accountancy body, the Irish Taxation Institute or the Law Society of Ireland,”.

The purpose of this amendment is to include tax advisers in section 40, which provides for reliance on other persons — that is relevant third parties — to carry out customer due diligence. The first amendment inserts a new provision into the definition of “relevant third party” of a person carrying on business as a designated person in the State to include a tax adviser who is a member of a designated accountancy body, the Irish Taxation Institute or the Law Society of Ireland. At present, these provisions include groups such as credit and financial institutions, external accountants and auditors, relevant independent legal professionals and trust or company service providers subject to certain criteria, that is membership of relevant bodies.

On further consideration of the matter, it was decided that tax advisers should also be included. The second and third amendments result from the inclusion of tax advisers and provisions dealing with persons carrying on business in another member state and persons carrying on business in a place designated under section 31. These provisions also include the other groups that I have already mentioned, namely, external accountants, auditors and legal professionals. The inclusion of tax advisers is in line with the intent of the directive. The fourth amendment is to insert text which was required in section 40(4)(a), that is, “and the relevant third party”.

I commend the amendments to the House. Members may have received representations from some of the tax adviser bodies in this respect.

Deputy Michael D’Arcy: Is there a defence for somebody who has suspicion on reasonable grounds, acts honestly and with good intention in the belief that something is amiss, makes a report as a designated person but who is incorrect and the information turns out to be unfounded? Without some form of a defence people will be very cagey about reporting potential money laundering or funds being transferred for terrorist purposes. Has the Minister considered this? Perhaps there is a cross-reference to a previous Act on whistleblowers. If somebody acts in an honest way with good intentions there should be a defence on his or her behalf.

Deputy Dermot Ahern: To give a simple answer, section 112 on disclosure of information in good faith protects people. Each case will be determined on its merits by a court but section 112 applies to the disclosure in good faith, to a member of the Garda Síochána or to any person who is concerned in the investigation or prosecution of an offence and the section states that a disclosure to which the section applies shall not be treated as a breach of any restriction on the disclosure of information imposed by any other enactment. It would take care of the situation to which Deputy D’Arcy refers.

Amendment agreed to.

Deputy Dermot Ahern: I move amendment No. 11:

In page 41, line 16, after “auditor,” to insert “tax adviser,”.

Amendment agreed to.

Deputy Dermot Ahern: I move amendment No. 12:

In page 41, line 34, after “auditor,” to insert “tax adviser,”.

Amendment agreed to.

Deputy Dermot Ahern: I move amendment No. 13:

In page 41, line 50, after “employer)” to insert “and the relevant third party”.

Amendment agreed to.

Deputy Joanna Tuffy: I move amendment No. 14:

In page 42, lines 35 and 36, to delete “and the Revenue Commissioners”.

This issue was raised on Committee Stage and arises out of a submission by the chartered accountants’ representative body, which made the point that the section as it is worded involves bureaucratic overload in that two separate reports will be required. In tabling this amendment we are stating that it should be enough to make a report to the Garda Síochána and we should be able to expect that it will be in contact with the Revenue Commissioners where appropriate. I would like the Minister to comment on this.

Deputy Dermot Ahern: I have examined this but I do not understand the point made by the Deputy. I can understand that a body representing accountants would like to restrict as much as possible what it would regard as bureaucracy but from the point of view of getting proper reporting a number of significant pieces of legislation include both the Garda Síochána and the Revenue Commissioners, such as section 59 of the Criminal Justice (Theft and Fraud Offences) Act 2001 and the existing money laundering provisions under section 57 of the Criminal Justice

[Deputy Dermot Ahern.]

Act 1994. We believe it is necessary to have separate and distinct statutory provisions. Deleting “and the Revenue Commissioners” would weaken the legislation. The number of reports already received by the Garda Síochána under the 2001 Act is low at approximately 100 reports annually in comparison to the figure of approximately 14,500 suspicious transactions reported annually. We would be concerned that if it was restricted solely to the Garda Síochána the number of reports would be curtailed and that would not be preferable.

Amendment, by leave, withdrawn.

Deputy Joanna Tuffy: I move amendment No. 15:

In page 58, line 45, after “oath” to insert “or affirmation”.

This amendment requires the legislation to provide specifically for an oath or an affirmation. When we discussed this issue on Committee Stage, the Minister argued that because the Interpretation Act 2005 would allow for an affirmation, the amendment proposed by the Labour Party was unnecessary. However, we believe it is preferable to include the term “affirmation” because one should not have to rely on the Interpretation Act to clarify legislation. Our law should be self-explanatory and if an oath can include an affirmation, why do we not say so in the Bill? This issue has been raised on a number of occasions by Labour Party Members in the context of other Bills. What is the problem with accepting these two words?

Deputy Dermot Ahern: I have dealt with similar proposals from the Labour Party in the context of other legislation. The Interpretation Act 2005 already provides that the word “oath”, in the case of a person for the time being allowed by law to affirm or declare, includes an affirmation or declaration. We do not believe it is preferable to define something in a Bill or Act if it has already been dealt with in the 2005 Act. In any event, if we were to accept the amendment it would be necessary to amend section 17(2), which deals with information given on oath by a member of the Garda Síochána to a District Court judge in regard to an order to suspend a service or transaction. The Oaths Act 1888 allows a person to make an affirmation instead of an oath in all cases where the oath is required by law. References to “declaration” in the context of the Interpretation Act is not relevant in the context of this Bill as they relate to statutory declarations.

Amendment, by leave, withdrawn.

Deputy Dermot Ahern: I move amendment No. 16:

In page 78, line 30, to delete “committee or management” and substitute “committee of management”.

This is a technical amendment which corrects a mistake in section 111(a).

Amendment agreed to.

Deputy Joanna Tuffy: I move amendment No. 17:

In page 78, line 44, after “purpose,” to insert “as giving rise to civil or criminal liability or”.

This section, which concerns whistleblowers, is inadequate in that it only covers protection against an action for breach of confidence and does not provide immunity from liability for such disclosures. Our amendment is an attempt to rectify this omission. The Minister stated

on Committee Stage that our amendment was unnecessary but we suggest it represents an improvement to the legislation.

Deputy Dermot Ahern: We do not believe the proposed amendment is necessary. Civil or criminal liability could not arise unless there was a breach of an enactment or rule of law and the section specifically states that the circumstances set out will not constitute such a breach. While I understand Deputy Tuffy's desire to ensure persons who comply with the law by reporting suspicions are fully protected, we do not believe this is necessary. We have considered the matter and believe that while the amendment might have been relevant to the wording of section 57(7) of the original 1994 Act, the way in which we have drafted section 112 obviates the necessity for making express reference in this respect.

Amendment, by leave, withdrawn.

Deputy Joanna Tuffy: I move amendment No. 18:

In page 78, after line 45, to insert the following:

“113.—The Proceeds of Crime Act 1996 is amended in section 4(1) by the substitution of “2 years“ for “7 years”.”.

This amendment would reduce from seven years to two years the period that the Criminal Assets Bureau, CAB, must wait before applying for a forfeiture order on seized property. It is intended that the amendment would facilitate the bureau's fight against organised crime, as well as provide a once-off cash income for the Exchequer which we estimate at as much as €50 million. The Minister has noted that the proposal is being examined by his Department and in putting forward the amendment we want to give him an opportunity to outline what is happening in that regard.

Deputy Dermot Ahern: It is better to leave change in this area to the legislation pertaining to CAB rather than provide for it in separate legislation. The Deputy may be aware that some time ago I established a group comprising officials from my Department, policy people and members of CAB to explore proposals in this area, including reducing the number of years. I understand the group will meet tomorrow and I expect it to finalise its views presently, at which point we will move to amend the CAB legislation rather than this Bill. It is better to await the group's final consideration of the issue.

Amendment, by leave, withdrawn.

Deputy Joanna Tuffy: I move amendment No. 19:

In page 81, after line 46, to insert the following:

“(4) Section 3(1) of the Act of 1994 is amended by the insertion of the following definition—

“‘gift’ includes a transfer in consideration of natural love and affection or otherwise than for full commercial value, and includes the transfer by one spouse of property to another spouse, or an arrangement between spouses for the joint ownership of any property;“.”.

This amendment deals with a significant shortcoming in the Criminal Justice Act 1994 in regard to dealing with proceeds of crime. The Act allows assets to be restrained and confiscated where a person is charged with drug trafficking or other serious offences but this does not apply to assets transferred by a defendant to his or her spouse. I refer Members to the 2009

[Deputy Joanna Tuffy.]

High Court judgment in the DPP v . B. This is a major loophole which allows the Act to be undermined.

On Committee Stage, the Minister confined his comment to arguing that the issue falls outside the scope of the Bill. I ask the Minister to respond to the point we are raising in our amendment and to indicate whether he plans to deal with the issue in another Bill.

Deputy Dermot Ahern: My response is similar to the one I gave on Committee Stage. The strong advice from the Attorney General is that the matter should be addressed in other legislation and we are considering that. It would be somewhat unusual to include it in this Bill and other amendments would be needed because we would have to amend the Long Title and the Short Title of the Bill. The Office of the Attorney General has advised that the proposed amendment does not come within the remit of the Long Title and Short Titles of the Bill as set out. I suggest, for the same reasons I outlined previously regarding the CAB legislation, that it would be better to wait for that legislation.

1 o'clock

Amendment, by leave, withdrawn.

Deputy Joanna Tuffy: I move amendment No. 20:

In page 81, after line 46, to insert the following:

“(5) Section 24 of the Act of 1994 is amended by the insertion after subsection (10) of the following subsection—

“(11) A court may on or at any time after an application under this section direct the respondent to the application to deliver a statement of his or her income and assets, but such a statement shall not be admissible in evidence against the person for any offence other than an offence of contempt of court arising from a breach of an order under this subsection.”.”.

The reason we propose to insert the subsection is that there is a loophole to the effect that the court cannot direct a defendant in a restraint order application to file a statement of assets. That power exists in a confiscation application under section 11 but not at the freezing order stage. In the United Kingdom, the courts have held that such a power is essential. On Committee Stage the response of the Minister was that it was outside the scope of the Bill, but what we want to find out is what is the Minister’s plan for dealing with the loophole to which we drew attention by tabling the amendment.

Deputy Dermot Ahern: The same argument is being made by us in regard to this and the other two previous amendments as was made on Committee Stage. If one is to make a change in this respect, one is better making it on the grounding piece of legislation. The type of order one is talking about in this case refers not just to money laundering and terrorist financing offences, but to a number of other types of crime. Therefore, it would be better dealt with in the overall Bill rather than to catch it in this Bill. It is something we are considering in the context of other legislation.

Amendment, by leave, withdrawn.

Bill, as amended, received for final consideration.

Question proposed: “That the Bill do now pass.”

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I thank all the Members opposite for their contributions on Second, Committee and Report Stages. This is important legislation. While I have said many times that the money laundering legislation is very modern in this jurisdiction, equally so, the Bill is required to fulfil a directive. While there was some delay, I thank the Opposition for the speed with which it allowed this legislation to pass because it is quite important. As is widely known, there are a number of other important pieces of legislation in this area that need to be addressed, and will be addressed.

Deputy Tuffey raised issues that relate to specific legislation and they will be dealt with in that respect. I thank the Members for their understanding in terms of passing the Bill as quickly as possible. I also thank the Acting Chairman and the staff of the House for processing the Bill.

Deputy Joe Carey: I welcome the belated transposition of this important EU directive into Irish law. It is critical that this country lives up to its responsibilities both internationally and nationally to prevent criminals living off the proceeds of crime. I regret that the Government did not act sooner which led to the delay in the Bill's enactment. I welcome the passing of the Bill today.

Deputy Joanna Tuffey: I welcome the Bill because it is part of the effort to tackle crime, particularly organised crime and money laundering. Reading the background to the Bill reminds one of the sinister world that overlaps with legitimate business because those who carry out crime want to legitimise the money they make through crime and improve their status in society. It is important that the legislation is put in place given that crime has become increasingly sophisticated and makes large quantities of money. At the same time significant suffering is caused.

One often hears the business community complain about there being too much regulation. On the other hand, in the light of recent problems, it is said that the reverse is the case. This type of legislation is necessary. We need to put regulations in place on how professionals deal with people and to ensure that they are cautious and do what they are supposed to do.

The legislation is complex. I sympathise with those who must implement it. I worked briefly as a solicitor and I found all the rules and regulations in terms of accounts hard going. I have sympathy for the concerns on the Bill raised with the Minister and his staff by the professional bodies. I hope that dialogue will continue as the Bill progresses through the Seanad in case there are issues that could be addressed.

While professionals must be conscious of all the regulations, at the same time business needs to be facilitated. People do not wish to lose business because they are implementing regulations, but at the same time the regulations have to be implemented. Two issues in particular were raised with me. There is a great deal of new legislation. Two Acts in particular require reports to be written, but the issues, which relate to money laundering, are similar. Perhaps there is a need to consolidate the legislation. The Minister might comment on that aspect. When the Bill is passed, but before it becomes active, time should be given to the professional bodies to train members in the application of the new legislation.

I tabled amendments on behalf of the Labour Party, which we withdrew. I do not believe in calling for votes on all sorts of things. One should keep working on a particular point. As someone who has been a Member of both Houses, I am aware that many issues that are not agreed in the Dáil are agreed by the Government in the Seanad. I hope the Labour Party can work with the Government to improve legislation such as this. I am sure my colleagues in the Seanad will table further amendments on Committee Stage. I hope the Minister will take on board the points raised.

Question put and agreed to.

Road Traffic Bill 2009: Order for Second Stage.

Bill entitled an Act to amend and extend the Road Traffic Acts 1961 to 2007.

Minister for Transport (Deputy Noel Dempsey): I move: “That Second Stage be taken now”.

Question put and agreed to.

Road Traffic Bill 2009: Second Stage.

Minister for Transport (Deputy Noel Dempsey): I move: “That the Bill be now read a Second Time.”

The Bill represents the persistent resolve of Government and Members on all sides of the House to develop appropriate legislation that supports our policies on traffic law and road safety generally. Road safety is to the fore of our national consciousness and it is imperative that legislators and policy makers are kept intrinsically aware of the pervasive pain and anguish behind road collision statistics. In this context, Government and the Oireachtas have responded through the promotion of legislation to support road safety initiatives and the ongoing advancement of safety performance. The cohesive policy structure that binds the various road safety measures has been set down by the three Government road safety strategies to date. The current strategy, covering the period 2007 to 2012, has been the trigger for many of the major provisions in the Bill.

This is the sixth major legislative initiative to be taken on traffic law in the past decade. The legislative progression during that time has resulted in the introduction of the fixed charge and penalty points systems, a new structure of speed limits based on metric values, the introduction of mandatory alcohol testing checkpoints, the establishment of the Road Safety Authority and, most recent, the introduction of the mutual recognition of driving disqualifications between this country and the UK. In the first instance, the advancement of road traffic legislation reflects a response to the transformative nature of road usage.

This past decade has borne witness to a significant increase in vehicle volume. To put this in context, almost 2.5 million vehicles were registered in Ireland at the end of 2008, which was a 74% increase on 1997. This user demand has increased the requirement for good infrastructure and, as a result, the past decade has also witnessed unprecedented investment in our road network. This level of investment continues into 2010 with allocations of more than €412 million for regional and local roads as well as €1.1 billion for the national roads programme. A total of €15 million has also been provided towards road safety measures under this programme. Such persistent investment has played a major role in reducing the deaths and injuries on our roads in recent years, particularly the development of our motorway infrastructure. The major inter-urban roads programme should be completed by the end of this year and we expect that these motorways will continue to support our safety objectives for many years to come. Greater road usage has also encouraged the development of robust vehicle standards as well as the technology to support better enforcement. However, the most significant legislative factor has been the need to augment and enhance road safety provisions, which has led to a cultural shift in best practice ideology and practice for drivers and vehicles. All these elements have merged to create a better road safety environment.

Since the publication of the first road safety strategy in 1998, the number of people killed on our roads has steadily declined. That year, 472 people lost their lives in collisions. These fatality records provide a sad reminder of the loss suffered by people over the years, particularly in 1972 when road deaths reached a staggering 640. This figure is astonishing when it is con-

sidered that the number of vehicles on our roads quadrupled between 1970 and 2008. In contrast to 1972, 2009 was the safest year on record with fatalities totalling 239. It is never good news when talking about lives lost but our roads, without question, are becoming increasingly safe for all users.

In 2009, the European Transport Safety Council ranked Ireland sixth in the top ten best performing EU countries for road safety compared with 16th in 2005. Our latest high ranking position was based on figures for 2007 and it is anticipated we will achieve even better results this year when the statistics for 2008 are taken into account. A recent OECD international transport forum annual report places Ireland in fifth position internationally in road deaths per billion vehicle kilometres in 2008. However, it still remains unacceptable that so many people should die on our roads. It is up to all of us to ensure that, despite the significant gains in recent years, complacency does not set in. There still is a great deal of work to be done by all of us.

The first Road Safety Strategy 1998-2002 asserted the necessity for co-ordinating actions across a range of disciplines. It is estimated failure to do so would have resulted in road deaths reaching 550 in 2002. A continuation of the business as usual approach would have seen annual road deaths rise to well beyond that figure in 2009. While we still cannot be content with the current trends in road collisions, it must be recognised that our road safety record is significantly more advanced as a result of the action taken by the Government to develop such a strategic approach and the support of all sides in the House.

Through the adoption of road safety strategies, we have been able to identify and link measures that reinforce the advancement of the safety message. The establishment of the Garda national traffic corps and the Road Safety Authority has also had a profoundly positive effect on transmitting that message through enforcement, detection, education and awareness. One of the great advantages of devising strategies is that they place our plans in the public domain, thus allowing for informed debate. The Opposition often calls for accountability in the House. When one publishes one's targets, it provides a useful benchmark and the Opposition holds us to account in this regard. This provides a useful benchmark of public, media and political opinion on the delivery of measures that have been identified.

The current road safety strategy was the subject of a wide-ranging consultation process, not only with the public at large, but also with key stakeholders and the outcome of that process is reflected in the 126 actions contained in the strategy. Each action has a designated responsible stakeholder for its delivery. Such debate informs policy going forward and leads to the legislative development under consideration. The experience gained to date from such consultations has been invaluable. The drafting of the Bill is the result of extensive and detailed consultations between my officials and key stakeholders. Road traffic legislation is among the most challenged in our courts and, consequently, it is required that the drafting of new legislation must also focus on making the provisions as robust as possible.

I refer to the specific provisions being promoted in this Bill. The primary focus of the legislation is to advance the road safety agenda through changing driver behaviour, particularly in the area of intoxicated driving. In this context, the Bill provides for the lowering of the legal blood alcohol concentration, BAC, from 80 mg of alcohol per 100 ml of blood to 20 mg for learner, novice and professional drivers, and from 80 mg of alcohol per 100 ml of blood to 50 mg for other drivers. The equivalent levels in urine and breath will apply. This provision is central to the approach of the legislation. The Bill also provides for the mandatory testing of drivers involved in road traffic collisions and introduces administrative fixed penalties for certain drink driving offences, and also introduces preliminary impairment testing to further assist

[Deputy Noel Dempsey.]

the Garda in its enforcement role. Fixed charge and penalty point provisions will be amended by introducing the option of a fixed charge payment on receipt of summons. The legislation sets out certain presumptions on the delivery of fixed charge offence notices and seeks to improve certain matters relating to the endorsement of penalty points on driver records.

With regard to driving licences, the Bill amends related provisions to ensure penalty points and disqualifications can be applied to non-national driving licences and to give the Garda powers to seize a licence in certain circumstances. In addition, the Bill amends provisions and penalties for inconsiderate, careless and dangerous driving. It also restates existing provisions on intoxicated driving, consequential disqualifications and fixed charge offences in a consolidated and clearer format, and includes a number of minor amendments to the Road Traffic Acts. All the amendments and new provisions associated with this legislation stem directly from commitments outlined in the current road safety strategy.

The first amendment I wish to address is reduced BAC covered in sections 4 to 6, inclusive, in Part 2. The House does not need to be reminded of the obvious incompatibility between alcohol and driving. The effects of this pairing are well documented and the scientific evidence is conclusive and irrefutable. Any alcohol impairs driving and affects driver capacity in a variety of ways including psychomotor skills, cognitive functioning, choice and simple reaction times, visual function, vigilance, perception as well as ability to divide attention and absorb information. The current road safety strategy identifies the need to legislate for, and introduce, a reduction in the legal BAC level for drivers, but does not specify what that level should be.

In determining the level to which the BAC limit should be reduced, I sought the advice of the Road Safety Authority. That advice was informed by a number of issues, including known driver behaviour, past offending rates, enforcement practicalities, best international practice and research as well as analysis of data held by the Medical Bureau of Road Safety. The safety imperative requires that this measure, even if modest in its impact on deaths and injuries, should be pursued, particularly to change behaviour and personal choices with regard to drinking and driving. Furthermore, the Northern Ireland authorities published a consultation document last year which advocates a similar reduction in that jurisdiction. It is important for road safety and enforcement on both sides of the Border to have the same BAC levels if possible. Following the success of roadside mandatory alcohol testing and the associated high-visibility enforcement by the Garda Síochána of the existing BAC levels, I consider it appropriate that we move to a lower BAC level at this juncture.

While the RSA's advice does not address the issue of appropriate penalties for drink driving offences, in view of the proposed reduction in the BAC level I have given much consideration to the structure of penalties under the Road Traffic Acts for such offences. The deterrent effect of potential disqualification is a significant factor in changing driver behaviour in this country in terms of drinking and driving. While wishing to maintain the overall principle that driving while intoxicated is and should be considered to be a serious offence — one which attracts automatic disqualification — I am mindful that in providing for lower BAC levels, some provision should be made for those detected for the first time at the lower levels.

Accordingly, the Bill provides for two measures in this regard. As a transitional measure, in advance of the introduction of the lower BAC levels, provision is made to amend section 5 of the Road Traffic Act 2006 to allow for an administrative option whereby those detected within specified lower levels — not exceeding 100 mg — would pay a fixed charge, accept a six-month disqualification and avoid having the matter dealt with in a court. This matter was raised a number of times by Deputy O'Dowd.

Following the introduction of the new levels, penalties are provided for on payment of a fixed charge. The status of the driver and the BAC level detected will determine the disqualification period and associated penalties. For learner drivers and the recently qualified, as well as professional drivers, the penalties on payment of a fixed charge associated with the specified BAC will be three months' disqualification and a €200 fine. All other drivers will receive three penalty points and a €200 fine for a first offence. This fixed charge option in lieu of court proceedings will only be available once in a five-year period to drivers who are not disqualified at the time of detection.

The application of appropriate penalties will not single-handedly save lives. Good enforcement and detection practices are also vital in achieving this aim. In this context, mandatory alcohol testing, MAT, was introduced in 2006 and has proved a very successful intervention. The Garda Síochána, as a key partner, has had a major role in delivering road safety results through ongoing roadside operations and a stringent testing regime. The percentage of drivers actually detected with excess alcohol levels continues to fall, thus confirming the deterrent effect of this measure. This system of detection by the Garda Síochána, as well as the scientific analysis provided by the Medical Bureau of Road Safety, is essential to maintaining the public perception that there is a real risk of being detected and prosecuted, and is integral to the effectiveness of the deterrent.

Section 8 of the Road Traffic Bill 2009 provides for mandatory testing of drivers involved in road traffic collisions, where a member of the Garda attends at the scene of a road traffic collision and where injury requiring medical assistance has been caused to another person. This is another improvement on the current legislation. On previous occasions I have been asked to explain why there is no provision to test drivers involved in all collisions. This is because, in many instances, the collisions result only in material damage to vehicles and are generally minor in nature, with the matter being settled by the drivers concerned. Overall, the newly extended provisions for testing at collision sites will enhance the deterrent effect and support the enforcement of the reduced BAC.

Complementary to the measures already outlined will be the new provisions to introduce preliminary impairment testing in section 10, Part 2, of the Bill. It is illegal in Ireland to drive while under the influence of drink or drugs to such an extent as to be incapable of having proper control of the vehicle. The Garda is obliged by law to determine whether drivers are under the influence of an intoxicant to such an extent. This obligation is more difficult when trying to determine the presence of drugs. There is currently no suitable device available that will permit roadside testing of drivers for drugs. However, the Medical Bureau of Road Safety is keeping abreast of developments in this area and will inform me when a suitable device has been identified for testing and certification.

Unlike alcohol, there is no legal limit for drugs. Detections for driving under the influence of drugs are on the increase; as concern grows for the effects of driving under the influence of multiple drugs or a mixture of drugs and alcohol, a more detailed review of the regulatory regime has been raised in the context of the current Road Safety Strategy 2007-2012. It is planned that such a review will commence this year and will require very detailed consideration and consultation by the relevant stakeholders. In the interim, arising from the actions specified in the strategy, section 10 of the Road Traffic Bill 2009 provides that a driver may be required by a member of the Garda to perform tests, known as preliminary impairment tests, to assist the Garda in determining the extent to which a driver is under the influence of an intoxicant.

The section also provides for the making of regulations by the Minister to prescribe how such tests should be carried out. Formal training in impairment testing for the Garda will begin

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this year. The Medical Bureau of Road Safety, with the school of medicine at UCD, will provide the training with the aim of enhancing the assessment of drivers suspected of driving under the influence of drugs. The training course is currently being designed by the medical bureau in close consultation with the Garda. I am certain that the combination of the reduced BAC level, the introduction of preliminary impairment testing and the extension of the testing regime at collision sites will further augment the momentum that has been achieved to date in reducing road fatalities and increasing road safety overall.

Enforcement provisions are improved in Part 3, in sections 30 to 43. Enforcement is a key element of any road safety agenda. The Garda Síochána is responsible for the detection of road traffic offences, many of which are included in either the fixed charge or the penalty points scheme. The aim of these schemes is to increase the effectiveness of Garda enforcement, to improve driver behaviour through the deterrent effect and to reduce the volume of road traffic offences coming before the courts. From a road safety point of view, I see this trend continuing into the future, with more offences being included under these schemes.

With regard to fixed charges, payment is possible within 56 days of the issue of the notice but there is currently no option for payment after that date. While some 70% of fixed charge notices are paid, an estimated 30% end up in court for failure to pay within the prescribed 56-day period. The case has been made to me that for a number of reasons, a person may not be able to make a payment within the prescribed time, but many would rather make a payment than be prosecuted in court. The Bill, therefore, provides for a final option of payment not later than seven days before the date set for the court hearing.

Debate adjourned.

Business of Dáil: Motion.

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

That, notwithstanding anything in Standing Orders or the order of the Dáil of this day, a motion of confidence in the Minister for Defence, which is on a supplementary Order Paper, shall be taken at 3.45 p.m. today, and shall, if not previously concluded, be brought to a conclusion after 90 minutes, and the following arrangements shall apply: speeches shall be confined to a Minister or Minister of State and to the main spokespersons for Fine Gael, the Labour Party and Sinn Féin, who shall be called upon in that order and who may share time, but whose speeches shall not exceed 20 minutes in each case; and a Minister or Minister of State shall be called upon to make a speech in reply which shall not exceed ten minutes.

Deputy Fergus O'Dowd: Has that been agreed by the Whips?

Deputy Pat Carey: Yes.

Question put and agreed to.

Sitting suspended at 1.30 p.m. and resumed at 2.30 p.m.

Ceisteanna — Questions (Resumed).**Priority Questions.**

Tourism Industry.

63. **Deputy Olivia Mitchell** asked the Minister for Arts, Sport and Tourism the discussions he has had with the Department of Finance and the Department of Enterprise, Trade and Employment regarding the difficulties facing the hotel sector; the representations he has received from the hotel industry; and if he will make a statement on the matter. [8343/10]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): As we all know, the hotel sector generally had a difficult trading year in 2009. Declines in personal spending and consumer confidence and unfavourable exchange rates across our major source markets had a significant impact on the numbers of overseas and domestic tourists staying in Irish hotels. In this context, my officials and I are in frequent contact with individual hoteliers and the Irish Hotels Federation, IHF, and are well aware of their concerns and priorities. I am in regular contact with the Minister for Finance and the Tánaiste and Minister for Enterprise, Trade and Employment about the issues facing the sector and there are also frequent contacts at official level.

As a result of such contacts, budget 2010 incorporated a range of measures to renew tourism. These provide for an overall increase in funding levels for tourism services, including the maintenance in real terms of funding for the tourism marketing fund and a trebling of the funds for tourism product development. In addition, a new rail travel initiative aimed at senior citizens from abroad and a reduction in excise duty on alcohol products and VAT will also benefit the sector. I should point out that the IHF welcomed the strong acknowledgement by the Government of the important role of tourism in the economy as well as the specific measures I have just outlined.

I am keenly aware that labour now represents over 40% of hotel costs. I welcome the recent changes in Sunday pay rates in the hotel and catering sectors. I also welcome the recent announcement by the Minister of State with responsibility for labour affairs that he will propose an “inability to pay clause” in the Industrial Relations (Amendment) Bill. This measure will assist hotels and other businesses facing substantial challenges to stay in business and safeguard jobs. The inclusion of tourism in the employment subsidy scheme and the work of the credit supply steering group are also positive developments for the sector and have been welcomed by the IHF. All of these measures had been the subject of prior discussion between the Tánaiste and me.

As the Bacon report clearly indicates, tackling the overcapacity that undoubtedly exists in the hotel sector is a complex matter and ideally requires a market response over time. I am conscious of the difficulties that hotels and the tourism sector face in the current economic climate. It is my intention, together with that of my Department and the tourism State agencies, to continue to work with the industry to assist the sector to manage its way through these difficulties, be it in stimulating demand, helping to address costs and productivity or securing access to credit. The Deputy may rest assured that I will continue to raise those issues that affect the industry bilaterally with my ministerial colleagues and at the Cabinet table.

Deputy Olivia Mitchell: I thank the Minister. I wish to take him up on one of his points, as the others might arise in later questions. Previously, I raised with him the difficulties being experienced by some hotels in getting credit whereas those that owed the most, those that were virtually owned by banks, were having no trouble in getting credit. Indeed, money was being poured into them. I wrote to the Competition Authority about this matter, which responded to the effect that it shared my concerns. It is trying to approach the matter from a different angle. Unfortunately, a requirement under the Competition Act is that one firm must be dominant if the authority is to act. That is not currently the case, although it may be when the loans are taken over by NAMA. Nevertheless, what is occurring is anti-competitive and distorting the market.

An Leas-Cheann Comhairle: A question to the Minister.

Deputy Olivia Mitchell: Hotels that should have gone to the wall are receiving credit from banks on the back of taxpayers' money. It is unethical and was not envisaged when we put money into the banks. Neither was it envisaged for NAMA.

Could the Minister help in any way? If this situation is allowed to drift, we will have fewer hotels, as those in question will fail regardless. The spread of hotels across the country will also pose a difficulty.

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

Deputy Olivia Mitchell: Could the Minister ask the Competition Authority or, in the context of reckless trading, the Office of the Director of Corporate Enforcement to examine this issue? Could he ask the Financial Regulator to examine it in terms of the banks giving their large debtors and clients an unfair advantage? There seem to be many ways to approach the issue, but it should be stamped out right now. If it lingers under NAMA, it will be catastrophic.

Deputy Martin Cullen: The Deputy and I have been *ad idem* regarding her point for some time. That we have both raised the issue in our respective ways has been helpful. Obviously, I have discussed the matter with the Minister for Finance and raised it at the Cabinet table, where I intend to keep it. The construction and operation of NAMA will be crucial and I cannot countenance a situation in which hotels that are clearly non-viable are kept going simply to turn over money at rates below the real costs of hotel rooms, etc. in the marketplace. I have evidence to show that this situation is affecting competitive hotels, albeit ones that are struggling because of the decline in the tourism market. They can survive by setting intensely competitive rates, although not substantially below cost.

Notwithstanding the Deputy's points and the complexity involved in the various reasons for supporting hotels, the situation boils down to difficult decisions being taken quickly and early in the operation of NAMA. Businesses that are clearly incapable of functioning in the market must go out of business. There is an overcapacity in the market of approximately 15,000 beds. All of these do not need to go, but hotels are being supported despite not being viable.

An Leas-Cheann Comhairle: We have gone over time. I want to allow Deputy Mitchell to ask a brief supplementary question.

Deputy Olivia Mitchell: I would ask a brief question if I could remember it. The Leas-Cheann Comhairle has put it out of my head. If bad hotels are to go the wall, the Bacon report suggested that the clawback be dropped. However, I am against that suggestion. We gave people money to get into the business and now we are giving them money to get out of it. Bad hotels should

fail if good hotels are to survive. This is the way the market works. We should not be giving more taxpayers' money.

Deputy Martin Cullen: The Deputy probably knows the answer. That issue was raised in our pre-budget considerations, but it is not a road the Government has gone down. There are inherent dangers, in that——

Deputy Martin Cullen: I heard rumours.

Deputy Martin Cullen: ——it could be applied across the system. It would be a win-win scenario for someone who failed,——

Deputy Olivia Mitchell: Exactly.

Deputy Martin Cullen: ——but that is not the intention of any scheme and certainly not this one.

Deputy Olivia Mitchell: I thank the Minister.

Sports Funding.

64. **Deputy Mary Upton** asked the Minister for Arts, Sport and Tourism his views on the future funding of the horse and greyhound sectors; and if he will make a statement on the matter. [8340/10]

Deputy Martin Cullen: Government support for the horse and greyhound racing industries is provided under the Horse and Greyhound Racing Fund, which was established under section 12 of the Horse and Greyhound Racing Act 2001. Funding of both Horseracing Ireland and Bord na gCon supports two important productive industries and helps to sustain the important role of horse and greyhound breeding and training enterprises in the development of the rural economy. These industries directly account for approximately 27,500 jobs, generate substantial economic activity and make a vital contribution to the rural economy including, as is often forgotten, farm incomes.

The funding given to the greyhound racing sector helps to sustain a tradition that has existed for hundreds of years and underpins economic activity in what are, in many instances, less affluent regions. The funding has also contributed significantly to the almost €90 million invested in the improved facilities now available at greyhound tracks around Ireland. The funding has allowed Horse Racing Ireland to undertake a capital investment programme that has underpinned growth in the sector. The funding has allowed Ireland to develop into a world centre of excellence for horse racing.

A total of €59.3 million has been allocated to the fund for 2010. To give effect to this Estimates allocation it was necessary, under the relevant provisions of the Horse and Greyhound Act 2001, to have the increase in the horse and greyhound fund specified in a regulation. The Horse and Greyhound Fund Regulation 2010 was approved in the Dáil and Seanad on 4 February 2010.

A review of the horse and greyhound racing fund has been completed. The report states that while not all aspects of the total contribution of the sector can be definitively quantified, there is adequate direct and indirect evidence to support a strong argument that the horse and greyhound racing industries constitute a major source of direct and indirect employment, give rise

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to considerable domestic and export earnings and are a key driver of substantial economic activity, especially in rural areas.

The report maintains that any sharp withdrawal or curtailment of funding in the short-term would likely have major detrimental impacts on the industries involved with the consequent risk of undoing much of what has been achieved since the fund came into existence in 2001.

Additional information not given on the floor of the House

At least in the medium term these industries need secure State support. If this was not available, employment would fall, infrastructural development would not take place, the product would deteriorate, integrity would become compromised and the industries would be seriously undermined.

When the fund was established it was estimated that it would be fully financed from the excise duty on off-course betting. When the fund commenced the rate of duty was 5%, but the rate was subsequently reduced to 1%. Any shortfall in the amount generated by the excise duty is made up by direct Exchequer subvention.

Excise duty on off-course betting has been 1% since 1 July 2006. I have already stated that the gap between what is raised through the off-course betting duty and the amount to be provided for the Fund under the provisions of the Horse and Greyhound Racing Act 2001 continues to be met directly from the Exchequer. The Minister for Finance has stated that it is his intention to widen, if possible, the tax base on which betting duty would be applied. Bets placed either on-line or over the telephone are generally with out-of-State companies so applying betting duty is therefore problematic. However, officials from the Department of Finance, in conjunction with the Office of the Attorney General, the Office of the Revenue Commissioners and the Department of Justice, Equality and Law Reform, are looking at the scope to overcome legal and operational difficulties in this area. In addition, the Department of Finance is working closely with the Department of Justice, Equality and Law Reform which has initiated a review in order to provide the Government with options for a new and comprehensive legal and organisational framework governing gambling architecture in the State.

Given the current budgetary situation it is reasonable to concede that multi-annual funding cannot be agreed at this time. Instead, a provision was made in the Estimates for the industries in 2010. Other options, however, may require amending the existing legislation. My officials are currently considering the future funding options for these two industries.

Deputy Mary Upton: We would all agree on the importance of horse racing and the greyhound industries for employment here and with all their other positive benefits outlined by the Minister, about which there is no argument. The issue that arises is around the methodology for funding. The review, to which the Minister referred, is out of date and inaccurate. For instance, it states that excise duty on off-course betting will be increased in 2009 from 1% to 2%, but that did not happen. The excise duty on it is still 1%. More importantly, there is no indication in that report as to how any additional revenue might be generated. The point is made in the report that the value of on-line betting in 2007 was approximately €1.5 billion. That is a huge amount of money that is available to be taken on board and to be taxed in some way. I want the Minister to set out how he plans to capture the taxation of on-line betting as a method of supporting the horse and greyhound fund.

Deputy Martin Cullen: If I am correct the figure the Deputy gave of €1.5 billion covers specifically the horse racing element because the figure for off-shore betting is more substantial,

being in the region of €3.5 billion. It covers many areas, not least of which is on-line poker and all the other such activities that are taking place. The Minister for Finance is specifically engaged in this matter with the Revenue Commissioners, as it is a taxation issue. There are two ways to address this. One way, which would be direct and easy to operate — which would overcome the problem that arose last year when we said we would raise the tax from 1% to 2% — would be to make it compulsory for all those involved in the betting industry to pass on the tax to the punter. The difficulty for the smaller bookmakers last year, which was a reasonable point, was that the bigger players could afford to pay 2% and not pass it on whereas the small bookies could not and that would have damaged them substantially and put many of them out of business. That was not my intention, nor the intention of the Minister of Finance in terms of increasing the tax. That is one side of the matter.

The other side of the matter is how we will find a mechanism of taxing companies which are largely located offshore. That is the problem, namely, that there do not come within the Irish taxation system. It is hard to tax a company in another jurisdiction. My view is that if a company is doing a substantial amount of business in any given country, there will have to be agreement, even if it has to be at EU level, that this business can be forthcoming in terms of delivering tax in the jurisdiction from which it is making a great deal of money. The Minister for Finance and the Revenue Commissioners are trying to resolve this matter legally at present.

Deputy Mary Upton: Is it not the case that bets placed in Ireland should be taxed in Ireland and that such tax revenue accruing should come back into this country?

While it might be difficult technically to address the activities of Internet service providers, it appears no effort has been made to tackle that aspect. That is another support mechanism that could and should be in place to deal with this matter.

Deputy Martin Cullen: I do not disagree with the Deputy but, clearly, we cannot do anything that would be illegal.

Deputy Mary Upton: I am not proposing that.

Deputy Martin Cullen: I am not suggesting the Deputy is but that is where the complexity of the issue arises. Clearly, we want to do something that will work, which is our primary objective, and that will increase the tax revenue accruing to the State in order that we can make sure that the horse and greyhound fund, effectively, is entirely funded from the industries. That, essentially, is the Deputy's point, namely, that we cannot continue to use revenue accrued from taxpayers to fund the horse and greyhound industries.

Deputy Mary Upton: I take it that before the end of the current year some moves will be made to ensure that the industries will be self-funding. It is unsustainable to continue to use general Exchequer funding when there are so many more calls on that money.

Deputy Martin Cullen: It is my intention that we will have a solution prior to the budget that will be introduced at the end of this year and that such a solution will be included in the provisions of that budget. I know that is also the intention of the Minister for Finance.

Tax Code.

65. **Deputy Olivia Mitchell** asked the Minister for Arts, Sport and Tourism if he has received new guidelines from the Arts Council relating to the assessment of the artistic merits of works

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submitted for qualification under the artists tax exemption scheme; his views on those guidelines; and if he will make a statement on the matter. [8344/10]

Deputy Martin Cullen: As I stated in my written reply of 21 January 2010, the original intention of the legislation referred to by the Deputy was, *inter alia*, to create an environment in which the arts could flourish and also to encourage Irish artists on modest incomes to remain here rather than going abroad to earn a living. Under subsection (12) of section 195 of the Taxes Consolidation Act 1997, there is provision for guidelines to be drawn up by the Arts Council and the Minister for Arts, Sport and Tourism, with the consent of the Minister for Finance, which determine if the work is an original and creative work and whether it has, or is generally recognised as having, cultural or artistic merit. Officials in my Department, the Arts Council and the Revenue Commissioners are currently engaged in finalising new draft guidelines for consideration.

Section 195 of the Taxes Consolidation Act 1997 empowers the Revenue Commissioners to make a determination that certain artistic works are original and creative and have either cultural or artistic merit. This section provides an exemption from tax for the profits or gains arising to a person from the publication, production or sale of an original and creative work which has artistic or cultural merit in any of the five following categories set out in the legislation: a book or other writing; a play; a musical composition; a painting or other like picture; and a sculpture. The Revenue Commissioners may consult with a person or body of persons which may be of assistance to them in reaching decisions on the granting of such an exemption. The Arts Council is an example of such a body.

While the drawing up of guidelines is the responsibility of my Department and the Arts Council, the Revenue Commissioners are the users of the guidelines.

Deputy Olivia Mitchell: I am sure the Minister knows that what motivated me to table this question was the recent securing of tax exemption status by the Minister's former leader and our former Taoiseach for his autobiography. When I raised this issue almost two years ago, on foot of a sports celebrity having secured tax exemption status, the Minister told me that new guidelines were being drawn up. It is now almost 18 months later and the guidelines are still being drawn up.

I checked what is regarded as a work that has cultural and artistic merit. The provisions state that a work has cultural merit if its contemplation enhances the quality of individual or social life by virtue of that work's intellectual, spiritual or aesthetic form and content. I do not wonder that the Minister would laugh.

Deputy Martin Cullen: I am smiling.

Deputy Olivia Mitchell: By no stretch of the imagination could this work be considered a work that is cultural and certainly it could not be considered artistic, where the bar is even higher. I am aware that the tax exemption legislation has changed and a cap on income in that respect has been introduced. The granting of tax exemption status in this case undermines this measure for people who genuinely deserve it. It goes against the spirit of the legislation which was to help new struggling, emerging artists. God knows Deputy Bertie Ahern is not one of them.

I ask that the guidelines be introduced. I understand that the Arts Council was not consulted in this case. In cases such as this where the work is borderline — I am being generous in saying that — the Arts Council should be asked for its recommendation.

Deputy Martin Cullen: I do not want to, nor do I believe it is the Deputy's intention, to necessarily focus on one particular individual.

Deputy Olivia Mitchell: No.

Deputy Martin Cullen: We have had very good examples in this respect and some books have been very good and very interesting. The issue is subjective and that is the difficulty here. The Arts Council has a view and it has expressed some views to me on this matter. I do not want to say that it takes a narrow focus but it takes one that is very much on the artistic side, if I could put it that way. For example, a large number of books are written relating to sport. Some of them are very good and some are complete rubbish but who am I to decide what is rubbish or good? What is good for one person is not necessarily of interest to others. Given that we live in a world of technology, it is amazing that young kids are ever introduced to reading. The room of young boys, in particular, in a house will have the latest sports book on a personality such as Ronaldo. That is the type of material they want to read because the subjects are their heroes.

It is difficult to deal with such matters. Should the books be excluded on very narrow artistic grounds or do we see a wider benefit in having those kinds of books included? The Deputy would probably agree that many of those books are not very profitable. The book referred to by the Deputy earlier would not have a very significant international resonance. The book is available for the market over here but such books are of specific interest to people in this country or Irish people abroad.

We are in a finalised position and I am sorry for the delay in the process between what the Arts Council is suggesting, what the Revenue Commissioners feels should be involved and what our own officials have stated. It is a very subjective issue and it bothers me. I do not want to be elitist and neither does the Deputy.

Deputy Olivia Mitchell: Is the Arts Council not about getting as close to perfection as possible? I take the point that young lads want to read about sports but neither Ronaldo nor Packie Bonner needs a tax incentive to write a book. That is not the purpose of the tax incentive, which is to help emerging and young artists. Deputy Bertie Ahern is not one of those and neither is Ronaldo. Does the Minister see the point? This undermines genuine attempts to help emerging and young artists.

Deputy Martin Cullen: I am not convinced it undermines action which both the Deputy and I strongly support, the helping of emerging artists whose career will be in writing plays and books, sculpture, music or anything else. That is the intention behind the support. Part of the difficulty, as the Deputy knows well, is how to frame this in a legislative sense so we do not get it wrong. I would like to finalise the matter but I am slightly torn on how to do it and who to include or exclude. I have had good and interesting discussions with famous people, others who have written books and officials but it is a subjective matter. We need to finalise the issue and the Revenue Commissioners wants it finalised also.

Tourism Industry.

66. **Deputy Mary Upton** asked the Minister for Arts, Sport and Tourism the actions he has taken arising from the report of the tourism renewal group; and if he will make a statement on the matter. [8341/10]

Deputy Martin Cullen: The report of the tourism renewal group set out tourism's contribution to Ireland's economic and social development and its prospects in a changed world, as well as a framework for action for tourism's survival, recovery and growth in the period to 2013. The report proposes five survival actions to minimise the impact of current challenges and nine recovery actions to set Irish tourism back on a growth path as the world economy recovers. All of these actions are being vigorously pursued by me, my Department and the relevant agencies.

Following publication of the report, my officials, focusing initially on the survival actions, pursued them with the tourism agencies and other relevant Departments and bodies. Fáilte Ireland and Tourism Ireland have built in the relevant renewal group recommendations to their business and marketing plans for 2010. My officials are also working with a range of other organisations to develop opportunities to focus resources, achieve common objectives and maximise the impact on tourism.

Building on the framework for action, the 2010 budget recognised the tourism sector as a critical, labour-intensive sector. As I stated in an earlier response, the overall tourism services budget was increased, enabling the level and value of investment in overseas marketing of Ireland to be maintained in real terms, as recommended by the renewal group. Investment in visitor attractions was also increased to €22 million. Tourism was included in a range of cross-cutting measures to support enterprises and jobs, and these included the employment subsidy scheme and the credit review system. Additional specific measures, such as changes in alcohol excise duties and VAT and the rail travel initiative for senior citizens visiting Ireland, will also help the sector to recover. We talked about the rail travel initiative in the House last year.

Drawing on the report of the group and complemented by general supports for enterprise, my Department is identifying the right measures and is working with other Departments and the tourism agencies specifically to drive their delivery in order to position the tourism sector for recovery and growth as the Irish and global economies get back on track.

Deputy Mary Upton: We are in agreement that the tourism industry will be one of the more significant in the coming year. It will certainly require as much support as possible. The Minister mentioned that survival actions were being addressed so does that mean the abolition of the air travel tax may be possible? That issue is raised time and again by people in the tourism industry.

I have had correspondence from the Coach Tourism and Transport Council of Ireland making valid points on the difficulties in accessing visas, particularly for people coming from places such as China. The process for them is very difficult and convoluted. One of the council's members recently spoke with an agent in Indonesia who said that he could sell 1,000 coach tours to Ireland this year with 40 people on each tour if it was not so difficult to get into the country. Will the Minister comment on how this might be addressed?

Deputy Martin Cullen: The Deputy's first point regarded the air travel tax, which I raised in budget discussions with the Minister for Finance and my colleagues. Judgment calls had to be made in an effort to maintain the tourism budget or even enhance it. I was not successful in winning the argument as it involves a substantial stream of revenue.

It is very hard to quantify in real terms the impact of the tax. I have spoken to tour operators abroad who have told me the tax has not had a significant impact.

Deputy Olivia Mitchell: They do not make the charge.

Deputy Martin Cullen: It must be charged on the outbound flight.

An Leas-Cheann Comhairle: This is a priority question from Deputy Upton.

Deputy Olivia Mitchell: The Minister is wrong.

Deputy Martin Cullen: I am making the point in general terms. There is no doubt that in broad terms, everybody would prefer if the tax was not there. I will not defend it as a positive mechanism for encouraging people to come to Ireland. I agree with the Minister for Finance that the books must be balanced in the very difficult circumstances we are now experiencing. My preference was to maintain the tourism budget, and this is probably shared by the industry. We have tripled the product development budget.

On the second point, the visas, I spoke only this week to the Minister for Justice, Equality and Law Reform on the matter. Some of our officials are trying to resolve this at the highest level, although there are difficulties which impact to some degree on the tourism side. There is a balance to be struck to take into account the economic tourists who come into the country and have no intention of leaving and those who are genuinely coming on holiday. We need to resolve the matter as the eastern markets hold great opportunities for us.

Deputy Olivia Mitchell: The emerging markets do as a whole.

Deputy Mary Upton: A number of other countries have reversed the travel tax because it cost them more than was being brought in. It is very hard to justify the balancing of the figures and the matter should be looked at. Almost everybody in the industry opposes it. What actions are being taken by the Department in supporting the smaller aspects of the tourism industry, such as bed and breakfasts, with regard to e-capability?

Deputy Martin Cullen: This is an interesting and one of the more positive outcomes to an issue. As the Deputy is probably aware, there has been a great effort among bed and breakfasts and small hoteliers to substantially improve their reach in e-marketing and the use of technology. Fáilte Ireland has put many resources into such businesses for free in order to get them up to speed and have good sites produced. There are good linkages between these sites and main sites as well. That will continue as an ongoing process.

Many people who have received help and assistance from Fáilte Ireland have mentioned how positive the help and assistance has been, as well as how positively it is affecting the ability to attract more tourists.

Sporting Facilities.

67. **Deputy John O'Mahony** asked the Minister for Arts, Sport and Tourism his plans regarding the publication of the national sports facilities strategy 2010 to 2015; and if he will make a statement on the matter. [8229/10]

Deputy Martin Cullen: A draft national sports facilities strategy 2010-2015 has been completed within my Department and circulated to a number of Departments and other relevant bodies for observations prior to finalisation. The draft strategy is now being amended to take account of the comments received and will then be submitted to the Government for approval and publication.

The aim of the five-year strategy is to provide high-level policy direction for future investment and grant assistance at national, regional and local level and to ensure a joined-up approach across the various agencies and Departments involved in supporting the provision of sport and recreational facilities. The strategy also identifies the wider economic, health and

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social case for continued investment in sports facilities. It aims to prioritise areas for future investment and to ensure continued impact in the relevant areas.

Deputy John O'Mahony: I thank the Minister for his answer, but the real answer I want is when this will be published. We are going back to 2002, when the Minister's predecessor announced the strategy, and there was a review before that. The Minister is now saying that it is with different Departments.

Deputy Martin Cullen: The draft is already completed.

Deputy John O'Mahony: When does the Minister expect it to be published and brought before the House so that people will know the strategy for facilities in the country? What are the cost implications of the draft? Does the draft contain a commitment to the national sports campus?

Deputy Martin Cullen: I have just come from the conference to announce elite funding under the carding system. I am pleased at the very positive comments I received from representatives of all different sports bodies about the level of funding put into the sport, and how significant it is for them that the level of support for our top athletes is maintained. I made
3 o'clock my view clear at the conference that we must continue to build at Abbotstown.

We have not been able to do it in the timescale originally set out, given the economic situation that exists. With the completion of the stadium at Lansdowne Road in May and with Thomond Park and Croke Park already completed, the missing link in our sporting facilities is in Abbotstown. About 50 to 60 different sports will benefit from the development out there. If things improve this year, we will be able to move on that in the next couple of years.

Deputy John O'Mahony: The Minister said in previous answers that until this strategy is in place, there will be no new funding for facilities or for sports capital funding. Even though he said there will be no funding for facilities in 2010, does he mean that there will be no funding for the lifetime of this Government? Is he telling us that the whole thing is being put on the long finger?

Deputy Martin Cullen: The Deputy is raising a separate question. I was specifically talking about Abbotstown. The number of projects done last year for clubs reached record levels. There is another €50 million in the budget this year for the continuation and completion of—

Deputy John O'Mahony: They are existing applications.

Deputy Martin Cullen: They do not exist until they are built. There were existing applications, but many of them had to apply for planning permission which they only recently received. I would not exclude the possibility of a new round of sports capital funding. It is my intention to get the draft report into a final report, bring it before the Government and publish it as quickly as possible.

Deputy John O'Mahony: That would be very welcome. We have been talking a lot about stimulus, and this is an ideal stimulus that stretches its tentacles into every club and organisation around the country. At a time when prices are much lower, it would be a very good strategy.

Deputy Martin Cullen: I agree with the Deputy. There is great value for money available at the moment. Facilities that might have cost X plus Y a few years ago will only cost X today. That is to the benefit of those who are building them and to the Exchequer.

Other Questions.

Irish Horse and Greyhound Racing Industry.

68. **Deputy John O'Mahony** asked the Minister for Arts, Sport and Tourism his plans to publish the recently completed review of the horse and greyhound racing fund; if he will bring forward proposals for a new funding system for the industry in 2010; and if he will make a statement on the matter. [8107/10]

Deputy Martin Cullen: I refer the Deputy to Question No. 64 in the name of Deputy Upton in which I outlined my views on the future funding options for the horse and greyhound racing sectors. I have provided a copy of the Farrell, Grant, Sparks review of the horse and greyhound fund to the Joint Committee on Arts, Sport, Tourism, Rural and Gaeltacht Affairs, of which the Deputy is a member.

Deputy Olivia Mitchell: We just got it today. The last time we raised this issue, the Minister stated that he wanted to bring in what he called a gambling architecture for the State. That sounds great, but it is a tall order, given the different players in the market from the small bookies to the big on-line players. We are at it for a couple of years, so is there any point in looking at an interim solution specifically for the horse breeding industry? The Minister knows how badly the industry is doing. There are fewer horses, trainers, races, jobs and less money. We are right up at the top at international level in this area. If we go off the stage for a few years, we will lose our place and our reputation. Is there any point in looking at an interim arrangement?

One of the problems with the tax for small bookmakers was that it was a tax on turnover. That can be very onerous because the bookmaker must pay even if there is no profit at all. Is there any point in looking at some other kind of tax or a flat contribution? I know that the big on-line companies are more than willing to make a contribution. Nobody is happy with the turnover tax, but half a loaf is better than no bread at the moment. If the architecture to which the Minister refers is so difficult to achieve, should we be looking at something that can help the horse industry in the meantime?

Deputy Martin Cullen: When we recently spoke about this at the committee, I said to the Deputy that the French Government is involved in the same process and we are liaising with them to come up with a solution. It is very hard to disentangle, because the process is the very same whether gambling takes place over the telephone or on-line or wherever. Everybody in the industry has been willing to make a contribution, but the difficulty is that they all see the bigger contribution coming from somewhere else in the industry.

Deputy Olivia Mitchell: It was ever thus.

Deputy Martin Cullen: The Deputy smiles and she is right. While a tax on turnover may be somewhat onerous, the figures that have been suggested to me for a contribution in comparison to what is bet bear no resemblance whatsoever. That is just not acceptable and we must be realistic. It is in the interests of the industry to work with this and come up with a solution. Some members of the industry are coming to see me today, and I will be interested to hear whether they have an updated position.

Deputy Mary Upton: I also met with some of the serious players in all of this. Each one of them acknowledges the need for doing something about this. Does the Minister have any plan

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to bring the various stakeholders together to hammer out a deal? There is an element of goodwill among them. I accept the point made by the Minister that everybody would like everybody else to pay, but it is also fair to say that the players acknowledge that something must be done. By getting them all together around a table, something could come about from it and an agreement could be reached.

Deputy Martin Cullen: I would be keen to do that, but I need a firm workable proposal to put to them in order to do that. I met with them all and I have heard their ideas——

Deputy Mary Upton: I can give the Minister my document.

Deputy Martin Cullen: I am sure we have all received the same documents and messages. I would be open to tweaking some proposal in way that is acceptable to the industry in general. It is a very important and successful industry, and it will have to make its contribution to its own funding. The general Exchequer funding cannot continue to do that. We are still getting substantial funds for the industry, but they are not enough to support the volume of funding needed in the industry.

Film Industry.

69. **Deputy Michael D. Higgins** asked the Minister for Arts, Sport and Tourism his views on amending the governing Act of the Irish Film Board to include support for the computer gaming industry; and if he will make a statement on the matter. [7888/10]

70. **Deputy Phil Hogan** asked the Minister for Arts, Sport and Tourism if he has examined the audiovisual content production industry strategy framework group report; if recommendations stemming from that report have been submitted to the Department of Finance for consideration; and if he will make a statement on the matter. [8152/10]

80. **Deputy Jim O’Keeffe** asked the Minister for Arts, Sport and Tourism if in view of the recent nominations for Oscars for Irish films and Irish people involved in the international movie industry, he has proposals to encourage the further development of the Irish film industry; and if he will make a statement on the matter. [7949/10]

85. **Deputy Ruairí Quinn** asked the Minister for Arts, Sport and Tourism his views on amending section 481 tax relief to include computer gaming; and if he will make a statement on the matter. [7876/10]

Deputy Martin Cullen: I propose to take Questions Nos. 69, 70, 80 and 85 together.

I take this opportunity to congratulate the five Irish nominations for academy awards which were announced recently. This is a wonderful achievement of which all of the Irish audiovisual industry should be proud. It is also worth pointing out that three of the nominations were for projects that were funded by the Irish Film Board. Let us hope there will be some Irish winners when the awards are handed out on 7 March.

My Department’s primary operational role in supporting the film sector relates to the administration of elements of section 481 of the Taxes Consolidation Act 1997 which provides tax relief for investments in qualifying films. A qualifying film is a film for which the Revenue Commissioners have issued a certificate under section 481. The types of film eligible for certification are feature film, television drama, creative documentary and animation. These types are eligible whether computer generated or otherwise but, as Deputies are aware, computer games are currently excluded.

I recently established an audiovisual content production industry strategy framework group — the name is a mouthful — that will assist in providing a clear vision for the future of the industry and response to market changes. I have no doubt that the whole area of computer games development will be examined as a significant part of the work programme of the group. Following the receipt of the report, which I expect to be completed soon, I will examine it and if an opportunity arises to further develop the audiovisual industry here, including any changes relating to computer games development, I will make the necessary amendments to the Irish Film Board Act.

Given the great opportunities available in this area, it should not be excluded from the provisions of the legislation because it is a part of the general audiovisual sector. Similarly, if there are recommended changes required to the section 481 scheme, I will bring immediate proposals to the Minister for Finance seeking his approval and agreement.

Deputy Mary Upton: I welcome the two positive comments made by the Minister on computer games development, a sector which clearly has the potential to be a major industry. The House will acknowledge the brilliant recent success of small Irish film makers and a part of the gaming industry. Given their important role in this area, did the video or gaming industry have any input into the programme for building Ireland's smart economy?

Deputy Martin Cullen: The industry had a role in the sense that the audiovisual sector, which embraces the entire film sector, receives a strong mention in the programme. I envisage opportunities to develop film distribution and associated activities into something akin to the International Financial Services Centre, albeit not on the same scale. One of our foremost film directors, Jim Sheridan, indicated to me that Ireland has a unique opportunity to become the centre of film distribution for Europe. I understand Germany attempted to achieve this objective some time ago but its efforts did not come to fruition for various reasons. Ireland could achieve this objective if we put together a proper plan. The matter is being examined.

The Deputy's point on the video games sector is equally valid. The most successful film ever made, "Avatar", which I would like to watch to see what impact it makes, features a phenomenal amount of computer enhancement. It would be wrong to suggest computer games are different from film given that the same skills are involved. The view that the computer games sector should be considered part of the audiovisual sector is becoming more and more legitimate.

Deputy Olivia Mitchell: I welcome the positive approach the Minister is taking to this issue. The boundary between ordinary digital animation film and gaming is gradually disappearing. While gaming is a complete mystery to me, the marriage of creativity and high technology involved in it makes it a perfect outlet for young Irish people.

I have been informed that the education side of the gaming sector needs to be strengthened. Will the Minister discuss this possibility with the Minister for Education and Science? Some of the young people nominated for academy awards studied at the Ballyfermot College of Further Education and in Carlow. If we want to establish a new centre similar to the International Financial Services Centre, we must ensure the educational aspect of the audiovisual sector is strengthened. While gaming is high-tech it has low capital investment requirements. It does not require large studios such as Ardmore Studios, for example, and work can be done in a back shed on the Long Mile Road. For this reason, significant investment should be made in the educational element. I ask the Minister to speak to his colleague, the Minister for Education and Science, on the matter.

Deputy Martin Cullen: I have no difficulty agreeing with the Deputy. It is extraordinary that the chap who has been nominated for an Oscar was nurtured and his skills incubated in Ballyfermot. This shows that the sector has the ability to reach across all sections of society and that enormous talent is available. We must, however, find pathways for people to access the necessary training and education skills. I have been discussing this matter with the Department of Education and Science and will continue to do so.

The audiovisual sector is worth more than €500 million per annum and employs 6,500 people. Although these figures only scratch the surface of the industry's capacity, they show what we have achieved within a short period. Of the 6,500 people working in the industry, approximately 85% of them are employed in the independent sector, while the remaining 15% are employed in broadcasting. This is the correct split and indicates that the sector is not confined to the State apparatus, as it were. I was also surprised to learn that 567 companies operate in the sector. If, however, we are to take the industry to the next level, we must up our game in all areas. That is the challenge facing audiovisual policy.

Deputy Mary Upton: I acknowledge the work of Ballyfermot College of Further Education. Located in my constituency, the college continues to do exceptionally well and I wish it well in future. It has great potential.

Speaking at the global Irish economic forum, Sir Gerry Robinson called for the introduction of a five year tax holiday to incentivise companies to settle in Ireland. France and Canada have provided generous tax breaks for such companies. Does the Minister support Mr. Robinson's proposal?

Deputy Martin Cullen: The Deputy raises an interesting question. The use of tax breaks can be very positive, although they have not always worked and may have been available for too long in some areas. Nevertheless, it is wrong to take a general view that no tax breaks should be provided.

I agree with Sir Gerry Robinson that we must be able to compete internationally, as we do through section 481, and must be ahead of developments internationally if we want to strengthen the industry. When we introduced section 481 it was copied by many other countries as they tried to win business. There is legitimate scope for action.

In fairness to the Minister for Finance, he publicly acknowledged that of all the tax incentives we fought over for the 2009 budget, the outstanding success was section 481 which is provided to the film industry. The reason was that the level of production in the sector and its return to the economy were visible. We should not be afraid to extend the scope of the section and identify what type of additional revenue and job creation the audiovisual sector can secure for the country. The sector is an excellent example of how Ireland could be positioned and fits extremely well with the smart economy.

Abbey Theatre.

71. **Deputy Bernard Allen** asked the Minister for Arts, Sport and Tourism the progress made in the assessment of the General Post Office complex as a feasible location for the redeveloped national theatre; the timescale envisaged for the assessment of this alternative site; and when a report will be submitted to Government on the proposal. [8091/10]

148. **Deputy Olivia Mitchell** asked the Minister for Arts, Sport and Tourism the progress that has been made in the assessment of the General Post Office complex as a feasible location for the redeveloped national theatre; the timescale that is envisaged for the assessment of this

alternative site; when a report will be submitted to him on the proposal; and if he will make a statement on the matter. [8345/10]

Deputy Martin Cullen: I propose to take Questions Nos. 71 and 148 together.

The development of a new national theatre project is a complex undertaking. There are a myriad of technical, procedural and legal factors to address in making progress on it. The successful delivery of this project is a priority for my Department and the Government in the renewed programme for Government and national development plan. A considerable amount of technical, legal and financial due diligence was undertaken since the original announcement of the project to ensure the project was progressed and the best solution possible was put in place.

In that regard, the Office of Public Works, my Department and the Abbey Theatre, with relevant external technical input, has commenced an assessment of the GPO complex to ascertain if it is a feasible location for the redeveloped national theatre. As I indicated previously, I have good information available to me which indicates that it is a feasible location. While I do not envisage any difficulties in achieving this outcome, the matter must be examined independently by the Office of Public Works.

The Department of Communications, Energy and Natural Resources and An Post are also engaged in the process and a number of meetings have been held to date under the chairmanship of a senior official from my Department. As indicated, many technical issues involved in such an assessment but I wish to bring the report to Government quickly. I believe this move can be achieved. It is potentially a wonderful location and in terms of O'Connell Street and central Dublin it could be a fantastic outcome.

Deputy Olivia Mitchell: I raised this matter relatively recently but it was the Minister of State, Deputy Mansergh, who responded to the question and I wanted to discuss it with the Minister again. I have no problem with relocating the Abbey Theatre to the GPO. It is probably a very good location but why is it moving from Abbey Street? We are losing the eponymous value of having the Abbey Theatre in Abbey Street. It is an internationally renowned name. Regardless of where one goes in the world, those in theatre know about the Abbey Theatre. Will moving it from Abbey Street undermine its value? What was the original thinking in moving it? Was it because of the disruption the building works would cause? We have other theatres which could fill the gap during the construction stage. What was behind the thinking that the Abbey Theatre had to move from its current location?

One of the frustrating aspects of this issue is that it has been going on for years. Is the move to the GPO just another red herring to postpone a decision? The Minister of State, Deputy Mansergh, said the money would not be wasted and that all the research done on the site in the Docklands was not site specific but I do not believe that. This was a waterside site down in the docks. This was a refurbishment site. In terms of going back to the drawing board, is there any timescale for this project and is it still proposed to do it by way of a public private partnership? Does the Minister have any idea when it will start? Will it start during the lifetime of this Government, if the Minister knows how long that will be?

Deputy Martin Cullen: It will have to if it is to meet the target date because it will very much form part of the 2016 celebrations. We have an obvious target date.

The main reason for moving it, and I have looked at many aspects of it, is the type of training facilities a modern national theatre needs. It needs a minimum of two theatres for training etc. as well as all the ancillary facilities. The specification was done with the Abbey Theatre, benchmarked internationally and completed. That is easily transferable from the site on the

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quays to the GPO because the specification does not change. That is why we can do a quick examination at the GPO to see if this fits, so to speak. As I said to the Deputy, I had a lot of work done on this and I gave that specification. I was asked about it, somebody had a look at it and it does work. The original reason was that the current site does not have the physical capacity for all the modern facilities required by a national theatre.

Deputy Olivia Mitchell: Is there any property available in any area?

Deputy Martin Cullen: It was felt strongly by those in the Abbey Theatre that they would like to move to a greenfield site or a new large site that affords a fresh start with all of the necessary facilities. Ironically, the GPO has that because there is only the shell at the front and the side; the rest of it is an enormous space that can be made available and demolished. It is a significant space. It was not a ministerial or a Government decision that it should move. A collective view was taken by the board members of the Abbey, and I believe everyone involved, that for a national theatre its future could not be achieved to the level they wanted in its current site.

Deputy Mary Upton: I had the same question regarding the timing of the project and how long it is likely to take. I do not expect the Minister to have the figure to hand today but how much has the research, providing the specification and so on cost to date?

Deputy Martin Cullen: I had a figure; I thought I gave it on the last occasion. It was not——

Deputy Olivia Mitchell: It was €220,000.

Deputy Martin Cullen: Yes. It was not overly significant and as I said, the specification and everything else has been agreed, and that was scaled. There was an enormous amount of changes, argument and debate about scale, size, what was and was not required etc. and all of that has been completed. At this point I would hope to have this report very quickly. I want it. I have asked the Office of Public Works to complete it and we can make a decision. I would like to go to Government with this to finalise it.

Deputy Mary Upton: Do any of the theatre people have any strong opposing views in terms of the GPO site? My personal view is that it is probably a very good site and is a positive move but some theatre people might have a slightly different view on that.

Deputy Martin Cullen: The general view of people in the Abbey Theatre comes back to what Deputy Mitchell said. The bottom line is that they want a new theatre with all the modern facilities, and they want it done. If it is to be done in the GPO I have had no huge objection expressed to me about. There is a rationale for it and the bottom line is that we should get on with it and build it because we have been talking about it for so long. All of the issues that arose in the past 12 months regarding the Dublin Docklands site were beginning to make it even more impossible. To be honest, I doubt if it ever would have happened at that location.

Deputy Olivia Mitchell: Is An Post open to the idea of moving out of that site? Also, a site like that in the middle of O'Connell Street should not be used just for night time events. It must have a day time purpose——

Deputy Martin Cullen: Absolutely.

Deputy Olivia Mitchell: ——such as matinees and so on but it is not beyond the bounds of possibility that we could have a post office on the site as well.

Deputy Martin Cullen: That would be the intention, Deputy.

Deputy Olivia Mitchell: Is An Post happy to vacate or——

Deputy Martin Cullen: I have not had a negative view expressed to me in discussions. It is a State company. I have no doubt that a nostalgic view would be taken with regard to the GPO but we must make the right decision for the country. I believe everyone would accept there is no need to have a post office of that scale in the middle of O'Connell Street but historically it has a role in that location. I agree with the Deputy that it must have facilities that will be open day and night, with many people passing through and much activity taking place. It needs to be part of a café society and so on. All of that should fill part of a new facility.

Tourism Industry.

72. **Deputy Deirdre Clune** asked the Minister for Arts, Sport and Tourism the action he will take to support the tourism industry in view of the 1 million drop in overseas visitors here in 2009; and if he will make a statement on the matter. [8128/10]

73. **Deputy Simon Coveney** asked the Minister for Arts, Sport and Tourism his views on the potential growth for the tourism market in 2010 and beyond in view of the fall off in same. [8140/10]

75. **Deputy Brian O'Shea** asked the Minister for Arts, Sport and Tourism his views on the tourism figures from 2009; if he foresees recovery in figures during 2010; and if he will make a statement on the matter. [7878/10]

76. **Deputy Michael Noonan** asked the Minister for Arts, Sport and Tourism his views on the competitiveness challenges outlined in the National Competitiveness Council's recent report Ireland's Competitiveness Challenge creating a better future; the difficulties such challenge poses for the tourism industry; and if he will make a statement on the matter. [8165/10]

84. **Deputy Bernard J. Durkan** asked the Minister for Arts, Sport and Tourism the action he has taken to create a climate conducive to growth and competitiveness in the tourism sector; the degree to which he has evaluated the cost factors; the action he proposes arising therefrom; if he has identified strategies for the future short , medium or long-term; and if he will make a statement on the matter. [8177/10]

153. **Deputy Bernard J. Durkan** asked the Minister for Arts, Sport and Tourism the steps he has taken or intends to take to improve the competitiveness in the tourism industry; and if he will make a statement on the matter. [8419/10]

Deputy Martin Cullen: I propose to take Questions Nos. 72, 73, 75, 76, 84 and 153 together.

The latest figures from the Central Statistics Office show a reduction of 12% in the number of overseas visitors to Ireland for the first 11 months of 2009 compared with the corresponding period of 2008. Tourism worldwide saw a significant downturn in the second half of 2008, which continued into 2009, due to the global economic slowdown and loss of consumer confidence. Outbound trips from Great Britain were particularly affected, with the euro-sterling exchange rate making it extremely challenging to attract visitors to Ireland, and indeed eurozone destinations generally.

There is little doubt that 2010 will also be a challenging year for tourism. Nevertheless, it is important to remember that, despite the downturn, millions of people across the world will take holidays this year. I know the industry and the tourism agencies are fighting hard for

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every bit of this business. It is in that spirit that Tourism Ireland is targeting growth of 3% in visitor numbers to Ireland in 2010, which is a fairly brave move but it reflects the confidence and the level of investment in marketing that is going on.

To assist the tourism sector, an extensive range of marketing, product development, festival and sporting events, training and business supports are being put in place by the tourism State agencies under the tourism services budget of the Department. This increased allocation of public resources in the current difficult budgetary position is clear recognition by Government of the important role the tourism and hospitality sector will play in Ireland's economic recovery. It will also ensure that the level and value of investment in overseas marketing of Ireland can be maintained in real terms, as recommended by the Tourism Renewal Group.

A total of €26 million is being invested by Tourism Ireland in a marketing drive in the first half of the year, including the biggest ever promotional programme of activities to showcase Ireland during the St. Patrick's Day period. Already, agreement has been secured to "green" iconic buildings and attractions like the London Eye, the CN Tower in Toronto, the Sydney Opera house and others. Tourism Ireland will be focusing on those major markets that are likely to deliver immediate returns this year, including Great Britain, Germany and the United States, as research has shown these markets are our best prospects.

On the domestic front, Fáilte Ireland has committed to its largest ever home holiday marketing programme as a central plank in its strategy to increase the home market share of the overall Irish leisure break market. On the business tourism front, the opening of the National Convention Centre in Dublin in September will further enhance our capacity to attract international events. Fáilte Ireland is also working closely with tourism businesses all over Ireland, supporting enterprises and helping them to achieve real cost savings and efficiencies.

In terms of our ability to compete in the international arena in the future, maintaining and enhancing competitiveness is a major issue for Irish tourism as it is for the economy as a whole. In addressing that issue, it is important to bear in mind that competitiveness is about more than price and costs. The tourism agencies continue to monitor Ireland's competitiveness as a tourism destination and I am encouraging them to assist the industry in responding to changing conditions as appropriate. In 2010, great value, distinctive holiday offers are a key focus of both tourism agency's marketing campaigns.

While I know that our businesses and tourism agencies are responding positively to current challenges, it is just as important that the strategic framework for tourism development responds to the changing environment.

Drawing on the report of the Tourism Renewal Group, I am determined, as I have already indicated in my reply to an earlier priority question, to drive the right measures to position the tourism sector for recovery and growth as the Irish and global economies get back on track.

Deputy Olivia Mitchell: I am sure the Minister is sick of hearing me talk about the airport departure tax, which I have referred to at every available opportunity since its introduction. On each occasion I raise it with the Minister, he tells me that people he has spoken to abroad and in Ireland are of the view that it is not having an impact on tourism. That is because the impact is on the airlines. The tax is not charged to travellers but is absorbed by the airlines, to the tune of €91 million to date. Most of that sum has been collected from the two largest Irish airlines, Aer Lingus and Ryanair. Whatever about the latter, Aer Lingus can no longer continue to absorb a tax of that magnitude, which is merely adding to the company's losses.

Deputy Upton referred to the chart we received from Mr. Michael O'Leary and which is no doubt drawn with a particular story to tell. However, there is no denying that Ireland is suffer-

ing far more than anywhere else in terms of loss of capacity. Important as that is, the tragic aspect is that we lost 24 destinations in the last year. That is catastrophic for the industry. The new chief executive officer of Tourism Ireland spoke last week at a meeting of the Joint Committee on Arts, Sport, Tourism, Community, Rural and Gaeltacht Affairs about the body's new promotion campaign in Germany. The Minister has said it is important to maintain the marketing budget, but what is the point of marketing if people cannot get here? The chief executive officer told the committee that just as he was about to launch the marketing plan, he discovered that eight destinations included in the plan no longer offered flights to Ireland. This is more important than any other issue. If tourists cannot get to Ireland, all the marketing in the world is for nought. People are not willing to make two or three flight connections to get here.

Deputy Martin Cullen: As an island nation, air access to this country is more crucial than it is for those European countries which enjoy easy land access. The loss of air routes to us is unquestionably a negative because we need access to as many places as we can and we need as many places as possible to have access to us. There is no doubt that there has been a reduction in the number of services. The airline industry is suffering nationally and internationally in terms of its ability to maintain its profitability and to meet its own demands and commitments. This has seen a retrenchment not only in Ireland but internationally.

Another issue of concern is that a third bloc has been formed on the transatlantic route, but Aer Lingus is not part of any of these blocs. The alliance between American Airlines, British Airways and Iberia Airlines represents the advent of another significant player. My concern is that it is difficult for a small airline like Aer Lingus to compete outside one of these large blocs. It is not for me to tell Aer Lingus what to do, but I hope its broad strategy includes a consideration of how it may form part of one of those blocs. I understand it has a relationship with JetBlue, which is a significant player in the economy market in the United States. Nevertheless, it is clear that the Atlantic route will become more and more competitive. It is also clear that the Atlantic route is extremely important to Ireland, as was pointed out to me not only by Aer Lingus but also by the major United States airlines that fly into Ireland.

I have expressed my concerns in this regard to the Minister for Transport and have emphasised that we must maintain as many routes as possible. Those routes are the lifeblood of our economy, and the key flag carrier in that regard is Aer Lingus. In the United States market in particular, Aer Lingus remains a significant brand image for the country. I sincerely hope the company keeps that to the forefront in terms of its future market development strategy and that it has a particular focus on the United States market. I put an enormous amount of work in as Minister for Transport, with the support of Deputies, in seeking to achieve an agreement on open skies. We were strongly of the view it would benefit Ireland, particularly from the United States. We have not yet seen the fruits of that and there are opportunities there to exploit.

Deputy Olivia Mitchell: I accept there has been a retrenchment worldwide but the reality is that we are suffering more than most and it is more important to us than most because we are an island. Talking to the Minister for Transport occasionally is not enough. The Minister, Deputy Cullen, will have to drive this issue with the Minister for Finance. Apart from the damage it is doing to the airlines, it is sending out the wrong message. Mr. Michael O'Leary may not need excuses to remove destinations but the Government is handing him such an excuse on a plate. I accept that the United States and United Kingdom markets are very important, but there is huge potential in the European market. European tourists are traditionally culture seekers and we should seek to attract them. Most of the routes we have lost are into Europe.

Deputy Martin Cullen: Ironically, the routes into Europe grew last year in spite of the difficulties in the industry. The potential for the Italian, French and Nordic markets is substantial. We spoke earlier about the phenomenal potential in the Asian market if we can get the visa situation resolved. One of the developments required at Dublin Airport is to ensure the runway is long enough for aeroplanes to come in directly from Singapore, Shanghai, Beijing, Sydney and so on. When people travel the long distances from those destinations to London, they do not want to have to take another flight to Ireland. We need direct access not only with our own carriers but with other carriers.

Deputy Mary Upton: I acknowledge the difficulties in terms of getting into the country and our lack of destinations and so on. However, I wish to speak from my own experience of deciding last summer to become a tourist in Dublin for three days. It was an interesting experience but I can only conclude that tourists are driven demented by the lack of integrated ticketing. I am aware this is the responsibility of other agencies but from a tourism point of view, it must be tackled sooner rather than later. How does the Minister see this being moved forward? We have been hearing about it for years but developments have been limited.

In regard to the Asia market and other non-European markets, we have a long way to go to get up to speed in terms of our translation services in comparison with the standards of other European countries. For example, it would be useful to have a broad array of language translations for tourists on tour buses and so on.

Deputy Martin Cullen: I have not heard any specific complaint in regard to translation services. In terms of European languages, we can always do better but the level of proficiency is generally quite good. Tourism Ireland has put a new location into the Middle East in order to develop the Middle East and Far East markets. If we are to be successful in that regard, we must be able to cater for people who speak the languages of those regions. I have no doubt we will be able to achieve that but we must first have the programmes in place. Notwithstanding the global downturn, we have already seen the positive results of airlines travelling from Ireland into the Middle East via Abu Dhabi. That is an indication of the potential for the future.

I agree with both Deputies that the visa issue is a very difficult one. We do not want to end up in a situation where we are largely servicing economic tourists who have no intention of leaving the country. On the other hand, we must equally acknowledge that there is a significant number of people from China and elsewhere who are legitimate tourists and are interested in experiencing the cultural aspects of Ireland at first hand.

Deputy Olivia Mitchell: That was a good excuse some years ago but the reality now is that it is Irish people who are emigrating to China, India and elsewhere rather than *vice versa*, so that should not be our major concern. I know the Minister does not have responsibility for visas but he must drive this as Minister for Arts, Sports and Tourism. The Department of Justice, Equality and Law Reform has no interest in this, it is interested in keeping people out of the country. We must get them in, however, and the Minister must drive that process. There has been a suggestion of a shared visa with Britain, where the British would do the scanning and research. Surely that would be good enough for us. Someone must grab this opportunity.

The Minister is meeting the industry about car rentals. This is boiling up and will become a real problem. By May it will not be possible to hire a car in Ireland if it is not already booked. The scrappage scheme means that leased cars are dearer than new cars so dealers are not interested in sourcing them for car hire businesses. The removal of the benefit that went to car hire providers through the VRT refund has been withdrawn this year. If the Minister could have a provision inserted into the Finance Bill to postpone it, it would be welcome. Both measures coming together will be catastrophic.

Deputy Martin Cullen: Since last year a significant problem has emerged in the car rental industry. It is a lucrative industry because those tourists who rent cars tend to be high-end spenders. The number of cars available this year is having a real impact. The same is happening in the United States and Spain, where there is a major shortage because finance companies are not interested.

I have spoken to the Minister for Finance about this to see if we could find a mechanism to get the rental car that goes out for a couple of months then comes back in and is included as part of the scrappage scheme. That would have been helpful so I will talk to the Minister for Finance before next week. Deputies would support that because it is a crucial aspect of the tourism product that we must have available. We are probably not far off 25% of where we were in rental car numbers only two years ago at the peak. We do not need the peak numbers but the number of vehicles on the road should be somewhere in between. The finance companies, however, are not interested in financing.

Deputy Mary Upton: I would like to hear what the Minister has to say about the significance of integrated ticketing.

Deputy Martin Cullen: I am familiar with this issue from my time in the Department of Transport. There is agreement between all the parties now. There were some elements of integrated ticketing emerging and my colleague, the Minister for Transport, is pushing to achieve this.

I agree, for ease of access for both tourists and Irish people, particularly in the capital, it would transform things to have a simple card to access all elements of public transport. Competitors in this market, as they previously saw themselves, would accept in a declining market that it is in all their interests to have easy access to public transport for all those who wish to use it.

Written Answers follow Adjournment Debate.

Adjournment Debate Matters.

An Leas-Cheann Comhairle: The following matters in respect of which notice has been given under Standing Order 21 were received by the Ceann Comhairle, and this is a list of the name of the member in each case: (1) Deputy Leo Varadkar — the construction and completion of the N2-N3 link road; (2) Deputy Denis Naughten — the need to reverse structural management changes at Roscommon and Portiuncula Hospitals; (3) Deputy Michael Ring — to ask the Minister for Health and Children what plans are there to reduce the bed capacity in Áras Deirbhle and the District Hospital in Belmullet, County Mayo, are any of the beds going to be taken out of use and that she make a full statement on the matter; (4) Deputy Joe Carey — the need for the Competition Authority to investigate the practises of large retail outlets; (5) 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, which he signed off on last October; (6) Deputy Pat Breen — the current position regarding the Lynxs cargo project at Shannon Airport; (7) Deputy Seymour Crawford — to urge the Minister for Agriculture, Fisheries and Food to take immediate action to ensure that all overdue monies such as REPS 4 are paid to farmers immediately in their present financial crisis; (8) Deputy Jan O'Sullivan — the need for the Minister for Social and Family Affairs to clarify and protect the rights of former workers at Dell (Limerick) and ancillary companies, to retain their social welfare entitlements while availing of the training, education and/or back to work opportunities available to them through the EU Globalisation Fund; (9) Deputy John Perry — Carn national school in Gurteen,

[An Leas-Cheann Comhairle.]

County Sligo, which currently has an enrolment of 66 pupils, a large increase in recent years, which is currently in poor repair and unable to cater properly for this number of pupils, with an old slate roof, no insulation, old windows, toilets in damp condition, and hazardous tarmac in the playground and very limited parking for a school bus and parents' cars on a very dangerous section of road and that, in light of these factors, it is imperative that a new national school would be provided on the parish donated site in Gurteen, and that the Minister would prioritise this project for completion as a matter of urgency; (10) Deputy Joe Costello — the need for the Minister for the Environment, Heritage and Local Government to sign the ministerial order to facilitate the sale of local authority flats; (11) Deputy Deirdre Clune — the need to ensure a greater uptake of science, maths and related subjects at leaving certificate level; (12) Deputy John O'Donoghue — the need to restore the Cork-Swansea ferry in advance of this year's tourist season.

The matters raised by Deputies Joe Carey, Pat Breen, Denis Naughten and John O'Donoghue have been selected for discussion.

Confidence in Minister for Defence: Motion.

The Taoiseach: I move:

That Dáil Éireann has complete confidence in the Minister for Defence, Deputy Willie O'Dea.

These are challenging times, possibly the most challenging facing any Government for decades, and the progress of many projects and plans will be subject to constraints on resources. Following on from the difficult decisions we took in the budget and the Estimates, and the review of the programme for Government, we now have a clear agenda going forward.

In the Department of Defence, the priority for the year ahead is to ensure that the Defence organisations maintain the capability to deliver on all of the roles assigned by Government. At the outset, I want to express my complete confidence, and that of the Government, in the Minister for Defence to continue to do his job.

In the midst of the worst global recession since the 1930s, arresting the decline in the strength of the Defence Forces and reaching the recently approved PDF strength of 10,000 will be achieved through prioritised recruitment, with the overarching focus remaining on the operations requirements of the Defence Forces. We are also committed to preparing a new defence White Paper for the period 2011-20 as we plan for the future. I believe the Minister for Defence, with his experience, his ability and his work ethic, is the best person to undertake this work.

I want to avail of the time this motion affords us to outline the massive contribution Deputy O'Dea has made in the Department of Defence. Before I do that, I want to put the Opposition's attack on the Minister in context. Its criticism of him does not arise from anything he has done in the course of his duties as Minister for Defence. I have heard people on the Opposition benches openly try to propagate the myth that the Minister is in breach of the Cabinet code of conduct, as set out in the handbook. This is once again a case of political discourse from the Opposition benches generating more heat than light. The matter of current controversy did not pertain to Deputy O'Dea's responsibilities as a Minister in the Government. It did not pertain to Government policies in any way, shape or form and had nothing to do with his function in the Department of Defence.

The facts are now well known. As the Minister said to the House yesterday, on 21 December a defamation action, taken against the Minister by Sinn Féin Councillor Maurice Quinlivan on foot of remarks made by the Minister in a local Limerick newspaper interview, was mutually

agreed and settled in the High Court. As part of that settlement, a statement was read out in court which containing 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". The Minister for Defence has acknowledged that his recollection of the interview in his original affidavit was wrong and he corrected his mistake when he realised it. He admitted and apologised for this mistake and agreed a settlement in which the other party fully accepted that there was no intention to mislead. The matter was a personal one between him and the local Sinn Féin representative concerned. It was dealt with and resolved in open court over two months ago and the matter is closed.

Clearly, it does not serve the Oireachtas well for people to throw around or imply ill-founded allegations of perjury in a coarse attempt to secure political advantage. Let us be clear, perjury does not arise here and it is despicable that some have suggested it does.

Deputy Emmet Stagg: On a point of order, will the Taoiseach's script be circulated?

The Taoiseach: It will be circulated. My understanding is that where there is no intention to mislead and the matter is corrected as soon as possible, there is no question of perjury. The position is that for perjury to occur a person must know the statement to be false or not believe it to be true. Perjury in Ireland is governed by common law as the British Act of 1911 governing it never applied to Ireland. That Act is clear that a person has to give evidence which he "knows to be false or does not believe to be true". This formula has been also used in Irish statutes. Thus it is clear that perjury contrary to common law would also not arise where someone was mistaken.

The approach being taken by the Opposition parties indicates that they are once again trying to take the low road to high office. Their intent on a no confidence motion is completely spurious in both timing and motivation.

Deputy Olivia Mitchell: It is the standards which apply on the Government side that are under discussion.

The Taoiseach: On the issue of timing, Deputy Kenny informed the House yesterday that he found 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." Who is the Deputy trying to fool?

Deputy Pádraic McCormack: Who is the Taoiseach trying to fool?

The Taoiseach: If he was of the view that this matter was of the most serious import why did he not raise it with me when the Dáil resumed last month? Why did he not demand a statement from either me or the Minister for Defence before now? Why are we debating the matter this week? Is it as a result of the traumas Deputy Kenny and his party endured last week?

Deputy Róisín Shortall: We are discussing it because this is the Parliament.

The Taoiseach: Is the Leader of Fine Gael trying to divert attention from his crisis by foisting a drama on to somebody else?

Deputy Dinny McGinley: What crisis?

The Taoiseach: Is he tabling motions of no confidence because he is afraid that if he does no another party will and that he will once again be seen as being behind the curve?

Deputy Paul Kehoe: I will tell the Taoiseach one thing——

The Taoiseach: Fine Gael's posturing about a motion of no confidence is completely spurious and is merely a diversion.

Deputy Enda Kenny: This is a hangar six shot.

Deputy Pádraic McCormack: It is a hangover from the hangar.

The Taoiseach: That party's intent to seek the resignation of the Minister for Defence, Deputy O'Dea, is indicative of a growing tendency within the Opposition that focuses on personality rather than on politics. It is sad that once again their approach amounts to playing the man rather than the ball. Rather than be out-done in the sham indignation stakes by Deputy Gilmore, Deputy Kenny has chosen to join him in taking the old discredited Labour approach of seeking "heads in baskets".

The Opposition's eagerness for a motion of no confidence is premised not on the implementation or the administration of the programme for Government commitments on defence, but rather on Deputy Kenny's promise to his parliamentary party in the aftermath of the George Lee debacle that "what I'm going to do now is be myself".

Deputy Ulick Burke: The Taoiseach should deal with the issue.

The Taoiseach: The waste of valuable hours of Dáil debate on an unnecessary and unjustified motion of no confidence, at a time when there are real and pressing issues to be addressed, owes more to Deputy Kenny's need to prove to his Members that he is, in the words of Deputy Coveney, "up to the job" than it does to any real concern or reservation regarding the running and administration of the Department of Defence.

Deputy Enda Kenny: This is about one of the Taoiseach's Ministers, not about one of my party's members.

The Taoiseach: I wish to say unequivocally that I am happy to affirm complete confidence in the Minister for Defence, Deputy O'Dea. I have the utmost confidence in his abilities and in his capacity to do his job. On my election as Taoiseach it was my privilege to reappoint him as Minister for Defence. Deputy O'Dea has served in that role with distinction and his track-record is second to none. While achievement and ability to do the job obviously count for little to some, I believe the people of this country are fairer minded. They recognise achievement and they know that people sometimes make mistakes. Everyone is in favour of accountability in public office but when people make a genuine mistake which has nothing to do with their official duties and where they have moved to quickly correct that mistake——

Deputy Róisín Shortall: Who decided that he made a genuine mistake?

The Taoiseach: ——and have settled the matter with the aggrieved party, I do not see why I should listen to the usual, predictable calls from the Opposition to remove from office arguably the best, the most efficient and the hardest-working Minister for Defence to serve the country in recent times.

Members of the Opposition are more interested in innuendo and stirring up controversy than in people's political records.

Deputy Pádraic McCormack: What about the facts?

The Taoiseach: I would like to spend some time balancing those books and pointing out that I have the utmost confidence in Deputy O’Dea, who has shown real skills in overseeing the continued modernisation of the Defence Forces and bringing about significant progress across a broad range of areas.

A Deputy: He is the artful dodger.

The Taoiseach: The McCarthy report acknowledged the ongoing modernisation in defence and this is the vein in which I want to see the Minister continue during the period ahead. It is worth pointing out some of the many achievements of Deputy O’Dea as Minister for Defence. He has placed great priority on acquiring equipment and rationalising military barracks. The investment he has overseen has led to an improvement in Defence Forces equipment and resulted in the high level of morale among their members.

Deputy Pádraic McCormack: The Taoiseach should appoint him as Tánaiste.

The Taoiseach: I wish to share time with the Ministers for Finance and Communications, Energy and Natural Resources, Deputies Brian Lenihan and Ryan. I make the point that whether it is in respect of overseas peace support, the development of the medical corps or the involvement of Defence Forces personnel in cash escorts, the Minister has always acted competently.

In highlighting the Minister’s achievements and his ongoing programme of work, it is worth considering that in the past two years Fine Gael’s spokesman on defence has put forward only three suggestions which differ from those of the Government in respect of defence policy. The number rises to four if one includes the idea put forward by Deputy Kenny in the run-up to the 2007 general election that we should establish Army-run boot camps.

Deputy Dinny McGinley: Perhaps Deputy O’Dea could spend a little time in such a camp.

Deputy Enda Kenny: The Taoiseach is scoring heavily now.

Deputy Dermot Ahern: Another Flannery idea.

The Taoiseach: The first of the three policy differences to which I refer relates to the triple lock. Unlike the other main political parties — Fianna Fáil, Labour, the Green Party — and the key independents, Fine Gael is committed to abandoning the letter and the spirit of the triple lock of Government, Dáil and UN approval before Irish troops serve overseas. The idea most consistently pursued by Fine Gael is to have the Army drill and fitness instructors deployed in schools to teach PE. That party has also suggested that we replicate the New Zealand model of defence forces administration——

Deputy Enda Kenny: This speech was not written by the Taoiseach.

The Taoiseach: ——which would require us to more than double the number of people working in defence administration from just over 600 to over 1,400.

Deputy Paul Kehoe: Did the Minister for the Environment, Heritage and Local Government, Deputy Gormley, write the Taoiseach’s speech?

The Taoiseach: It is clear that Fine Gael has little to contribute to discourse on defence policy.

Deputy Dinny McGinley: Where are the Green Party members of Government?

The Taoiseach: Fine Gael's approach is to try to drag down the Minister and inflict whatever damage it can on the Government to disguise from its lack of ideas and policy.

Deputy Paul Kehoe: Did Deputy Gormley write that speech?

Deputy Dinny McGinley: Send for the Green Party.

The Taoiseach: This Government is not going to bow to those cheap tactics. We have full confidence in the Minister for Defence and we look forward to him continuing to serve the Government and the people.

Minister for Finance (Deputy Brian Lenihan): This matter was raised in the Upper House on Tuesday, 2 February last, and has been in the public domain since then. It was raised by a Senator affiliated to the main Opposition party on the occasion to which I refer. It is now
4 o'clock Wednesday, 17 February. Therefore, the enormous sound and fury we have heard from the Fine Gael benches in recent days did not begin on 2 February when the matter was first raised. It was not considered a matter of moment, although it was raised by a member of the Fine Gael parliamentary party on Tuesday, 2 February.

Deputy Olivia Mitchell: What is the Minister's point?

Deputy Enda Kenny: Yes, what is his point?

Deputy Brian Lenihan: In the past few days, however, it has suddenly become a matter of immense moment.

(Interruptions).

Deputy Brian Lenihan: This is the case because of the discomfiture of the Opposition at the departure of former Deputy George Lee. That is why the matter is of immense moment now.

Deputy Paul Kehoe: I thought the Minister, Deputy Brian Lenihan, was a statesman.

Deputy Brian Lenihan: It was of no moment on 2 February and was fit to be left floating on the Seanad's Order of Business on that day. In recent days, however, it has been raised.

Deputy Dinny McGinley: The Minister for Defence raised it himself on Sunday last.

Deputy Brian Lenihan: Given that it has been raised, let us deal with the issues involved. There are two crucial issues that arise. The first of these, as has been already outlined by the Taoiseach, is that this entire dispute came to light in the course of a civil proceeding between two individuals before the courts.

Deputy Dinny McGinley: One of whom is a Minister.

Deputy Brian Lenihan: Correct. However, being a Minister gives him no special position as a litigant in a court house.

Deputy Damien English: He just makes the law.

Deputy Brian Lenihan: He does not change the law in the course of an action. The law that applied to him in that action also applied to the other party to it.

Deputy Emmet Stagg: The Government whip is going——

(Interruptions).

Deputy Brian Lenihan: This was a civil matter which went before the courts and which was brought to a conclusion. Such matters are brought to a conclusion on the basis of both a settlement and the differences of the parties being reconciled.

Deputy Pádraic McCormack: What did it cost?

Deputy Róisín Shortall: The Minister should keep talking.

Deputy Brian Lenihan: The other party to the action did not in any way refer to this earlier affidavit or suggest that he was compromised in respect of that affidavit.

Deputy Pádraic McCormack: He got the lump sum.

Deputy Brian Lenihan: The matter was settled to the satisfaction of the two parties involved. That is their conclusion. As far as the public interest is concerned——

Deputy Paul Connaughton: It did not happen.

Deputy Brian Lenihan: The public interest in this matter — with one exception with which I will deal in a moment — ended when the case was settled.

Deputy Pádraic McCormack: No, it did not.

(Interruptions).

Deputy Brian Lenihan: The exception to which I refer is the position Deputy O'Dea holds as a Minister and whether his conduct in court in some way undermined that.

Deputy Olivia Mitchell: Deputy O'Dea swore an oath.

Deputy Brian Lenihan: I must make the point that this was a civil action in which no public interest, other than and with the exception of that one matter, remained outstanding when the matter was brought to a conclusion.

(Interruptions).

Deputy Paul Connaughton: What was the nature of the settlement?

Deputy Brian Lenihan: Questions have been raised, not in this House but elsewhere, that the earlier hearing before the High Court on the application for the injunction was in some way compromised or prejudiced by the existence of this statement in the affidavit. In fact, this had no bearing on the matter. Due to the fact that Deputy O'Dea disavowed the allegation, there was no need to give an injunction.

Deputy Pádraic McCormack: The Minister should remember that he is in the Dáil.

Deputy Brian Lenihan: The order was made and the other party was never prejudiced because Deputy O'Dea — everyone must accept this — never repeated the allegation.

(Interruptions).

Deputy Brendan Howlin: Where are the Greens?

Deputy Emmet Stagg: There is no sign of them.

Deputy Brian Lenihan: Let us deal with the principal question that has been raised in an ugly and unpleasant way in recent days. The word “perjury” was used in the Upper House and it has been used very freely in the newspapers. The fact is that perjury occurs only when an intentional misleading occurs.

(Interruptions).

Deputy Brian Lenihan: Everyone in this House is aware of that. However, the word “perjury” has been insinuated into the debate and people have nodded and winked in its direction. That has been the approach of Opposition speakers at a time when this country faces far more serious difficulties.

(Interruptions).

Deputy Brian Lenihan: It is an abuse of public life to have this type of debate even in progress. Deputy Kenny leads the Fine Gael Party; I challenge him to produce any evidence he has that Deputy O’Dea intentionally misled anybody.

Deputy Dinny McGinley: The tape is the evidence.

Deputy Brian Lenihan: There is no such evidence.

Deputy Jan O’Sullivan: Who is the judge on that?

Deputy Damien English: That is unbelievable

Deputy Brian Lenihan: We heard his explanation yesterday evening. It is an explanation in which he plainly advanced all the reasons he made an honest mistake.

Deputy Dinny McGinley: Why did he pay money?

Deputy Brian Lenihan: Either he made an honest mistake or——

(Interruptions).

Deputy Brian Lenihan: ——he intentionally misled but there is no evidence that he intentionally misled——

Deputy Pádraic McCormack: What about the tape?

Deputy Brian Lenihan: ——and to date in this debate the Opposition has not produced a shred of evidence that he intentionally misled anyone on this court proceeding. The Opposition does not have any evidence of this but it constantly insinuates that in some sense he is guilty of an offence which he never committed.

Deputy Dinny McGinley: Why did he pay compensation so?

Deputy Brian Lenihan: Deputy Kenny cannot act, and this morning his spokesperson suggested that the Director of Public Prosecutions might have some role in this matter but there is no evidence being given to the Director of Public Prosecutions on this matter. What we have in this whole political saga is an attempt by Fine Gael to operate as prosecutor, judge, jury and executioner. We are not having it.

Deputies: Hear, hear.

Deputy Paul Connaughton: Fianna Fáil is worried about the Sunday newspapers.

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I am speaking on behalf of the Green Party to set out how we see the issue. The Minister for Defence, Deputy O’Dea, has spoken to our party and set out his version of events——

Deputy Pádraic McCormack: Is the Green Party happy with it?

Deputy Eamon Ryan: ——and we followed, with everyone else——

Deputy Dinny McGinley: Which version?

Deputy Eamon Ryan: ——the various events as reported.

Deputy Paul Connaughton: Is that why Senator de Búrca left?

Deputy Eamon Ryan: It can be only on the basis of what one sees there that one makes a judgment and assessment.

The facts are clear. They have been gone through and I am sure they will be gone through further. Those facts are the original interview in the *Limerick Chronicle* following allegations of improper use of civil servants for political work; the allegations during the course of the interview regarding the use of the property by the people in question; the fact that the journalist then contacted those people——

Deputy Damien English: The Minister has lost his confidence.

Deputy Eamon Ryan: ——and asked for comment and they threatened legal action against the newspaper which led to publication of a clarification by the newspaper; and the seeking of a High Court injunction against Deputy Willie O’Dea seeking that he would stop spreading allegations, as I see it——

Deputy Pádraic McCormack: Which side is the Minister on?

Deputy Eamon Ryan: In April last year the High Court refused an injunction on the basis of a strong denial by Deputy O’Dea that he was spreading allegations; and in June 2009 the person in question was elected to Limerick City Council and pursued a defamation action against Deputy O’Dea who filed an affidavit repeating his denial.

Deputy Ulick Burke: A lapse.

Deputy Eamon Ryan: This led to the discovery of a tape of the interview which showed that the Minister had made such allegations. The crucial matter, as I understand it——

Deputy Michael Creed: The Minister’s understanding is not great.

Deputy Eamon Ryan: ——is that at that point the Minister acknowledged that he had mistakenly stated he had not made the allegations——

Deputy Michael Creed: When he got caught.

Deputy Pádraic McCormack: Why would he do that?

Deputy Eamon Ryan: ——and that he had relied in making such an affidavit on the published interview and in December 2009——

(Interruptions).

Deputy Michael Creed: Get your gun now, Willie.

An Ceann Comhairle: Allow the Minister to continue without interruption.

Deputy Eamon Ryan: —a High Court judge ruled that the case was settled with damages and costs paid by Deputy O’Dea to the person in question. Deputy O’Dea also withdrew and apologised for the wrongful allegations—

Deputy Pádraic McCormack: Do you think that is all right?

Deputy Eamon Ryan: —which apology, as I understand, was accepted by the other party—

Deputy Simon Coveney: It is not about the other party.

Deputy Eamon Ryan: —who also accepted that the earlier affidavit had been a mistake—

Deputy Joan Burton: Fianna Fáil is laughing at you.

(Interruptions).

Deputy Eamon Ryan: —and was not an attempt to mislead. That is the crucial issue; when there was a mistake in the affidavit and something that was not true, it was acknowledged in court, dealt with in court, accepted by the other party and reported in the media as such. It was quite some time ago and I do not have the exact details.

Deputy Pádraic McCormack: What would you say if you were in Opposition?

Deputy Eamon Ryan: As I see it that is the case—

Deputy Damien English: Sit down.

Deputy Eamon Ryan: —and the circumstances have been set out and I do not hear any disagreement.

Deputy Paul Connaughton: You are uncomfortable and squirming.

Deputy Ulick Burke: They are bringing you down to their level.

Deputy Eamon Ryan: In those circumstances, our job in Government is to get on with the crucial issues that face this country and to start providing the jobs that were mentioned earlier on. That is the crucial task that we have in government.

(Interruptions).

Deputy Eamon Ryan: I am happy that is what we should be concentrating on, confident that the Government can and will deliver on those jobs having delivered on the change to our budget and banking system, which will also help provide an economic turnaround.

Deputy Paul Connaughton: What a day for the Green Party.

Deputy Pádraic McCormack: The Green Party will save one job anyway — Willie’s.

Deputy Eamon Ryan: That is what the public is looking for us to do. That is what we intend to do in Government and will continue to do for the betterment of the country.

Deputy Simon Coveney: More soldiers so.

Deputy Jan O'Sullivan: No credibility. Is that how one can get out of perjury, by stating that one made a mistake?

Deputy Enda Kenny: I will share time with Deputies Michael D'Arcy and Brian Hayes.

This is not an untypical response from the Fianna Fáil Party. This is not about Deputy Willie O'Dea; it is about the standards employed by the Taoiseach and the Government.

The Taoiseach: Your standards.

Deputy Enda Kenny: The Taoiseach's predecessor eloquently stated from the seat in which the Taoiseach is sitting that Fianna Fáil's ethics are to get in here and stay in here at all costs. Those are the ethics of the party the Taoiseach leads.

Deputy Olivia Mitchell: Nothing changes.

Deputy Enda Kenny: The good people of Limerick have elected that Deputy for many years, as is their absolute right. However, he is not sitting over there just as a Deputy; he is sitting there as an appointed Cabinet Minister, an officer of the court and a constitutional seal of office holder. As such, standards in that office must be of the highest integrity at a time when politics is in a deep depression of cynicism because of carryon over the years. This is not just about Deputy O'Dea; it is about standards at ministerial level, the highest level of political office in the land which the Taoiseach oversees. The response I heard from him and the former Minister for Justice, Equality and Law Reform aided by the present Minister in defending this makes the matter even worse.

The reason for this debate is that a Minister in the Taoiseach's Government, who also happens to be a trained barrister, swore a false affidavit before the High Court and corrected it only when he was caught out on a tape.

Deputy Michael Creed: Hear, hear.

Deputy Willie O'Dea: That is not true.

Deputy Michael Creed: It is true.

An Ceann Comhairle: Deputy Kenny, without interruption.

Deputy Enda Kenny: It is not a case of a simple mistake.

The Taoiseach: What about standards?

Deputy Dick Roche: Stick to the facts.

Deputy Enda Kenny: The last time Deputy O'Dea was caught out on a tape was when he defended his position and his party's position to the taxi men of Limerick——

Deputy Brian Hayes: Remember that, Willie?

Deputy Enda Kenny: ——only to understand when it was played back to him that what he said when he came out was different from what he said inside.

[Deputy Enda Kenny.]

The facts are these and the Minister from the Green Party should bear them in mind because I will quote him some of his words in a few minutes. The Minister, Deputy O’Dea, told an untruth about another person. It was not a political charge but an accusation that someone was involved in serious criminal activity, namely, operating a brothel. When he was challenged on that false claim, he swore a further untruth, that he had never made the original accusation. Because of that dishonest affidavit, a court refused to grant an order that would have corrected the original claim of criminal activity. In other words, the second highest court in the land made a decision based on the sworn testimony of a Cabinet Minister which was false. It was only when he was presented with irrefutable proof of his own voice and his own deceit that he corrected this false affidavit and made a settlement payment to the person he had wrongly accused.

Deputy Willie O’Dea: Untrue.

Deputy Paul Connaughton: Clear cut.

Deputy Enda Kenny: First he stated this was a mistake. If the Minister is so used to making allegations like this that he cannot remember one specific instance then the Cabinet and the Government really have a bigger problem. If the Minister, Deputy O’Dea believed what he told that journalist then he should have gone to the Garda Síochána and reported it in the first instance.

Deputy Willie O’Dea: They reported it to me.

Deputy Enda Kenny: The notion that any normal human being can say to a journalist “That man runs a brothel” and then forget that he said it when part of it was in print in the newspaper the following day just beggars belief.

Deputy Brian Hayes: He is blaming the Garda now.

Deputy Willie O’Dea: It was never in print.

Deputy Enda Kenny: The second defence put forward was that both the slander and the false affidavit to the High Court were perpetrated by Willie O’Dea, private citizen, not Willie O’Dea, Minister.

Invisible hairs are being split here. A belief in the capacity to separate private impropriety from public office now appears to be standard operating procedure for Fianna Fáil in Government. We heard precisely the same logic from the Taoiseach’s predecessor when he stated in regard to his Manchester whip-round that despite the fact that he was Minister for Finance at the time, he was Bertie Ahern, private citizen, when he was handed £15,000 in a brown envelope.

The Taoiseach’s defence of his Minister comes straight from Fianna Fáil’s code of operations. He claimed the Minister broke no code of ministerial ethics. The reason he broke no code is because some things are so obviously unethical that it would be laughable to include them in the code in the first place. For example, one would think the sentence: “Do not lie to the High Court” is redundant to a code of ministerial conduct.

The Taoiseach failed to answer specific questions regarding the steps he took in the two months since the issue was brought to his attention. His colleague is involved in a matter of importance. Equally, we have no indication that another Minister attempted to seek an explanation for these events. This is about the Minister as distinct from the Deputy. It appears that

it was not an issue for anyone in this Government until it became the subject of an editorial in a national newspaper yesterday. That the Taoiseach and the Minister for Defence define their ethics by the specific warnings of a code of conduct rather than by a moral compass points to a lack of morality which is endemic to their party and which smears the good name of every Member of this House by association.

The vote before us is simple. If Deputies believe it is wrong for a Minister to tell an untruth in a sworn affidavit in the High Court, they can have no confidence in the Minister for Defence. If they believe it is appropriate for a Minister to swear a false and defamatory affidavit in the High Court, they can vote their support for him and, by doing so, define publicly their own political morality. These are the questions that must be answered by Fianna Fáil and Green Party Members when they vote on this issue.

The Minister for the Environment, Heritage and Local Government gave the following address on 24 February 2007:

It's great to be back in Galway. I came down on the overcrowded train. . .there's a strange cult called Fianna Fáil, a type of religion without vision or values; and every year in August they go on their annual pilgrimage to one of their sacred sites, the tent at the Galway races, where they pay homage to their gods and the gods bestow them with gifts for doing their bidding. . .The Green Party wants high standards in high places. . .

Deputy Ulick Burke: It is not getting them.

Deputy Enda Kenny: He continued:

. . .not because we are particularly virtuous, but because strong ethical standards improve the quality of our democracy. We do it because we recognise that there are now three Governments in this country — the permanent Government, which is the civil service; the present Government, if you can call it that, consisting of the PDs and Fianna Fáil; and the real Government which are the gods in the Ballybrit tent..We will introduce the strictest ethical standards ever seen in this country.

Three years on, the Green Party now has the chance to live up to these words.

On 12 November 1996, speaking on a motion of no confidence in the then Minister for Justice, Deputy O'Dea, stated:

If accountability means anything, blame must sometimes be taken and consequences sometimes ensue in the absence of knowledge and, therefore, in the absence of culpability in that sense. If that were not the position nobody would ever have to resign because, however great the disaster, it could never be proved as a definitive fact that a Minister had actual as opposed to constructive knowledge.

Here speaks a trained barrister and a supremely confident and energetic politician who knows the law of the land. He now serves not only as a back bench Deputy but also as one of the highest officers of the State in his position of Minister for Defence. How can anyone stand over this situation?

Deputy Brian Lenihan: Deputy Kenny has not produced a shred of evidence.

Deputy Enda Kenny: The former and current Ministers for Justice, Equality and Law Reform are defending this state of affairs around the Cabinet table.

Deputy Dermot Ahern: With pride.

Deputy Dinny McGinley: It would not happen in any other Parliament.

Deputy Enda Kenny: It is ironic——

Deputy Dermot Ahern: Unlike Fine Gael Members we do not assassinate people, such as poor old George last week.

Deputy Paul Connaughton: You have a lifetime's experience of it.

Deputy Enda Kenny: The last time an issue involving a tape was raised was in the case of the good father of the Minister, Deputy Brian Lenihan.

Deputy Dermot Ahern: He was used for a couple of months and then he was thrown away.

An Ceann Comhairle: Allow Deputy Kenny to continue.

Deputy Enda Kenny: I put it to the House that the Minister, Deputy O'Dea——

Deputy Dermot Ahern: The greatest character assassination was carried out by his colleagues after George left last Monday.

Deputy Enda Kenny: The Minister for Justice, Equality and Law Reform is supposed to stand over high standards.

Deputy Dermot Ahern: It was a character assassination and now he is at it again.

Deputy Enda Kenny: It is not simply about the Minister, Deputy O'Dea. This is an act of criminality against the laws of the State which the Minister for Justice, Equality and Law Reform is supposed to uphold and the Taoiseach is supposed to implement.

The Taoiseach: Nonsense.

Deputy Dermot Ahern: As I said the other day, he is returning to type.

Deputy Enda Kenny: For what it is worth——

Deputy Dermot Ahern: Guttersnipe politics.

(Interruptions).

Deputy Dermot Ahern: Where is gorgeous George?

An Ceann Comhairle: Members, please——

Deputy Dermot Ahern: You got rid of him just because he did not suit your purposes.

Deputy Michael Creed: You have no class.

Deputy Dermot Ahern: You threw him to the wolves.

An Ceann Comhairle: Deputy Dermot Ahern, please allow Deputy Kenny to continue without interruption.

Deputy Shane McEntee: Deirdre de Búrca was right.

Deputy Enda Kenny: Neither the Minister for Defence nor any other Minister would have lasted five minutes in a Government of which I was a Member.

Deputy Dinny McGinley: Or any other Government.

Deputy Dick Roche: What about the money in the off-shore accounts? What a hypocrite you are.

Deputy Enda Kenny: Gather the wagons around the Minister for Defence. Fianna Fáil's ethics are get in here and stay in here, regardless of whether one makes a false affidavit and corrects it when found out by tape.

Deputy Dermot Ahern: That is why Deputy Kenny took it out on George.

Deputy Enda Kenny: It makes no difference whether one is a Minister as long as the “FF, we rule” imprint is on one's heart. The law it makes, the law it breaks. The Minister, Deputy O'Dea, broke it as a Deputy and as Minister. He said it was an honest mistake but the person opposite me cannot be divided into Deputy, citizen and Minister. He is the Holy Trinity in one.

(Interruptions).

Deputy Enda Kenny: He knows he is wrong——

Deputy Dermot Ahern: Deputy Kenny departed from his script.

Deputy Enda Kenny: ——and all the other Ministers recognise that too.

Deputy Dick Roche: For God's sake, sit down.

Deputy Enda Kenny: Three in one.

Deputy Dermot Ahern: Be yourself for a change.

Deputy Enda Kenny: A serious and fundamental issue of standards has arisen but Ministers will not oversee or implement these standards. When the Minister, Deputy Eamon Ryan, casts his vote this evening, he should remember his standards and the words of his absent leader.

Deputies: Hear, hear.

Deputy Dinny McGinley: Iris Robinson was fired for less.

Deputy Brian Hayes: Between yesterday's statement by the Minister for Defence and today's statement's by the Taoiseach, an important intervention was made. The Official Report will show that the Minister, Deputy Willie O'Dea, intervened while the leader of my party, Deputy Enda Kenny, was speaking. He indicated in the course of the debate that the Garda informed him about the alleged incident and the owners of the property concerned. The Official Report will show that. If he obtained this information from the Garda, the question that inevitably follows is why exactly he settled. Why did he not put it in his statement or affidavit? Why did he not inform the House of that fact yesterday?

Deputy Paul Connaughton: He forgot that too.

Deputy Brian Hayes: Did the Minister forget that as well?

Deputy Willie O'Dea: The information was wrong.

Deputy Brian Hayes: Is he now denying that in an intervention to the leader of my party, Deputy Kenny, he suggested that the information came from the Garda Síochána? Is that a fact?

Deputy Willie O’Dea: Indeed it is.

Deputy Brian Hayes: Why exactly did he not put that in his affidavit?

Deputy Willie O’Dea: It turned out to be wrong.

(Interruptions).

Deputy Michael Creed: Blame everybody else but yourselves.

An Ceann Comhairle: Deputy Brian Hayes, without interruption.

Deputy Brian Hayes: Now it is the fault of the Garda Síochána. This is some turn-up for the books. If ever we had a political Pinocchio, it has to be the Minister. This is getting worse by the minute. It means that he misled the House yesterday. He did not put that information on the record yesterday. Why not? Why did he blurt it out today to save his political backside when he is up against the pressure of this debate?

Deputy Ulick Burke: Recollection deficit.

Deputy Brian Hayes: That is his problem.

Deputy Dick Roche: We will soon have an opportunity to test the Deputy’s recollection.

Deputy Brian Hayes: I wish to raise one other issue. The Minister made the original allegation on 10 March. On 14 April he signed a sworn affidavit to the courts. As a barrister, he is an officer of the court. He is a senior Cabinet Minister. That was four weeks later. It was not four months, years or decades. It was four weeks after he made the very serious allegations against the gentleman concerned. Why did he not check it out? Why did he not go back to check his sources? Why did he not go to all of the third parties concerned? All of this smells of Fianna Fáil circling the wagons.

I have a question for one member of the Government who is not present — I do not mind the Greens, they are hugely irrelevant in all of this anyway.

Deputy Paul Connaughton: They are gone anyway.

Deputy Brian Hayes: Where is Deputy Mary Harney, the person who built her career on trying to smoke out low standards in the Fianna Fáil Party?

Deputy Noel Grealish: She is fully, 100% behind the Minister, Deputy O’Dea.

Deputy Paul Connaughton: Good man Noel.

Deputy Brian Hayes: Does she support the concoction the Minister, Deputy O’Dea, gave to the House yesterday, of which the House has been given another version today? Sir, I put it to you that the House has no confidence in the Minister, Deputy O’Dea.

Deputy Niall Blaney: Deputy Hayes is clutching at straws.

Deputy Brian Hayes: As Deputy Kenny said, this is a pattern of behaviour——

Deputy James Reilly: A culture.

Deputy Brian Hayes: —over many years. He has been found out for the fraud that he is.

Deputies: Hear, hear.

Deputy Michael D’Arcy: I compliment the Minister, Deputy Brian Lenihan. It is always a pleasure to watch a skilful lawyer defending the indefensible. The Minister, Deputy Ryan, dropped the ball. Not only that, he knocked it on. Every person in the Chamber can see his body language and that he does not believe one word from the Minister, Deputy O’Dea.

Deputy Eamon Ryan: The Deputy should look back on what I said and show me any inaccuracies. I will listen with interest.

Deputy Dermot Ahern: Let him speak for himself.

Deputy Michael D’Arcy: The Minister had his moment. The Greens spoke about principles. Marx spoke about principles also — Groucho Marx. He said not to worry about those ones, we have others. The Green Party has none.

Deputy Eamon Ryan: We are trying to get this country out of its economic difficulties. We will continue to do that.

Deputy Michael D’Arcy: The Minister should be quiet.

Deputy Simon Coveney: The Chair should protect the speaker.

Deputy Dick Roche: The Deputies opposite interrupted all the time.

Deputy Michael D’Arcy: We are here today as a result of the actions of the Minister, Deputy O’Dea, not Fine Gael. His actions against Councillor Maurice Quinlivan were slanderous. The Minister paid up because he was wrong. The Minister, Deputy O’Dea, got down in the political trench, picked up a ball of political mud and threw it at someone he considered to be an adversary. What has happened since then? Nothing more or less than a good old Irish-style cover up. Every person opposite will vote on the motion. They are voting for the continuation of the same old-style Irish politics that has been tarnished by Fianna Fáil for the past 25 years.

The Taoiseach said he would re-establish the primacy of this Chamber. They were his words. What we are seeing today is more of the same from the Bertie Ahern era that tarnished politics and every good Member of this House who works hard and does his or her best for the citizens of the State.

Let us remember another Minister in that position, namely, Ray Burke. We remember him drawing the line in the political sand and how he said no one should cross that line, and that he was telling the truth. He did not tell the truth. He lied, and so did the Minister, Deputy O’Dea. Shame on him. He has tarnished the Parliament, as always.

Deputy Eamon Gilmore: I wish to share my time with Deputy Joan Burton.

An Ceann Comhairle: Is that agreed? Agreed.

Deputy Eamon Gilmore: The Labour Party will support the motion of no confidence in the Minister for Defence, Deputy O’Dea. We will oppose the motion that has been proposed by the Taoiseach.

[Deputy Eamon Gilmore.]

The Labour Party has no confidence in the Government as a collective entity or in the Ministers in their individual capacities. This is the Fianna Fáil Government that has brought this country to the brink of economic ruin.

Deputy Dermot Ahern: Here we go.

Deputy Eamon Gilmore: This is a Government that has allowed unemployment to climb to unprecedented levels and permitted emigration to return to levels not seen since the 1980s. This is a Government that has presided over massive job losses at Dell, in the constituency of the Minister, Deputy O'Dea, at Waterford Crystal and in many other plants without taking any meaningful action to try and save those jobs. This is a Government that failed to take the required action to save jobs at SR Technics and which has subsequently made such an absolute and utter mess of the offer by Ryanair to provide up to 500 highly skilled jobs at Dublin Airport.

This is a Fianna Fáil Government that remains totally indifferent in the face of a forecast from FÁS that the numbers out of work will increase by 87,000 in the coming year and a warning from the Irish Bank Officials' Association that as many as 10,000 jobs could be lost in the banking sector.

Deputy Noel Dempsey: Deputy Gilmore is worrying about the banking sector very late in the day.

Deputy Eamon Gilmore: It did nothing to even try to save the jobs in Bank of Scotland-Ireland. This is a Fianna Fáil Government that has placed a financial millstone around the necks of not just the current generation of taxpayers, but of Irish taxpayers for generations to come. This is a Government that wrote a blank cheque for the banks when it agreed in as yet unexplained circumstances on the night of 30 September 2009 to provide a guarantee for the banks, exposing the taxpayer to a potential liability of €440 billion.

This is the Government that manoeuvred to avoid a full parliamentary inquiry into the banking crisis, and instead forced through a private, behind closed doors limited inquiry that specifically excludes the events of 30 September 2009 from its limited terms of reference. This is the Fianna Fáil Government that in every year of its record since 1997 has placed the interests of bankers and developers above those of the ordinary taxpayer. This is the Government that has handed over €4 billion to Anglo Irish Bank and another €7 billion to AIB and Bank of Ireland. This is the Government, led by a Taoiseach who has indicated he is prepared to write any cheque, no matter what the cost, to rescue the bankers.

This is a Fianna Fáil Government whose determination to leave no stone unturned to bail out the developers is in stark contrast to its indifference to the tens of thousands of families who are living in fear of losing their homes because the breadwinner has lost his or her job. This is the Fianna Fáil government that has failed to provide people with the decent health service they deserve. Only last week the Comptroller and Auditor General reported that there had been a major increase in the number of people waiting more than 12 hours in accident and emergency units for admission in the first five months of 2009 when compared to the same period in 2008.

This is the Fianna Fáil Government that has taken the unprecedented step of cutting the welfare payments of the blind, widows and those with disabilities. This is the Government that has cut the pay of poorly paid public servants on two occasions in the past year. Faced with the choice of taking some extra tax from super-high earners, or hitting those on welfare or low pay, there is never any real issue for this Fianna Fáil Government.

Let us make no mistake about it; this is a Fianna Fáil Government and it is a misnomer to refer to it as anything else. It is not a coalition government in any accepted sense of the term. We know from the revealing statements made by former Senator De Búrca that Fianna Fáil has little regard for the Green Party, that it can casually renege on agreements made and is quite prepared, in the phrase attributed to the Minister, Deputy Gormley, to shaft the Greens whenever necessary.

This is a deadbeat Government led by a Taoiseach who failed to live up to even the low expectations of his opponents and which is made up of Ministers who are demoralised, disenchanted and disillusioned. They have nothing to offer people other than more years of bungling and incompetence. The best service they could now offer to the people is to submit themselves to the verdict of the electorate; allow for a change of government and direction; give others the opportunity to undo the damage they have caused; and clear the way for the process of recovery and reconstruction to begin.

Deputy Dermot Ahern: We will have the old Stickies in. Never.

Deputy Eamon Gilmore: The Minister, Deputy O’Dea, as a member of the Cabinet must accept his share of the responsibility for the economic damage and social destruction that Fianna Fáil has wrought on the people. However, it is another matter, of enormous importance and significance that has led to the tabling of this motion of no confidence in the Minister.

Leaving aside the broader issues I referred to, there are two reasons I believe the House should now express no confidence in the Minister, Deputy O’Dea. The first is that he made an absolutely scurrilous and unfounded allegation about a political opponent in his constituency, an allegation that he was subsequently forced to admit was totally and utterly without foundation. The second is that he swore an affidavit that contained a blatant untruth. What was the allegation made by the Minister against Councillor Quinlivan? In his interview with the *Limerick Chronicle* Mr. O’Dea claimed that Councillor Quinlivan was involved in some way in the operation of a brothel in Limerick. “Do you know the brothel they found in his name and in his brother’s name down in Clancy Strand”, he asked the journalist conducting the interview. It is difficult to think of a more serious, more scurrilous and more potentially damaging allegation that could be made against a political opponent.

Deputy Michael Creed: During an election.

Deputy Billy Kelleher: What about printing money?

Deputy Eamon Gilmore: In his personal explanation to the House last night, the Minister said, “I have never said that I lied on oath, as I was never on oath”.

Deputy Willie O’Dea: I did not say that.

Deputy Eamon Gilmore: However, an affidavit is sworn evidence, given on oath and is the equivalent of evidence given on oath in the witness box.

Deputy Willie O’Dea: I did not say that.

Deputy Eamon Gilmore: My understanding is that any person making a sworn affidavit to the High Court must do so in the presence of a Commissioner for Oaths. The commissioner then reads over the affidavit to the person making it who will then be asked to either agree or disagree with its content. If one agrees with its content, one takes the Bible in one’s right hand and swears to almighty God, or alternatively affirm, that the affidavit one has sworn is the truth, the whole truth and nothing but the truth.

Deputy Dermot Ahern: To the best of one's knowledge, information and belief.

Deputy Eamon Gilmore: The same rules of evidence must apply to everyone regardless of one's rank or position in Irish society.

Deputy Michael Creed: It is perjury.

Deputy Eamon Gilmore: The Minister wants us to examine his swearing a false affidavit only from the point where his barrister made an agreement with Councillor Quinlivan's barrister — an agreement duly reported to the court. Councillor Quinlivan's reasons for accepting an amount in damages and his costs in return for agreeing a settlement statement is entirely a matter for him. The issue that affects Deputy O'Dea's fitness to be a Minister is why he swore a false affidavit to the court in the first place, which caused the court to dismiss Mr. Quinlivan's application for an injunction to stop the Minister repeating his charge that Mr. Quinlivan was associated with running a brothel.

Deputy O'Dea swore he never made any such allegation. He maintained this position until the journalist to whom he had peddled this falsehood produced the tapes.

Deputy Willie O'Dea: That is a very incorrect version. It is a twisted version.

Deputy Brian Hayes: It is twisted all right.

Deputy Eamon Gilmore: Faced with incontrovertible evidence the Minister asks us to believe that he acknowledged his error. He forgot. How could he forget creeping around Limerick alleging a rival candidate was running a brothel?

Deputy Willie O'Dea: The journalist knows whether I knew I was being taped or not.

Deputy Ulick Burke: Is the Minister a member of the NUJ?

Deputy Eamon Gilmore: How could anyone forget making such a charge?

Deputy Ulick Burke: He will get his P45 next week.

Deputy Eamon Gilmore: Would any other Member stoop to making such a charge in the first place, if it were untrue? Is it acceptable behaviour for any Member, whether a Minister or not, to use a political campaign to slander a rival candidate and to implicate him in particularly grubby criminal behaviour?

Deputy Willie O'Dea: There was no campaign.

Deputy Eamon Gilmore: Not only did Deputy O'Dea have no qualms about imputing criminal conduct to a political rival, he had no regard for the integrity of the journalist to whom he whispered his lies. Only when the journalist sought to defend his integrity by producing the tapes did the Minister remember his "mistake".

Deputy Willie O'Dea: This is a distortion. This is typical stickie stuff. This is old stickie, Worker's Party stuff.

Deputy Eamon Gilmore: The only explanation for Deputy O'Dea forgetting that he called a rival a brothel keeper is that it is a pretty commonplace charge for him to make.

I am frankly amazed that the Taoiseach should seek to retain in Cabinet a man who wilfully committed perjury. If this happened in the neighbouring jurisdiction, a Cabinet Minister would not last until the end of the day. Deputy O'Dea is — as he is fond of telling us — a barrister

and an officer of the court and he knows well the implications of swearing a false affidavit. Members of this House have ended up in the criminal courts for matters less grave than swearing a false affidavit. Loyalty can be an admirable quality but the Taoiseach's loyalty to Deputy O'Dea in this instance undermines any claims that he will enforce decent standards in his Government.

Having listened to the Minister for Communications, Energy and Natural Resources, we can all now agree with former Senator de Búrca that she was right. The Green Party Ministers will dance to any and every Fianna Fáil tune. Is there anything that the two Green Ministers would not do to stay in office? The Minister for Communications, Energy and Natural Resources offered us a chronological description of what Deputy O'Dea said happened. Is the Green Party's new standard to parrot Deputy O'Dea's excuse? Where now are the high standards they called for so many times over the years?

I like the Green Party. I like its politics.

Deputy Pat Rabbitte: The Deputy is on his own.

Deputy Dara Calleary: Deputy Gilmore should look out behind him.

Deputy Eamon Gilmore: Why is that not an unfamiliar feeling? It is one thing for the Taoiseach not to take the Green Party seriously and he has them not just as passengers but as hitchhikers in Government.

Deputy Paul Connaughton: Mudguards.

Deputy Michael Creed: Hitchbikers.

Deputy Eamon Gilmore: The Taoiseach should stop humiliating them. I felt embarrassed for the Minister for Communications, Energy and Natural Resources who the Taoiseach dragged into the House to say things he did not believe.

Deputy Eamon Ryan: To serve in office is not humiliating. If the Deputy was in Government, he might see that. It is with pride that one represents the people in Government. One never sees it as a humiliating experience. It is an honour to serve in Government.

Deputy Eamon Gilmore: This is a disreputable chapter that will bring this House into disrepute if a majority in the House supports this kind of conduct by a Minister. What standards will apply in this House if a Minister can plead honest mistake because he supposedly forgot giving an interview connecting a political rival to brothel keeping?

Deputy O'Dea is not just any Minister. He has political responsibility for the Defence Forces which discharge certain security functions on behalf of the State. Deputy O'Dea was previously a Minister of State at the Department of Justice, Equality and Law Reform and, if my memory serves me correctly, was on occasions delegated the full functions of the office when the senior Minister was out of the country.

Deputy Brian Hayes: For a day or so.

Deputy Ulick Burke: That was enough.

Deputy Eamon Gilmore: An allegation of having sworn a false affidavit would be a serious matter for any Minister. In the case of Deputy O'Dea the allegation is of such seriousness that it renders him unsuitable to hold the office he now occupies.

Deputies: Hear, hear.

Deputy Joan Burton: I will quote from the transcript of the taped conversation for the benefit of those who may not have heard it. I wish, *à la* Richard Nixon, that Deputy O’Dea would agree to have the tape played because it must be extant.

Deputy Pádraic McCormack: It would be a best-seller if the Minister put it on the market.

Deputy Joan Burton: Irish democracy deserves to hear the tenor and tone of the conversation, which was as follows:

“Willie O’Dea: . . .while occasionally we send out letters to planning applicants we have never been involved with anyone who shot anybody, or robbed banks, or kidnapped people. I suppose I’m going a bit too far when I say this but I’d like to ask Mr Quinlivan is the brothel still closed?”

Mike Dwane [the journalist]: Is the brothel still closed?

Willie O’Dea: Is the brothel still closed?

Mike Dwane: What brothel is that Willie? . . . ”

The Minister remembers it. He is smiling fondly in recollection.

Deputy Paul Kehoe: For what reason?

Deputy Dick Roche: Will Deputy Burton get an Oscar for this refrain?

Deputy Joan Burton: The transcript continues:

“Willie O’Dea: Do you know the brothel they found in his name and in his brother’s name down in Clancy Strand?

Mike Dwane: I never heard about that.

Willie O’Dea: Did you not hear that? You better check your sources. There was a house owned by him that was rented out and they found two ladies of the night operating in there in the last couple of weeks”.

Limerick’s own Belle de Jour and Deputy O’Dea was familiar with it all.

Deputy Dermot Ahern: At least he was not found in the brothel.

Deputy Joan Burton: The transcript continues:

“Mike Dwane: Right. The other one I wanted to ask you about Willie was were you disappointed to see Noreen Ryan in the witness box?

Willie O’Dea: I don’t want to talk about that...”

We should hear that tape because it would sound fantastic

Deputy Pádraic McCormack: It would be a best-seller.

Deputy Joan Burton: I refer to Deputy O’Dea’s affidavit sworn on oath. He states, “I most categorically and emphatically deny that I said to Mr Dwane that the plaintiff was a part-owner of said apartment. I did not at any time say to any other person that the plaintiff had any ownership of the apartment. Neither did I say at any time to any person that the plaintiff had any involvement in the operation of the brothel”.

Deputy Michael Creed: Perjury, pure and simple.

Deputy Joan Burton: In the view of most people who understand ordinary language, not senior counsel such as the Minister or the Minister for Finance, that was a lie, an untruth or a misstatement on oath and not a mistake. People have been taught from a young age about making a statement under oath. One barrister and two solicitors are sitting on the Government benches and, given all their extensive legal education and training, they know the system of oaths is fundamental to our system of justice, however nice and charming a Minister is and however fond the Green Party Ministers are of him or her. I can understand why the Green Party members are fond of the Minister, Deputy O’Dea, and why they might have a good relationship with him. The Minister for Communications, Energy and Natural Resources, Deputy Ryan, spoke as though there was a large peg on his nose, but obviously the Green Party members are fond of the Minister.

Oaths are fundamental to our system of justice. If people actually lie on oath it is a serious matter.

Deputy Willie O’Dea: If they lie deliberately.

Deputy Ulick Burke: He is taking counsel from the Minister of State, Deputy Roche, now.

Deputy Joan Burton: It is even more serious when it is done by a Government Minister who is also an officer of the court.

Deputy Ulick Burke: After that they can forget it.

Deputy Joan Burton: Since Fianna Fáil returned to power in 2007, the economy has been destroyed and 60,000 people, most of them young, have emigrated. What are those young people who are left in the country, perhaps still in school, supposed to think about the standards of a Dáil in which a Minister can act as this Minister has done?

Everybody can make a mistake in life.

Deputy Willie O’Dea: Except us.

Deputy Joan Burton: Everyone can make a statement that is misunderstood or wrongly taken up. That is why I wanted to read out what the Minister said to the journalist and what he then said in his affidavit. The commentary he made last night was along the lines of “I made an error, but I ‘fessed up and apologised”. Most people understand and appreciate that. However, given the kind of politician he has been in terms of his tremendous ability to win the confidence of the people of Limerick and his experience as a Minister in a series of different offices at senior and junior level, it is impossible to believe that he could have forgotten something as detailed as this.

Deputy Simon Coveney: That is it. It is not credible.

Deputy Willie O’Dea: I thank Deputy Burton for the compliment.

Deputy Damien English: No one believes the Minister.

Deputy Joan Burton: We understand that among Ministers in the Cabinet, the Minister for Defence is probably one of the more competent performers. I ask him not to try to tell us that his affidavit——

Deputy Dermot Ahern: Faint praise.

Deputy Joan Burton: —was some kind of misstatement. It was not. It was in fact a conscious action on his part—

Deputy Willie O’Dea: On tape.

Deputy Joan Burton: —to have the request for the injunction thrown out. We must bear in mind what was suggested by the Minister, Deputy Ryan, in his statement, although it is hard to hear a statement when the person making it has a big peg on his nose. From what I heard of the statement he read out at a gabble, he was suggesting that the fact that the settlement subsequently came before a judge was an indication that another court had somehow validated what the Minister had done. All the officers of the court opposite know that when a settlement goes before a judge, the judge receiving the settlement does not make any inquiries into affidavits or anything else; he or she is only concerned about receiving the settlement that was agreed between the parties.

The Green Party’s fig leaf that the courts and a second judge somehow stood over what was done by the Minister is entirely invalid and misleading. If that is what the Green Party is relying on, Déirdre de Búrca really said it all when she left last week. Even at this late hour, the Green Party should give some further consideration to its position. It should do this for the sake of the children of Ireland, who will hear that these are the standards accepted in the House with the Green Party’s stamp of approval. That is simply not good enough. This is dirty politics at its worst.

Deputy Dick Roche: That is correct.

Deputy Joan Burton: This is what happened years ago in places such as New Hampshire.

Deputy Dermot Ahern: Gutter politics.

A Deputy: The Deputy would know all about that.

Deputy Joan Burton: This is what the Americans used to call a particular type of politics which I will not name here.

An Ceann Comhairle: The Deputy’s time is expired.

Deputy Joan Burton: In the United Kingdom, two senior politicians — Lord Archer and Jonathan Aitken — actually went to jail for perjury before a court. It was a different issue, but the point is none the less valid. In most jurisdictions an action of this kind by a serving senior Minister — in this case, one who has a responsibility, together with the President, for our Defence Forces — would be treated extremely seriously.

An Ceann Comhairle: Deputy, your time is up.

Deputy Michael Creed: The Minister, Deputy O’Dea’s time is up.

Deputy Joan Burton: His behaviour does, unfortunately, merit a vote of no confidence. It is shameful for the Green Party to support this action by the Minister, thereby saying to the children of Ireland that this type of behaviour is all right.

Deputy Caoimhghín Ó Caoláin: On behalf of the Sinn Féin Deputies, I oppose this motion of confidence in the Minister for Defence, Deputy Willie O’Dea. We have no confidence in the Minister and no confidence in this Government.

Dogged by the controversy, the Fianna Fáil-Green Party Government has swiftly introduced its own motion of confidence in the Minister. It is a desperate effort to head off the issue and reduce the length of time the Green Party Deputies will have to spend in the bunker they are currently occupying.

Deputy Timmy Dooley: The Deputy has spent a bit of time in bunkers himself.

Deputy Dermot Ahern: He knows all about bunkers.

Deputy Caoimhghín Ó Caoláin: The Taoiseach and his Fianna Fáil and Green Party colleagues in Government have further shredded their already tattered credibility by fully backing the Minister. They are parroting his ludicrous and blatantly false defence that this was a personal matter between him as a private citizen and another private citizen of Limerick.

In the Dáil yesterday the Taoiseach repeated this when he said: “The Minister was acting in his private capacity, not in pursuance of his ministerial duties.”

Deputy Pádraic McCormack: He is an actor all right.

Deputy Caoimhghín Ó Caoláin: He went on to say:

. . . the Minister was acting in a private capacity. It was not in pursuance of his ministerial duties that this issue arose.

It is true that the Minister was acting. He was acting the maggot, as is his well-established inclination.

Let us take a look at the facts behind this story. They are, of course, totally different from the assertions made in the Taoiseach’s vain attempt to dismiss the Minister’s actions as something personal or unconnected to his political life and responsibilities. The Minister, who is a Deputy for Limerick East, was stung by a political charge from Mr. Maurice Quinlivan, then a Sinn Féin local government candidate, in the run-up to the June local and EU elections last year. The charge was that the Minister was wasting taxpayers’ money by having at his disposal six civil servants to assist with his constituency work. This was a political — not a personal — charge. The charge was about the deployment of public money allocated to the Minister’s office, and concerned the Minister, Deputy O’Dea, in his capacity as a Deputy and in his ministerial role.

The Minister chose to respond in a most scurrilous, despicable and personal way by falsely and outrageously linking Maurice Quinlivan to the operation of a brothel in Limerick city. The Minister is a political animal and has one of the highest personal votes in the country. That must be acknowledged. He knew very well what he was doing, even though his tongue often runs ahead of his brain. He was trying to prevent an electoral breakthrough by Sinn Féin and Maurice Quinlivan in Limerick City, which the Minister regards as his territory — his Fianna Fáil fiefdom.

Deputy Michael Creed: The Minister, Deputy O’Dea, should realise this is no laughing matter.

Deputy Caoimhghín Ó Caoláin: Even if one were to accept the Minister’s original affidavit to the High Court, which he admitted was false, the Minister would still have a serious case to answer because of his false allegations that were published in the *Limerick Chronicle* — not to mention the even more serious charges which were not published but which he did utter and which were recorded on tape. This was totally inappropriate conduct for any member of the Oireachtas, let alone a Cabinet Minister.

[Deputy Caoimhghín Ó Caoláin.]

In his so-called personal explanation to the Dáil yesterday, the Minister maintained the charade that the matter was personal. He claimed: “The matter was a personal one between me and a Sinn Féin representative in Limerick.” It was as if it was a row between business rivals or a falling out between neighbours. People should examine the Minister’s comments last evening. In the same paragraph as that claim, the Minister contradicted himself when he said it was “born out of heated political exchanges”. Therefore, the matter was clearly in the political domain.

The Minister, the Taoiseach and the rest are contradicted by the Minister’s own mouth in his original affidavit to the High Court, which began:

“I am a sitting Teachta Dála for the constituency of Limerick East and I am also [a] Government Minister. I make this Affidavit from facts within my own knowledge.”

Deputy Dermot Ahern: I did not know the Deputy recognised the courts.

Deputy Caoimhghín Ó Caoláin: The Minister in his affidavit defended his allegation concerning the brothel. He asserted: “I say and believe that I was fully entitled to raise this issue in my capacity as an elected public representative to whom enquiries and concerns about the existence of this brothel had been expressed by a number of constituents.”

Deputy Michael Creed: Was it by the Garda?

Deputy Caoimhghín Ó Caoláin: Let there be no pretence that this was a personal matter and that Deputy O’Dea was acting as anything other than a Deputy and a Minister. Everyone knows that he is the face of the Government in Limerick and the entire mid-west region.

Faced with this outrageous defamation, Maurice Quinlivan sought an injunction in the High Court to prevent the Minister from repeating his false statements. The Minister then swore the now infamous false affidavit. Mr. Justice Cooke in the High Court accepted the affidavit and, on the basis of the Minister’s lie, refused the injunction application from Maurice Quinlivan. That decision was made on 20 April. From then until the local elections on 9 June and afterwards, Maurice Quinlivan had the Minister’s false accusation hanging over him. Many believed that, since Maurice had lost the application for a High Court injunction, he had lost the action for defamation. Despite this, he succeeded in being elected to Limerick City Council for Sinn Féin, a testament to his and his party’s hard work on behalf of the people of Limerick and a sign also that the Minister had no credibility among the electorate in attacking Maurice’s character.

The Minister subsequently changed his story when the tape recording of his interview was revealed. However, the damage had been done during an election, as was clearly intended from the outset. It was only in December that Maurice succeeded in his defamation case. The Minister was forced to withdraw his comments and to apologise. He claimed in his personal explanation last evening that he corrected the mistake when he realised it. That is stretching credibility, since it took him four months to do so. I do not believe the Minister when he says that he forgot he made the defamatory remarks. Not a chance.

Deputy Willie O’Dea: There is a great deal Deputy Ó Caoláin says that I do not believe either.

Deputy Caoimhghín Ó Caoláin: He has abused the democratic system and the courts and should resign. His continuing defence of the indefensible and the efforts of his Fianna Fáil and Green Party colleagues clearly underscore the fact that his position is untenable, as is that of the Government.

Deputy Billy Kelleher: That is hypocrisy of the highest order.

A Deputy: The Minister of State would know about that.

Deputy Willie O'Dea: What of social welfare fraud?

Deputy Caoimhghín Ó Caoláin: These are the facts, but he is not happy facing them. Much has been made by the Minister and the Taoiseach of the terms of the settlement in the defamation action on 21 December as if they exonerate the Minister. They do no such thing. Clearly, Maurice Quinlivan accepted the legal advice he was given, having secured the vindication of his good name and the withdrawal by the Minister of the latter's false and defamatory statements. The matter of the false affidavit sworn to the High Court in the earlier injunction has not yet been considered by any court.

Deputy Pat Rabbitte: It should be.

Deputy Caoimhghín Ó Caoláin: The Minister must also answer to the people in his role as a public officeholder who is supposed to be a servant of the people and to uphold the highest standards in all matters. How can the people have confidence in a Cabinet Minister who has acted in this way? How can the people of Limerick have confidence in such a Minister who has also presided over record unemployment in the mid-west region and the virtual collapse of the long-promised Limerick regeneration? How can the people have confidence in a Government that, like yesterday, attempts to defend the indefensible? We certainly have no confidence in this Government and we want to see all of its members, including Deputy O'Dea, turfed out of office.

Deputy Eamon Gilmore: Hear, hear.

Deputy Caoimhghín Ó Caoláin: We may all need to wait for the Green Party, with respect to the Minister, Deputy Ryan, whose entrance into the Chamber was the most reluctant that I have witnessed in a long time. He skipped off quickly, but seems to have been sent back in again, by whom only goodness knows, as he needed to return to his seat.

Deputy Dinny McGinley: They called him back.

Deputy Caoimhghín Ó Caoláin: It was not a bulb that went off in his head outside in the corridor. Someone told him to get back in there and to stick his ass back in his seat. That is what he has had to do.

Deputy Willie O'Dea: Maybe he was reluctant to watch someone get a punishment beating.

Deputy Michael Creed: Did the Minister swear any other affidavits?

Deputy Caoimhghín Ó Caoláin: We must wait until the Green Party Members are eventually smoked out of the political bunker in which they are hiding or until someone on the backbenches——

Deputy Dermot Ahern: The Deputy has bunkers on his brain. It is a Freudian slip.

Deputy Caoimhghín Ó Caoláin: ——of Fianna Fáil finds a conscience and speaks out regarding this outrageous matter.

Deputy Dermot Ahern: Will Deputy Ferris tell the Deputy that Sinn Féin closed the bunkers?

Deputy Billy Kelleher: They have been filled in with concrete.

Deputy Caoimhghín Ó Caoláin: Otherwise, our unfortunate country will have much more to undergo if Fianna Fáil and the Green Party are allowed to continue to the bitter end of their term of office.

For the record, no length of time after a recent directive from the office of the Ceann Comhairle concerning appropriate language by Members of this House, the Minister for Justice, Equality and Law Reform, Deputy Dermot Ahern, was in direct contravention of same when he charged Deputy Kenny, the leader of the Fine Gael Party, with the word “guttersnipe”.

Deputy Dermot Ahern: I could do worse to Deputy Ó Caoláin.

(Interruptions).

Deputy Caoimhghín Ó Caoláin: That was one of the words that he was told was not acceptable.

Deputy Dermot Ahern: Deputy, in your case, I could go much farther.

An Ceann Comhairle: Minister, please.

Deputy Caoimhghín Ó Caoláin: It is absolutely typical of what the Minister will resort to.

Deputy Paul Kehoe: Hear, hear.

Deputy Caoimhghín Ó Caoláin: It is not only Deputy O’Dea. The Minister, Deputy Dermot Ahern, can add himself to the whole mish mash this afternoon.

Deputies: Hear, hear.

Deputy Dermot Ahern: It is your——

Deputy Caoimhghín Ó Caoláin: The Minister can throw all the muck he likes.

Deputy Dermot Ahern: In the Deputy’s case, I could throw much worse.

Deputy Dinny McGinley: Sit down.

(Interruptions).

An Ceann Comhairle: Minister, will you resume your seat, please?

Deputy Seán Barrett: The Minister is not at a cumann meeting now.

Deputy Martin Ferris: Will the Minister——

An Ceann Comhairle: Deputy Ferris, please.

(Interruptions).

Minister for Defence (Deputy Willie O’Dea): Last night——

Deputy Michael Creed: Did the Minister, Deputy O’Dea, swear any further affidavits?

Deputy Willie O’Dea: I will come to that in a minute. Last night, I stood before the House to refute the baseless, cynical and malicious allegations that have been made against me in recent days by Members of the parties opposite.

Deputies: Speak up.

Deputy Brian Hayes: Stand up.

Deputy Willie O’Dea: No sooner had I reached the end of my statement than Deputy Kenny was on his feet declaring that Fine Gael would table a motion of no confidence in me.

Deputy Dinny McGinley: It is Fine Gael, not “fine” Gael.

Deputy Bernard J. Durkan: The Minister is not writing for the *Sunday Independent* now.

Deputy Willie O’Dea: Fine Gael had decided this before it had heard a word of what I had to say.

(Interruptions).

Deputy Dinny McGinley: We are not “fine” Gael. We are Fine Gael.

An Ceann Comhairle: Please, could we hear the Minister?

Deputy Willie O’Dea: It is a classic example of the ready, aim, fire school of political tactics that has become Deputy Kenny’s stock in trade.

Deputy Dinny McGinley: Sit down.

Deputy Michael Creed: Willie get your gun.

Deputy Willie O’Dea: As Deputy Kenny stated, Fine Gael’s tabling of a motion of no confidence has nothing to do with what I said or did last April or December.

Deputy Michael Creed: Did the Minister swear any other affidavits that were false? Does he have any other court cases for which he wants to apologise.

An Ceann Comhairle: Deputy Creed, please.

Deputy Willie O’Dea: The fact that my opposite number on the Fine Gael benches has not contributed to this debate would indicate to me that this has nothing to do with my work as the Minister for Defence.

Deputy Ruairí Quinn: Let us have silence otherwise we will not be able to hear the new lies.

Deputy Willie O’Dea: Rather it has to do with Deputy Kenny’s recent declaration to his parliamentary party in the aftermath of the George Lee debacle that “what I’m going to do now is be myself.”

Deputy Michael Creed: Will the Minister apologise for any other perjury?

Deputy Dinny McGinley: Did the Minister ever find out who owns the brothel?

Deputy Willie O’Dea: Am I entitled to make my statement; yes or no?

Deputy Seán Barrett: The Minister should not concern himself with Fine Gael.

An Ceann Comhairle: I ask Deputies Barrett and McGinley to restrain themselves.

Deputy Seán Barrett: Why does the Ceann Comhairle not tell the Members opposite to be orderly?

An Ceann Comhairle: I am doing that as well.

Deputy Seán Barrett: There is one-way traffic on this.

Deputy Willie O’Dea: All I can say is that whoever advised Deputy Kenny to be himself could not have given him worse advice.

Deputy Bernard J. Durkan: The Minister was obviously seeing himself.

Deputy Willie O’Dea: The proof of this is that the case was settled in the High Court on 21 December——

Deputy Dinny McGinley: Will the Minister write about that next Sunday?

Deputy Willie O’Dea: ——but it has taken until now — two months later — for Deputy Kenny to decide that this is a matter that, in his own words, he believes “goes to the very heart of the standards, judgment and ethics displayed at the top of this Government”. It is not as if he could not have known about the case and my apology. It was widely reported in the media on 21 December and 22 December.

Deputy Dinny McGinley: Will the Minister give us a run down on that next Sunday?

Deputy Willie O’Dea: One of Deputy Kenny’s Senators issued a statement on the day the case was finalised in court, yet Deputy Kenny did not regard it as going to the very heart of anything at that point. On 2 February Senator Regan raised the allegations in Seanad Éireann but again Deputy Kenny did not regard it as going to the very heart of anything.

Deputy Enda Kenny: This is incredible stuff.

Deputy Willie O’Dea: Deputy Kenny reminds me of the famous quotation about Henry James — that he has a mind so fine that no idea could violate it.

Deputy Paul Kehoe: The Minister knows a lot about him.

Deputy Willie O’Dea: In Deputy Kenny’s case, he has a brilliant mind until he makes it up.

Deputy Bernard J. Durkan: The Minister is walking a fine line.

Deputy Enda Kenny: Is that Henry James or Jesse James?

Deputy Simon Coveney: This motion is about the Minister.

Deputy Enda Kenny: He should stop digging; this is about the Minister and telling lies.

Deputy Willie O’Dea: What we are witnessing since the departure of the former Deputy George Lee back to a career in television is the opening performance of the new improved “Enda Kenny Show”. It is more a sitcom than a documentary and like most sitcoms it is destined to be cancelled early in the season.

I do not expect any of the Deputies opposite in the Fine Gael Party——

Deputy Michael Creed: Did the Minister swear any other false affidavits in any other court cases?

An Ceann Comhairle: Deputy Creed, please desist.

Deputy Willie O’Dea: It would not be reasonable to expect them to vote confidence in me when they find it so hard to vote confidence in their own leader.

Deputy Michael Creed: Did the Minister swear any other false affidavits? He is in confession and he should tell us about all the other false affidavits?

Deputy Willie O’Dea: Let me remind the House of the actual and verifiable facts that I placed on the record of the House last night. The settlement that was agreed before the High Court and which was finalised in proceedings of 21 December contained this key 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 Dinny McGinley: That was after he got the money.

Deputy Pádraic McCormack: He took the money and ran.

Deputy Willie O’Dea: I have openly and fully acknowledged that my recollection of some of what I said in the interview with the journalist as described in my original affidavit was mistaken. I corrected the mistake on the day, not four months later. On the day I realised it, I corrected the mistake. I admitted the mistake and apologised for it.

I have never denied saying what was reported in the *The Limerick Chronicle*. I knew I had made the remarks reported in the newspaper but I honestly did not recollect going further. My genuine and honest mistake relates specifically to remarks — this is important — that were not published in the newspaper at all, which I honestly did not recall making.

Deputy Simon Coveney: The Minister lied to this House just as comfortably and he lied to the court. He is a disgrace.

Deputy Willie O’Dea: To put it in context, the remarks concerned an apartment owned by Brixton prison escapee Nessian Quinlivan — who shot his way out of Brixton prison——

Deputy Pádraic McCormack: What has that got to do with it?

Deputy Willie O’Dea: ——in the company of one of Jerry McCabe’s murderers — which was being used as a brothel.

Deputy Enda Kenny: Were they not let out of jail early?

Deputy Willie O’Dea: Nessian Quinlivan is a brother of councillor Maurice Quinlivan.

Deputy Enda Kenny: Was it not the Minister who let them out of jail early?

An Ceann Comhairle: Can Members allow the Minister to speak without interruption?

Deputy Willie O’Dea: The information I had at the time from good sources was that Mr. Maurice Quinlivan was involved as well.

Deputy Enda Kenny: The Minister did a deal to get them out of jail early.

Deputy Willie O’Dea: That information was incorrect.

Deputy Enda Kenny: A secret deal was done to let them out of jail early.

Deputy Seán Barrett: We do not want to hear any more of this rubbish.

Deputy Willie O’Dea: When I later saw a transcript of the interview in which I had, contrary to my recollection, gone further than what had been quoted in the newspaper——

Deputy Enda Kenny: This has nothing to do with the sworn affidavit, the false affidavit.

Deputy Willie O’Dea: ——and having seen the transcript, 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 as I then knew that my original affidavit was incorrect.

Deputy Paul Kehoe: The Minister was caught.

An Ceann Comhairle: Deputy Kehoe, please.

Deputy Willie O’Dea: I was not.

An Ceann Comhairle: Can the Minister be allowed continue without interruption?

Deputy Willie O’Dea: I am dealing with this. I was not, as Fine Gael has asserted, found out by the production of a tape recording of my interview. Its members have been insinuating that as if the interview had been recorded without my knowledge. I knew it was being recorded as there was a cassette recorder clearly in front of me.

Deputy Brian Hayes: Of course, the Minister did, that made it worse.

Deputy Liz McManus: He thought he would get away with it.

Deputy Willie O’Dea: It is not the slightest bit credible that I would swear an incorrect——

Deputy Liz McManus: The Minister thought he would get away with it.

Deputy Willie O’Dea: ——affidavit of a conversation that I knew had been taped when there was a tape in existence in the possession of a journalist. I ask this question of the media——

Deputy Ulick Burke: The Minister is fond of them himself.

Deputy Willie O’Dea: ——a minority of whom have been putting out comment masquerading as fact. There is a witness to the interview, namely, the journalist concerned. Why has he not been asked whether I knew the interview was being recorded? Has anybody bothered to ask the journalist who did the interview to see if a tape suddenly appeared or if I knew that the interview was being recorded?

(Interruptions).

Deputy Liz McManus: The Minister is free to answer questions.

An Ceann Comhairle: Deputy Durkan, allow the Minister to continue without interruption.

Deputy Willie O’Dea: The facts do not suit.

Deputy Liz McManus: I have a question.

Deputy Willie O’Dea: I am not answering any questions. I declared the error.

Deputy Paul Kehoe: The Minister is afraid to answer questions.

Deputy Willie O’Dea: It was not discovered or uncovered by anybody else. I saw my own mistake.

Deputy Liz McManus: Why did the Minister not talk to the journalists?

Deputy Willie O’Dea: Am I going to be allowed to make my statement?

Deputy Paul Kehoe: The Minister is afraid to answer questions.

Deputy Willie O’Dea: This is a motion of confidence in me. Will I be allowed make my statement without interruption?

(Interruptions).

An Ceann Comhairle: Deputy Kehoe, please.

Deputy Willie O’Dea: I declared the error. It was not discovered or uncovered by anyone else. I saw my own mistake — I brought it to the attention of others. I admitted my error and I paid the price.

Deputy Pádraic McCormack: The Minister did it his way.

Deputy Brian Hayes: He will pay the price all right.

Deputy Willie O’Dea: Now Fine Gael wants me to pay a double price. It wants to remove me from office for openly admitting, owning up and remedying a mistake I made to the satisfaction of the aggrieved party.

Deputy Michael Creed: He will be removed from office for perjury.

Deputy James Bannon: He told lies regarding Longford barracks as well.

Deputy Willie O’Dea: If Fine Gael and Deputy Kenny’s idea of standards, judgment and ethics is to punish those who admit honest mistakes, then that is one more reason many decent and law abiding people who should fear the prospect of Enda Kenny ever becoming Taoiseach.

Deputy Enda Kenny: There will not be a law abiding perjurer at that table.

Deputy Dinny McGinley: Who is the Minister to talk?

Deputy Willie O’Dea: As I pointed out last night, evidence and testimony——

Deputy Enda Kenny: There will not be a perjurer at that table.

Deputy Willie O’Dea: Is the Cheann Comhairle——

An Ceann Comhairle: Yes, I am doing the best I can.

Deputy Ulick Burke: The Chair will need to get a tape recorded for the Minister.

Deputy Joan Burton: This is turning into the comedy club.

Deputy Willie O’Dea: As I pointed out last night, evidence and testimony is regularly corrected in courts without allegations and assertions of lying and perjury being levelled.

Deputy Seán Barrett: Imagine that this is going on the record of the House.

Deputy Willie O’Dea: People in all walks of life have been obliged to correct testimony whether in written and oral form. However, there is a principle that he who comes looking for justice should come with clean hands. How clean are Fine Gael’s hands when it comes to owning up to its mistakes?

Deputy Ulick Burke: There is a dispenser outside the door.

Deputy Willie O’Dea: Let us remember that this is the same Fine Gael party that deliberately suppressed a document from the Moriarty tribunal.

Deputy James Bannan: This is a Minister who told lies to the people of Longford.

An Ceann Comhairle: Deputy Bannan, please.

Deputy Willie O’Dea: It is also the party that destroyed its own financial records. The information it failed to give to the Moriarty tribunal was about a \$50,000 donation it received from the Norwegian telecommunications company, Telenor.

Deputy Dinny McGinley: What has that got to do with a brothel?

Deputy Willie O’Dea: Fine Gael’s general secretary said that the party had decided not to report the donation to the Moriarty tribunal — and note the word “decided” —

Deputy Paul Kehoe: What about the Minister’s former leader?

An Ceann Comhairle: Deputy Kehoe, please.

Deputy Willie O’Dea: —because it would have been “politically disastrous”, although he attempted afterwards to take back the words “politically disastrous”.

Deputy Brian Hayes: What a performance.

Deputy Willie O’Dea: He said that he feared that if the donation was revealed, a connection might be made between Fine Gael and the granting of a mobile telephone licence to Esat Digifone, about which we will discover an awful lot more shortly.

Deputy Bernard J. Durkan: The Minister has lost it now.

Deputy Willie O’Dea: The Fine Gael leader at the time of the donation, Mr. John Bruton, brushed the matter aside with the extraordinary excuse that he probably had not informed himself as fully as he should have about the matter. It is all right for him to make a mistake and at the time and since then Deputy Kenny——

(Interruptions).

An Ceann Comhairle: I request Members for the few minutes remaining to restrain themselves and not engage in silly behaviour.

Deputy Willie O’Dea: It is called free speech. I know the Blueshirts do not have much of a concept of it but it is called free speech.

A Deputy: *Touché* .

Deputy Bernard J. Durkan: The Minister is using strong words now.

Deputy Willie O’Dea: The Fine Gael Leader——

Deputy Simon Coveney: I suppose we are running brothels as well, are we?

Deputy Paul Kehoe: I see the Minister is wearing a blue shirt.

Deputy Willie O’Dea: Does the Deputy believe in free speech?

Deputy Michael Creed: Does the Minister believe in honesty?

Deputy Willie O’Dea: He might let me make my statement during the next few minutes. How he can call himself a democrat is beyond me.

Deputy Paul Kehoe: How can the Minister call himself a democrat with this rubbish?

An Ceann Comhairle: Deputy Kehoe, please.

Deputy Willie O’Dea: The then Fine Gael Leader, Mr. John Bruton, brushed the matter aside with the extraordinary excuse——

Deputy Michael D’Arcy: He is not a liar.

Deputy Willie O’Dea: ——that he probably had not informed himself as fully as he should have. So he is entitled to make a mistake. He is entitled to suppress a document——

Deputy Michael D’Arcy: He is not a liar.

Deputy Willie O’Dea: ——on the basis that it might be politically disastrous to his party.

We accept that was a mistake. However, such omissions and errors are not the sole preserve of Fine Gael. It is not so long ago that Sinn Féin in the person of Deputy Arthur Morgan was denying that suspected paedophile, Liam Adams, was a member of the Sinn Féin Party in Louth——

Deputy Arthur Morgan: The Minister is misleading the House, I did not say that.

Deputy Willie O’Dea: ——dismissing his involvement as being “peripheral”——

Deputy Arthur Morgan: I said it was not in the office——

Deputy Willie O’Dea: ——and indeed continuing with this line until former members of the party started to produce photos and documentation showing that Liam Adams was anything but peripheral but——

Deputy Arthur Morgan: The Minister is again misleading the House in the same way as---

Deputy Willie O’Dea: ——when this fact emerged into the public domain, Deputy Morgan’s explanation was that he had a lapse of memory.

Deputy Arthur Morgan: I checked the record and I put the record straight. The Minister should withdraw that comment.

Deputy Willie O’Dea: At the beginning of this debate the Taoiseach set out what we have achieved in the Department of Defence in recent years. He also set out the dearth of new ideas and new policies on defence coming from Fine Gael. I have a job to do as Minister for Defence.

Deputy Ulick Burke: Closing the barracks.

Deputy Ruairí Quinn: To defend your seat.

Deputy Willie O’Dea: I am committed to doing that work and will not be dissuaded from doing my job by politically motivated accusations from the parties opposite. I have spent almost 30 years of my adult life as a Deputy and have been proud of the work I have done for the people of Limerick. I am proud to have represented them in Dáil Éireann.

Deputy Pádraic McCormack: Is the Minister proud of what he has done in this case?

Deputy Willie O’Dea: I value my good name and reputation.

Deputy Paul Kehoe: That is up for auction.

Deputy Willie O’Dea: Whatever about our political differences, the people of Limerick respect my good name and reputation as an open and accessible public representative.

Deputy Enda Kenny: What about some respect for the truth?

Deputy Willie O’Dea: I do not expect any praise from the benches opposite but I do not think it unreasonable to expect some level of propriety and fairness.

Deputy Enda Kenny: Low standards in high places.

Deputy Willie O’Dea: It seems I am wrong to even expect that.

Deputy Dick Roche: Well done.

Deputy Bernard J. Durkan: Here comes the praise.

Deputy Paul Kehoe: There is no round of applause today.

Deputy Dick Roche: The Deputy should keep his hair on.

An Ceann Comhairle: That concludes the contributions on the motion of confidence in the Minister for Defence. I am now obliged to put the question as it is approaching 5.15 p.m. Standing Order 71 provides that a list vote through the lobbies is the appropriate way of taking a vote of confidence in the Government and I consider that a vote of confidence in a Minister is of such import that I should exercise my discretion to have a full list vote on this item.

Question put.

The Dáil divided: Tá, 80; Níl, 69.

Tá

Ahern, Bertie.
 Ahern, Dermot.
 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.
 Finneran, Michael.
 Fitzpatrick, Michael.
 Fleming, Seán.
 Flynn, Beverley.
 Gogarty, Paul.
 Gormley, John.
 Grealish, Noel.
 Hanafin, Mary.

Tá—continued

Harney, Mary.
 Haughey, Seán.
 Healy-Rae, Jackie.
 Hoctor, Máire.
 Kelleher, Billy.
 Kelly, Peter.
 Kenneally, Brendan.
 Kennedy, Michael.
 Killeen, Tony.
 Kitt, Michael P.
 Kitt, Tom.
 Lenihan, Brian.
 Lenihan, Conor.
 McEllistram, Thomas.
 McGrath, Mattie.
 McGrath, Michael.
 McGuinness, John.
 Mansergh, Martin.
 Martin, Micheál.
 Moloney, John.
 Moynihan, Michael.
 Mulcahy, Michael.

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

Níl

Allen, Bernard.
 Bannon, James.
 Barrett, Seán.
 Breen, Pat.
 Broughan, Thomas P.
 Bruton, Richard.
 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.
 Feighan, Frank.
 Ferris, Martin.
 Gilmore, Eamon.
 Hayes, Brian.
 Hayes, Tom.
 Higgins, Michael D.
 Hogan, Phil.
 Howlin, Brendan.
 Kehoe, Paul.
 Kenny, Enda.
 Lynch, Ciarán.

Lynch, Kathleen.
 McCormack, Pádraic.
 McEntee, Shane.
 McGinley, Dinny.
 McHugh, Joe.
 McManus, Liz.
 Mitchell, Olivia.
 Morgan, Arthur.
 Naughten, Denis.
 Noonan, Michael.
 Ó Caoláin, Caoimhghín.
 Ó Snodaigh, Aengus.
 O'Donnell, Kieran.
 O'Dowd, Fergus.
 O'Mahony, John.
 O'Shea, Brian.
 O'Sullivan, Jan.
 Penrose, Willie.
 Perry, John.
 Quinn, Ruairí.
 Rabbitte, Pat.
 Reilly, James.
 Ring, Michael.
 Shatter, Alan.
 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.

Visit of SDLP Delegation.

An Ceann Comhairle: Before proceeding with the business of the Dáil, I have the honour of extending a céad míle fáilte to the new leader of the SDLP, Ms Margaret Ritchie MLA, to Mr. Alban McGuinness MLA and Ms Dolores Kelly MLA. They are most welcome to the House and I hope they enjoy their visit.

Road Traffic Bill 2009: Second Stage (Resumed).

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

Minister for Transport (Deputy Noel Dempsey): Before the debate was interrupted, I was speaking on the payment of fixed charges. Where fixed charge offences proceed to court, other amendments have been included in the Bill to improve the effectiveness of the overall fixed charge system. Section 34 sets out certain presumptions in relation to prosecutions for fixed charge offences, in particular, the presumption that a notice has been served where there is proof of posting or delivery of the notice.

Sections 44 to 46, inclusive, of Part 4 address penalty points. Any penalty points or driver disqualifications arising from paid fixed charge notices or court convictions must be applied to the driver through the driver licence record held on the national vehicle and driver file, NVDF, in Shannon. To make the system more effective and make the best use of available resources, it is necessary to maximise the payment of fixed charge notices and minimise the numbers proceeding to court. In addition, it is critical that the correct driver details are recorded at all stages of the process to enable the effective integration of driver information, penalty points and disqualifications on the driver record.

The main provision in the Bill on penalty points is under section 44. This section provides for amendments to facilitate the endorsement of penalty points where a licence record does not exist or has not been identified or where the person is the holder of a foreign driving licence. It also provides for the transfer of any penalty points accumulated from such a record to a pre-existing record, which is later identified.

Recent media attention focused on the endorsement of penalty points following a conviction in the courts for such an offence. The 2002 Road Traffic Act provides that a person who is alleged to have committed an offence under the Road Traffic Acts must produce his or her driving licence to the court on the first day he or she is due to appear before the court or on a subsequent date at the discretion of the presiding judge. The Act also provides that the court shall record whether the licence has been produced. The purpose of the requirement is to enable the court to record the driving licence details to facilitate endorsing penalty points on the licence record of drivers convicted of such offences.

Issues arising relating to the application of these provisions were identified during the extensive discussions that preceded the drafting of the Bill. Consequently, section 51 establishes a requirement to produce both a driver licence and a copy of the licence to the District Court clerk on the first day of the court hearing. This will further assist administrative procedures in the courts and the application of the penalty points to the appropriate driver licence record.

Sections 47 to 51, inclusive, of Part 5 deal with driver licences. It is vital that the driving licence system is robust from an enforcement perspective. Accordingly, the Bill has established a new requirement that will further validate the identification process of licence applicants. Section 48 specifies that licence applications, including renewals, must include a personal public service number, PPSN. In addition, section 49 provides for the offence of applying for a driving licence or learner permit while disqualified for holding a licence.

Increasing travel, migration and movement of goods in recent years has meant there are many more holders of non-Irish driving licences on our roads than in earlier years. It goes without saying that compliance with road traffic legislation is important for all road users, both for their own safety and for the safety of others. The introduction of mutual recognition of driving disqualifications between this country and the United Kingdom on 28 January this year marks a significant road safety measure because it aims to target some of the most dangerous drivers on our roads. It is a good example of the co-operation that exists between the jurisdictions and, separately, our joint determination to save lives and reduce injuries on our roads.

Part 5 also provides for amendments to the definition of a “driving licence” to bring foreign driving licence holders into the scope of the application of sanctions for road traffic offences, including a disqualification for holding a driving licence. This matter has been raised in the House on several occasions. Section 52 will also ensure that a person who is in receipt of a disqualification order stands disqualified for holding a driving licence, whether that person holds an Irish or a foreign driving licence.

The Bill includes a number of miscellaneous provisions. In addition to addressing the major policy issues I have outlined, it provides for a number of necessary initiatives which will help to bring clarity to a number of areas, with particular attention being paid to deterrents.

Section 61 provides for making current third party motor insurance data available as soon as possible for the purposes of enforcing the requirements of the principal Act and to meet the information needs of the fourth and fifth motor insurance EU directives in providing insurance and ownership details to the victims of motor accidents by means of an information centre operated by the Motor Insurers’ Bureau of Ireland.

Section 62 repeals section 21 of the Act of 2002, section 15 of the Act of 2004 and section 17 of the Act of 2006, restates the provisions in respect of evidence on speeding and certain other offences and clarifies those relating to the development, production and viewing of records produced by safety cameras by Garda civilian personnel designated by the Garda Commissioner under section 19 of the Garda Síochána Act 2005. Section 63 provides for the ordering by the court of costs of prosecutions incurred by the court in the investigation, detection and prosecution of offences under the Road Traffic Acts 1961 to 2009.

Section 70 provides for the amendment of section 35 of the Act of 1994 to allow regulations made under the section to specify the manner in which permits issued by a local authority must be displayed on the vehicle concerned.

In addition to the new and amended provisions described, I have taken the opportunity in the Bill to consolidate the intoxicated driving provisions from a number of earlier Road Traffic Acts in a clearer format and with consequent repeals. This means all intoxicated driving provisions will be together in one part of the Act.

The key determinant of road safety performance is the behaviour of road users. Consequently, the primary focus of our road safety strategy is to positively influence behaviour. This can be attained through initiatives across a range of areas, including the enactment and enforcement of laws that promote good road user behaviour. Such laws must be also underpinned and supported by the application of fines, prison sentences and driving disqualifications as well as the necessary technological resources.

In that context, the finalisation of the safety camera contract in 2009 by my colleagues, the Minister for Justice, Equality and Law Reform, Deputy Dermot Ahern, and Garda Commissioner Murphy is most welcome. Reducing excessive and inappropriate speed on our roads is another key road safety component for all road users. The safety camera initiative and introduction of new drink driving limits levels should have a major impact, both in deterrence and enforcement, in the advancement of the overall road safety programme.

[Deputy Noel Dempsey.]

This Bill is yet another element of that programme and will, without doubt, build on those achievements of recent years. It will help to deliver additional improvements to the manner in which all drivers interact with our road system. Society expects and requires these improvements, whether in the short, medium or long term.

The establishment of the Road Safety Authority and Garda national traffic corps is testament to the radical approach that has been taken towards the development of road safety policy. This approach is also supported by the separate establishment of a special ministerial committee on road safety, chaired by me, to promote cross-cutting road safety issues at which all of the relevant Ministers are afforded the opportunity to address issues of immediate importance in a collective and systematic way.

The Bill is targeted at some specific areas of driver behaviour. As Deputies will be aware, road traffic legislation is complex and covers a wide range of activities. I have, however, taken the approach in this Bill of concentrating on certain key priority issues. I hope this approach will help to deal with these issues in a more focused and prioritised way. When taken with the institutional changes to which I referred, the Bill marks a significant watershed in the deployment of road safety policy.

I am sure Deputies will make worthwhile suggestions for initiatives in the area of road safety. However, these may not fall within the parameters I have set for this particular Bill. Nonetheless, I can assure the House that any such suggestions will be considered very carefully.

My officials are currently considering a number of amendments to the Bill, in consultation with the Office of the Attorney General, which I propose to introduce on Committee Stage. For the most part, they will be technical adjustments to existing provisions. However, I will also be proposing amendments to deal with certain issues that have arisen since the Bill's publication. That includes provisions to address the role of the Garda in enforcing advanced driving instructor requirements, changes to the detention period under section 41 of the Road Traffic Act 1994 and further changes to the requirements provided under section 51 of the Bill relating to the production of driving licences in court. We are also giving consideration, in consultation with the relevant stakeholders, to proposals submitted by the Road Safety Authority for the introduction of a deposit scheme to address the issue of breaches of certain offences for non-resident drivers under the Road Traffic and Transport Acts.

I look forward to the debate and the continued constructive approach Members on all sides of the House have adopted to road safety matters.

Deputy Shane McEntee: I thank my senior colleague, Deputy O'Dowd, for giving me the opportunity to address this issue first.

I will start as the Minister did by referring to the past ten years and conclude by looking forward to the next ten years. In the past ten years between 3,500 and 4,000 people — I do not have the exact figures — were killed on our roads. The purpose of this Bill, and our job today, is to ensure that within the next ten years that number is reduced to the minimum. It has taken a long time for us to get to the position we are in now, and I congratulate the Minister on the efforts he has made since becoming Minister to make things happen somewhat quicker.

Many measures in the Bill can be somewhat controversial in every party. My party has no problem supporting it, however, because in the past ten years speed, bad road conditions, drink driving and drug driving have been the cause of many of the deaths to which I referred. It is my job as road safety spokesperson, a role Deputy Enda Kenny gave me five years ago when I was elected to this House, to address those issues. As the Minister rightly said, and I have

always said, it was the Kentstown bus crash that ignited something in everybody to set targets in terms of road deaths. I dedicate my role to the girls who died in the crash.

Drink driving has been a massive problem in this country. One could look forward to the next ten years 40 different ways but I have listened to our young people. They are the people whom our road safety officers have addressed in schools. Those young people want everybody to be in a position where they can be driven to or collected from a pub without having to worry about drinking and driving. That is the way forward. It is not the main issue in regard to the demise of the pub trade, and I stand over that statement. It has to do with drink being sold at 90 cent a bottle and when the people involved finish drinking at home, they go out on the roads. That is the problem we will have to address.

The other issue we must address is the question of head shops. I am convinced of that since attending a meeting last night at which all the parties were involved. I am delighted the head shop issue is out in the open. Sergeant John O'Dwyer spoke to the people in attendance last night and told it like it was, so to speak. What he said was frightening.

This is an issue I will put at the top of my campaign. The Minister said Ireland is in fifth position internationally in terms of road deaths but I believe we are up in the top two at this stage. We must aim to be number one.

Drug driving is a massive problem. In Kells last night we were told there are runners in these head shops, which means if someone can get an order in to the shop, a runner is employed in the town to deliver these substances to homes, where there is no control over them. Everybody knows that drugs have become a massive issue. Those people use these substances and then get into their cars.

I ask the Minister, on behalf of every parent in the country, to take the lead over any other European country on this issue but before we proceed any further, the Garda needs more power. We should do what is being done in some states and if it costs a few euro extra, so be it. It could be taken from another budget. We must ensure that, first, these shops are not open here and, second, that we tackle the drugs issue. I see it in every parish. People take drugs in conjunction with alcohol which they can buy for 80 cent or 90 cent a bottle. They then go out in their cars at 5 a.m. or 6 a.m. and are killed.

An issue that arises in the lowering of the drink driving limits is rural transport. The control of that is in our own hands and in the hands of the Minister in terms of flexibuses and so on. It is crucial that money is ring-fenced for those flexibus systems. I am aware they are known by a different name in other areas but it is a fantastic service. Some say it is only for the senior citizens but that is not the case. I am aware of young people's clubs that use it to go to the cinema and so on. We have asked our Deputies to come forward with ideas which we will put to the Minister. I ask the Minister to examine that issue in particular.

Speed cameras are long overdue. I do not understand the reason for the delay in introducing them. I do not want to dwell on that but they should be up and running. They are far more mobile in England and can twist and turn. I asked the Minister this morning about them and I am happy to hear they are being moved around because it is a fact that 73% of people are killed on rural roads. Those are the roads over which the Minister must have control, and he only has to do it once. It is like trying to sort out the problem of parking outside the school. Once the garda is put in place, they are not long about moving. Do it once and people know about it, and we conform.

As I said earlier, approximately 4,000 people were killed on our roads in the past ten years. Everybody in this House knows somebody who was killed on our roads. I know what it is like to be sitting with a girl when she died, and I saw a child being killed when I was two years of age. That never leaves one. We have a fantastic opportunity to do something about this problem

[Deputy Shane McEntee.]

now. Money is tight but I know the Minister will do his best in that regard. I will push him on it, and he knows that. This is one issue we will not fight over because it affects us all.

The 30 km/h speed limit in the city is an issue that must be addressed. I tried to drive at that speed and it cannot be done. If someone is crossing the street, by the time one moves off the lights have changed again. It must be addressed. A 40 km/h limit in O'Connell Street might be a happy medium. I am not a city driver but some of our Deputies who are say that 50 km/h might be too fast but one cannot handle a car at 30 km/h. I tried it last week and the person who is walking on the street is in more danger.

The question of penalty points will arise more frequently when the speed cameras are in place. The Garda Síochána say it is not out to penalise people but to save lives.

An issue that must be addressed, and I will ask the Minister about it later, is the fact that many fines are not being imposed because people say they no longer live at the address on the fine. They go to court and win their cases. We must come up with some other system. If a person is caught speeding, they must pay the fine and that is the end of the matter. I ask the Minister to examine that issue. Our party will do so and perhaps we can come to some agreement. The Minister said legislation is required but there are issues that we in Fine Gael, the Labour Party and other parties can bring forward and would like to see in this legislation.

The final issue I want to raise is one about which I am very concerned but about which the Minister can do a great deal. It concerns road conditions. The problem of drink driving was at the top of the list, road conditions was in the middle and speed may have been at the bottom, but speed has gone to the top of the list. That point was proved in the recent bad weather. I accept the number of people killed was small. The families of those who died are left to mourn and can do nothing to bring their loved ones back. These tragedies proved that speed is the greatest killer. All steps taken by the Minister in respect of speed cameras, support for the Garda Síochána, licences for drivers from outside the jurisdiction, cross-Border co-operation and so on are welcome. One of my first assignments was to attend a meeting in Stormont on cross-Border solutions to road traffic accidents. It is good that progress is beginning to take place and we look forward to further developments in this regard.

Road conditions are a matter of significant concern. Every councillor and Deputy receives telephone calls every day about the poor conditions of specific roads in their constituency. No sooner is one problem solved but there is a telephone call from somebody else asking why the road near his or her home cannot be fixed when improvements were made a short distance away. One can never satisfy all the people. I used to be afraid driving home to my village of Nobber every weekend because of the poor condition of the roads. I made representations on the issue and action has since been taken to improve the situation. We all look after our own in whatever way we can.

In general, however, the road network throughout the State is disintegrating. The Minister referred to improvements to various major roads, including the N3 and so on. However, it is on rural roads that people are being killed. I do not accept, and nor does the public, that we cannot fix the problems with these roads sooner than envisaged by the Government. At the rate we are going, by the time we get around to the last pothole it will have doubled in size. Local authority engineers and other staff are working hard but they cannot do what is necessary with the resources available to them. We must come to some re-budgeting arrangement that will allow those works to be undertaken. County managers throughout the State are adamant that existing funding allocations are inadequate. I am aware of one road where a pothole has expanded across its entire breadth. Drivers are forced to negotiate this route because there is no alternative.

For the sake of six, nine or 12 months' hard work, these problems could be solved. Sometimes it is necessary to throw caution to the wind and forget about budgets. All businesses must make allowance for what can go wrong. In such cases, the bank manager must be approached for assistance because the business is otherwise unworkable. That is the role of the Minister and it is our job to push him. The state of rural roads is entirely unacceptable and will inevitably lead to deaths. We are almost at the start of the busiest time of the year, with St. Patrick's Day approaching. I expect many people to take their holidays at home this year. If sterling continues on the same path we will undoubtedly have many visitors from the United Kingdom. The reality is that our roads are not fit to take those types of traffic volumes.

A visitor to Leinster House commented to one of my colleagues earlier today that high-speed tractors are being imported into the State which can reach speeds of 50 km/h. There are some concerns about the braking abilities of these vehicles. Will the Minister's officials investigate whether they are safe?

Roads and drugs will be my two gripes for as long as I am in this position, and I will treat both issues with the same urgency. Up to 60 people attended last night's meeting and we were left open-mouthed when Sergeant John O'Dwyer said it like it is in terms of the products available for sale in head shops. That type of honesty is invaluable. The availability of these substances will undoubtedly lead to deaths. It is almost as easy to obtain a substance that will produce a high as it is to order pizza for delivery. I have no problem in taking on the owners and operators of head shops. Burning them out is not the answer, as happened last week in Dublin. I may have to retract this in due course but it is my view that a drugs war is going on in Dublin and that certain people may be displeased that their patch has been taken. Perhaps I am wrong in this, in which case I will take it back.

The way to tackle this problem is through legislation. I understand the Minister for Health and Children, Deputy Harney, has given undertakings in this regard. I urge her to meet without delay my party's health spokesman to discuss some of his proposals. It may be time to close these shops immediately and worry about the legislation later. They are doing harm and there is no doubt that there will be deaths as a result of the consumption of their produce.

Fine Gael supports this Bill in general and will offer amendments for consideration by the Minister. I hope that in ten years' time we will consistently achieve the best figure in the European Union in terms of road deaths. Every life saved is worth all our efforts.

Deputy Thomas P. Broughan: On behalf of the Labour Party I welcome the resumed debate on the Road Traffic Bill 2009. I am grateful for the opportunity to join in the discussion on this important legislation. It is long overdue and the delays in its publication and introduction into the House have been particularly disappointing given the many critical road safety issues involved. The role played by the valiant Donegal-based national road safety campaign, Public against Road Carnage, PARK, led by Ms Susan Gray, Ms Donna Pierce, Ms Ann Fogarty and Ms Mary O'Dowd, in raising awareness of this issue must be warmly recognised. I understand from Part 1 of the Bill that it will come into operation through ministerial order. In light of the delays we are already expecting on the reduced drink driving limit because of the debacle over the breathalyser equipment, will the Minister indicate when he intends to bring forward orders to give legislative effect to the Bill and its various Parts and sections? It will be disappointing if key measures in the Bill are not implemented as a matter of urgency.

The Labour Party has always had a strong commitment to road safety, and the Bill was welcomed by us on publication. The Minister acknowledged the efforts by the Opposition — and I pay tribute to my Fine Gael colleague, Deputy McEntee, in this regard — to take road safety issues out of the political arena. In respect of all issues that have arisen since mid-2007, we have kept the debate focused on safety issues and did not seek to make political points.

[Deputy Thomas P. Broughan.]

Protection of the public is paramount and must be our number one priority. In that regard, some of the measures in the Bill, on mandatory testing and drug driving, should have been much stronger. It is also inexplicable that the Minister did not take this legislative opportunity to address a range of outstanding road safety issues, including the national speed camera roll-out, speed limits and signage, the condition of many regional and local roads, enforcement of legislation and the graduated driver licence scheme for which we have been waiting for three years. I will introduce amendments relating to many of these issues on Committee Stage.

The main thrust of the Bill is clearly the enhancement of road safety. Improvements in road safety in recent years have been commendable. For example, whereas 411 people tragically lost their lives on our roads in 2001, 2009 saw one of the lowest levels of road fatalities ever recorded, with 239 road deaths. That said, as Deputy McEntee mentioned, we look back to the start of the new century and find that well more than 3,000 have tragically lost their lives. That is completely unacceptable. We have also seen the introduction of important initiatives such as random breath-testing and the penalty points system. Much of this work has been due to the outstanding leadership of Mr. Gay Byrne and Mr. Noel Brett of the Road Safety Authority and all of their staff. I also acknowledge the commitment of the Minister, Deputy Dempsey, in the past three years to road safety and his perseverance in introducing this Bill despite the obstruction of such persons as his Fianna Fáil colleague who should now perhaps be referred to as Deputy Mattie “U-turn” McGrath.

One road death is one too many and an annual road death toll of 239 is an unacceptable level of carnage. If we had 250 deaths a year on the rail or bus network, people would rightly find that extraordinary and absolutely intolerable. Behind the figure of 239 road deaths in 2009 are the hundreds of families and friends left devastated and destroyed by these events. Tens of thousands of families across Ireland have been prematurely bereaved over the past three decades due to road traffic accidents. What is too often forgotten is the hundreds of horrific non-fatal but serious injuries that also occur each year. We have all seen the heartbreaking advertisements run by the RSA, with young men and women who have been struck down in their prime and will spend the rest of their lives fully or partially paralysed after being horrifically injured in a road collision.

Apart from the unquantifiable human cost of road collisions there is a significant economic and social cost to the Irish economy each year. In 2008, for example, the estimated cost of the total fatal and injury road collisions recorded by the Garda Síochána was €1.2 billion. Going back over the past ten years, costs would amount to more than €7.5 billion.

Clearly we have come a long way on road safety, finally approaching a safer road system for the country. A key element of any ongoing successful drive to decrease and eliminate road fatalities and serious injuries is that there must be no room for complacency. There were significant decreases in road deaths and injuries after the introduction of major new initiatives such as penalty points and random breath testing. This, however, can be a temporary dip if enforcement measures and continual safety enhancements are not introduced. Immediately after the introduction of random breath testing, many drivers were on a high state of alert and were breath tested numerous times over a very short period of time. However, the campaign had to be reinvigorated, especially during periods like Christmas and bank holidays. Three years ago the figures showed a rise, as we slipped backwards.

The Labour Party believes that Ireland should strive to be the best in the world for road safety. Being number five in certain tables is welcome but why not be the best? To achieve this we must greatly strengthen the legislation before us and make Ireland the world leader in road safety.

It has been estimated that excessive alcohol is a contributory factor in around 36% of fatal collisions but one of the most controversial aspects of the Road Traffic Bill has been the proposal in Chapter 2 to reform the intoxicated driving offences and specifically to reduce the blood alcohol limit from 80 mg to 50 mg, and 20 mg for professional and novice drivers. The RSA has provided very strong evidence from a range of international experience, including the Australian states, that the reduction in the drink driving limit will save lives on our roads. Research by the Transport Accident Commission in the Australian state of Victoria describes how drivers with a 0.05 to 0.08 BAC have a reduced ability to judge distances and “sensitivity to red lights is impaired, reactions are slower, and concentration span is shorter. At the 0.08 limit, BAC drivers are five times more likely to have an accident than before they started drinking.” In the Australian state of Queensland, there was an 18% drop in fatal collisions and a 14% reduction in serious collisions after the BAG was dropped from 80 mg to 50 mg in 1983. In Austria there was a 9.4% drop when the limit was reduced to 50 mg.

This move will also bring us into line with best international practice and all of our EU partner states, excluding Britain and Malta, as well as Australia, Israel, South Africa, and Turkey. Norway, Russia, and Sweden have a limit of .02 BAC and Poland has adopted .03 BAC.

There have been some concerns raised about the introduction of a 20 mg for novice and professional drivers and whether it is equitable to have different regulations for different categories of drivers. Any driver who is driving in a professional capacity and potentially carrying other passengers must be subject to the strictest safety regulations. A recent report, “Drink Driving in Commercial Transport”, highlights that in a June 2009 European Traffic Police Network enforcement operation, Ireland had a 3% level of drink driving in commercial vehicles. This placed Ireland as one of the poorer performers in this regard across the EU.

It is also striking how there has been a significant cultural change in attitudes towards drink driving. Many of our young drivers must be strongly commended on their vehement opposition to driving with any level of alcohol in their system. The introduction of the 20 mg limit for novice drivers will surely advance this welcome trend even further and encourage all new drivers to get into the habit of drinking little or nothing if they are driving. We are coming to an era when drinking and driving are not compatible and we must end this practice.

I accept the significant changes that have been introduced to road traffic law in Part 3 of the Bill for the use of a fixed administrative system of penalties for those found over the limit. The Minister has provided that drivers with a full license and two years experience found between the 50 mg and 80 mg limit, as outlined in section 26(7), can opt for an administrative penalty of two penalty points endorsement and €200 fixed penalty charge. The Minister did this to provide some flexibility for a driver who may be caught for the first time slightly over the 50 mg limit but below the current 80 mg cut-off point. Clearly this will provide a chance for a first time offender but any subsequent transgressions by a driver in terms of drink driving should then be harshly dealt with.

Many people living in rural areas have expressed their genuine concerns that a reduced drink driving limit may further contribute to rural isolation and social exclusion especially for seniors who live alone and other vulnerable citizens. As Irish Rural Link has argued, however, a reduced drink driving limit should not put the maintenance of sustainable rural communities at risk if, for example, a proper rural and community transport infrastructure is in place, something for which the Labour Party has consistently campaigned.

The outstanding rural transport programme finally received confirmation that its paltry €10 million funding for 2010 would be allocated but this was after a ferocious battle on behalf of its leaders including Jack Roche from Duhallow, Damien Tobin from Avondhu Blackwater,

[Deputy Thomas P. Broughan.]

Brian Bonham from Laois Trip and Alan Kerry from OK in Offaly and Kildare in the aftermath of the appalling recommendation in the an bord snip nua report to axe this vital service. We were all in favour of not just maintaining but expanding the rural transport service. This is what we must do if we are to make these drink driving limits credible.

A few months ago the Minister for Transport's handling of the drink driving law appeared to be turning into another debacle. I was astonished that, given the agonised public debate over reducing the drink driving limit, the legislation, if passed, will not be implemented until mid-2011 at the earliest. The Minister and I had an exchange of views on this issue on "Drive-time" one evening because all of the breathalysers will have to be changed at a cost of at least €800,000.

In a parliamentary question in July 2008, I raised with the Minister the issue of the evidential breath testing machines. At that stage, the Minister told me that "the recalibration or replacement and subsequent recertification of the EBT machines" would be necessary. The Minister told me in July 2008 that this process would "take to the end of 2009/early 2010 to complete." Why has this 2009/2010 deadline now been pushed back to mid-2011? Was this done to mollify Fianna Fáil backbenchers. Why when the Road Traffic Bill 2009 was being prepared did the Minister not first ensure that all of the necessary infrastructure and facilities for implementing the proposed new laws were in place?

PARC has also raised the very important issue of the Intoxilyser machines that are in use in Ireland. Is it the case that the machines in operation have a 17.5% in-built deduction in the readings, which means that the evidential reading used in court could be 20-25% lower than the actual BAC at the time of testing? Why are these deductions allowed and will this be permitted in the new recalibrated machines?

The 2006 Road Traffic Act introduced the power for the Garda Síochána to conduct random breath tests at Garda checkpoints. Will the Minister involve an amendment to extend this power and to allow the gardaí to randomly stop and breathalyse a driver suspected of being under the influence outside of a checkpoint?

I recently asked the Minister for Justice, Equality and Law Reform about action 119 of the road safety stratagem, which suggests alternative correction/rehabilitation programmes to target high risk offenders for a range of traffic offences. There is not a word about this in the Bill, while most of our EU partner states have correctional and rehabilitation programmes.

A new and worrying trend which the Minister is unfortunately doing too little to address is that of drug driving. The new CSO figures record that in the last quarter of 2004 there were just 16 recorded offences of driving a vehicle under the influence of drugs. In contrast, by the last quarter of 2008 there were 238 recorded incidents of drug driving and 253 incidents in the first quarter of 2009. A July 2009 CSO survey showed an 81% drug driving increase on the previous year. The number of specimens tested for the presence of a drug or drugs by the Medical Bureau of Road Safety increased from 569 in 2004, 747 in 2005, 879 in 2006, 1,555 in 2007 to 1,900 in 2008. Due to the lack of a random roadside drug enforcement and testing regime, however, these figures probably represent only a fraction of drug drivers. For example, a 2008 investigation by the insurance company Hibernian Aviva found that more than 20% of drivers under the age of 35 had driven while under the influence of drugs.

Chapter 3 of the Road Traffic Bill 2009 includes measures for the introduction of preliminary impairment testing for drug driving. This is a welcome first step but why has the Minister done little or nothing to examine the suitability of random roadside drug testing programmes? Innovative programmes are already in place in the Australian states of New South Wales, Tasmania and Queensland. I have in my possession pictures and data relating to saliva-testing

machines, which are easily obtainable from the Internet having been put there by the state governments in Australia. The data provided by these machines is utilised as evidence in the Australian courts. The Australian authorities appear to have been successful in their efforts in respect of this matter.

Since the introduction in 2007 of a random roadside drug testing programme in the Australian state of New South Wales, 757 motorists have tested positive for drug use while driving. Nearly 600 of these have since been prosecuted and most have been convicted. Other Australian states such as Tasmania and Queensland have also introduced random drug driver testing schemes.

Despite the Australian experience, the Minister, Deputy Dempsey, continues to insist that there “is no feasible basis as yet in Ireland or in Europe for the introduction of a preliminary roadside test for drugs”. In contrast to the Australian example, the non-technological field impairment testing, FIT, method the Garda can, under this legislation, use to make a preliminary assessment regarding the possible presence of drugs is simply not strong enough to tackle this pernicious problem. I hope colleagues will join me in trying to amend the Bill so that some of the measures to which I refer might be introduced.

The issue of mandatory testing was one of the most critical new elements proposed for the updated road traffic legislation. One item of Dr. Declan Bedford’s research on alcohol-related fatal crashes in Ireland indicates that only approximately 8% of surviving drivers from fatal road collisions are tested. Incredibly, 65% of drivers killed as a result of such collisions are tested. Why is there such an anomaly in terms of testing in respect of these collisions? I have received reports with regard to a number of tragic incidents where people who were killed in road crashes tested negative for alcohol, whereas the drivers of the other vehicles who allegedly caused these crashes were not tested at the scene. It could then never be determined or proved in court that the surviving driver had been either negligent or over the limit.

Many road safety campaigners are unhappy that this legislation appears to introduce compulsory testing only in limited and curtailed circumstances. Chapter 3, section 8 sets out that a motorist may be obliged to provide a preliminary breath specimen if he or she has been involved in a collision. However, this is premised on section 8(1)(a) where a member of the Garda Síochána “is of opinion that a person in charge of a vehicle in a public place ...”.

Chapter 4, sections 11(1) and 13(1) contain provisions relating to providing a specimen after arrest or while in hospital. In both cases the opinion of the Garda of intoxication at the scene is also required. Why not just simply mandate that all drivers involved in collisions to which gardaí are called be tested? A driver’s intoxication through alcohol or drugs may not always be clearly apparent to another person, particularly if individuals are injured or if the crash scene is chaotic. I have been informed by Public Against Road Carnage, PARC, that it was informed the stipulation on gardaí “forming an opinion” would be dropped. I understand the Minister consulted representatives from PARC when the Bill was being drafted. Was the commitment to which I refer given to PARC, a group which does outstanding work? If it was, why has the stipulation not been dropped? Why is the legislation not clearer with regard to the specific testing powers gardaí will have at the scene of a collision? Such powers are clearly set down in respect of the Police Service of Northern Ireland?

Police in the UK are under instruction to test all drivers at collision scenes for alcohol. A range of states, including France, Poland and Australia, have mandatory testing. A report of the European Commission in 2008 recommended giving police unrestricted powers to breath test. The Labour Party is intent on amending and strengthening the Bill in this regard.

Chapter 6, in sections 23 to 25, inclusive, lays out the functions of the Medical Bureau of Road Safety, MBRS, which plays a key role in testing for alcohol and drugs. I warmly welcome

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this development. I have already highlighted the massive increase in detected cases of drug driving which is probably just the tip of the iceberg. At present, the MBRS only tests a sample for drugs when the Garda specifically requests it. Previous research by the MBRS indicates that one in three drivers who test negative for alcohol subsequently test positive for drugs. This highlights the relatively small number of drugs tests that are currently being carried out. Has the Minister put the resources in place to allow Professor Denis Cusack, the director, and his staff at this vital facility in UCD to carry out their work? The MBRS indicated that any move to test all samples for both alcohol and drugs would require a significant increase in funding from the Government. What has been the response to this proposal? I did not notice a significant increase in the Estimates in this regard. Approximately €4.4 million was allocated to the MBRS for 2009. Does the Minister intend to introduce a Supplementary Estimate in respect of it in 2010? As with breathalysers, it is pointless bringing in new legislation and promising mandatory testing and other new measures if the testing infrastructure is not put in place and if support is not provided for those carrying out the tests.

I welcome Part 4 and the new measures to enhance the penalty points system. Everyone agrees that the current system, which was only introduced in 2001, is in a complete mess. Earlier in the month we learned that almost 18,000 reckless drivers have got away without a single penalty point being applied to their licences as a result of the fact that they arrived in court without those licences. This is a serious problem. I was presented with information relating to one incident where a driver accused of speeding offences did not have his licence endorsed for this reason and who went on to be involved in a fatal collision where the other driver was killed.

Section 51 finally and clearly mandates drivers to produce their licences if appearing in court charged with an offence under the Road Traffic Acts 1961 to 2009 and provide copies of their licences or learners permits to the court at the time. Under the Bill, what penalty will apply if someone fails to produce his or her licence? Are the Minister and his colleagues addressing the serious capacity and administrative issues in the Courts Service that have been contributing to the problems with the penalty points system? I am aware that attempts have been made to address these problems in other ways, particularly in the context of the imposition of fixed penalties.

Last year 192,686 drivers, or 31%, did not have their licences endorsed for committing offences. Many of these drivers are holders of foreign driving licences. I have asked the Minister on numerous occasions — on virtually every occasion on which he has taken Question Time — to examine the use of the national vehicle driver file, NVDF, to record and address all motoring misdemeanours committed by drivers on Irish roads. The Minister indicated that he will try to address the question of foreign drivers by means of introducing amendments to the legislation. Most people would state that this is not before time.

Section 44(2) will allow the Minister to decide, by regulations, the form of record to be kept in respect of misdemeanours by foreign driving licence holders and unlicensed drivers. It also provides powers with regard to awarding penalty points. How will the system of awarding penalty points to foreign licence holders work and will it be the subject of major amendments? Will it involve an unnecessary duplication of resources to create a new and separate record of drivers who do not hold Irish driving licences when the NVDF is already in existence? Does the Minister have any plans to quickly move ahead and establish a register of foreign licence holders and disqualified drivers? The entire penalty points system and, by extension, road safety law are being brought into disrepute by the failure of the Minister to resolve this mess. It is disappointing that he appears to have made little progress at EU level on the mutual recognition of penalty points across the Union.

Section 61 sets out a requirement for vehicle insurers to provide details of new motor insurance policies issued and existing motor insurance policies cancelled, in so far as they relate to third party cover. I hope this will prove to be a useful provision.

I previously noted the new administrative fixed-penalty measure that has been introduced in respect of drink driving. However, the Courts Service is already under intense pressure in this regard. In the first six months of 2007, 88,000 summonses in respect of fixed-charge offences came before the courts. At that stage, the Garda reported that only 50% to 60% of traffic fines were being paid. Is the Minister reviewing any of the proposals by the Courts Service in respect of the collection of fines? I realise that he has changed the nature of some of the penalties and he referred to the seven-day rule with regard to cases going to court. Has he taken cognisance of the suggestions from the Courts Service in respect of alternative methods for the collection of fines for motoring offences, including the use of private debt collection agencies or, as the Law Reform Commission proposed, obliging motorists to pay fines when paying their annual motor tax charges?

I hope the Minister will consider reforming the imposition of traffic fines in order to — as is the case in Germany, France, Austria, the Nordic countries and Switzerland — take income and wealth levels into account. In many European states, sliding scales apply in respect of traffic fines. Under these, wealthy offenders are expected to pay more. A foreigner who drove recklessly through a large part of Switzerland was recently fined \$300,000. A maximum fine of \$1 million applies in that country, while the maximum fine in Germany is \$16 million. Perhaps consideration might be given to introducing a sliding scale of fines here.

Part 5 introduces a series of long-overdue measures to address current loopholes in driving licence regulations, including prohibitions on applying for an Irish driving licence or learner permit in circumstances where someone has been disqualified. It also contains a facility to allow the Garda to seize licences in certain circumstances. I welcome the strengthening of the law in this regard. If the Minister really wanted to overhaul the driving licence system, however, why are measures to give full legislative effect to the long promised graduated driver licensing system — as mandated under action 72 of the road safety strategy 2007-2012, with a target completion date of the third quarter of 2008 — not included? The Minister will recall that I used to ask him and the Taoiseach about the legislation relating to this matter on a daily basis. The Minister stated that we do need additional legislation in respect of graduated driver licensing system. Why, therefore, is such a system not being legislated for in this Bill?

A critical road safety issue that is not explicitly addressed in the Bill is that of tachographs and the monitoring of professional drivers. The Road Safety Authority, RSA, and Britain's Vehicle and Operator Services Agency, VOSA, have consistently registered a high percentage of defective Irish HGVs. For example, a survey carried out by VOSA in 2007 revealed that 1,110 out of 2,000 Irish-registered trucks — between 55% and 60% — that were tested on UK roads had serious technical faults. In 2007 the RSA reported that nearly one third of all HGV vehicles tested by its inspectors were not up to the required minimum standards.

It is clear there are grave implications for road safety on foot of these statistics. In one tragic case on which I have been briefed, the family of a young man killed in collision with a HGV in 2006 discovered that at that stage only two gardaí in the entire country were qualified to read tachographs. Has this improved in recent years since Deputy Dempsey became Minister? The tachograph of the HGV driver involved in that fatal collision allegedly showed that at the time of impact he was driving at 90 km/h and had worked a 12 hour driving shift. However, this issue is not even mentioned in the Bill.

Why were penalties not introduced for HGV-related road traffic offences as was favoured by the RSA? Will the Minister consider including a new section on proper HGV driving behav-

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ious? Do gardaí check tachographs in HGVs at collision scenes for speed, rest periods and hours worked? Is the European working time directive as it relates to HGVs being enforced? The Health and Safety Authority tried to get involved in this issue at the time of the tragic crash in County Meath involving a school bus, and a tug of war began between the agencies.

The safety of all road passengers and working drivers should be paramount. Has the RSA begun to compile a risk-rating register to monitor rogue HGV operators who have been found to have committed an offence? Has the Department of Transport ever rescinded any HGV driver's licence following a fatal collision? A few months ago, the Minister told me he rescinded four licences of people who turned out to be gangsters. On behalf of the Labour Party I will table amendments to greatly strengthen the law with regard to HGVs on Committee Stage.

One of the most appalling and ongoing road safety failures of the Minister and the Government has been the failure to roll out the national speed camera programme. It is astonishing that it was launched by former Taoiseach, Deputy Bertie Ahern, almost 12 years ago. Under action No. 26 of the Road Safety Strategy 2007-2012 this programme should have been rolled out by the second quarter of 2008. It is appalling that the chairman of the Road Safety Authority, Mr. Gay Byrne, has had to make numerous public pleas on this, including at one stage threatening to resign if the Ministers, Deputy Dempsey and Deputy Dermot Ahern, did not get their act together and begin to roll out the cameras. The country has been severely criticised by the European Transport Safety Council because we do not have the cameras in place.

It is well over a year since the Government indicated that the company GoSafe had been chosen as the preferred bidder to operate the programme of 6,000 hours per month and we spoke about this earlier today. However, there still seems to be little movement on rolling out the speed cameras. In his reply to the debate will the Minister tell us when we will see it? It is an integral part of enforcement of the Bill before us.

The key to a consistently successful road safety strategy is enforcement. Speed cameras are one critical element of this jigsaw. The other vital matter is Garda enforcement. The importance of enforcement can be seen on bank holiday weekends when the Garda and the RSA mount a massive road safety campaign and road deaths are significantly reduced or eliminated. We have had one or two of those great weekends where everybody on our roads were safe. In his reply, will the Minister report on the current personnel allocation of the Garda traffic corps? I also hope the Minister will consider liaising with his colleague, the Minister for Justice, Equality and Law Reform, to review proposals for the establishment of an operationally separate traffic corps. I and the Labour Party believe that to have a proper system of enforcement we should have an independent and operationally separate distinct traffic corps.

I greatly welcomed the introduction of forensic collision investigators at fatal crash sites since 2007. Are there still only 43 gardaí who are trained or in training for this role? How many fully trained investigators do we have? Is it mandatory for all serious and fatal collisions to be investigated by a forensic collision investigator? Given the important nature of this role for understanding road collision trends, the Minister should mandate that a forensic collision investigator examines and reports on each serious collision. He will remember that I have made this point previously. It should be in the Bill and we will try to add it.

One of the salient recent transport issues in the light of Dublin City Council's new 30 km/h limit has been speed and signage and we discussed this last week. I acknowledged the appalling ongoing problem of speeding drivers. However, I also recognise the serious difficulties that have been raised by motorists and workers who must travel across the city with the 30 km/h limit in the Dublin City core. When my former colleagues in Dublin City Council were considering limits, they had no option of introducing a 40 km/h limit. I will table an amendment

to insert a 40 km/h limit and I hope the Minister will support this. He might argue that this is the wrong Bill for it but that would mean a further wait and the 900 councillors throughout the country would like to have the facility to vary limits and have the option of a 45 km/h or 55 km/h if it suited a particular area. I first proposed a 25 mph default speed limit for residential estates in 1993.

It is also incredible that the wider problems of speeding motorists are simply not a priority in the Bill. Last week, I highlighted some of those problems. We need to get the sign manual, on which the Minister has been working for years, published. We also need to give local councillors scope for various types of signage so that no driver would not know the default speed limit in a particular urban area.

On behalf of the Labour Party I broadly welcome the Road Traffic Bill. There is no playing politics with road safety. We are all on the same team on this. I look forward to the Minister's positive response to all of the issues I have raised. I have often been highly critical of the Minister but I commend him for his work in this field. I hope the Minister will outline what plans he has and what work he has already done for the national road safety strategy post-2012.

Minister of State at the Department of Finance (Deputy Martin Mansergh): I will share time with Deputy Michael Kitt.

I welcome the Road Traffic Bill as making an important contribution to road safety and I commend the Minister for introducing it. If we go back to the beginning of the last decade, when I came into electoral politics in 2002, the unacceptably high number of road casualties was a very definite issue, along with the high cost not only of road insurance but of insurance generally. These were matters the Government was expected to tackle and deal with. Much progress has been made and we are moving in the right direction, although nobody would consider the present situation as satisfactory. In his speech, the Minister pointed out that we have moved up from 16th in EU countries in 2005 to sixth and that instead of having routinely more than 400 people dying a year, it was reduced last year to 239. That is satisfactory in terms of moving in the right direction.

Anyone who has met or known people who lost sons, daughters or close friends in traffic accidents knows how traumatic it is. In some ways it ruins, or at least adversely affects, the rest of their lives. This is also the case if people are badly and permanently injured. It deserves much attention. The Minister made the point correctly that many factors are involved. Road investment and improvements have been made over the past ten years, in particular the modern barriers separating carriageways that make it virtually impossible to cross from one side of the motorway to another motorway, which in the past was a cause of accidents. In general, the safety record is high. While I appreciate that we will not have the same amount of money to invest once the motorway network is complete as we had before, we should, albeit at a lower level, continue the programme of road investment and improvement.

As we all know, a great deal remains to be done not only in regard to the long distance strategic network, such as along the western corridor or the Limerick-Waterford road, but also on the roads between important neighbouring towns in every county. Stretches along many of these roads are in very bad condition. The Thurles end of the Tipperary-Thurles road is one such example, although I note that the Thurles bypass has been mentioned in dispatches.

Driver and vehicle testing also make an important contribution. Any number of old bangers could be seen on our roads 20 years ago but there are much fewer these days. Road maintenance is also important. Despite the considerable damage done to both minor roads and parts of the national network by the recent ice and frost, county councils have begun to prioritise repairs and I am glad to say that a great deal has already been put right.

[Deputy Martin Mansergh.]

I welcome the establishment in the past decade of the Garda traffic corps. This innovative unit has high visibility and if one travels at night along any decently frequented road, one will run a considerable risk of encountering a checkpoint.

The centrepiece of the Bill is the reduction of alcohol limits from 80 mg to 50 mg for the general driver and a lower level for professional and learner drivers. This is appropriate because the killing capacity of a bus, lorry or other large vehicle is even greater than that of a car. Considerable debate was devoted to this subject within my party and elsewhere but I believe the correct balance has been achieved. I had a conversation recently with the former Minister for the Environment, Michael Smith, who faced the same arguments when he reduced the limit from 100 mg to 80 mg in the early 1990s.

The difficulties faced by licensed premises are probably at least as much the result of the recession as the enforcement of drink driving legislation. If one goes to a pub for social purposes, it is quite possible to limit one's alcohol consumption by drinking tea, coffee or a mineral. It is much better to impose on oneself the rule of drinking no alcohol if one is driving. I would apply the same rule to public speaking. One is unwise to drink alcohol because one needs one's wits about one, particularly if answering questions. I always leave the alcohol consumption until afterwards.

Public support is needed when a new regime is introduced. That was the case with the smoking ban and the plastic bag tax, which was another of the Minister's innovations. If public support exists, enforcement is less difficult because people are prepared to adjust to the system.

I welcome the further development of drug testing. This relatively new dimension deserves to be refined and put into operation. Since 1949, a free travel area has been in place between the UK and Ireland and it is entirely logical that disqualifications should be mutually recognised. Judicial loopholes are a cause of frustration but the Bill includes measures to close them.

I receive a considerable number of representations concerning noisy exhausts, which I suspect are mostly connected with boy racers. I am sure legislation is already in place to prohibit excessive noise but the issue needs to be better enforced.

Finally, while we all welcome the greater use of bicycles, is it not the case that cyclists are also bound by the rules of the road? This should be drawn to their attention because they seem to ignore traffic lights and one-way streets.

Deputy Michael P. Kitt: I welcome the Bill and thank the Minister for the priority he has given to road safety. This Bill implements many of the measures he has advocated since taking up office.

Early January brought particularly dangerous conditions to our roads. We must be particularly aware of vulnerable road users, such as school children and pedestrians. As motorists, we have a collective responsibility to take care. I am thinking in particular of the death of four young students north of Milltown in County Galway.

The €34 billion invested in roads under Transport 21 has brought major benefits not only for road quality, but also balanced regional development. The opening by the Minister of the last leg of the Dublin-Galway motorway was most welcome in this regard. With Dublin as the hub, good roads now lead towards Cork, Limerick, Waterford and Belfast. Transport 21 also provides for the Atlantic and Border road corridors.

I commend the Road Safety Authority on its work. Deputy McEntee spoke about the representatives from the authority who go into schools to teach transition year students about road safety.

Speed cameras have been effective but an open and transparent system is needed. Difficulties have arisen in regard to readings by automated cameras. We have often heard similar complaints about electronic tolling.

We would like to have speed limits at schools. In general, there has been a delay in providing speed limits. Endless committees are involved, including the NRA. I hope we will get quicker decisions on the extension of speed limits. One still has speed limits of 80 km/h on small country roads. With a speed limit of 120 km/h on motorways, it can be difficult when one has to quickly reduce to 80 km/h or 60 km/h. That is one of the areas where there are anomalies and inconsistencies.

Much debate has taken place about a reduction in blood alcohol levels. The Road Safety Authority came up with the current proposals that have been the subject of much debate in rural areas. Among the transport issues that were raised, the rural transport scheme was mooted as a possible solution. That was a good suggestion but it was ridiculed in many organs of the media. There is no doubt more taxis are needed in rural areas, and that is starting to happen. I commend the publicans who have taken steps to provide transport for their customers. I look forward to further improvements because the overall objective is to reduce road deaths and serious injuries. Driver behaviour must be changed. It is important that information is provided for transition year students. They should be informed about road safety.

The Minister and the RSA outlined that the authorities in Northern Ireland were advocating a reduction in the blood alcohol limit from 80 mg to 50 mg. It is important that the same blood alcohol limit applies on both sides of the Border.

The Bill refers to foreign driving licences. I welcome the transfer of penalty points to one's country of origin. Foreign licences should become every bit as accessible to the Garda as an Irish licence. When penalty points are awarded I hope they apply immediately for a three-year period. I hear complaints from constituents that it is several months before the points are applied.

Another issue that arises relates to journeys from Galway city to Dublin Airport, where three toll charges are involved on each leg of the journey. I hope we can put a package together to reduce the cost to drivers on that route. Some of the companies involved might be examining the matter. The Minister referred to alternative routes. I accept that collecting a toll electronically is expensive. The motorist pays the piper. Initially it was difficult to get one's tokens for the M50 toll. Many businesses have extended the number of outlets providing them. Signs near Athlone and Ballinasloe refer to it being one's last opportunity to buy petrol or diesel before getting on the motorway. I hope they also provide an opportunity to pay the toll on the M50 because if one does not pay within 48 hours the charge doubles and over a longer period the charge can rise to more than €100. It is important that the situation is sorted out and that notification is sent to people in good time so that there is no delay in receiving the demand for payment. Consideration should be given to people who have to travel on long journeys involving many toll bridges. I am pleased that no toll bridges were proposed by the Minister for the public private partnership arrangement on the road from Gort to Tuam, taking in Oranmore and Claregalway. I very much welcome that.

It is important to have service stations along motorways. I am pleased to hear the matter will be addressed in the not too distant future. We need places to stop. Tiredness is a problem for motorists. I hope service stations will be provided.

I note also the huge increase in the number of vehicles on the road. Statistics suggested the number had doubled in the 12 years up to 2006. Given that situation we need car testing. There is much emphasis on older cars. Perhaps the figures have become inflated because some owners

[Deputy Michael P. Kitt.]

of cars more than ten years of age go for the test and then get the specific problem fixed before going back to re-sit the test. That is an area that could be examined.

I welcome the Bill. The Minister has shown his commitment to road safety. He has taken the advice of the RSA. He has an ambitious and comprehensive programme for the current road safety strategy for the period up to 2012. I wish him well with the legislation.

Deputy Fergus O'Dowd: I support the Bill, as my party will support it. There are many good things in it. Likewise, many issues require to be teased out on Committee Stage. We intend to table amendments, as I have no doubt will the Minister. I hope the political context of the debate is a constructive one and that points are made validly on all sides.

I praise Mr. Noel Brett of the Road Safety Authority, Mr. Gay Byrne, PARC and others who campaigned to get the legislation on the books. Meeting them and listening to them and, especially those who have lost family members in road traffic accidents, and feeling their pain made us realise that it was time we did more in this area.

I welcome the reduction in the number of road deaths. Approximately 240 people died on the roads last year, which means that we have been successful in reducing the number of deaths on our roads. I am not being political in saying that we should beware of becoming too confident that things have changed. There are probably fewer cars on the road and therefore there is less potential for accidents. We should not become too complacent. Let us keep up the good work.

Certain aspects of the Bill have caused controversy. I agree with the Minister of State, Deputy Mansergh, that there has been much debate around the country about the reduction in the level of blood alcohol from 80 mg to 50 mg. There are strong medical grounds in favour of that argument, in that it reduces significantly although not totally one's propensity to have an accident. It also introduces a level playing pitch, for the want of a better term, right across Europe. I understand that once the legislation is passed Malta will be the only country remaining at the higher limit. I welcome the fact that the same limits will apply regardless of where one is in Europe, which is a good thing. There will be no doubt about the issue.

I also welcome the second reduction in blood alcohol limit to 20 mg for learner drivers and professional drivers. It is critical that there would be a higher benchmark for people who drive for a living, be they taxi drivers or bus drivers, and learner drivers. In other words, they can drink practically nothing at all. That is the way it ought to be. From observing trends in Europe, that appears to be the direction in which Europe is going.

Alcohol is the third highest cause of death after heart disease. Alcohol abuse is another issue of concern. I accept that jobs are created by alcohol production, which generates revenue and contributes to the European economy by approximately €9 billion per year. While alcohol has been, and continues to be consumed by many people without causing a problem, a significant proportion of alcohol consumption generates harm for individuals and society. The misuse of alcohol generates high costs to society, which are estimated to be as high as 1.3% of the European GDP (EC 2008), thus, the costs exceed the benefits by more than 17 times.

An analysis of road deaths across Europe was conducted, which found that the consequences of harmful and hazardous alcohol consumption include, amongst others, a considerable number of deaths on EU roads; that driving while under the influence of alcohol contributes annually to around 10,000 deaths on European roads and that national data shows that typically 15%-25% of deaths are associated with alcohol impairment of an active accident participant. The analysis also found that if the number of alcohol impaired drivers had dropped to zero — which

will never happen — some 6,800 lives could have been saved in 2007, representing some 16% of the total number of deaths. That must be our target. We must reduce road deaths.

I refer to the European Transport Safety Council report on commercial driving in Europe. Of the 21 nations that employ roadside testing for alcohol while driving commercial vehicles, Ireland ranks seventh. While generally there is a lower level of alcohol impairment among drivers of commercial vehicles, at 3% Ireland is ranked high in the European league and this issue needs to be tackled. Notwithstanding all the good provisions in the legislation aimed at reducing alcohol limits, all the research in this area highlights that enforcement is an issue. It is all very well reducing the BAC levels but if traffic laws are not enforced, we will continue to have problems, notwithstanding reductions in speeding and alcohol consumption by drivers.

The referral for treatment of those who have been convicted of drink or drug driving is also an issue. We may have to make it mandatory for those convicted of these offences to do a course in alcohol counselling. Together with the penalty of being unable to drive, that should change the mind set of people. Changing the way we think about these issues is what the legislation is about. The research highlights that if one is convicted of drink driving, one will revert to one's old form unless other interventions are put in place. The Minister is nodding and I have no doubt he will take my comments on board. I do not suggest a significant budget would be needed to provide such courses but it should be mandatory for offenders to do them.

Deputy Noel Dempsey: Perhaps instead of a fine, those who are convicted could do a course and pay for it.

Deputy Fergus O'Dowd: That would be good because this is about changing behaviour and transforming how we live.

The first time a person exceeds the new BAC level, he or she incurs three penalty points but does not face a mandatory court appearance. He or she will then be put off the road for a second offence and incur a further three penalty points. I do not wish to be misinterpreted but a driver can only be put off the road if he or she has incurred 12 penalty points for other road traffic offences while drivers who are convicted under this legislation will only incur six penalty points before being put off the road. There may be legal issues in this regard. People may not wish to discuss this issue, which may be controversial, but if one breaks the law by drink-driving, incurring only three penalty points for the offence is questionable. That may not be a popular point of view but this needs to be examined. Ultimately, the courts may be asked to adjudicate on this in a case.

I do not wish to make political points but these are important issues. The word “mandatory” implies something must be done. The weakness in the legislation is that mandatory testing is not provided for in certain cases where a person is brought to a hospital. If someone is involved in an accident, medical attention must be provided immediately and it must be the priority. However, the legislation needs to provide for a higher standard for being unable to give a blood sample. In other words, if I am brought to hospital and I am seriously injured, the most senior medical officer on duty should have to sign off on the reason I am not being tested for suspected alcohol consumption. If an individual is involved in an accident, he or she should be tested and if he or she ends up in hospital, the senior physician on duty should have to say he or she could not be tested because of his or her medical condition. That is the way we must think about this issue. It would make a great deal of sense to do so.

Another weakness in the legislation relates to previously incurred penalty points. I acknowledge that the Minister is attempting to deal with this by giving a person seven days within which he or she can pay a fine rather than go to court. The *Irish Independent* recently published a report claiming 230,000 penalty points could not be applied to the driving licences of 18,000

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people who had been in serious breach of the law by driving dangerous defective vehicles or driving dangerously and so on because the licence number had not been recorded. The penalty point system is in significant disrepute when 230,000 points can never be applied to these licences.

The behaviour of drivers from Northern Ireland is still a significant problem. I experience this every day on the road, particularly on the M1. Notwithstanding the fact that the Ceann Comhairle is being transported in a fine vehicle, I am sure he experiences the same problem.

7 o'clock Motorists travel in the fast lane at 160 km/h and nine times out of ten the vehicle is registered in Northern Ireland. The question is how to deal with these offenders. Discussions are ongoing between the Minister, the Northern Ireland Executive and the British Government about this but it remains a serious problem. Disqualification in other jurisdictions is mutually recognised but there is still a significant problem with North of Ireland drivers speeding dangerously in this jurisdiction and with South of Ireland drivers speeding north of the Border. Penalty points need to be brought into line, North and South, for the same offences so that there will be common penalties.

Debate adjourned.

Private Members' Business.

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

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

Deputy Alan Shatter: I welcome the Bill published by Deputy Pat Rabbitte on behalf of the Labour Party, which confers express powers on the Houses of the Oireachtas to conduct inquiries. The Bill provides a foundation for very important discussion and debate on the function of this House, the standing of the constitutional powers conferred on it and issues of accountability which are of central concern to many outside the House.

The Labour Party Bill seeks to get around the difficulties created by the *Abbeylara* judgment in so far as it is perceived, as a consequence of that judgment, that this House cannot conduct meaningful inquiries into any issue that goes beyond the area of simple policy and towards the area of determining and identifying who may or may not be accountable for various decisions made or outcomes that have occurred, including some disasters of policy that have affected the country.

I note that in the explanatory memorandum to the Bill, the view is expressed by Deputy Rabbitte on behalf of the Labour Party that we do not need a constitutional amendment and that the consequences of the *Abbeylara* judgment can be addressed without any such amendment by ordinary legislation. I disagree with that view. Two issues emerged from the *Abbeylara* judgment with which I am particularly familiar because I made direct submissions to both the High Court and the Supreme Court in this regard. The first issue was whether the Houses of the Oireachtas, under the Constitution, had inherent powers to conduct inquiries. The view of the majority of the Supreme Court was that it did not, although the minority judgment of the then Chief Justice, Mr. Justice Keane, was that it did.

The second issue was that it was inappropriate that a committee of inquiry — even if we did have such powers — in which Members of the Houses of the Oireachtas were involved should make a determination or express an opinion which had a detrimental impact on the good name

or reputation of an individual. The good name and reputation of a person is expressly recognised as something one has a right to protect under the Constitution. Even in circumstances in which the Houses of the Oireachtas applied proper procedures to protect and apply the principles of what is known as constitutional justice, the implication is that such findings cannot be made. That is recognised, to an extent, in the Labour Party Bill, in which section 4 seeks to delimit the nature of the inquiry that might be conducted.

The principle of the Bill should be supported, but we need to go much further. The real problem is that we do not do accountability in the House. Although the Constitution provides for a parliamentary democracy and Government accountability to Parliament, the reality is that there is little real accountability and no sense of obligation on the part of the parties in Government — both the Green Party, which has been there briefly, and Fianna Fáil, which has been there far too long. They believe, essentially, that whatever they do does not need to be explained and they should not be held to account for the mistakes they make.

There is also no sense of accountability in the wider public service. I am not trying to pillory individuals, but we must ensure that when policy decisions are made and things go badly wrong, the Ministers who make these decisions can be held truly accountable. Where those policy decisions are framed or substantially contributed to by public servants, they should explain the approach taken and be accountable for that approach. Where there is massive failure of regulation — such as the failures of the Central Bank and the Financial Regulator which have contributed to the economic and banking disaster with which we are confronted — it is not good enough that there can be a blancmange-like description of what went wrong, without any criticism of the decision makers who got it so wrong or identification of the extent to which they made mistakes to ensure they are not repeated in the future.

If we are to address this issue properly, we need to confer on this House the type of constitutional power that is expressly vested in committees of inquiry in the US Congress and Senate and in other European Parliaments. This Parliament, and its capacity to inquire seriously into issues and make findings of substance, was castrated by the *Abbeylara* judgment of the Supreme Court. There was only one judge, Mr. Justice Keane, whose decision seemed to give any insight into the functions of Parliament. In addressing the dichotomy between the right of an individual to have his or her reputation protected and the obligation of Parliament to properly inquire into issues of public importance and make decisions on accountability, he 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.”

In this House, our constitutional functions are to enact legislation; to ensure legislation is properly applied in the context of the Financial Regulator — in the case of the predecessor of the current Financial Regulator, it clearly was not; to ensure the Central Bank meets its statutory obligations and, where it has not, to inquire into what went wrong; and, where policy decisions are made by Government, to address what went wrong and who is responsible. There should be an acknowledgment on the Government’s part that we need constitutional change.

I listened to the Taoiseach on this issue a few days ago and it was absolutely clear that he would prefer to stand on his hands and wiggle his toes in the air than to provide for a political ethos in which there is a true sense of accountability. The reason is that if this House had the proper powers that should be available to it, Ministers could be hauled into committees of inquiry and made to account fully and properly for some of the disastrous decisions they have made. The current position is extraordinarily cosy and protective of Ministers.

We have seen only today in the House how we do not do accountability. The reality is that in any other European Parliament, or in the British Parliament — we have slavishly copied the

[Deputy Alan Shatter.]

procedures of the British Parliament; the only difference is we are still stuck with the procedures of the 1950s, while the UK has moved into 2010 — if a Government Minister had sworn an affidavit which produced a High Court decision and effectively had been found to have been committing perjury, that Minister would have been held accountable and would have had to resign.

Deputy Thomas Byrne: It was due process.

Deputy Alan Shatter: Indeed, the ethos in the British Parliament is that if one is a perjurer and a Minister, one does resign. It is different from the ethos we have in this House, which is to batten down the hatches, protect one's position and not to regard one's self as accountable. Is it any wonder this Government not only is opposed to the Labour Party Bill, but has no appetite for a constitutional referendum?

Why do we need a constitutional referendum? We need one for another reason — the general public has lost faith in the capacity of this House to fully hold people accountable. Generally, they cannot understand why our regulatory authorities failed to such an extent that we had a banking disaster. The general public wants to know what advice was being given by departmental officials to the Taoiseach and the Minister for Finance. Which disastrous decision was his sole responsibility and which was informed by others? We are entitled to know this in the context of the economic collapse with which we are confronted.

I revert to my point, namely, that we do not do accountability. It is time we in this Parliament did accountability. It is time we put to the people a referendum to facilitate full and proper inquiries being held. In this context, we should not inquire into issues and never hold anyone truly accountable for failure. Had the Abbeylara judgment been made before the DIRT inquiry, the latter would never have occurred.

We need to reform the way the Parliament operates root and branch. We need a different ethos, but we will not have it until the party opposite, which is more interested in self-service than public service, finds itself on the benches on this side of the House and the Fine Gael Party has an opportunity to blow the winds of change through the corridors of power and to put to the people the type of constitutional proposal required to reintroduce into our parliamentary democracy a true concept of accountability for Ministers and those who work in the public service and semi-State bodies for the disasters that have befallen this country.

Deputy Timmy Dooley: I understand I am sharing this slot with five other speakers.

An Ceann Comhairle: Deputies Thomas Byrne, O'Connor, Moynihan, Nolan and Ardagh.

Deputy Timmy Dooley: With the permission of the House, I would like to share this 30-minute slot equally.

An Ceann Comhairle: Is that agreed? Agreed.

Deputy Timmy Dooley: I welcome the opportunity to participate in this debate. I am not a legal expert like some previous speakers who have addressed this matter from a legal perspective, but we must pull back from the legal complexities and examine in more detail the Dáil's current investigative powers and what they might need to be. The committee system works effectively within its terms of reference. Much of the work relates to subject matters that are not contained within the broad policy development framework of the House. Committees are used mainly, but not exclusively, to deal with bodies that fall under the auspices of various Departments and are a step removed from our work in the Chamber. To some extent, they

provide an opportunity to bring political accountability to entities funded by the taxpayer and give Deputies an opportunity to debate and, where necessary, make accountable servants of the State. This Bill, however, seems to be an effort to try to turn the committee system into something different, to take practices and principles that are relevant in other jurisdictions where there are different systems of administration and parliament and use them to create a system that will make the Government of the day stand before a committee of the House and seek, almost on a policy-by-policy basis, a level of inquisition or creation of a Star Chamber.

Deputy Shatter referred to the need to bring about accountability. Members of the House, be they Ministers, backbenchers or Opposition Deputies, are accountable every time there is an election when the public makes up its mind. I would hate to see some type of Star Chamber being created within the structure of the Dáil that sought to remove from the procedures agreed on the floor of the House in an attempt to assist in the misrepresentation of events, thereby allowing for the creation of a perception of some level of wrongdoing or lack of accountability when neither is the case.

We have yet to find an ideal way to conduct inquiries. We know what does not work. The Abbeylara approach did not work, a situation that this Bill seeks to address. I respect what Deputy Rabbitte is trying to do. For instances such as Abbeylara and when dealing with entities at a remove from the House, this type of approach might be the way to go. However, the Abbeylara approach did not work and there are difficulties about the inferred liability issue.

Tribunals of inquiry certainly do not work. They are a runaway success for some, particularly those in the legal profession, and we do not want to go there. There must be better ways of bringing out the truth and identifying wrongdoing without carrying a substantial cost and creating a bounty for others.

We cannot have a one-size-fits-all approach. We must find a way to determine the problem, decide what we want to achieve and then try to fashion a solution. The Government's proposal for dealing with the banking crisis is credible. It seeks to create two reports, one by the Governor of the Central Bank and another by two eminent, independent and wise gentlemen whose reputations are untarnished and whose bona fides are accepted by all sides of the House, namely, Mr. Max Watson and Mr. Klaus Regling.

An Ceann Comhairle: The Deputy's five minutes have expired.

Deputy Timmy Dooley: The Government's approach will remove the partisan approach, in so far as is possible, until such time as the matter is returned to the House. At least then the discussion would be based on undisputed and independent fact. Let there be political jousting and regular debate, but on the basis of well-established and relevant facts.

Deputy Thomas Byrne: How many minutes did Deputy Dooley take?

An Ceann Comhairle: Five minutes.

Deputy Thomas Byrne: I may not need five minutes.

Deputy Charlie O'Connor: The Deputy can eat into my time.

Deputy Thomas Byrne: Perhaps it will be the opposite way. Although I respect Deputy Rabbitte personally for introducing the Bill, it must be said that the Opposition seeking special procedures to investigate matters is ironic, given today's events during which the Minister for Defence, Deputy O'Dea, was accused of all sorts of crime. Deputies and Senators discussed their referring files to the DPP and made allegations and statements of what they believed to be facts. The High Court judge was privy to the case's proceedings and did not decide to

[Deputy Thomas Byrne.]

intervene at a time when judges in the High and Circuit courts regularly refer files to the DPP on grounds of perjury and abuses of the court system. As is regularly the case, the Opposition was ready to draw its own conclusion without the need for any procedures or fair play.

Evidence would be given at a tribunal and Opposition Members would eagerly listen to radio reviews that would last from the evening until the night. The next day, Leaders' Questions revolved around the evidence given before the tribunal. Why did the Opposition introduce this Bill to investigate matters when our current investigative systems are used for political comment and advantage? People are always ready to jump to conclusions and make findings of what they view as fact based on what they hear on radio. Since I have been elected to Dáil Éireann, this is the situation in which the Opposition has found itself time and again. It is ironic that the Opposition introduced this Bill when it has generally shown no appetite for fair play or for listening to both sides of a story. The Opposition listens only to its own side of the story.

What kind of a sorry country would we be in if Deputies, Senators and other politicians could refer files to the DPP? It is what some of them wanted to do today. Some believe they have that power, but we are a Legislature. We are not an Executive or a prosecutor. We must bear in mind these facts when commenting on alleged crimes and so on. We are not the Judiciary. We are the people who make the laws and it is not for us to make the decision as to who broke them. With this in mind, certain of the intentions behind introducing the Bill are good, but it is slightly hypocritical.

I fully supported a banking investigation, but some people have the idea that it could be subcontracted to certain so-called wise men of the Opposition. Some of the names that have been put forward by Deputy Kenny to lead this investigation were ludicrous. The idea that they had some special ability to look into our banking system in a fair and impartial way was ridiculous, and I will not name names here today.

I welcome what the Minister has done. He has appointed people who know their business. They are people who will not be involved in the political process in this State, who will have no axe to grind and who have no advantage one way or the other. They will be totally independent in their investigations. We will have Patrick Honohan, Klaus Regling, Max Watson and others.

The advantage of having this investigation in private is that we will not have a leader's question every time evidence is given before it about what the Taoiseach thought of that evidence. The leaders of the Opposition who would have asked those kinds of questions, as they have done previously, would not be privy to the evidence put forward. They would be privy only to second-hand radio reports of the investigation that would be broadcast morning, noon and night. I can trust these people to carry out the necessary investigation that is going on because they are independent.

There are issues regarding the Oireachtas committee system that can and will be examined, but we cannot put ourselves in the position of being prosecutor or judge because we are too political. Members, irrespective of on what side of the House they are, are always seeking political advantage. That is the reality. We cannot investigate — which is what the Opposition generally seeks to do — any of the so-called major issues of the day or any controversy that bubbles up on websites, is spread by the media for a few weeks and eventually comes before the House. If the Opposition was serious about dealing with an issue such as one that was dealt with today, why was it not brought up when it first became public knowledge? It was brought up when it became a political issue. The political is being mixed with the legal and the judicial. It is totally wrong for this House to do that. That should be left to the Judiciary and the prosecutors.

An Ceann Comhairle: I call Deputy Charles O'Connor.

Deputy Charlie O'Connor: The only time I was called "Charles" was by my parents and that was usually when I was in trouble.

An Ceann Comhairle: I will call you Deputy Charlie O'Connor.

Deputy Charlie O'Connor: The Ceann Comhairle said "Charles" earlier.

I compliment Deputy Rabbitte on bringing forward this legislation. My friend, Deputy Thomas Byrne, said that Deputy Rabbitte is respected in Meath. He is also certainly respected in Tallaght, and I am happy to put that on the record.

Deputy Pat Rabbitte: I was not so comfortable about Meath after 1996.

Deputy Charlie O'Connor: I am getting involved in something now, about which perhaps I should not have said anything.

Deputies Rabbitte, Brian Hayes and myself brought forward a joint matter on the Adjournment last night, which is proof that we work well together. We and the other colleagues in the constituency would want to support St. Joseph's special school in Balrothery. I apologise for hijacking the debate in that regard.

I am happy to make a brief contribution on this Private Members' business, the Committees of the Houses of the Oireachtas (Powers of Inquiry) Bill 2010. Other colleagues, including Deputy Thomas Byrne, have covered issues the detail of which I do not want to cover. We have had an interesting day in the Dáil and I will not rehearse any of the earlier debate. I wonder how the SDLP delegation led by Ms Margaret Richie, MLA, whom the Chair welcomed, found that business.

The business before us is important. While we are all entitled to express our point of view and make our views known on this Bill, we should compliment the Labour Party on raising this issue and bringing forward this Bill. The matter will proceed from there.

Other speakers made the point that the main purpose of the Bill is to address the legal implications of the findings of the Supreme Court in the *Abbeylara* case for inquiries to be undertaken by the committees of the Oireachtas. Deputy Ardagh was the then Chairman of the Joint Committee on Justice, Equality, Defence and Women's Rights and he did a fine job in that regard. The jury is still out on that episode and I am sure many people throughout the country and in this House would want to see those issues dealt with.

We are advised that this Bill does not adequately address the complex legal issues which arose from the decisions of the Supreme Court on its ruling in the *Abbeylara* case regarding the powers of Oireachtas committees to conduct inquiries or to make findings of fact and conclusions as to personal culpability of an individual not a Member of the Oireachtas. The Bill, as drafted, might then be open to legal challenge, a point other colleagues have made.

While the Bill may present a starting point for this process, which is important and I am happy to acknowledge that, further examination of work will clearly need to be done to fully address shortcomings in the Bill, particularly regarding sections 4 and 9. I suspect Deputy Rabbitte would be very much part of that debate.

Section 4(3) allows 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 allows for such provisions in section 8 regarding the performance of investigators. The advice from the Attorney General is that these provisions require further consideration relating to the issue of liability being inferred.

[Deputy Charlie O'Connor.]

Other colleagues, including Deputy Thomas Byrne, referred to the banking inquiry. The Government has already decided that an independent statutory commission of investigation be established to identify, examine and report on the causes of the systematic failures in the Irish banking sector following completion of reports by the governor of the Central Bank and by other independent persons. The Governor of the Central Bank is due to address a meeting in Cavan next week of the British-Irish Parliamentary Assembly, of which I am a member. That will be interesting. Perhaps that kind of appearance should also be duplicated here in Leinster House because I suspect many colleagues would like to discuss those issues with our leader.

I thank the Ceann Comhairle for allowing me to say a few words on this Bill. Deputy Rabbitte has done fine work on it, which is a starting point. I suspect he understood what the Government's reaction to it might be, but I wish him well. I look forward to further debate on this subject.

Deputy Michael Moynihan: I welcome this opportunity to contribute to the debate on this Bill. I was a member of the sub-committee, chaired by Deputy Ardagh, on the inquiry into the Abbeylara incident in 2001. Early last year, a committee of which I am a member, examined the possibility of preparing a report on one or other of the banks and on the issue of compellability and so forth. An Oireachtas committee carried out the successful DIRT inquiry. Considerable preparation and work was done by the sub-committee dealing with the Abbeylara inquiry, but when it came down to the fine points the court found that an Oireachtas committee did not have the power to determine findings of fact.

I welcome this Bill and the discussion on it. Deputy Rabbitte must be complimented on it. A fundamental debate among all practitioners of politics in this House is needed on whether we want to go down the route of Oireachtas inquiries and committees having the powers to inquire into different issues. As other speakers said, there is no doubt that the tribunal system, particularly during the past ten or 11 years, has failed, it having incurred major expense for the public with no gain in the short term.

If we are to have committees of the Houses of the Oireachtas inquiring into issues to determine findings of fact, what is required is the fundamental step of having a referendum on this question. The Leas-Ceann Comhairle, Deputy Howlin, was also a member of the sub-committee that inquired into the Abbeylara incident. The advice we got at that time and, on the Monday morning our case was rejected by the courts, was the fundamental step of a referendum on the issue was what was needed. The Bill before us is to be welcomed. The debate on this issue must be about whether Oireachtas committees should have these powers. Parliamentary committees in other jurisdictions have powers of inquiry and they use them very effectively. Such powers can be seen, in some cases, to have been very effective tools that were used by elected members. They can be very effective tools used by people, as they elect the Members to the Houses, and they in turn can have inquiries. In other instances, such inquiries may turn into witch hunts in some shape or form. If properly constructed and dealt with, such processes can be welcome.

The advice from the Attorney General and the legal advice from staff of the Houses of the Oireachtas indicated there could be as fundamental a process as a referendum involved in this issue. A debate must ensue on whether we want to go down that route, and we should explore it. Some people have said that the Bill is a starting point. It is well drafted and has the right intention, but we should have a full debate on the powers being given to Members to determine a fact. We should explore the matter to the *nth* degree and ensure we get the best possible advice. The matter would have to go to the public in order to give that kind of power to the Oireachtas.

Under the Constitution, there is currently a separation of powers, which has been very effective, by and large, since the 1937 Constitution. There is separation of the Oireachtas and Judiciary, which is seen to work extremely well despite some shortcomings which we have seen from time to time. We should take time to debate the issues.

There was a point on whether the Oireachtas should undertake a full inquiry into the banks and financial institutions, particularly regarding how much credit, etc., was made available over a period. Some of the newly-appointed people in the Central Bank and other places have expressed a wish for an Oireachtas inquiry.

Even with powers of compellability at a committee, it would not be enough to carry out such a task. All the committee could do is produce a report. Even if we undertook an inquiry along the lines of the Abbeylara process, every comma was contested by the legal advice from other parties in that case. If we had gone down such a route, we would not have got as far as the first fence because it would have been challenged by legal people. The debate concerns whether we need these powers and there should be a referendum if we go down this route.

Deputy M. J. Nolan: I welcome the opportunity to speak on this Bill. At the outset I join with some previous speakers in commending Deputy Rabbitte and the Labour Party for bringing it forward. Unfortunately, for obvious reasons, I am unable to support it but the purpose of the Bill is welcome. I would like to see a change in procedures that would allow more Bills from the Opposition with the support of the Government and the backup that the Government can provide. Just because a party is in Opposition does not mean everything it brings forward is incorrect or wrong.

The main purpose of the Bill is to address the legal shortcomings arising from the findings of the Supreme Court in the Abbeylara case as it related to the Oireachtas sub-committee of inquiry. To an extent, it focuses on shortcomings in the legislation relating to Oireachtas committees. I put on record the positive attitude of Deputy Ardagh and what that sub-committee endeavoured to achieve at the time.

The role of Oireachtas committees in general has been very positive. It is a role which we should encourage and we should put legislation in train to ensure that such committees become more effective. We have much expertise in the House that could be put to better use, as there are energetic Members who would bring much wise counsel to committee meetings. Although the Government benches have Ministers and Ministers of State, there is much expertise that is untapped within the House which could be better used.

Some very positive work has been done in Oireachtas committees. As a member of a committee dealing with small business issues in the last Dáil, I know that committee considered insurance. There was much bad practice in that area, with many business problems arising from the high cost of insurance. Under the chairmanship of former Deputy Donie Cassidy, the committee did much positive work by bringing in insurance companies and vested interests to find out where the problems were. In doing so we were able to identify and report on issues. During the life of that committee we saw significant savings in the insurance area.

Many other committees are also doing very fine work. I have seen legislation on Committee Stage in plenary session in the Dáil, and there is a far more in-depth consideration when legislation is put to committees and is debated therein. Committees are obliged to produce reports and they are a forum for organisations and individuals who would not be able to make a presentation to the Dáil or Seanad in plenary session. Such people or groups are able to come to the Legislature, make their cases and be heard and questioned about aspects of interest by using the committee system, which is positive.

[Deputy M. J. Nolan.]

I accept there are shortcomings but the Government has legal advice from the Attorney General outlining various concerns about the legislation before us. It is a start nonetheless and the Government should consider it seriously. The identified shortcomings should be amended and the Government should come forward with the necessary amendments. It is a good start and we should progress on that basis.

Deputy Seán Ardagh: I thank the Ceann Comhairle for the opportunity to contribute to the debate on this Bill. I do not have the time to lavish sufficient praise on Deputy Rabbitte for this Bill, as others have done. I have been involved in two major inquiries in the Houses. These are the DIRT inquiry, which I attended along with my colleague, Deputy Rabbitte, and I was also the chair of the sub-committee on the Abbeylara incident concerning the tragic death of John Carthy.

This Bill is a valuable contribution as a template for legislation that may be required for an inquiry on some matter of great concern. In particular, the sections relating to the assessors and investigators are novel and will be relied on in future legislation. The major concern has been articulated by all contributors on this side of the House of inferred liability, and this is mentioned in sections 4(3) and 8(1)(b). Apart from findings that could reasonably be seen to attribute civil or criminal liability, the report of a committee under this Bill could make findings that could reasonably be seen to imply wrongdoing by a person. Such findings could affect the good name, reputation and livelihood of the individual upon whom the liability was inferred.

Article 43.1 of the Constitution concerns the personal rights of the individual which are to be defended and vindicated by the State. It is a strong right and there are issues of allowing that type of inferred liability. I agree with Deputy Moynihan that a referendum probably would be desirable to see if the people would consider it appropriate for the Oireachtas to conduct inquiries that might have that effect on individuals.

I have no doubt that with the banking controversy that has prevailed over the past number of years, people would like to see those who operated in a cavalier manner and undermined the system named and shamed should an Oireachtas committee find them liable. However, no referendum giving more power to the Oireachtas would be passed in this climate and to take upon ourselves that power by law would be unconstitutional. The primacy in the Constitution is of the personal rights I mentioned.

It is interesting that what we mainly talk about with regard to the Abbeylara case is the infringement of personal rights. As a report was never even drafted by the sub-committee, whether rights would be infringed in a report is questionable.

There will be big problems with the Oireachtas committee hearings on the banking system. Will it be possible for members of that committee to infer liability on behalf of people whose names have been bandied around the press and outside this House? The committee secretariat here is second to none, and it proved itself in 1997 at the DIRT inquiry. It is up to us. The Supreme Court in the Abbeylara case found that we did not inherently have the power because we messed up the procedures and the setting up of the committee. The committee members did not do so as they are not legally trained, but the advice and the procedures did not work at the time.

This an excellent piece of work that will contribute to developing inquiries that are relevant, pertinent and it will enhance the Oireachtas in the eyes of the people in future.

Deputy Brendan Howlin: I wish to share my time with Deputies Higgins, Burton and Tuffy.

An Ceann Comhairle: Is that agreed? Agreed.

Deputy Brendan Howlin: I am pleased to speak immediately after Deputy Ardagh, who chaired the justice sub-committee on the Abbeylara incident and on which I had the pleasure to serve. I fully agree with his assertion that it was bizarre that the presumption that we would breach the constitutional rights of citizens was argued out before we even embarked on our work. An imposition on that sub-committee and all future work of the Oireachtas flowed from that supposition, which I believe was wrong.

This is one of those debates where people outside think it is an insiders' debate about the procedures of this House and how we conduct our business. It is one of the most important debates because it is about how public business is done and whether we in this House can do the business we are sent to do, and whether the erosion of confidence in political systems can be addressed by the Members of this current Dáil. I am often fearful that this is not the case. The ability of Members to do the people's business effectively is a question that the public is asking now. The answer that we give in 45 minutes to this Bill will form part of the people's conclusions. If we vote down this Bill, we will timidly say that we cannot push back the boundaries of our proper duty, that we will be circumscribed in our job by the actions of others, and that we will not assert the rights given to us by the people of Ireland to do our business.

Have these Houses the ability to hold inquires, specifically inquiries that might be critical of individuals? We clearly do not have such an ability. We are not a court of law. We do not make findings of fact about people who are not Members of this House. However, there are other important works into which we must inquire in order to inform the main duty of this House, which is our duty to be legislators. How can we provide good law if we have not the power to see the effect of laws? How can we carry out our other duty — to hold the Executive to account — if we cannot inquire into the conduct of people who work for the Executive? How can we carry out our third duty — to scrutinise the spending of money properly voted in the House — if we cannot hold public authorities to account and inquire into their actions, be they the Garda Síochána or any other agent of the State? How do we do our duty as the people's tribune in ensuring that no agent of the State oppresses the rights of others? We have the duty to shape the laws and to serve the citizens, yet we have allowed ourselves to be pushed back in my time in this Dáil.

The official Government response outlined last night by the Minister of State, Deputy Mansergh, is profoundly disappointing. It was timid and the notion that the Bill “did not fully consider and address the important matters raised in the Supreme Court in the Abbeylara decision” is unacceptable. He stated that the Opposition has not fully analysed the implications of the decision after eight years. In his conclusion, he stated that the Bill “does not provide a complete solution, and further consideration needs to be given”. Nobody is suggesting it is a complete solution, but nobody could deny that it is a significant advance. Let us assert the rights of the people who send us here to carry out a proper inquiry in a constitutional way. If we need to broaden the parameters of that right, let us seek that mandate from the people and not shy away from it. Let us debate this Bill on Committee Stage by allowing it to pass Second Stage. Let the advice of the Attorney General come to bear on it on Committee Stage. At the end of the day, if we conclude that a referendum is needed as several members of the Government have claimed, then let us not shy away from that. Let us put that question to the people if we have to do so.

The scope, the power and the authority of this House has been diminished over the years by decisions of the courts, who have on occasions taken it upon themselves to act as legislators. They have sometimes done this reluctantly, due to the inaction or timidity of this House in shying away from sensitive but important issues. We have also been diminished by the actions of the Executive. I say this with all the passion that I can muster now. In recent years, the Executive has seen this place as little more than a rubber stamp or a cipher. If we are not to

[Deputy Brendan Howlin.]

be seen by the people as entirely irrelevant, it is time we take a stand to re-establish the authority and the power of the people's Chamber. This is but one of the many initiatives that we need to make.

There is a notion that we on this side of the House want reform and power and that when we migrate over to the other side, we will want to delimit the authority to do the people's business here. We have to get over that now and set out a proper structure where we can do the people's business. In the proposal before us tonight, the Government cannot announce that it is a bystander. It is almost eight years since the decision was handed down in the *Abbeylara* case. We have done nothing constructively to address the difficulties imposed on this House to do proper work in those intervening eight years. The current Government has been in power all this time, so its members cannot now say that a proper, thoughtful and carefully crafted attempt by my party to rebuild the powers of this House given by the people are unacceptable and then offer no alternative. There were no suggestions in speeches from the Government side that it is seized of this issue and wants to provide its own mechanism, proposals or legislation to allow for the proper inquiry and scrutiny that falls to all parliaments.

When the decision was handed down in the *Abbeylara* case a tribunal of inquiry was established. While the tribunal did good work, it took years to complete and cost millions. The timeframe of the Oireachtas inquiry into the *Abbeylara* case, which would have been as effective as the tribunal of inquiry, was 12 weeks. People also want efficiency in how business is done. The delays and costs involved mean there is no incentive to hold further tribunals of inquiry, except in the most grave of circumstances.

A great deal of proper scrutiny will continue to be left undone due to a lack of proper facilities in this House. Let us take responsibility and pass Second Stage of this legislative measure when the opportunity arises at 8.30 p.m. We can then refine the Bill to the best of our ability and, in so doing, signal to those who are watching closely that the Oireachtas can do business and that we are determined to reform the way in which we work in order that this Parliament is made more effective in their name.

Deputy Michael D. Higgins: It is of vital importance that a message go out from this House that we are in favour of asserting, defending and strengthening the power of Parliament. To do this we must make certain, however, that no misconstruction is placed on the *Abbeylara* judgment.

In moving this Bill, my Labour Party colleague, Deputy Pat Rabbitte, referred to the opinion of Mr. Justice Geoghegan, Mr. Justice Hardiman, Chief Justice John Murray and others to clearly show that nothing in their judgment suggests there is a limitation on the power of committees. We are all indebted to Deputy Rabbitte and we, in the Labour Party, are proud that he has prepared legislation on whistleblowers, the *Garda Síochána* (Powers of Surveillance) Bill and the legislation before us which provides for enhanced powers for committees.

The assumption must be rejected that because one is elected to Parliament, one should enjoy a lesser degree of trust than those who, under the separation of powers, enjoy other powers under the Constitution. No one has the right to suggest that because one is elected to Parliament and gives accountability on policy, one can be assumed to possess a lesser level of objective ability than, for instance, someone who has been appointed by the Executive to the courts and enjoys an autonomy provided for in the Constitution. That would be an outrageous under-labourer version of Parliament and one that would be rejected by nearly all political science examinations of the role of parliament. The reason it would be so rejected is that it is to the state and the elective component of the state parliament that members of the public look for

the assessment of the success, failure or maladministration of policy. For a parliament to accept any limitation of its power in policy formation and review or performance in an administrative sense would be to breach a sovereign trust placed in that parliament by members of the public.

This is a tough time for parliaments. I have another opportunity to discuss the reform of parliaments. The weakening of Parliament is to some extent caused by the Executive of the day claiming a monopoly of the right of service in terms of framing, initiating and amending legislation. As someone who has examined this issue across many political systems in my other life, committee systems are weak in countries where the executive exerts a stranglehold on them. This statement can be proved in any of the different political systems. For example, I could cite the inquiry into the Iraq war in the United Kingdom. If one examined the inquiry closely, one would clearly see that accountability is absent where parliament is weakened.

In the same way as the individual citizen has the right to look to the courts for the vindication and protection of his or her rights, the individual citizen also has the right to look to parliament for policy and the review thereof. It is wrong to argue, as has been done by speakers who oppose the Bill, that somehow one can run accountability in policy against personal culpability.

In the *Abbeylara* case no one suggested that the committee would exercise its functions in terms of a court. One had reached the point where to answer a particular question could transgress into the culpability of an individual. It would, however, be an outrageous misconstruction of the decision in the *Abbeylara* case to suggest that there was any suggested impediment in the way of a committee doing its work. I share the view held by Ms Justice Catherine McGuinness that the committee could plough ahead and do its work, even without the enactment of the Bill before us, under the 1997 legislation and it would be unconstitutional to seek to place an impediment on Parliament doing its work in this fashion.

Interesting matters flow from this statement. As I have noted in the Joint Committee on the Constitution, it is important to note that, for example, in the European system the countries where committees work effectively are those where the executive does not seek a monopoly over legislation, the committee system is at arm's length from the executive, the opposition has a role and so forth. The question we must ask ourselves is which poses the greater danger — making parliament weak by assuming a misconstruction of the *Abbeylara* judgment or accepting this Stage of the Bill, amending it in committee and rendering to the Oireachtas the work, duty and capacity of a parliament and rendering to the courts what they must do. At present, the attitude taken towards making the necessary changes and strengthening the powers of committees, an issue on which Deputy Rabbitte's Bill makes a significant contribution, causes serious damage to Parliament. If one misconstrues the *Abbeylara* judgment, one then makes an assumption about the powers of committees in general. This is profoundly anti-democratic.

The performance of the Garda, banking system and agencies of State are policy issues. The contradiction of legislation agreed in both Houses of the Oireachtas and the performance of such legislation is an issue to which members of the public must correctly turn to Parliament, as they do. If something happens in relation to any aspect of the economy or the areas of State for which agencies have responsibility, it is to the elected Members that members of the public turn in the first instance.

We must remember that one of the justices in the *Abbeylara* case stated that the judgment refers to the particular instance and facts. The published judgments state that nothing in the decision should inhibit the work of committees. One must, therefore, react to the balance it suggested. It would be outrageous to suggest that the Judiciary must enjoy a higher level of trust than elected representatives. If we do that, it is a perilous road to go down in regard to Parliament.

[Deputy Michael D. Higgins.]

I would go further and say that in regard to the assumptions about this issue, and I say this as a political scientist, there are far more questions that might be put forward including the ideological bias of the judges themselves in the history of courts that might be over Parliament because, at the end of the day, the public have their chance. They put people in and they put people out but if we wanted to move forward, and we can do that, and have genuine reform in regard to Parliament, we would abandon the Executive monopoly, whoever is in power, over the public service. We would not seek to have a majority in all of the committees and we would allow the committees the power of initiation, amendment and change in legislation.

8 o'clock

The day Parliament cannot, through its committees and sub-committees, address the concerns of the public in regard to policy and its administration is a day on which we have said the Parliament is so weak that it is no longer important.

It must be remembered that what we have seen is a dangerous leak from the accountability of Parliament. We cannot afford, in addition to that leak towards unaccountable agencies, to decide ourselves that we will spangle the committees to which we elect people in this House.

Deputy Joan Burton: I wish to share time with Deputy Joanna Tuffy. The Ceann Comhairle might tell me when five minutes have elapsed.

Anyone who is elected to this House as one of 166 representatives continually feels it is an honour and a privilege to be asked by citizens to be their representative in the Dáil. However, what has been lost on the Government, particularly the Fianna Fáil element of the Government which has now been in power for 12 years, is the fact that at this time of major economic crisis people in Ireland are not just watching coverage of the Dáil, but are also tuning in from time to time to coverage of other Parliaments, particularly the House of Commons and the Houses of Congress in the United States. Some people also watch coverage of the French Parliament. Most people who have television here have access to those channels.

What is stunning in the context of Deputy Rabbitte's Bill is that we are currently enveloped in the greatest economic crisis this country and many other countries have ever seen since the 1920s and people's interest in politics and political accountability is at an extraordinarily level. As politicians, all of us should welcome that fact.

In the United Kingdom, the bankers who have been deemed to be culpable to a degree in the collapse of banking institutions in the UK have already been before several committees of the House of Commons, individually and collectively.

In the United States there have been umpteen committee hearings. We have also seen the system the United States operates under Professor Elizabeth Warren, which is basically oversight, which reports to the Houses of Congress on everything to do with the banks. It is up on the website. One can "tweet" her and get information from her, yet this country appears to be locked in post-Colonial aspic. It is as though we inherited our parliamentary system from the United Kingdom. They moved on but we did not to the same extent. I say that in a non-partisan way.

People endlessly confess now to tuning in compulsively to "Oireachtas Report", which Deputy Rabbitte once said was for insomniacs and people who slumped in front of the television exhausted after a long night out. People are now consciously watching coverage of the Dáil and what Deputy Rabbitte has put forward in the Bill, and I congratulate him on this, is an opportunity for us to reform our procedures and meet the demand from people who believe this is their Parliament, we represent them and we will bring people like the bankers to some degree of account in explaining the policy that has led to our economic ruination.

The Green Party Members are not present but I would have thought this particular philosophy would be a central belief of everything I have ever known about the Green Party, including those I served with on county councils when I was a councillor.

The British playwright, David Hare, has a play running in the UK at the moment called “The Power of Yes”. It deals with the issue Deputy Higgins raised earlier, which is that when we have a powerful Executive combined with a powerful establishment in banking and in the media, all of whom are telling us to say “Yes” in one direction only, very little stands between that enormous surge of power. The Government came in here on 29 September 2008 and told us that we must sign up to the guarantee to Anglo Irish Bank. We were told last year that we must put €11 billion in the banks at a time when the Government was cutting old age pensioners’ Christmas bonuses and social welfare recipients’ entitlements. The power of “Yes” in this country from the point of view of an establishment of professional people who were involved in banking — the bankers themselves, the developers and the Fianna Fáil Party — has combined to make it almost unquestionable.

Deputy Rabbitte is suggesting in his Bill——

An Ceann Comhairle: The Deputy is eroding Deputy Tuffy’s time.

Deputy Joan Burton: ——a way to get over the Abbeylara problem. He has provided an elegant solution to the problem, which will withstand legal challenge. If it does not withstand legal challenge, we need a referendum on this issue because, for the sake of all the people who are now unemployed, those whose incomes have been reduced or halved and social welfare recipients, we must restore to this country the power of parliamentary inquiry in a genuine way.

Deputy Joanna Tuffy: If ever there was an issue on which the Dáil should co-operate it is that of enhancing the work Deputies and Senators do in the Oireachtas. The Minister for Defence, Deputy Willie O’Dea, said earlier that he has been a Member of this House for 30 years but the reality is that for most of us our careers are potentially very short. Many of the Deputies who lost their seats in the 2007 election had only been here for five years. I read at that time that the average amount of time Deputies spend here is becoming shorter.

We are not the only ones who make sacrifices. The staff who work in Leinster House make the same sacrifices as us. It is the same in other careers but we give up spending time with one’s family. We are away from our families. Time goes quicker when one is a politician and it is a waste to be in here and not use one’s time effectively representing the people who elected us. That is something we must co-operate on because if we do not, we all lose out, a point which has been made.

There is talk now about our electoral system but the electoral system is not the problem. Policies and ideas have caused problems in politics. We do not need a referendum to change political policies but there is a problem with the way the Dáil operates. Our failure to reform the procedures in this House and give ourselves more powers and more time to act effectively on behalf of our constituents is fuelling a drive to change our electoral system which may be a significant mistake in the long term and may make Parliament even more remote.

The reality is that our system is the most democratic it can be, with the voter having the ultimate say in terms of who gets elected and which parties are represented in the Dáil. Visitors to this country often remark admiringly on the type of one-to-one contact between Irish voters and public representatives that is not available in other countries. All the proposals that have been put forward afford the voter less say and are less democratic. It will be a loss to democracy if we move away from our current system.

[Deputy Joanna Tuffy.]

There are steps that can be taken that will make substantial changes to our electoral system unnecessary. Above all, we must stand up for ourselves as politicians. There is too much playing along with the agenda that Deputies spend their time running after constituents and so on. It is important that we are in contact with our constituents and that we are aware of their concerns. For example, a report was launched yesterday by the Joint Committee on Social and Family Affairs with proposals to assist those home owners who are in negative equity and experiencing difficulties in repaying their mortgages. The reason that issue was raised so often by so many Members is that we are all contacted on a regular basis by constituents who have concerns in that regard.

We must enhance our role by focusing on the positive achievements of the political system. We should not forget that it was this system, through the Dáil and Seanad, which brought stability to the State after the Civil War that followed the attainment of national independence. In more recent times, we have had the DIRT inquiry, our contribution to the peace process and cross-party support for various progressive initiatives and legislation. This Bill seeks to allow us to do more of that. We must seek greater powers that will allow us to be more effective in our role as legislators and as local constituency representatives in terms of how the business of the Dáil is scheduled and organised. The Government is only working against itself if it does not take on this Bill either in its current form or in some amended form. We must stand up for the work we do in this House. Otherwise, we are merely helping to diminish our role.

Minister for Finance (Deputy Brian Lenihan): I thank Deputy Rabbitte and the Labour Party for the considerable work that went into drafting the Committees of the Houses of the Oireachtas (Powers of Inquiry) Bill 2010. The Bill was first before this House on 20 January 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 my view, reiterated by my colleague, the Minister of State, Deputy Mansergh, yesterday evening, 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 in order to inform the future management and regulation of the sector and to provide the most ample opportunity for the Oireachtas to have a substantial input at each stage of the inquiry process.

The Government decision states that the appropriate Oireachtas committee will meet the Governor and the independent experts at the outset of their work to be briefed on committee members' priority for investigation. I understand that meeting has been arranged for tomorrow week. The Government decision states that once the reports of the experts are completed, the terms of reference for the commission of investigation will be finalised based on the conclusions of the expert reports and following consultation with the Oireachtas. We are fortunate that we had two such distinguished experts to do the scoping exercise. Under the Commissions of Investigation Act 2004 it is the Government who ultimately sets the terms of reference for any commission of investigation. The report of the commission must be laid before the Oireachtas for further consideration and action by the appropriate Oireachtas committee.

I fully appreciate that the draft Bill is an attempt to address the complex legal issues arising from the Abbeylara judgment. It is the Government's view that these issues require further detailed examination and review. That is why, as the Minister of State outlined last night, the Government is opposing this Bill. It is worth noting that it appears to be established law that neither House can make a finding of criminal or civil liability against any person or make findings as to the personal culpability of an individual not a Member of the Oireachtas so as to impugn his or her good name. Given that this is the position, it is difficult to see how the banking inquiry can proceed other than by way of a commission of investigation. The only

alternative open to the Government is a sworn public inquiry under the tribunals of inquiry legislation. We all know how protracted, extensive and expensive such inquiries can be.

Therefore, it was entirely reasonable for the Government, in the context of the banking inquiry, to stipulate that any disputed issues of fact must be determined by a commission of inquiry. That is the quickest way they can be determined. This House is inherently unfitted to make determinations of fact in these matters. I have attended many debates and been rightly held to account in this House in respect of various decisions made in the banking sector. I have heard many references to individuals who might have come before such a committee which clearly indicate a prejudgment on the part of Deputies in regard to any disputed issues of fact about those individuals. It is difficult to see how individuals about whom there are disputes of fact could get a fair hearing in the House from a parliamentary committee.

The same problem developed throughout parliamentary history when we were part of the United Kingdom, which is why we have the 1920 Act. Committees of the House were found to be inadequate to determine issues of fact about their own membership. We can still appoint a committee to determine an issue of fact about our own membership. We can obviously appoint a committee to evaluate Government policy. However, we cannot appoint a committee to make judgments about outsiders. That appears to be the law of the land. In that context, the Government's choice was obvious in regard to the banking inquiry.

It may be, as a result of the scoping exercise, that the issues of fact that are in dispute are quite narrow and that the commission can deal with its business in a speedy way. On conclusion of that, the findings of fact, together with the scoping exercise and the various issues relating to the banking crisis, can be the subject of comprehensive parliamentary discussion and investigation through a committee.

Deputy Eamon Gilmore: I propose to share time with Deputy Rabbitte.

An Ceann Comhairle: Is that agreed? Agreed.

Deputy Eamon Gilmore: I join in the words of congratulation to Deputy Rabbitte on bringing this reforming measure before the Dáil. We hear much commentary these days about the need to reform politics and, in particular, the need for the Dáil to reform its own practices and procedures and the way we do business. Deputy Rabbitte's Bill is an important reforming measure which would give the House the power of proper inquiry.

Unfortunately, the way in which the Government has rejected the Bill is an all too familiar example of precisely the reasons that we need legislation like this. The Government, in its rejection, has been dismissive, arrogant, cavalier with the truth and contemptuous of the Dáil. We saw it last month in its reaction to a Labour Party motion calling for a banking inquiry. When even the Governor of the Central Bank had agreed an inquiry was needed, the Government was obliged to cobble together something, but it made sure it would be an investigation behind closed doors, with its own performance excluded from the terms of reference. As a result, the banking inquiry will serve only to reinforce public cynicism rather than addressing genuine public concerns.

All parties now pay lip service to the notions of accountability, scrutiny and oversight. We all say we are in favour of more openness, but the sincerity of our statements are tested when specific proposals for specific reforms are put on the table. The Labour Party is convinced that accountability, scrutiny and oversight are core components of effective democratic governance. Accountability helps keep Government open and honest. However, to be effective, accountability must be both informed and public. Anything less than that is window-dressing.

[Deputy Eamon Gilmore.]

We are strongly of the view that Parliament must be central to the process of accountability, scrutiny and oversight of central government and the wider public administration. The decision in the *Abbeylara* case undoubtedly creates problems but those problems are not insurmountable, despite the efforts of the Government to create that impression. Put at its simplest — I recognise it is a complex case — the applicants in the *Abbeylara* case won two arguments in the High Court but, on appeal, they won on one ground only. The High Court had declared that statutory powers to inquire and report could never, “consistent with the principles of constitutional justice and fairness, be conducted by a tribunal comprised of elected officials”. If that argument had succeeded on appeal, then there would certainly be an end to parliamentary inquiries. The Supreme Court, however, refused to uphold this argument. Instead, it relied on a much narrower ground: that the form of inquiry in that case was *ultra vires* in that it was “not within the inherent powers of the Houses of the Oireachtas”.

Many of the judgments went on to suggest that, although powers of compellability for Oireachtas committees had been provided for in legislation, no legislation conferring the basic “power to inquire” had been passed and there was no inherent parliamentary power to hold an inquiry of any sort at all. According to Chief Justice Keane, “If there is no inherent power in the Oireachtas to initiate such an inquiry, there seems no reason why the Oireachtas could not simply establish such a committee of inquiry by legislation”. On the other hand, Ms Justice Denham, who delivered the formula accepted by the majority, stated simply that this issue is one “to be determined by the legislature or by the people,” in other words, by legislation or by constitutional amendment. Ms Justice Denham was careful not to express an opinion as to which option may be required.

I admit we cannot be certain but to refuse to legislate because we are uncertain is simply to prevaricate and to abrogate our responsibilities. The only way we can finally know the answer is to test the question.

The official Government line, as delivered last night by the Minister of State, Deputy Mansergh, was that, “the Bill, as currently drafted, could be open to legal challenge”. That is absurd. Any Bill can be improved in its drafting, during the course of the legislative process, that is why we have a legislature. Also, all legislation ever passed could be “open to legal challenge”, that is why we have courts.

The Minister of State offered another reason for rejecting the Bill, which was relied upon by his party colleagues. He said:

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.

Those few sentences show either a breathtaking ignorance of the true situation or a calculated determination to misinform and mislead.

The Minister of State says there are already considerable powers available. Surely he must know that, as long ago as 17 April 2003, the then Minister heading his own Department, Charlie McCreevy, announced that “Oireachtas Committees conducting inquiries under compellability provisions have been successfully challenged in the courts”. Surely he must know that, apart from a single case involving separate constitutional powers to examine the possible removal of

a judge from office, not a single Oireachtas committee has been able to avail of the powers Deputy Mansergh says are still available and that every Oireachtas committee has been told these powers can no longer be exercised, since the decision in the *Abbeylara* case.

The background to the former Minister for Finance, Charlie McCreevy's announcement is that he had to find a reason to abandon his original commitment to implement all the recommendations made in the report of the DIRT committee. One of those recommendations was to provide for the appointment of parliamentary inspectors to assist Oireachtas committees. The original intention was that parliamentary inspectors could be appointed where an Oireachtas committee, carrying out inquiries under certain statutory powers, decided that it required such an officer to assist it. This was to be done by giving those inspectors a range of legal powers to compel citizens to give evidence on oath and to provide documents relevant to his or her inquiry. However, because Oireachtas committees conducting inquiries under compellability provisions had been successfully challenged in the courts, in the light of these developments, the Minister no longer believes that such legislation would fill a useful purpose.

Finally, we have been told that an argument for rejecting this Bill on Second Stage is that it is not considered appropriate, necessary or prudent to proceed with it: The Minister of State, Deputy Mansergh, stated:

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.

In all of this guff reproduced from the Minister of State's last speech rejecting an Opposition party proposal, there is not even the vaguest commitment to actually undertake a detailed review and examination, let alone to engage on a cross-party basis with all members of the House who are affected by this decision. Treating the Dáil and its Members like this demeans us all, including, perhaps in particular, the Members on the Government backbenches.

The basic truth is this Government is talking out of both sides of its mouth. If we try to improve the legislation, we are told exiting legislation is already in place. If we try to use existing legislation, however, we are told it has been successfully challenged in the courts.

The reality is that this Government does not want any form of public inquiry at all, let alone an inquiry by its peers, by the Members of the Dáil and Seanad. The growth in executive competence and action has led to a generally perceived decline in the relevance of another branch of Government, our national Parliament. Part of the solution is parliamentary reform and part of the project of parliamentary reform is to put on a clear footing the relationship, and the separation, between Parliament on the one hand and the Executive and Administration on the other. The Labour Party believes that it should be a function of the national Parliament to engage in oversight of public administration, both in general terms and, through its committees, by way of detailed scrutiny.

Our main argument for the strengthening of the Houses of the Oireachtas is that it enhances public accountability. A vigorously active and independent Parliament with powers to investigate matters of serious public importance will ensure that systemic abuses and the breakdown of good government are less likely to occur.

Deputy Pat Rabbitte: I thank all Members who contributed to this debate and thank them for their positive remarks, even if I have the feeling that in some cases I was damned with faint praise.

[Deputy Pat Rabbitte.]

The Bill is about enhancing the functioning, stature and relevance of Parliament. When we look at business transacted in this House today we must worry about the state we have reached. We spent the first third of the day with the Government unable or unwilling to intervene to match the available work to the high skills of 500 available redundant workers at Dublin Airport. We spent the second third of the day voting confidence in a Minister who swore a false affidavit in court. Now we will finish the last third of the day voting down a Bill that was designed only to enhance the authority and stature of Parliament.

I was struck by the remarks of Deputy Michael D. Higgins, that we are expected to welcome the other two arms of Government, the Judiciary and Executive, developing while Parliament diminishes. If we look across the water to the example the Deputy gave of the Iraq inquiry, and if one watches the inquiry proceedings when they are screened, there is no doubt that debacle occurred in no small way because of the diminished status of Parliament and a Prime Minister who rode roughshod over the Cabinet. Otherwise it is doubtful that Britain would have participated in that disaster.

I take the comments of colleagues on the Government side of the House at face value but I do not believe they are so naive as to believe what they said. Deputies Timmy Dooley and Thomas Byrne are good examples. Deputy Dooley stated that we cannot have a star chamber, where leaders would query the Taoiseach every day on the ongoing performance of the inquiry. Deputy Dooley knows full well that I spent considerable time last night pointing out why it could not be a star chamber. We know from the DIRT inquiry that it is not permissible in this House to ask questions while an inquiry is ongoing.

I did not refer to DIRT at all last night, but the Minister of State, Deputy Mansergh, devoted a third of his speech to it, while several other Deputies also mentioned it. I know how popular that inquiry was. I have heard the Minister of State, Deputy Conor Lenihan refer three times on radio, twice on “Today with Pat Kenny” and once on “The Last Word” with Matt Cooper, to how he enjoyed his role in the DIRT inquiry. He was no more close to the DIRT inquiry than someone who was not elected to this House at all, so it must have been popular.

Deputy Thomas Byrne said he was opposed to the Bill because he observed what happened today and instanced what happened to the Minister for Defence, Deputy O’Dea, as a reason a committee of this House could not be given the power to inquire. He must be, however, well aware that no committee of the House could inquire into the matter in which the Minister, Deputy O’Dea, got himself involved. In the minds of ordinary people, the Minister became involved in something which involved a criminal action, namely, perjury.

An Ceann Comhairle: We dealt with this matter this afternoon and we are revisiting ground that should not be revisited.

Deputy Pat Rabbitte: At this hour of the night, I will not persist. The point is, however, that this was the argument advanced in respect of our not being able to have inquiries by parliamentary committees. All I am doing is highlighting circumstances where one might allege that a political rival is a brothel keeper, make a sworn affidavit to a court to the effect that one did not make such an allegation and then state, when tapes which indicate that one did make such an allegation are produced, that one is innocent because one forgot that this was the case. How would it be possible to forget that one alleged that someone is a brothel keeper? That defies belief and it just could not happen.

Deputy Paul Kehoe: The Minister, Deputy O’Dea, has a bad memory.

Deputy Pat Rabbitte: What occurred today was insulting to the House. We need every instrument available to us in order that we might assert accountability in this Chamber. It is wrong that the Taoiseach and Fianna Fáil Ministers corralled the Members of the Green Party earlier today and forced them into the Chamber to vote in favour of the confidence motion. We will rue the day that this happened.

Question put.

The Dáil divided: Tá, 71; Níl, 77.

Tá

Allen, Bernard.
Bannon, James.
Barrett, Seán.
Behan, Joe.
Breen, Pat.
Broughan, Thomas P.
Bruton, Richard.
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.
Feighan, Frank.
Ferris, Martin.
Gilmore, Eamon.
Hayes, Brian.
Hayes, Tom.
Higgins, Michael D.
Hogan, Phil.
Howlin, Brendan.
Kehoe, Paul.
Kenny, Enda.
Lynch, Ciarán.

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

Níl

Ahern, Dermot.
Ahern, Noel.
Andrews, Barry.
Andrews, Chris.
Ardagh, Seán.
Aylward, Bobby.
Blaney, Niall.
Brady, Áine.
Brady, Cyprian.
Brady, Johnny.
Browne, John.
Byrne, Thomas.
Calleary, Dara.
Carey, Pat.
Collins, Niall.

Conlon, Margaret.
Connick, Seán.
Coughlan, Mary.
Cregan, John.
Cuffe, Ciarán.
Cullen, Martin.
Curran, John.
Devins, Jimmy.
Dooley, Timmy.
Finneran, Michael.
Fitzpatrick, Michael.
Fleming, Seán.
Flynn, Beverley.
Gogarty, Paul.
Gormley, John.

Níl—*continued*

Grealish, Noel.
 Hanafin, Mary.
 Harney, Mary.
 Haughey, Seán.
 Healy-Rae, Jackie.
 Hoctor, Máire.
 Kelleher, Billy.
 Kelly, Peter.
 Kenneally, Brendan.
 Kennedy, Michael.
 Killeen, Tony.
 Kitt, Michael P.
 Kitt, Tom.
 Lenihan, Brian.
 Lenihan, Conor.
 Lowry, Michael.
 McEllistrim, Thomas.
 McGrath, Mattie.
 McGrath, Michael.
 McGuinness, John.
 Mansergh, Martin.
 Martin, Micheál.
 Moloney, John.
 Moynihan, Michael.

Mulcahy, Michael.
 Nolan, M. J.
 Ó Cuív, Éamon.
 Ó Fearghaíl, Seán.
 O'Brien, Darragh.
 O'Connor, Charlie.
 O'Dea, Willie.
 O'Donoghue, John.
 O'Flynn, Noel.
 O'Hanlon, Rory.
 O'Keeffe, Batt.
 O'Keeffe, 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.

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

Question declared lost.

Adjournment Debate.

Grocery Industry.

Deputy Joe Carey: I have asked for this Adjournment debate in the context of what has happened here in Ireland and internationally in the banking system. Today, I heard that Barclays bank is to pay €3.1 billion in bonuses on €13 billion profits earned last year. This has become all too familiar in international banks such as Goldman Sachs, and in Irish banks which are lesser in size and international influence, although not in sheer brass neck, and which depend on the state to bail them out when the going gets too tough.

To my mind, one can draw very strong comparisons between this experience and what is happening in our food sector. It has been quite obvious for some time that the major players are fast approaching the “too big to fail” Rubicon. This is a situation that the Minister cannot allow to continue. If these corporations are allowed to carry on unfettered with practices such as hello money and paying unviable product prices to the primary producer or farmer, where will we find ourselves in a short number of years? Indigenous food production and the farming industry will be destroyed and its best international traceability and quality will be squandered under a slogan of bringing the customer the cheapest prices.

Spokespersons for these corporations make much of the fact that food prices are 8.2% cheaper this year than last, but at what cost to their own bottom line? To my mind there is none. They do not publish accounts so we do not know the margins. While the consumer apparently gets cheaper food, the corporation's balance sheet is still intact because the farmer and producer has been squeezed more and more in the past 12 months. This is a totally unsustainable position and the Minister must meet the corporations head on.

I fear it will end in the following scenario. If these companies are allowed get bigger and stronger, the system of food production we have in Ireland and Europe may be undermined to the point where it is no longer sustainable. Large international retailers can source produce from countries which lack our level of agricultural development and good practice. Their farming methods are more intensive because that is the only scale at which profits can be made. If we compromise in quality and safety, we will find ourselves where we are today in regard to banks which are too big to fail. At that stage it will be too late to do anything.

I urge the Tánaiste to take this matter seriously. She must use the legislation at her disposal to deal with the problem and, if that is not sufficient, develop more robust laws. She could start by directing the Competition Authority to deal with the issue immediately.

I understand she shortly will be publishing proposals to ban secret multi-million euro payments within the grocery sector. A draft code of practice for the grocery sector seen by *The Irish Times* also proposes to appoint an ombudsman to arbitrate disputes between suppliers and retailers and investigate complaints by consumer organisations. The code would prohibit a wide variety of payments currently demanded by big retailers in return for listing or promoting products in their stores. These payments, which have grown significantly in recent years and now amount to hundreds of millions of euro, have been blamed for inflating the cost of groceries for the consumer. The question of whether the code would be voluntary or statutory has been also left open. The consultation paper indicates that the feasibility of a voluntary code depends on the willingness of companies to subscribe to it.

I ask the Tánaiste to put in place these vital safeguards to protect our food industry. She has at her fingertips Fine Gael's Food (Fair Trade and Information) Bill 2009 and I ask her to implement that legislation if she has no alternative proposals.

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Billy Kelleher): One of the principal functions of the Competition Authority is to enforce the provisions of competition law as provided for in the Competition Act 2002 and the Competition (Amendment) Act 2006. Competition law provides for a general prohibition on agreements, decisions and concerted practices that have as their object or effect the prevention, restriction or distortion of competition. Anti-competitive practices such as price fixing, limiting or controlling production and markets, market sharing, applying dissimilar conditions to equivalent transactions with other trading parties and thereby placing them at a competitive disadvantage and making the conclusion of contracts subject to the acceptance of supplementary obligations are specifically prohibited. The Competition Acts also prohibit undertakings which hold a dominant position from abusing their dominance.

In so far as practices in the grocery goods sector are concerned, existing competition law prohibits undertakings from engaging in particular practices. These prohibited practices include: the imposition of resale price maintenance, that is, the practice whereby manufacturers or suppliers specify the minimum prices at which their goods may be resold; unfair discrimination in the supply of grocery goods involving a supplier offering preferential terms to one buyer over another even though the transactions involved are equivalent in nature; retailers or wholesalers of grocery goods compelling or coercing suppliers into payment of advertising or display allowances, for example, where a retailer seeks payment from a supplier in order to advertise the supplier's goods as a means of attracting customers to the retailer's premises; and retailers compelling or coercing suppliers into payment of hello money, that is, where a retailer demands a payment from a supplier before agreeing to stock that supplier's products. The circumstances in which a practice will be prohibited include the opening of a new store, an

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extension to an existing store or a change of ownership of a store. These practices are prohibited where they have as their object or effect the prevention, restriction or distortion of competition in trade of any grocery goods in the State.

Persons aggrieved by a practice or abuse prohibited by the Competition Acts have the right to take a private action under the Acts. Relief by way of an injunction, declaration or damages, including exemplary damages, is available. Alternatively, complaints alleging a breach of competition rules may be referred to the Competition Authority for investigation. While a considerable amount of comment and allegations have been made regarding practices in the grocery goods sector, no concrete evidence of prohibited practices has been forthcoming. I not aware that any evidence of such practices has been reported to the Competition Authority or of any proceedings taken before the courts in this regard.

The Tánaiste has on numerous occasions urged anyone with evidence of undertakings engaging in prohibited practices to bring it to the attention of the Competition Authority to allow it to be fully investigated. I have been assured by the Competition Authority that any evidence of such practices will be investigated as thoroughly and expeditiously as possible. In the absence of concrete evidence, however, it is difficult to see how the authority could usefully conduct an investigation of the type sought by Deputy Joe Carey. As Minister of State with responsibility for trade and commerce, I have on numerous occasions urged parties to submit any evidence they possessed of these practices to the Competition Authority. If the Deputy has evidence, I urge him to submit it to the Competition Authority for investigation.

Aside from considerations of competition law, the Government fully recognises the importance of achieving a balance in the relationships in the grocery goods sector which takes account of the interests of the various parties, including the consumer, and the need to ensure there is no impediment to passing on lower prices to consumers. To this end, the renewed programme for Government contains a specific commitment on implementing a code of practice for doing business in the grocery goods sector, developing a fair trading relationship between retailers and their suppliers and reviewing progress on the code with a view to putting in place a mandatory code if necessary. The Government will give effect to this commitment by including in the legislation currently being prepared to merge the National Consumer Agency and the Competition Authority a specific provision allowing for the introduction of a statutory code of practice in the grocery goods sector. The Tánaiste expects to publish this legislation later in the year. Until the legislation is enacted, she will explore with all the relevant stakeholders the possibility of agreeing a voluntary code which would respect the interests of all parties. A voluntary code offers stakeholders the opportunity to develop guidelines which are suited to the dynamics of the Irish grocery goods sector and form the basis of any subsequent statutory code.

The relationship between suppliers and retailers has been also identified as a key concern by the European Commission in its 2009 communication, a better functioning food supply chain in Europe. The Tánaiste is working closely with the Minister for Agriculture, Fisheries and Food on the initiatives proposed in the Commission's communication.

While the negotiation of commercial relationships between undertakings in the grocery goods sector is ultimately a matter for the undertakings themselves, the Government is concerned with ensuring a balance in these relationships, particularly given the important role that the grocery goods sector plays in the national economy. Accordingly, I trust the House will appreciate that the Government's actions in this area have been focused on achieving a fair balance which respects the interests of all stakeholders.

State Airports.

Deputy Pat Breen: I thank the Ceann Comhairle for affording me the opportunity to raise this issue. I am disappointed the Tánaiste is not available to clarify the comments made in this House last night. Perhaps she could also update me on her meeting with Michael O'Leary.

While I accept that Ryanair is not interested in building an aircraft maintenance facility at Shannon Airport, I am deeply concerned about the airline's plan to axe 18 destinations from its schedule at the airport from next month. The recession is having a more severe impact on the tourism industry in the mid-west region than on any other region in the country.

9 o'clock Passenger numbers slumped by 27% last year and access capacity through Shannon Airport has decreased significantly. Capacity has dropped by 50% in transatlantic traffic, 37% in European traffic and 11% in British traffic, and the outlook for 2010 is even bleaker. When I met Michael O'Leary tonight, I encouraged him to return to Shannon Airport and to provide flights to his previous destinations. He said the travel tax is still a major impediment to a new deal. I am interested to hear the Tánaiste's view following her meeting with Michael O'Leary.

Earlier this evening, we debated a motion of confidence in the Minister for Defence, Deputy Willie O'Dea. I remind the House of what the Minister, Deputy O'Dea, said when the recommendations of the interim report on the mid-west task force were debated in this House last month regarding the Lynxs cargo facility: "A great deal of work is being done behind the scenes in this matter and an announcement is imminent." Is that another case of mistaken recollection by the Minister? In response to questions I raised with the Tánaiste on the Lynxs project in the House last night, she said, "It is not fully mature yet, in order to move on to final decision making". She continued: "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 deeply concerned about those comments as I fear the region could lose the Lynxs facility if the Government does not fast-track the project. I would like to know what the Tánaiste meant by saying the project was not "fully mature". I hope there is no suggestion of another report. We are blue in the face with reports. We need Government action. Even the chairman of the task force is frustrated by the Government's inaction. He is on record as saying that he has no notion of wasting his time moving on to complete the final report until a number of the recommendations of the interim report are acted upon. If the Tánaiste is going to wait for the task force's final report, we could be waiting for another two or three years. One could ask if we will ever see a final report.

When the Lynxs Group signed a memorandum of agreement with the Shannon Airport Authority in March 2009, it anticipated that the final stages of construction would be in place in 2011. The company will be lucky if the Government has made a decision on the project by then. The Lynxs Group is investing more than \$15 million in the project. A total of €7 million is required in investment to upgrade the airport's infrastructure. I refer to improvements to the runway, the building of a new taxiway and the provision of additional aircraft parking spaces. That is not a significant amount of money. It is peanuts compared to the €62 million the Government wasted on e-voting machines, for example.

The Lynxs Group has an international reputation for building and managing first class cargo facilities across the world. When the green shoots begin to emerge in the industry, which will happen sooner rather than later, the first business to show improvement will be air freight. We have to be ready to capitalise on the opportunities which are presented.

Our region is being paralysed and strangled by the Government's lack of decision making. This country's reputation abroad will be damaged if we are seen to be a country that is paralysed by bureaucracy, red tape and indecision. The development of Shannon Airport as a first

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class cargo facility in partnership with the Lynxs Group is a project which is strategically important to the future of the airport. The Government's task force recognises its merits and its strategic importance for the mid-west region. One can ask what else is needed to convince the Government of the merits of the proposal.

I seek to clarify a number of issues such as the timescale and whether the Tánaiste will bring the project to fruition before the task force's final report. It would be unforgivable if the jobs to be created by the project are lost to the region because of Government inaction. I urge the Minister of State to clarify the situation regarding the Lynxs project. What is needed is a serious approach to the project by the Government, for it to show leadership and that it is equal to the task. It might be necessary to make a leap of faith and give the project the green light to proceed.

Deputy Billy Kelleher: I thank Deputy Breen for raising this matter. The Deputy referred to this country's reputation and the fear that we would be seen as bureaucratic and in a state of paralysis. The contrary is the case. All surveys on this area show that this country is nimble and flexible. It is very much seen as being pro-business in terms of setting up business here or establishing companies for investment purposes. We would not wish a negative view to be portrayed without correcting it.

The mid-west task force has already made its recommendations on the Lynxs cargo facility project and the project is currently being considered by the Minister for Transport. The Dublin Airport Authority has statutory responsibility for the operation, management and development of the three State airports. The Minister for Transport advised in February 2009 that the DAA had concluded a memorandum of understanding with the Lynxs Group, a global airport cargo facility company, to explore jointly the feasibility of developing a major cargo facility at Shannon Airport. I understand that the basic concept underlying the proposal was, among other things, to secure existing cargo at the airport, increase the potential for cargo growth and to provide flexibility and operational readiness for the potential requirements of US cargo pre-clearance in the event that the US authorities would agree to cargo pre-clearance at a future date.

The involvement of a global air cargo development company, such as the Lynxs Group, was seen by the DAA as important for the provision of investment and to raise the profile of the facility in the freight community and cargo industry generally. In the initial phase, it is proposed that there would be investment in a new cargo facility that would involve the transfer of existing cargo operators from current locations. In later stages, it is proposed that the facility might be expanded to attract increased traffic and to realise the airport's potential as an airfreight hub, as well as further opportunities that might evolve from pre-clearance, which would underpin the development of a logistics, distribution and manufacturing cluster in the Shannon area.

It is recognised that Shannon has a number of strengths, such as a well developed economic hinterland and its proximity to major economic and distribution centres in the United Kingdom and Europe. It can also reap the benefits of current and pending road access improvements. The Minister for Transport also advises that, on the other hand, the DAA has to operate to a commercial mandate and it does not have access to unlimited funds to undertake capital investment. Any investment that the airport undertakes must be evaluated carefully to ensure that there is a commercial business case.

I understand the Department of Transport has recently received the DAA's evaluation of the business case for the project. Consideration of the best way to support the project will take account of the extent of potential investment by the DAA on foot of its evaluation of the business case and any support that could be provided by the State, subject to compliance with

EU state aid rules. The DAA has financed pre-clearance facilities at Shannon at a cost of some €22 million since it became operational for commercial aircraft on 5 August 2009. The service is working very well for all concerned. Given the significant investment involved in the construction of the pre-clearance facility, it is hoped that as many flights as possible would use the pre-clearance services there. The next phase of pre-clearance is to extend its use to private aircraft *en route* to the United States. Following close engagement with the US authorities in recent weeks, preparations for general aviation pre-clearance are well advanced and it is hoped that the service will become operational in the coming weeks.

This is a welcome development for Shannon and one that I know the authority there will market vigorously. There is great scope for growing this market given that already significant numbers of private aircraft land at Shannon for refuelling and other technical reasons prior to completing the journey to the US. The pre-clearance agreement with the United States does not provide for cargo pre-clearance currently. However, that is an issue the Minister for Transport has raised with the current and previous US Secretaries for Homeland Security. Both of them were receptive to giving further consideration to cargo pre-clearance from Ireland, once passenger pre-clearance is fully established.

The issues facing the mid-west region are the issues facing other regions and facing the country as a whole. The situation in the mid-west was exacerbated by the Dell decision. The work of the mid-west task force has helped to focus the response of Government and agencies. The Tánaiste is very grateful for the work Mr. Brosnan and the other members of the task force have undertaken to date. The task force has identified a number of issues for further study in its final report, which she looks forward to receiving in the coming weeks.

We have had such discussions in previous Dáil debates. The DAA is commercially mandated to operate Shannon Airport and any investment has to have a business plan and to make sound commercial sense if it is to receive clearance.

Hospital Staff.

Deputy Denis Naughten: I thank the Ceann Comhairle for giving me the opportunity to raise this issue on the Adjournment. I am extremely disappointed that the Minister for Health and Children walked out of the Chamber approximately ten minutes ago and did not think it worth her while to be present for this debate. Sadly, neither she nor a representative of her Department considered it worthwhile to hear my contribution this evening.

I wish to raise the attempts by the Health Service Executive to downgrade Portiuncula Hospital and Roscommon Hospital by instructing them to report directly to the general manager at University College Hospital, rather than to their own managers who operate the hospitals on a daily basis. The HSE claims the objective is to expand the scope of the Galway general manager, which is the start of the restructuring of hospitals in the region and which will result in the downgrading of the skill mix and services available to the people of counties Roscommon and Galway who avail of services at both Roscommon and Portiuncula hospitals. The proposal to introduce a new reporting structure will mean that the hospitals will be managed from Galway and this is the thin end of the wedge. Professor Brendan Drumm has made it clear in the past that he wants accident and emergency departments and surgical services transferred from both hospitals to Galway and this change to the management structure is the first step in that process.

The HSE has continuously misrepresented its intentions regarding Roscommon and Portiuncula hospitals and there is no doubt that if the executive gets away with this change further, more significant transfers of medical capabilities will take place. The hidden agenda behind this process is to move accident and emergency and surgery departments from both

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hospitals to Galway. Currently Galway hospitals are struggling to discharge patients and under the new management structure the patients will be operated on in Galway and then transferred back for respite care to either Portiuncula or Roscommon hospitals. This will dramatically reduce the capacity of both local hospitals to deal with emergencies and ongoing surgical procedures. This *modus operandi* was used in respect of both Ennis and Monaghan hospitals where the management structure was downgraded initially followed by services.

The HSE has issued weasel words in response to concerns raised locally and it stated:

In the course of recruiting a new general manager for Galway University Hospitals, a national decision was taken to expand the role to include Portiuncula Hospital and Roscommon County Hospital. There is no question of the downgrading of any hospital as a result of this expanded role.

This is a blatant lie on the part of the HSE. In the final quarter of 2009, a report on a review of surgical specialties in the western region to identified realistic solutions for the medium term that would take five years to implement. The report states the only value of conducting such reviews is they would act as a guide to the decision-making process. Regarding the HSE strategy for acute services, it states: "The national strategy to reconfigure acute services with a smaller number of large hospitals providing the full range of acute care and all emergency services, with smaller hospitals providing elective procedures ... raises particular issues" in the western region.

The report further states regarding emergency services that "Portiuncula, being closer to Galway, and with the completion of the M6 motorway to Galway and Dublin, could conceivably transfer its emergency services to Galway in the nearer future" but there are issues relating to the planning timescale and capacity to deal with the additional demand following the closure of the accident and emergency department in Portiuncula Hospital. It is reasonable to assume acute services will remain in the hospital for the a period of five years while the HSE has to time to upscale its capacity in Galway University Hospitals. The report goes on to state Roscommon County Hospital

. . . will be reconfigured in the nearer term to provide only non-emergency services, following the process now underway or completed in Monaghan, Louth, Nenagh and Ennis. The medical and surgical emergencies which currently present there will need to be dealt with elsewhere, and this must be planned for.

The report was produced within the HSE and it has not been published. However, it clearly identifies the executive's intention and the proposed change in the management structure is the first step in implementing this plan. In addition, the executive received a report 12 months ago from Prospectus Consultants, which reviewed the critical care services in all the acute hospitals in the State, including the intensive care service at Portiuncula Hospital and the coronary care service at Roscommon County Hospital. For some unknown reason, neither the HSE nor the Minister for Health and Children is prepared to publish the report, even though taxpayer's money was used to compile it. The report copperfastens the ethos outlined in the review of acute services and it is the sole purpose of the HSE to put the new structure in place and to transfer both surgical and accident and emergency services from the two local hospitals to Galway University Hospitals. That is unacceptable to the people of counties Galway and Roscommon and we will oppose it tooth and nail.

Deputy Billy Kelleher: I will am taking this matter on behalf of my colleague, the Minister for Health and Children.

Deputy Denis Naughten: Has the Minister of State an explanation as to why she is not present? This is a disgrace.

Deputy Billy Kelleher: The structural changes referred to by the Deputy are designed to promote good co-ordination between hospitals. The initiative is not about downgrading any hospital or reducing its service. It is simply about improving management processes and, thereby, improving services for patients.

Deputy Denis Naughten: that is not true.

Deputy Billy Kelleher: With this in mind, the HSE plans to recruit a general manager with responsibility for Galway University Hospitals, Portiuncula Hospital and Roscommon County Hospital. This involves the expansion of the current post of General manager at Galway University Hospitals. The development will facilitate closer collaboration by the hospitals concerned and a more integrated and strategic approach to the management of services. It will ensure better and safer patient care, and provide additional support to Portiuncula Hospital and Roscommon County Hospital. The Minister has welcomed the HSE's decision.

The appointment of a general manager with responsibility for the three hospitals concerned is in line with the Health Information and Quality Authority's report on quality and safety of services at the Mid-Western Regional Hospital Ennis published in April 2009. This report identified the importance of integrated governance across hospital networks as an important way to ensure higher quality services for patients. The HSE has assured the Minister that it is committed to full engagement with all stakeholders regarding the general manager post. The final interviews for the post will not be held until the competition to appoint a regional director of operations in HSE west is concluded. This means that the regional director can take an active part in the selection process.

The development is also very much in line with the greater collaboration between Roscommon and Portiuncula hospitals in the provision of services that has been taking place over recent years. The HSE is proceeding with the reconfiguration of the surgical and anaesthetic departments of the two hospitals into a joint department of surgery and anaesthesia. As part of this plan a joint clinical director was appointed this year and joint consultant appointments are being progressed that involve sessional commitments at both hospitals. In total, five consultant surgeons will serve the two hospitals. A new consultant surgeon post was filled in September 2009 and a replacement consultant surgeon post is in the process of being filled. The majority of sessions for both posts are in Portiuncula Hospital and the basis for the split is 25 hours in Portiuncula, eight in Roscommon County Hospital and four in Galway University Hospitals, which creates a linkage with the cancer centre. In addition, two consultant physicians with sessional commitments at the three hospitals have been recruited and there will be joint sessions between Portiuncula and Roscommon hospitals in radiology and anaesthetics.

The Government is satisfied that the plan to recruit a general manager with responsibility for the three hospitals will enhance the capacity for collaboration in service provision, will provide a more strategic approach to the management of the hospitals concerned and will ensure the provision of better and safer services to the people of the region.

Deputy Denis Naughten: What about the closure of local services? It is a disgrace.

Tourism Promotion.

Deputy John O'Donoghue: I thank the Ceann Comhairle for allowing this matter. Following two extremely difficult years for the tourism industry, particularly in the south west, most people will realise it is of crucial importance that we improve transport facilities into the coun-

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try in so far as that is possible. Fastnet Line, the new ferry service to be operated by a co-operative of 500 people from the south west, hopes to set sail between Cork and Swansea on 1 March. It was estimated that, until its cessation in 2006, the previous ferry service between both cities generated more than €40 million for the local economy annually. As more than two thirds of its users were coming from the UK into Ireland, its loss has had a significant negative impact on businesses in the south west — particularly small businesses operating in the hospitality and retail sectors — and it is estimated that the return of the ferry will preserve and create more than 1,000 jobs in the locality in the coming years.

A total of €13.5 million in aggregate needs to be raised to ensure the business commences as planned on 1 March. Following a fund-raising drive, which received tremendous support from people on the ground in Cork and Kerry and further afield, €4 million was raised in small lots from more than 500 people and local businesses, and €6.3 million was obtained from a Finnish bank. In addition, a private equity business in Wales has agreed to invest €1.7 million subject to the remaining balance being raised. Thus, €12 million in total has been already raised or committed — representing an incredibly positive community effort in the current economic climate — but the balance of €1.5 million needs to be fully committed immediately if this business is to become a reality.

The Fastnet Line business is taking shape. Sales for the year are ahead of target, as are car and passenger numbers for the first month of sailing, which is March. The company is expecting up to 30,000 cars and 80,000 passengers to use the service in 2010, and this number is expected to grow in subsequent years. These are people who, because of the nature of their visit, tend to stay longer and spend more than air travellers. They will be welcomed again to Ireland with the return of the ferry service.

Local businesses and private individuals have been supportive of this project to date. They have invested in the prospect of a €40 million annual injection into their local economy. These smaller investors could have found numerous ways to justify not investing in the current economic climate; had they taken that view earlier this year, the project would have gone nowhere. The Exchequer will also benefit from this project, both directly and indirectly, and we now need to find a way to make this project happen for the south west by finding €1.5 million immediately. This is of the utmost urgency and importance to all those involved in the tourism industry in the south west of the country.

Since the closure of the Cork to Swansea ferry in 2006 there has been a noticeable absence of cars with yellow number plates across Cork and Kerry. This is of crucial importance to small businesses and those involved in the hospitality sector. I forecast that if the ferry is not put back in place immediately, we will see closures in the hospitality sector across the south-west region.

We are often told by the IDA, Forfás and other agencies of major investments in which employment is created. These are welcome. However, we often unfortunately forget that we have an indigenous tourism industry on which we can capitalise, in which we should invest and which can yield real jobs for real people, not just in the medium to long term but also in the short term. In these circumstances, I strongly exhort the Government to find a way for these funds to be made available immediately in order that the ferry can recommence business on 1 March and in order that we can do justice to all those involved in the hospitality sector in the south west of the country, many of whom are totally dependent on the industry for their livelihoods.

I take the opportunity of thanking the Taoiseach for the personal interest he has taken in this project from the outset and for attending various meetings with a view to providing assistance. I

sincerely hope the Minister of State who is here this evening will be in a position to put forward a positive proposal on behalf of the Government.

Deputy Billy Kelleher: I thank Deputy O'Donoghue for raising this issue. The Minister for Transport, Deputy Dempsey, hopes the Cork to Swansea service can be relaunched successfully and that it is commercially sustainable. However, the Department of Transport has no function in or finance for the provision of ferries on this or any other route, other than by being as supportive as possible.

The Swansea Cork Ferries company suspended its service in 2007. The Minister for Transport fully appreciates that this has had an impact on the local region, particularly on tourism, and that there is a strong desire for the service to be re-launched. However, market conditions are challenging at present in the shipping sector. The slowdown in global trade, coupled with underlying problems in the international ship finance sector, have created difficult market conditions for Irish and foreign shipping groups. The sector has been hit harder than most by the global recession. As in all businesses, securing investment and bank financing in the shipping sector is at present very difficult.

Ferry services to the UK also face the additional challenge of operating year-round, including when tourist numbers are low, in order to offer a service to the freight industry. Such services are also vulnerable to fluctuating fuel prices. Even modest increases in the price of oil can have a large impact on profitability. Since the previous operator withdrew the service, the Port of Cork Company has engaged in discussions with a number of interested parties with the aim of ensuring the route is served by another operator. The port company also completed a feasibility study on the route.

In early 2009, a west Cork tourism co-operative was formed with the objective of re-launching the service. The port company has worked closely with the co-operative to facilitate the resumption of the service. I wish to express my appreciation of the efforts of the many people involved in the co-operative in organising the finance for this venture. As Deputy O'Donoghue said, from the bottom up everyone became involved. Despite the efforts of the port company and the co-operative, no existing shipping company could be found to operate the service. The co-operative then took the courageous decision to try to relaunch the service itself. The Minister recognises the major effort that has been made by all concerned in an effort to make this a success. This has been a community-based initiative and the Minister acknowledges that there is considerable and broad regional support for this venture.

Over the course of 2009, the co-operative raised €2.5 million from the sale of shares to local investors. It then established a shipping company, Fastnet Line Group, and in September 2009 it purchased the vessel *Julia*. The vessel cost €7.8 million and was financed by €1.5 million of the equity raised and a €6.3 million loan. In October 2009, the company issued an information memorandum seeking to raise a further €2.5 million to finance pre-launch costs and operating costs up to September 2010. The offer consisted of further share purchases and corporate bonds.

The Minister for Transport has recently given approval, with the consent of the Minister for Finance, for the Port of Cork Company to make a commercial investment by purchasing €200,000 of bonds from Fastnet Line. The final decision was entirely a matter for the board of the Port of Cork Company. The Minister understands that some local authorities have also made similar investments. It must be stressed that it is not open to the Government under State aid rules to provide direct financial support to the venture, but it is advised that commercial investments by State agencies are permissible.

[Deputy Billy Kelleher.]

As for any new venture, a range of supports is available from various State agencies. Fáilte Ireland is available to support any the new service through active promotion and marketing, as is the case for other air and sea access routes. Fáilte Ireland has also granted business expansion scheme certification to the enterprise. The Port of Cork Company has provided technical and marketing advice, and the Irish Maritime Development Office has met with Fastnet Line and is available to provide further advice and assistance. Thus, a broad range of support has been made available to Fastnet Line to help make it a success. Safety is also of key importance, particularly for passenger ferries, and before entering service, new ferries are subject to an inspection by the marine survey office of the Department of Transport.

The Government has taken a number of initiatives in recent years to support the development of the Irish shipping industry generally. The Irish Maritime Development Office is the shipping sector's statutory dedicated development and promotional agency, and pursues its promotional activities, supported by the Department as appropriate, through direct marketing, including contact through the embassy network and through the holding of information seminars for the industry. The Government has introduced a number of fiscal and strategic policy measures that have had significant positive impacts on the sector. Government policy to promote the shipping sector concentrates on fiscal areas, marketing and education.

A range of beneficial fiscal reliefs, with EU State aid approval, are in place for the shipping sector. These include a full refund to employers of social insurance contributions relating to seagoing employees, a unique €6,350 income tax allowance for seafarers who are at sea for more than 161 days and a €5,000 tax free allowance for Irish seafarers. The Government has also taken a number of initiatives in the area of maritime education. The €51 million National Maritime College of Ireland has been established in Ringaskiddy and is an excellent facility that has been gaining an international reputation as being a fine place at which to study maritime issues.

The above developments illustrate the many initiatives the Government is taking to promote the maritime sector, both at sea and on shore. I will relay Deputy O'Donoghue's opinions to the Minister and the Government because we all accept that a linkage to our markets, mainly the UK and Europe, is of critical importance in sustaining and developing the hospitality sector. We all know that there has been a considerable downturn in the number of tourists visiting Ireland because of the global recession and the weakness of sterling *vis-à-vis* the euro. All of these reasons are causing significant pressure, so anything that can assist in ensuring the *MV Julia* sails on the scheduled date I will raise with the Government on foot of Deputy O'Donoghue's representations tonight.

Deputy John O'Donoghue: Arising from the Minister of State's comments, I propose that the State agencies make the necessary commercial investment available immediately to get around the State aid problem.

The Dáil adjourned at 9.30 p.m. until 10.30 a.m. on Thursday, 18 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 9, inclusive, answered orally.

Questions Nos. 10 to 62, inclusive, resubmitted.

Questions Nos. 63 to 73, inclusive, answered orally.

National Opera Company.

74. **Deputy Ulick Burke** asked the Minister for Arts, Sport and Tourism his views on whether the lack of clarity surrounding the establishment of a national opera company is proving a challenge for persons involved in opera here; the timeline for the establishment of a national opera company; and if he will make a statement on the matter. [8110/10]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): Last December, I confirmed my intention to have a National Opera Company established. The new company will be based in Dublin but will perform opera at all scales both in Dublin and nationwide as would be expected from a national opera company.

At present, there are three Opera Companies in the State which receive annual funding from the Arts Council: Opera Ireland, Opera Theatre Company and Wexford Festival Opera. The new national company will be formed from Opera Ireland and Opera Theatre Company which between them cover much of the range of artistic work that would be expected from a national opera company. Wexford Festival Opera has a very distinct image and highly successful brand both nationally and internationally and I believe that this brand should be maintained in its present form. At present, Opera Ireland produces main-scale opera in Dublin while Opera Theatre Company produces smaller-scale opera both in Dublin and throughout the State as well as in Northern Ireland and internationally.

The process of forming the new entity is a collaborative process between my Department, Opera Ireland, Opera Theatre Company and the Arts Council. My Department is leading the process. I myself have met both opera companies on several occasions and have discussed my intentions with the Arts Council. At this juncture, the high level goals of the new company are being finalised which will be followed by the appointment of board members which should be completed by April 2010.

[Deputy Martin Cullen.]

In the meantime, Opera Ireland and Opera Theatre Company have been awarded grants by the Arts Council to allow them to continue to operate in 2010 thus allowing work on the new company to proceed smoothly.

It is of the utmost importance that the foundation of the new company is completed both swiftly and correctly, with due consideration given to putting in place appropriate arrangements that will ensure the new company's success over the coming decades.

Questions Nos. 75 and 76 answered with Question No. 72.

Tax Code.

77. **Deputy Willie Penrose** asked the Minister for Arts, Sport and Tourism the role his Department plays in the artists tax exemption scheme; and if he will make a statement on the matter. [7886/10]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): Under sub-section 12 of Section 195 of the Taxes Consolidation Act, 1997, there is provision for guidelines to be drawn up by the Minister for Arts, Sport and Tourism and the Arts Council, with the consent of the Minister for Finance, which determine if the work is an original and creative work and whether it has, or is generally recognised as having, cultural or artistic merit.

Section 195 of the Taxes Consolidation Act, 1997 empowers the Revenue Commissioners to make a determination that certain artistic works are original and creative works generally recognised as having cultural or artistic merit. This Section provides an exemption from tax for the profits or gains arising to a person from the publication, production or sale of an original and creative work which has artistic or cultural merit in any of the five following categories set out in the legislation:

- (1) a book or other writing;
- (2) a play;
- (3) a musical composition;
- (4) a painting or other like picture;
- (5) a sculpture.

The Revenue Commissioners may consult with a person or body of persons which may be of assistance to them in reaching decisions in relation to the granting of such an exemption. The Arts Council is an example of such a body.

While the drawing up of guidelines is the responsibility of my Department and the Arts Council, the Revenue Commissioners are the users of the guidelines.

Sports Facilities Strategy.

78. **Deputy Joanna Tuffy** asked the Minister for Arts, Sport and Tourism the progress made on the national sports facilities strategy; when this document will be published; if he plans to put this at the heart of the future development of sport here; and if he will make a statement on the matter. [7877/10]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): I refer the Deputy to my reply today to Priority Question No. 67 in the name of Deputy O'Mahony.

National Archives.

79. **Deputy Liz McManus** asked the Minister for Arts, Sport and Tourism the action he will take to resolve the storage problems that are occurring at the National Archives; the progress made to date on a new purpose built building for the State's archives; and if he will make a statement on the matter. [7895/10]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): It is acknowledged that the National Archives suffers from a long-standing storage challenge on a constrained site. The storage difficulties in the National Archives are being tackled in two ways. The Commissioners of Public Works at the instigation of my Department have agreed to examine in detail the options for a short-to-medium term solution to the storage and accommodation needs of the Archives within the existing Bishop Street building complex. OPW will prepare proposals in the coming months. They have already provided some off-site storage for certain series of records apart from the Four Courts storage.

In addition, OPW are moving the Land Commission records of the Department of Agriculture that are still in current use, out of Bishop Street to the new offices in Portlaoise. This will free up space for the National Archives proper and that will be fitted out as storage. The administrative staffing of the National Archives, which was admittedly relatively small, has also been strengthened by my Department in recent times.

Question No. 80 answered with Question No. 69.

Arts Plan.

81. **Deputy Bernard J. Durkan** asked the Minister for Arts, Sport and Tourism his plans and policy to develop and promote the arts at local and national level particularly regarding maintaining and developing interest and facilities in the current economic climate; and if he will make a statement on the matter. [8176/10]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): Government Policy on the Arts is set out in the Programme for Government and is elaborated further in my Department's Statement of Strategy.

My policy on the arts is to promote and strengthen the arts in all its forms, increase access to and participation in the arts, and make the arts an integral and valued part of our national life.

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

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

The Arts Council is a statutorily independent body, funded by my Department and independent in its day-to-day operations, including in relation to its funding decisions. On Budget Day, the Government allocated €69.15 million to the Arts Council for 2010.

My Department takes a direct role in relation to the provision of grant-aid for arts and culture infrastructure and has allocated almost €200m in funding for the capital development of facilities around the country in recent years. On Budget Day, the Government allocated €16

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million for cultural capital infrastructure which will be spend on projects which have been allocated funding under the ACCESS, the arts capital programme.

This Programme is designed to assist in the provision of high standard arts and culture infrastructural projects, thereby enhancing access to all aspects of the arts throughout the country. The programme is widely acknowledged as a significant intervention in the provision of high quality arts and culture infrastructure around the country.

Facilities funded to date include integrated arts centres, theatres, galleries, studios, and creative and performance spaces. In this manner the Department provides the bulk of capital funding for building and refurbishing arts facilities, while the Arts Council provides the ongoing revenue support for many of the facilities.

Swimming Pool Projects.

82. **Deputy Denis Naughten** asked the Minister for Arts, Sport and Tourism his plans to support the local authority swimming pool programme; and if he will make a statement on the matter. [7875/10]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): The current round of the Local Authority Swimming Pool Programme, operated by the Department of Arts, Sport and Tourism, provides grant aid to a maximum of €3.8m to Local Authorities, towards the capital cost of new swimming pools or the refurbishment of existing pools. Where a project is being undertaken by an organisation other than a local authority, the project must be considered, supported and submitted by the relevant local authority. Under the current programme, 45 pools have been opened throughout the country with a further 12 pools at various stages of development. The total expenditure of €142.7m under the Programme from 2000 to end of 2009 leveraged a total investment of some €400m. in swimming pools throughout the country.

The allocation of €7.5m in 2010 will be sufficient to meet commitments arising in 2010 under the current round of the Local Authority Swimming Pool programme. No decision has been taken on the timing of a new round of the Programme.

Sports Capital Programme.

83. **Deputy Denis Naughten** asked the Minister for Arts, Sport and Tourism his plans to assist the repair of sporting facilities damaged during the recent weather conditions; and if he will make a statement on the matter. [7874/10]

88. **Deputy Jim O’Keeffe** asked the Minister for Arts, Sport and Tourism if the sports capital programme will be available for 2010; the results of studies which have been undertaken into the viability of the scheme; and if he will make a statement on the matter. [7948/10]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): I propose to take Questions Nos. 83 and 88 together.

Under the Sports Capital Programme, which is administered by my Department, and part funded from the proceeds of the National Lottery, funding is allocated to sporting and community organisations at local, regional and national level throughout the country.

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.

It is a condition of the Sports Capital Programme that any facilities developed with assistance from the programme must be insured against fire and other insurable risks.

Two expenditure reviews of the Sports Capital Programme have been carried out to date. The first covered the period 1988-1998 while the second covered the period 1999-2002. The first review limited its focus to identifying new priorities for future rounds of the Programme. The second review concluded that, inter alia, the Programme represents good value for money.

A draft National Sports Facilities Strategy 2010-2015 has been completed within my Department and circulated to a number of Government Departments and other relevant bodies for observations prior to finalisation. The draft strategy will now be amended taking into account the comments received and will then be submitted to the Government for approval and publication.

Question No. 84 answered with Question No. 72.

Question No. 85 answered with Question No. 69.

Garda Vetting Procedures.

86. **Deputy Pat Rabbitte** asked the Minister for Arts, Sport and Tourism if he is satisfied with the level of Garda vetting in place for sports organisations here; and if he will make a statement on the matter. [7880/10]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): The Irish Sports Council (ISC), which is funded by my Department, is the statutory body responsible for the promotion, development and coordination of sport which includes responsibility for dealing with the recognised sporting organisations and allocation of funding to same.

All recognised National Governing Bodies of Sport (NGBs) now have access to Garda vetting through the Irish Sports Council. National Governing Bodies are now implementing vetting across their organizations, on a phased basis, based on their own needs and priorities and their capacity to manage the process.

The Irish Sports Council provides support to National Governing Bodies (NGBs) to implement the recommendations and policies of the Code of Ethics and Good Practice for Children's Sport in Ireland. NGBs are required to comply with these requirements in order to access ISC funding but as Garda vetting is only recently available to NGBs this compliance has not yet been extended to vetting. However, the ISC would hope to make Garda vetting a requirement for NGBs in order to secure ISC funding, in next year's applications.

National Conference Centre.

87. **Deputy Joe Costello** asked the Minister for Arts, Sport and Tourism when the convention centre will open; the cost of this project to date; and if he will make a statement on the matter. [7879/10]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): The National Conference Centre, which is to be known as The Convention Centre Dublin, is scheduled to open on 1 September 2010.

On 5 April 2007 the contract for the provision of a National Conference Centre in Dublin was awarded to Spencer Dock Convention Centre Dublin Ltd. Under the public private partnership arrangement, Spencer Dock Convention Centre Dublin Ltd, is required to design, build and finance the National Conference Centre and to operate and maintain it for a period of 25 years, after which the facility will revert to the State. In return, once the construction of the Centre

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is complete and it is open for business, the State will pay the Company an annual charge, the maximum total cost of which over 25 years will be just under €380m in present day values.

Question No. 88 answered with Question No. 83.

Unemployment Levels.

89. **Deputy Arthur Morgan** asked the Taoiseach the percentage of persons under 25 years that are unemployed, as per the most recent quarterly national household survey, that previously worked in construction; the percentage of persons under 25 years that are on the live register who previously worked in construction; and if he will make a statement on the matter. [8209/10]

Minister of State at the Department of the Taoiseach (Deputy Pat Carey): The most recently published estimates from the Quarterly National Household Survey (QNHS) are in respect of Quarter 3 of 2009. The number of unemployed persons under the age of 25 was 74,400 representing an unemployment rate of 26.3% for that age group. Of those who did indicate their previous sector of employment, 33% of unemployed persons aged under 25 reported their most recent employment to have been in the construction sector.

With regard to the Live Register, the Department of Social and Family Affairs captures details of the latest occupation of a person who claims a jobseeker's payment. The recorded occupations are grouped into broad classes and while these do not precisely match standard classifications of sector of employment as used in the case of the QNHS, they provide a reasonable indication of the numbers coming from a particular sector. Based on these broad classifications, 28% of the 85,910 people aged under 25 on the live register at the end of January 2010 reported that their most recent employment was in a construction related occupation.

It should be noted that in the case of both the QNHS and the Live Register the information on previous employment is only collected for the most recent employment and not all previous employments.

Globalisation Adjustment Fund.

90. **Deputy Arthur Morgan** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she will report on her application for funding under the European globalisation adjustment fund for former employees at a company (details supplied); the additional information sought by the European Commission; if this information has been sent to the Commission; when a decision will be made on this application; if her attention has been drawn to the fact that many of the employees are in limbo until this fund has been drawn down; and if she will make a statement on the matter. [8204/10]

98. **Deputy Aengus Ó Snodaigh** asked the Tánaiste and Minister for Enterprise, Trade and Employment if her attention has been drawn to the fact that 11 months after the lay off of workers at a company (details supplied) the European globalisation fund moneys, which was to have funded retraining, upskilling and educational opportunities for the former workers has not been forthcoming; the reason for the delay and if the funds will be available forthwith, particularly to those who have recently started full time education courses; and if she will make a statement on the matter. [8378/10]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): I propose to take Questions Nos. 90 and 98 together.

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 educational 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.

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.

Unemployment Statistics.

91. **Deputy Arthur Morgan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of persons from an information technology-related profession registered with FÁS; the breakdown of the professions on a county basis in tabular form; and if she will make a statement on the matter. [8266/10]

92. **Deputy Arthur Morgan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of persons from the teaching profession registered with FÁS; the breakdown of the professions, for example, primary school teachers, secondary school teachers on a county basis in tabular form; and if she will make a statement on the matter. [8267/10]

93. **Deputy Arthur Morgan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of persons from a construction related profession registered with FÁS; the breakdown of the professions, for example, builders, plumbers, electricians on a county basis in tabular form; and if she will make a statement on the matter. [8268/10]

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary): I propose to take Questions Nos. 91, 92 and 93 together.

The information requested by the Deputy is set out in the three tables. The figures contained in the these tables relate to those who registered with FÁS Employment Services during the

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last two years (2008 and 2009) and who are actively seeking work in their relevant sectors or professions.

The tables should not be considered as a total representation of all those registered with FÁS Employment Services who are qualified in the professions referred to by the Deputy. The FÁS Employment Services Management Information System is not designed to provide information on the total number of people registered with FÁS who were previously employed in a specific sector.

There may therefore be other persons registered with FÁS Employment Services who, whilst qualified in one of the areas referred to by the Deputy, may have opted to seek other types of work and will therefore not be included in the tables below. For instance a qualified craftsman seeking work in a different sector such as the retail sector will not appear in the tables.

In relation to the construction sector, between 2008 and 2009 54,486 people registered with FÁS Employment Services under the occupation categories of skilled manual and semi-skilled/unskilled manual. It is considered that to a large extent these categories are comprised of persons who would have previously worked in the construction sector.

FÁS County/Area	Total number of persons registered from an I.C.T background
Dublin County	1,043
Kildare County	102
Meath County	64
Wicklow County	109
Cavan County	10
Louth County	60
Monaghan County	6
Carlow County	21
Kilkenny County	33
Tipperary County	61
Waterford County	57
Wexford County	70
Laois County	42
Longford County	14
Offaly County	21
Roscommon County	11
Westmeath County	39
Cork County	209
Kerry County	65
Clare County	73
Limerick County	200
Galway County	142
Mayo County	35
Donegal County	61
Leitrim County	14
Sligo County	22
National Total	2,584

Total number of Teachers registered with FÁS

FÁS County/Area	Primary School	Secondary School	Total
Dublin County	56	13	69
Kildare County	6	1	7
Meath County	1	1	2
Wicklow County	12	3	15
Cavan County	3	1	4
Louth County	12	6	18
Monaghan County	3	1	4
Carlow County	1	2	3
Kilkenny County	4	1	5
Tipperary County	17	3	20
Waterford County	11	7	18
Wexford County	8	4	12
Laois County	3	1	4
Longford County	3	1	4
Offaly County	4		4
Roscommon County	5	2	7
Westmeath County	4	2	6
Cork County	20	2	22
Kerry County	11	5	16
Clare County	7		7
Limerick County	9	5	14
Galway County	20	5	25
Mayo County	11	7	18
Donegal County	14	11	25
Leitrim County	3	1	4
Sligo County	7	1	8
National Total	255	86	341

Total number of fully qualified Craftsmen (Bricklayers, Carpenters/Joiners, Electricians, Plumbers) registered with FÁS

FÁS County/Area	Bricklayer	Carpenter/ Joiner	Electrician	Plumber	Total Construction
Dublin County	189	690	178	163	1,220
Kildare County	63	123	38	25	249
Meath County	44	107	36	23	210
Wicklow County	57	130	26	18	231
Cavan County	23	50	8	12	93
Louth County	54	91	30	17	192
Monaghan County	32	47	5	3	87
Carlow County	20	56	14	6	96
Kilkenny County	19	61	17	10	107
Tipperary County	43	133	40	26	242
Waterford County	37	84	20	13	154
Wexford County	102	147	38	32	319

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FÁS County/Area	Bricklayer	Carpenter/ Joiner	Electrician	Plumber	Total Construction
Laois County	27	57	17	18	119
Longford County	34	69	5	4	112
Offaly County	25	92	7	5	129
Roscommon County	24	39	15	11	89
Westmeath County	45	95	12	26	178
Cork County	84	309	70	60	523
Kerry County	85	153	28	14	280
Clare County	42	75	13	15	145
Limerick County	61	147	53	21	282
Galway County	96	216	46	26	384
Mayo County	76	142	28	23	269
Donegal County	102	215	34	47	398
Leitrim County	37	53	3	9	102
Sligo County	18	36	6	12	72
National Total	1,439	3,417	787	639	6,282

Departmental Agencies.

94. **Deputy Mary Wallace** asked the Tánaiste and Minister for Enterprise, Trade and Employment the plans by her or the agencies under her remit to utilise office space in a town (details supplied) in County Meath; the way these plans have advanced; the services that are to be provided to the public; and if she will make a statement on the matter. [8322/10]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): My Department and the Agencies that come under the remit of my Department have no plans to utilise office space in the town concerned in County Meath at this point in time.

Redundancy Payments.

95. **Deputy Denis Naughten** asked the Tánaiste and Minister for Enterprise, Trade and Employment the reason for the ongoing delay in processing applications to the insolvent fund within her Department from persons who were made redundant from a company (details supplied) in County Westmeath; when the outstanding moneys will be awarded; and if she will make a statement on the matter. [8326/10]

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 both the Redundancy and Insolvency Payments Schemes on behalf of the Department of Social and Family Affairs. I can confirm to the Deputy that my Department has received claims for the former employees of the company concerned under both Schemes which await processing.

In relation to the Redundancy Payments Scheme 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 payable to employees whose employers are insolvent and/or in receivership/liquidation. My Department received six statutory lump sum claims over the period October/November 2009 for the former employees of the company concerned claiming inability to pay the redundancy entitlements on behalf of the employer. In respect of lump

sum payments paid directly to employees, such as in this instance, the Redundancy Payments Section is, in general, processing claims dating from July 2009.

In relation to the claims under the Insolvency Payments Scheme, my Department received applications from the liquidator in respect of holiday Pay for 10 former employees of this company in the period November 2009 to February 2010. The Insolvency Payments Unit are currently processing claims received in September 2009.

The impact on business of the severe economic circumstances currently pertaining has resulted in an unprecedented increase in the level of Redundancy and Insolvency Payment claims lodged with my Department. This is impacting significantly on the capacity to maintain the customer service targets that previously obtained. The scale of the challenge on the Redundancy side is evident from the statistics that show incoming redundancy claims in 2009 amounted to 77,001 which represents a threefold increase over the level of claims lodged in 2007 and earlier years. In 2007, claims received were of the order of 25,000.

In the case of Insolvency Payments, the downturn in the economy has resulted in a significant rise in the level of company receiverships and insolvencies. Consequently, an increasing number of claims are being submitted to the Insolvency Payments Section, with 20,411 new claims received in 2009 — an increase of 78% over the corresponding period in 2008. My officials endeavour to process all claims as quickly as possible and claims are dealt with in order of date of receipt. The Section is constantly endeavouring to achieve earlier completion and payment dates.

Efforts continue to be made by my Department to deliver more acceptable turnaround processing times for both Redundancy and Insolvency payments given the difficulties that this gives rise to for both individual employees and the business community. Measures already taken during 2009 include the deployment of additional resources to those areas and the prioritization of overtime in those areas.

It is clear that these interventions are having an impact:- The number of claims processed and paid by the Redundancy Payments Section in 2009 amounted to 50,664, an increase of 70% over 2008. The number of claims processed and paid by the Insolvency Payments Section in 2009 amounted to 20,172 an increase of 108% over 2008.

The Tánaiste and I are monitoring closely the impact of these changes against the continuing influx of Redundancy and Insolvency claims. In relation to Redundancy, 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 Redundancy area in the first quarter of 2010. In relation to Insolvency, and despite significant productivity, the backlog of claims is in excess of 5000, and efforts are being made to fill vacancies existing in the Section, and to retain experienced officers within the Unit.

Company Closures.

96. **Deputy Aengus Ó Snodaigh** asked the Tánaiste and Minister for Enterprise, Trade and Employment the steps she has taken to make the EU authorities aware of her displeasure at the fact that another EU country Malta was able to use state funding to attract a profitable company (details supplied) out of Ireland at the loss of hundreds of jobs; if she will provide this Deputy with a copy of the correspondence or minutes which attest to her protest. [8367/10]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): Due to industrial action it is not possible to provide the information requested in the time available.

97. **Deputy Aengus Ó Snodaigh** asked the Tánaiste and Minister for Enterprise, Trade and Employment the reason she did not intervene and nationalise a company (details supplied) in 2009 prior to the abandonment of workers at that facility and the closure of an important transport servicing company. [8368/10]

99. **Deputy Aengus Ó Snodaigh** asked the Tánaiste and Minister for Enterprise, Trade and Employment the steps she has taken in the past 11 months to locate alternative employment for the workers of a company (details supplied) who were laid off last year. [8379/10]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): I propose to take Questions Nos. 97 and 99 together.

Following the decision by SR Technics, IDA Ireland and Enterprise Ireland, at my request, formed a project team to promote the operation through the IDA Ireland overseas network and to meet with and assess expressions of interest in the operation.

On September 2nd 2009, I announced the establishment of Dublin Aerospace Ltd, a new aviation maintenance provider supported by Government through Enterprise Ireland. Dublin Aerospace aims to establish a best-in-class Maintenance, Repair and Overhaul (MRO) facility at Dublin Airport, servicing APUs, Landing Gear, Base Maintenance and Training. The company has commenced operations with 70 initial employees recruited. This number is anticipated to grow to 226 jobs.

The Garage business unit of SR Technics has been taken over by the M50 Truck and Van Centre who were successful in securing the airside vehicle maintenance contract from SR Technics.

Aer Lingus have decided to undertake line maintenance operations previously contracted to SRT. A number of employees are transferring from SRT to the new line maintenance operation at Aer Lingus.

While the decision of SR Technics to move operations from Ireland is regrettable, the relocation of companies, and with them jobs, is a reality of the modern global economic environment for a highly developed economy such as Ireland. This shift in the structure of international trade poses challenges to economic policy makers in all developed countries, not just Ireland. It must be remembered that Ireland also experiences the benefits resulting from globalisation as new markets and business opportunities open up for Irish companies.

The Government, through IDA Ireland, are committed to continued marketing of Ireland as a location for companies interested in establishing aircraft maintenance and aviation engineering businesses.

Question No. 98 answered with Question No. 90.

Question No. 99 answered with Question No. 97.

Departmental Funding.

100. **Deputy Joanna Tuffy** asked the Minister for Finance the State bodies, State boards and organisations funded by Departments; the full funding each body received for the financial years 2006, 2007, 2008 and 2009 in tabular form; and if he will make a statement on the matter. [8335/10]

Minister for Finance (Deputy Brian Lenihan): There are a great many State bodies, State boards and organisations funded by Government Departments, including some 112 non-commercial semi-state bodies (NCSSBs) operating under the aegis of the various Government

Departments as well hospitals, universities and other third level institutions, health related bodies, just over 300 local and regional bodies and various *ad-hoc* and advisory bodies. It would not be practicable to set out full details of their Exchequer and other financing in the context of a single Parliamentary Question reply.

However, a comprehensive overview of the NCSSBs and their financing is set out each year in the Revised Estimates Volume (REV), which includes summary information in respect of the NCSSBs and more detailed “agency statements” in respect of many of them. The 2010 REV is due to be published tomorrow and I would refer the Deputy to that document for the relevant information in respect of 2009 and 2010.

Disabled Drivers.

101. **Deputy Deirdre Clune** asked the Minister for Finance the budget provided to the Disabled Drivers Appeals Board for the years 2000 to 2009; and if he will make a statement on the matter. [8424/10]

102. **Deputy Deirdre Clune** asked the Minister for Finance the number of clinics held outside of Dublin by the Disabled Drivers Appeals Board each year from 2000 to 2009; if clinics will be held in Cork or other areas outside Dublin in 2010; the number of persons assessed at these clinics; the cost of these clinics; and if he will make a statement on the matter. [8425/10]

103. **Deputy Deirdre Clune** asked the Minister for Finance the waiting list for persons waiting assessment by the Disabled Drivers Appeals Board; the number of persons on the waiting list for the Cork clinic; the number of people on the waiting list for clinics in other areas; and if he will make a statement on the matter. [8426/10]

107. **Deputy Deirdre Clune** asked the Minister for Finance the number of persons with disabilities claiming tax reliefs for the purchase and use of vehicles as drivers or passengers in each year from 2000 to 2009; the average tax relief received; and if he will make a statement on the matter. [8427/10]

108. **Deputy Deirdre Clune** asked the Minister for Finance if delays in the disabled drivers appeals boards assessment of persons, particularly persons outside of Dublin, applying for disabled drivers and passengers tax relief has affected the number of persons now claiming this tax relief; and if he will make a statement on the matter. [8428/10]

Minister for Finance (Deputy Brian Lenihan): I propose to take Questions Nos. 101 to 103, inclusive, and 107 and 108 together.

The Disabled Drivers Medical Board of Appeal is hosted by the National Rehabilitation Hospital (NRH), Rochestown Avenue, Dun Laoghaire, Co. Dublin on behalf of the Department of Finance and the cost of the Board has been recouped to the NRH since 2005 from the Department of Finance Vote. I am therefore providing information in relation to costs for 2005 and the following years.

The cost of the Medical Board of Appeal from 2005-2009

2005	2006	2007	2008	2009
€276,520	€279,653	€285,539	€320,323	€371,467

The above costs include the salary costs of the Chairperson of the Board who is a consultant with the NRH and Beaumont Hospital.

[Deputy Brian Lenihan.]

I understand from the Chairperson of the Medical Board of Appeal, (which is independent in the exercise of its functions), that there are currently no delays for people awaiting an assessment by the Board of Appeal. Clinics are normally held in Dublin and 30 people are generally invited to attend for assessment at a clinic. From time to time, persons appealing a decision not to grant them a Primary Medical Certificate decline an assessment in Dublin. I understand that there is only a very small number of applicants seeking a clinic in Cork. When sufficient numbers warrant it, a clinic is held outside Dublin. Since 2000 three Regional clinics have been held in Cork, the most recent in 2006. The Medical Board of Appeal have informed me that they propose to hold a clinic outside Dublin later in the year.

The tax concessions available under the Disabled Drivers and Disabled Passengers (Tax Concessions) Scheme for a qualifying person are as follows.

- For a disabled driver, the relief (from VRT and VAT) is a maximum of €9,525, with excise relief on up to 600 gallons (2728 litres) of fuel per annum.
- For a disabled passenger the relief (from VRT and VAT) is a maximum of €15,875, with excise relief on up to 600 gallons (2728 litres) of fuel per annum
- Organisations looking after the disabled are entitled to a relief of €15,875 per vehicle and excise relief on up to 900 gallons (4092 litres) of fuel per annum.

Vehicles coming under the scheme are also exempt from annual road tax.

In the year of purchase of a car a claimant receives benefits relating to the purchase of the car, fuel relief and road tax, in other years the benefits received are in respect of fuel and road tax.

The number of claims for VRT relief under the scheme, and the cost of the tax concessions (VRT, VAT and Excise on Fuel) from 2000 is set out in the following table. The cost of the exemption from annual road tax is not readily available but it is estimated to have been around €8m in 2008, bringing the overall cost of the scheme in that year to around €76m. The average total annualised value of the above benefits is estimated at around €5,500 per claimant in that year.

Details of the reliefs from 2000-2009

Year	Number of claims for VRT relief on the purchase of vehicles ^(a)	Costs of VRT, VAT and relief from excise duty on fuel
		€m
2000	3,399	27.0
2001	3,420	30.5
2002	3,806	34.7
2003	3,720	36.0
2004	4,447	45.1
2005	4,773	49.5
2006	5,612	59.3
2007	6,127	66.4
2008	6,405	68.3
2009	4,572	48.0

^(a) It is estimated that the number of people in the Scheme is around 2.1 times the annual number of VRT claimants in a normal year. Beneficiaries under the scheme generally change vehicles around every two years.

Tax Code.

104. **Deputy Billy Timmins** asked the Minister for Finance the position regarding the seven year extension to the tax relief on mortgages; if a person who drew down their mortgage in November 2003 but only received two months relief in respect of 2003 can be included in this as their first year was up in November 2004; and if he will make a statement on the matter. [8221/10]

Minister for Finance (Deputy Brian Lenihan): The position is that tax relief is available for mortgage interest paid on a qualifying home loan, i.e. a loan used for the purchase, repair, development or improvement of an individual's principal private residence and is operated through the tax relief at source (TRS) system. In my Supplementary Budget 2009, I announced that mortgage interest relief for first-time and non-first time buyers was being limited to the first seven tax years for which an individual has entitlement to relief.

In Budget 2010, I announced that I would be extending mortgage interest relief up to the end of 2017 for those whose entitlement to relief was due to end in 2010 or after.

In addition, qualifying loans taken out on or before 31 December 2011 will continue to get relief at current levels. Qualifying loans taken out in 2012 will received the relief at a reduce rate. The reduced rate will be 15% for first-time buyers and 10% for non-first time buyers with ceilings of €6,000 per annum for married couples and €3,000 per annum for single individuals applying in both cases. Loans taken out on or after 1 January 2013 will not qualify for mortgage interest relief and the relief will be abolished completely for the tax year 2018 and subsequent tax years.

In the case outlined by the Deputy, the individual was entitled to a full year's relief at the appropriate rate for interest repayments up to the annual ceiling, in November and December 2003, and a full year's relief in respect of interest repayments made up to the annual ceiling, in each of the six succeeding tax years.

Departmental Offices.

105. **Deputy Joe McHugh** asked the Minister for Finance his views on a proposal (details supplied); and if he will make a statement on the matter. [8237/10]

Minister for Finance (Deputy Brian Lenihan): I am advised by the Revenue Commissioners that they already have a number of Public Offices serving the Border area (at Letterkenny, Bridgend and Donegal Town in Co. Donegal, at Sligo, Monaghan and Dundalk). These offices are available to provide a range of Revenue services to cross-Border workers. The offices already deal on a regular basis with tax enquires relating to cross border employments from Irish resident individuals. The tax treatment of these individuals is relatively straightforward in the majority of cases and can be resolved without difficulty at the existing Public Offices. There are good liaison and communications channels with the equivalent UK authorities. There is no evidence that the need for a dedicated liaison office exists at this time. Any such provision may result in unnecessary duplication of services and staff redeployment would be likely to impact on service provision in other offices. If the Deputy is aware of individual cases experiencing difficulties, he may wish to contact the local office of the Revenue Commissioners.

Banking Sector Reform.

106. **Deputy Arthur Morgan** asked the Minister for Finance if he has given consideration to a third banking force; the discussions he has had with the banking sector regarding same; his views on whether a third banking sector would enhance confidence in the sector and competi-

[Deputy Arthur Morgan.]

tiveness throughout the economy; his further views on whether there is a role for, or is he proposing to have discussions with a bank (details supplied) regarding same; and if he will make a statement on the matter. [8273/10]

Minister for Finance (Deputy Brian Lenihan): As independent bodies, it is a matter in the first instance for the financial institutions themselves, whether covered by the Bank Guarantee Scheme or not, to consider and determine their strategic arrangements, subject of course to necessary regulatory, competition and other relevant requirements.

Regarding the State's role, its primary consideration continues to be to protect, in the public interest, the financial and economic system of the State. The public support that has so far been provided to individual institutions and to the system as a whole has been provided to achieve that objective. Where State capital support has or will be provided to individual institutions, or in the circumstance of an institution coming within the NAMA support framework, it has or will be necessary to submit a restructuring plan for the relevant institution to the EU Commission. So far, restructuring submissions have been made for Anglo Irish Bank, Bank of Ireland and AIB. These plans are currently being considered by the Commission. The outcome of that restructuring plan process will have to be taken on board by the relevant financial institutions and the State. Depending upon final decisions, such an outcome may have implications for the structure of banking in Ireland.

I have made clear that I will be insisting that the restructuring plan process leads to a reformed and reinvigorated banking system that can serve our economy in a proper manner. However, it is too early in the process to outline a definitive shape for that new system within which there has to be scope for all credit institutions operating in the Irish market to play their full part.

Questions Nos. 107 and 108 answered with Question No. 101.

Decentralisation Programme.

109. **Deputy Brian O'Shea** asked the Minister for Finance the short to medium term proposals he has in relation to the site earmarked for decentralisation of Ordnance Survey Ireland to Dungarvan, County Waterford; and if he will make a statement on the matter. [8430/10]

Minister of State at the Department of Foreign Affairs (Deputy Martin Mansergh): The Government has decided to defer elements of its Decentralisation Programme for further consideration until 2011.

Accordingly, any decision on the future, or otherwise, of the site purchased in Dungarvan for the Ordnance Survey will be made in the context of that decision.

Youth Work Services.

110. **Deputy Bernard J. Durkan** asked the Minister for Health and Children the extent of support that will be provided by her Department for youth services such as youthclubs or other indoor facilities in 2010; and if she will make a statement on the matter. [8416/10]

Minister of State at the Department of Health and Children (Deputy Barry Andrews): The Children and Youth Services Development Unit of my Department provides support by way of financial and other assistance to organisations providing youth work programmes and youth work services. Support consists mainly of grant-in-aid assistance for national and major regional youth organisations under the Youth Service Grant Scheme, targeted youth work responses

for young people through the Special Projects for Youth Scheme and support for youth clubs and groups at a local level through the Local Youth Club Grant Scheme. Funding is also made available to youth projects and facilities under the Young People's Facilities and Services Fund (YPFSS). The YPFSS assists in the development of facilities and services for young people in disadvantaged areas where a significant drug problem exists or has the potential to develop.

The budget for 2010 for the Children and Youth Services Development Unit of my Department is €64.89m. The process of determining my Department's financial allocations to the Youth Work Sector for 2010 is underway. The focus will be on consolidating, insofar as possible, existing provision and services in the Youth Sector. Every effort will be made to notify the various youth work organisations and administering agencies of their allocations as speedily as possible.

Hospital Staff.

111. **Deputy Joe Carey** asked the Minister for Health and Children the progress made to date on the appointment of additional consultants, specialist nurses and therapists to the cystic fibrosis team based in the Mid West Regional Hospital, Limerick; and if she will make a statement on the matter. [8206/10]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter, it has been referred to the HSE for direct reply.

112. **Deputy Joe McHugh** asked the Minister for Health and Children if her attention has been drawn to the need for the designation of an endocrinologist to Letterkenny General Hospital; if her further attention has been drawn to the fact that 5.7% of Donegal's population has Type I or Type II diabetes and the importance of paediatric services in County Donegal for diabetics; and if she will make a statement on the matter. [8214/10]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter, it has been referred to the HSE for direct reply.

Question No. 113 withdrawn.

Hospital Services.

114. **Deputy Catherine Byrne** asked the Minister for Health and Children the position regarding closed wards in Our Lady's Hospital for Sick Children, Crumlin, Dublin 12; her views on the difficulties these closures present for patients and families; when St. Joseph's ward will re-open; and if she will make a statement on the matter. [8233/10]

Minister for Health and Children (Deputy Mary Harney): Each hospital funded by the HSE is required to deliver services within the financial allocation provided. In common with all hospitals, Our Lady's Children's Hospital, Crumlin is faced with the challenge of delivering a high quality service to its patients, while remaining within budget.

The priority of the HSE and hospital management at Our Lady's Children's Hospital is to ensure that services at the hospital are maintained at an optimum level and to protect patient care. The HSE is involved in ongoing discussions with hospital management regarding its 2010 financial allocation and Service Plan and the exact services to be provided in the hospital during the year will be addressed in this context.

The HSE is pursuing ways in which services across the three Dublin paediatric hospitals can best be coordinated, to avoid unnecessary duplication and to achieve savings that can be put

[Deputy Mary Harney.]

back into patient care. A Paediatric Hospitals Operations Group has now been established for ongoing network management and enhanced integration of the three paediatric hospitals in advance of the transfer to the new paediatric hospital.

Health Services.

115. **Deputy Catherine Byrne** asked the Minister for Health and Children further to funding being granted for a project (details supplied) when construction work will begin; the timeframe for opening this centre; and if she will make a statement on the matter. [8234/10]

Minister for Health and Children (Deputy Mary Harney): As the Deputy's question relates to a service matter it has been referred to the Health Service Executive for direct reply.

116. **Deputy Edward O'Keefe** asked the Minister for Health and Children if she will assist in increasing a service in respect of a person (details supplied) in County Tipperary. [8239/10]

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.

Departmental Funding.

117. **Deputy Olivia Mitchell** asked the Minister for Health and Children if she will respond to the report published recently by a foundation (details supplied) which recommends increased State financial support to replace dependence on mobile phone recycling; the extension to age six as the qualifying cut off point of State support for services, the last two years of which are currently borne by the foundation from their annual fund-raising; and if she will make a statement on the matter. [8272/10]

Minister of State at the Department of Health and Children (Deputy John Moloney): The HSE provided funding of €585,000 to the Jack and Jill Foundation in 2009 and will be happy to consider the report "There's no Place like Home" as part of its engagement with the Foundation this year.

Neither my Department nor the HSE were involved in the preparation of this report. I agree that, in general, children's needs are most appropriately met and provided in the home, and that we need to ensure more efficient use of resources. However, many children availing of services provided by the Jack and Jill Foundation also avail of other disability services, and the report did not compare the respective costs of the home based care provided by the Foundation with the cost of similar services provided by the HSE.

The current economic and budgetary position means we can only continue to fund new services by reducing costs and greater efficiency, including achieving greater integration of services provided by the statutory and non-statutory sectors. I should mention in this context that my Department is undertaking a review of the efficiency and effectiveness of the health and personal services provided to people with disabilities. This review is part of the Government's Value for Money and Policy Review programme. The review will focus, in particular, on the scope for achieving greater efficiency and effectiveness from the substantial resources expended on services for people with disabilities, and will support the future planning and development of such services. I can assure the Deputy that the issues raised in the Jack and Jill Report will be considered as part of that review.

Inter-Country Adoptions.

118. **Deputy Róisín Shortall** asked the Minister for Health and Children if she will make a

statement on her Department's preparations prior to the expiry of the bilateral agreement 2004 to 2009 between Ireland and Vietnam; if she will detail the planning and co-ordination of these preparations; the reason neither the Adoption Board nor a company (details supplied) were informed of the planned full suspension of the agreement; if reports that this company, another organisation or the Adoption Board were considered prior to the suspension of the agreement; if she will make a further statement on the lack of communication, particularly with advocacy groups. [8320/10]

Minister of State at the Department of Health and Children (Deputy Barry Andrews): Substantive work in relation to a new draft Bi-lateral Agreement for Inter-country Adoption with the Socialist Republic of Vietnam was undertaken in the year leading up to the expiry of the previous agreement. As early as February 2008 officials visited Vietnam to discuss with Vietnamese authorities the operation of the agreement and related issues. In October 2008, the Government decided not to roll over existing bilateral agreement. This was communicated to the Vietnamese authorities at that time through formal diplomatic channels. A further visit to Vietnam by an Irish delegation for discussions took place in November 2008 for the express purpose of discussing a new bilateral agreement.

In March 2009, a draft of a new agreement was provided to the Vietnamese authorities for their consideration. In response to an invitation from the Vietnamese Government a delegation from Ireland travelled to Hanoi in April 2009 to discuss the draft Agreement. The delegation was led by the Office of the Minister for Children and Youth Affairs (OMCYA) and was assisted by the Adoption Board. Discussions were facilitated and guided locally by the Irish Embassy in Hanoi. In addition, I travelled to Vietnam in June 2009 to engage in further discussions.

In the process of re-negotiating the bilateral agreement on intercountry adoption with Vietnam serious issues came to light in relation to the Vietnamese adoption process. The issues were contained in the report on intercountry adoption commissioned by UNICEF and the Vietnamese Ministry of Justice and carried out by International Social Services (ISS). An earlier report published last August by the Vietnamese Ministry of Labour, Invalids and Social Affairs (MOLISA) was also considered in this regard. The UNICEF/ISS report, which was accepted by the Vietnamese Government, "proposes that Vietnam suspends intercountry adoptions for the necessary period during the year 2010 that will enable it to ensure optimal implementation of the Hague Convention and to prepare for the entry into force of the new law on adoption in 2011". The Report also raises serious questions regarding adoption practices in Vietnam.

Having considered the contents of the two reports the Government decided, on 13th of January, to suspend indefinitely negotiations on a new bilateral intercountry adoption agreement with the Socialist Republic of Vietnam. As a result of this decision, all intercountry adoptions from Vietnam are suspended until such time as the Adoption Bill 2009 has been enacted and both Ireland and Vietnam have ratified the provisions of the Hague Convention.

At all times, I have personally apprised the representative groups of developments through regular meetings as soon as any new information became available. I met with all of the representative bodies at each stage of the process and prepared statements which were shared with the groups which were later posted on my Office's website. Regular meetings with representative groups were a priority during this period. This remains the position to this day. In relation to the agency mentioned by the Deputy, this agency is a mediation agency involved in processing applications in Vietnam and has had no role in the negotiation of a new bilateral agreement with the Vietnamese authorities.

Adoption Services.

119. **Deputy Frank Feighan** asked the Minister for Health and Children if she will replace the secretary of the adoption agency at the Health Service Executive, Sligo where files have been increasing for some time and where adoptive parents are having their applications and documentation delayed after all the work they have put into the process; and if she will alleviate their stress by having this appointment made. [8332/10]

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 Services.

120. **Deputy Joanna Tuffey** asked the Minister for Health and Children the timeframe in place to implement the community based policies for mental health treatment set out in A Vision For Change in County Meath; and if she will make a statement on the matter. [8339/10]

Minister of State at the Department of Health and Children (Deputy John Moloney): As this is a service matter the question has been referred to the HSE for direct reply.

Medical Cards.

121. **Deputy Róisín Shortall** asked the Minister for Health and Children the rationale for the dismantling of the local front office service throughout the Health Service Executive for the processing of medical card applications and its replacement by a centralised back office operation. [8348/10]

Minister for Health and Children (Deputy Mary Harney): Following the change in medical card eligibility for persons aged 70 and over in the Health Act 2008, the Health Service Executive (HSE) through its Service Plan for 2009, advised the Department of its decision to centralise the processing of all medical card and GP visit card applications and renewals to the Primary Care Reimbursement Service (PCRS) in Dublin. The HSE has indicated that this decision was taken in the context of the Executive's requirements to make efficiencies in business practices that could realise savings in a very challenging economic environment and provide a modern service to the public within sustainable levels of expenditure.

I fully support the HSE's decision to centralise the processing of all medical card applications and reviews. I wrote to all Oireachtas members on 19th January 2010 outlining a range of measures being employed by the Executive to address issues arising from this initiative and I also referred to the various enhancements that this process will facilitate upon completion.

Departmental Expenditure.

122. **Deputy Róisín Shortall** asked the Minister for Health and Children the estimated year cost for 2010 of the primary care reimbursement service with a breakdown of costs for staff, premises, equipment, security and so on. [8349/10]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Health Service Staff.

123. **Deputy Róisín Shortall** asked the Minister for Health and Children the number of staff and their grades in the primary care reimbursement service, PCRS, at 31 December 2008; the number of staff and their grades in the PCRS at 30 June 2009; the number of staff and their

grades in the PCRS at 31 December 2009; if the staff member was recruited from outside or inside the Health Service Executive in each category; the number of staff who previously did this work that have been redeployed; the numbers concerned; and the total staff costs of the PCRS at each of these three dates. [8354/10]

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.

Child Care Services.

124. **Deputy Joanna Tuffy** asked the Minister for Health and Children the number of free school places being made available under the free pre-school year in early childhood care and education scheme in county Meath; if she will provide a breakdown of the numbers by town in tabular form; and if she will make a statement on the matter. [8384/10]

Minister of State at the Department of Health and Children (Deputy Barry Andrews): I have responsibility for the free Preschool Year in Early Childhood Care and Education (ECCE) scheme which was introduced in January of this year. Approximately 4,000 preschool services throughout the country are participating in the ECCE scheme. Each service participating in the scheme was required to send an electronic return to my Office in January giving details of children enrolled. These returns are currently being processed and full details of the number of children availing of the scheme will be available shortly. The information which is being collected will be broken down by reference to the 33 areas covered by the City and County Childcare Committees (CCCs). However, a full list of participating services within each CCC area will also be available. Based on the information processed to date I am advised that over 51,000 children have enrolled for a free preschool year place and that approximately 2,400 of these are enrolled in County Meath.

Services for People with Disabilities.

125. **Deputy Bernard J. Durkan** asked the Minister for Health and Children if a review will be undertaken following change to speech and language therapy sessions in the case of a persons (details supplied) in County Kildare who currently has one hour per week, every week and who has been informed that same will change; and if she will make a statement on the matter. [8412/10]

Minister of State at the Department of Health and Children (Deputy John Moloney): As the Deputy's question relates to service matters I have arranged for the question to be referred to the Health Service Executive for direct reply.

Health Services.

126. **Deputy Finian McGrath** asked the Minister for Health and Children if she will support the case of a person (details supplied). [8431/10]

Minister of State at the Department of Health and Children (Deputy John Moloney): As the Deputy's question relates to service matters I have arranged for the question to be referred to the Health Service Executive for direct reply to the Deputy.

Citizenship Applications.

127. **Deputy Billy Timmins** asked the Minister for Justice, Equality and Law Reform the position regarding a person (details supplied) in County Wicklow; and if he will make a statement on the matter. [8223/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Irish Nationality and Citizenship Act 1956, as amended, provides that the Minister for Justice, Equality and Law Reform may, in his absolute discretion, grant an application for a certificate of naturalisation provided certain statutory conditions are fulfilled. In the case of a non-Irish national applicant who is the spouse of an Irish citizen those conditions are that the applicant must:

- be of full age
- be of good character
- be married to the Irish citizen for at least 3 years
- be in a marriage recognised under the laws of the State as subsisting
- be living together as husband and wife with the Irish spouse
- have had a period of one year's continuous residency in the island of Ireland immediately before the date of the application and, during the four years immediately preceding that period, have had a total residence in the island of Ireland amounting to two years.
- intend in good faith to continue to reside in the island of Ireland 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.

Section 16 of the Irish Nationality and Citizenship Act, 1956, as amended provides that I can exercise my absolute discretion to waive some or all of the statutory requirements for naturalisation in certain circumstances, e.g. where the applicant is of Irish descent or Irish associations, where the applicant is a person who is a refugee within the meaning of the United Nations Convention relating to the Status of Refugees or where the person is the spouse of an Irish citizen or a naturalised person. It is open to the person concerned to lodge an application for a certificate of naturalisation with the Citizenship Division of my Department if and when they are in a position to meet the statutory requirements. Further details and forms are available on the Irish Naturalisation and Immigration Services website at <http://www.inis.gov.ie>.

Departmental Bodies.

128. **Deputy Terence Flanagan** asked the Minister for Justice, Equality and Law Reform the expenditure by the National Property Services Regulatory Authority from its inception to date in 2010; the budget for 2010; the work carried out by this authority since 2004 on a day-to-day basis; the number of staff employed; and if he will make a statement on the matter. [8216/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I wish to refer the Deputy to my replies to Question No. 486 of 22 April, 2009 and Question No. 349 of 9 February, 2010. With regard to the information requested concerning the Authority's 2010 budget and its expenditure in earlier years I wish to refer the Deputy to the Abridged Estimates Volume for Public Services 2010 and the Revised Estimates for Public Services for each of the years concerned. Copies of the Abridged Estimates Volume for Public Services and the Revised Estimates for Public Services are available at www.finance.gov.ie and in the Oireachtas Library.

Citizenship Applications.

129. **Deputy Dan Neville** asked the Minister for Justice, Equality and Law Reform if an

application for naturalisation will be prioritised in respect of a person (details supplied) in County Limerick; and if he will make a statement on the matter. [8219/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): All valid applications are dealt with in chronological order as this is deemed to be the fairest to all applicants. The average processing time from application to decision is now at 26 months. More complicated cases can at times take more than the current average, while an element of straight forward cases can be dealt with in less than that timescale. Additional resources have been allocated to the Citizenship Division of my Department in order to reduce backlogs and provide a better quality service to all applicants. This has had a positive impact on processing times and has enabled certain categories of applicant to be dealt with more expeditiously. These include refugees, spouses of Irish citizens and minors.

The length of time taken to process each application should not be classified as a delay, as the length of time taken for any application to be decided is purely a function of the time taken to carry out necessary checks. There is a limit to the reduction in the processing time that can be achieved as applications for naturalisation must be processed in a way which preserves the necessary checks and balances to ensure that it is not undervalued and is only given to persons who genuinely satisfy the necessary qualifying criteria.

Asylum Applications.

130. **Deputy Dan Neville** asked the Minister for Justice, Equality and Law Reform the position regarding an application for asylum in respect of a person (details supplied) in County Limerick. [8220/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I refer the Deputy to my detailed Reply to his recent Parliamentary Question, No. 281 of Tuesday, 10 November, 2009, in this matter. The position in the State of the person concerned is as set out in that Reply.

Garda Code of Ethics.

131. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the year in which the Garda code of ethics was adopted. [8227/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): Section 17(1) of the Garda Síochána Act 2005 provides that the Minister for Justice, Equality and Law Reform shall by regulation establish a Code of Ethics that includes standards of conduct and practise for members of the Garda Síochána. Section 17(2) requires the Commissioner to prepare, at my request, a draft Code of Ethics. The Commissioner has submitted this draft Code and the necessary regulations are in the course of being drafted by Parliamentary Counsel.

Sexual Offences.

132. **Deputy Catherine Byrne** asked the Minister for Justice, Equality and Law Reform the sentencing laws for sex offenders; if a life sentence has ever been handed down for a sexual offence; if re-offenders are automatically given a life sentence; how communities will be protected from repeat offenders who are released from jail and move into particular neighbourhoods; and if he will make a statement on the matter. [8235/10]

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

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the Act also extend to any offenders convicted abroad of the same range of sexual offences who enter the State, including from Northern Ireland.

Under section 10 of the Act, offenders are required to notify the Garda Síochána of their name and home address within seven days of becoming subject to the notification requirement. Notification is made at any Garda divisional or district headquarters and may be done so in person or by post. Thereafter, offenders must, within seven days of the event, notify the Gardaí of any subsequent changes to their name or address. Offenders who leave the State for an intended continuous period of seven days or more must inform the Gardaí in advance of their leaving.

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.

The criminal law contains a range of penalties for sexual offences, including, under the Criminal Law (Rape) (Amendment) Act 1990, imprisonment for life on conviction on indictment for aggravated sexual assault and rape (section 4). The courts are, subject only to the Constitution and the law, independent in the exercise of their judicial functions. With regard to statistical information on sentences, the Courts Service is independent in the performance of its functions under the Courts Service Act 1998, which includes (under section 5(c)) the provision of statistical and other related information.

Garda Reserve.

133. **Deputy Paul Kehoe** asked the Minister for Justice, Equality and Law Reform the number of persons who were appointed to the Garda Reserve nationally and in County Wexford during 2009 and to date in 2010; and if he will make a statement on the matter.

[8252/10]

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.

Juvenile Offenders.

134. **Deputy Róisín Shortall** asked the Minister for Justice, Equality and Law Reform, further to Question No. 193 of 4 February 2010, if he will report on the precise occasions on which the youth justice service engaged with staff interests in the Finglas child and adolescent service in respect of his Department's proposals to relocate this service to Oberstown; and if, in the absence of basic information regarding the future careers of these staff members, he will take steps to ensure that staff are no longer left in the dark in this regard. [8338/10]

Minister of State at the Department of Justice, Equality and Law Reform (Deputy Barry Andrews): The position is as set out in my reply to Parliamentary Question No. 193 on 4th February, 2010. I have also of course dealt with this matter in previous replies to a number of Parliamentary Questions.

I can confirm that the Board of Management, Director of the Centre, and all of the Unions representing staff working in the Centre were informed of my decision to close the Centre last August. Discussions with the Unions on arrangements for closure of the Centre have been ongoing since then.

At the request of SIPTU, one of the unions involved, the matter was first referred for conciliation to the Labour Relations Commission (LRC) in August 2009, and the first conciliation conference took place on 24 September, 2009. IMPACT, which has a number of members in the centre, is also involved in this process.

I am informed by the Irish Youth Justice Service (IYJS) that the parties have met in the LRC on two occasions since then — 20 November 2009 and most recently last week, 8 February, 2010, when the IYJS presented its proposals for consideration in relation to the closure and the transfer of staff and services. The parties also met on 21 December 2009 in the Centre to progress matters. IYJS is actively engaged in this process and intends to provide additional information at the request of the conciliation officer, at the next meeting in the LRC which is due to take place later this week. There is also ongoing continuous dialogue with the Director of the Centre, outside of the LRC process, with regard to all relevant issues in this regard.

I am further informed that the Directors and other senior managers from all of the Detention Schools meet regularly with senior managers from the IYJS to deal with the integration of the services and functions of the schools, including the integration of services and staff from the Finglas Centre to the remaining schools which are located in Oberstown, Lusk, County Dublin. These discussions are ongoing and are chaired by the National Director of the IYJS.

I appreciate the implications for the staff involved but I hope that agreement can be reached on the arrangements that need to be made and I have asked that my officials continue to keep me updated in this regard.

Garda Training.

135. **Deputy Paul Kehoe** asked the Minister for Justice, Equality and Law Reform when the next group of Garda Reserve will be taken in for training; and if he will make a statement on the matter. [8351/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I have been informed by the Garda authorities that the next intake for training as members of the Garda Reserve will be in March 2010.

Prison Service.

136. **Deputy John Cregan** asked the Minister for Justice, Equality and Law Reform the tendering procedure for the supply of food and provisions to the Prison Service. [8373/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): It has not been possible to provide the information sought by the Deputy in the time available for reply. The information will be forwarded to the Deputy as soon as possible.

Juvenile Offenders.

137. **Deputy Róisín Shortall** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the widespread concern among the public and the Garda regarding juvenile crime; if he has familiarised himself with the reason for the reluctance of the Children Court to hand down custodial sentences; his views on the fact that in many cases there is no deterrent to young persons in breaking the law; and his policy in respect of juvenile crime. [8375/10]

Minister of State at the Department of Justice, Equality and Law Reform (Deputy Barry Andrews): Tackling youth crime is a key priority for this Government. The Government's policy on youth crime is set out in detail in the National Youth Justice Strategy 2008-2010. This strategy is underpinned by the principles of the Children Act 2001, as amended. The Act states explicitly that a period of detention should only be imposed as a measure of last resort and that a court dealing with a child charged with an offence should have due regard to the protection of society, the interests of the victim of the offence and the child's best interests.

The approach adopted by the Government involves the deployment of Garda Juvenile Liaison Officers and the use of measures such as the Garda Diversion Programme, Garda Youth Diversion Projects, Young Persons Probation Projects, community sanctions and the incremental process of warnings, good behaviour contracts and anti-social behaviour orders, all of which attempt to confront youth crime and related behaviours in an incremental way. The combination of these various measures, with detention as a last resort, offer a comprehensive and effective response to the question of youth crime.

It is important to note that these measures do not provide an easy option for young offenders. They are designed to tackle offending behaviour and can also involve close supervision, curfews and other restrictions. There is a comprehensive range of measures available to the courts, including, where appropriate, sufficient places to meet the needs of the courts for the detention of young offenders. It is important to note, however, that the imposition of any particular sanction is a matter for the courts.

138. **Deputy Róisín Shortall** asked the Minister for Justice, Equality and Law Reform the position regarding the report of the expert group on children's detention services, which recommends the development of 167 places for young persons detained by the courts; if the provision of this number of places is still his objective; if not, the number of places it is proposed to provide and the basis for this figure. [8383/10]

Minister of State at the Department of Justice, Equality and Law Reform (Deputy Barry Andrews): Following consideration of the report of the interdepartmental Expert Group on Children Detention Schools, in March 2008 the Government approved the development of new national children detention facilities at Oberstown, Lusk, Co. Dublin.

The Office of Public Works has been charged with designing the new facilities and managing the construction stage of the project which will be undertaken in phases. The design stage is

well advanced with both concept and sketch designs to deliver a total of 167 detention places, to include a mixture of new build and existing facilities on the Oberstown Campus, having been completed.

The estimate by the Expert Group of likely future capacity demand of 167 places was based on an analysis of trends in juvenile detention along with data sets from An Garda Síochána, the National Juvenile Office, the Courts Service (and others) and general population projections produced by the Central Statistics Office for the under 18 age group. The 167 places includes provision for 16 to 17 year old boys, a group which is currently housed in St. Patrick's Institution. As committed to in the report of the Expert Group (*www.iyjs.ie*), the IYJS continues to keep the capacity requirement under review.

The Deputy will be aware that tendering for construction of the new facilities will be subject to Government approval and to the necessary funding being made available.

Garda Deployment.

139. **Deputy Thomas P. Broughan** asked the Minister for Justice, Equality and Law Reform the number of personnel assigned to the Garda traffic corps; when the Garda traffic corps will reach its 1,200 target; and if he will make a statement on the matter. [8385/10]

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.

Visa Applications.

140. **Deputy Brian Hayes** asked the Minister for Justice, Equality and Law Reform the number of tourist visas to Ireland issued by the Beijing office for the years 2006, 2007, 2008 and 2009; and if he will make a statement on the matter. [8387/10]

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.

Garda Vetting.

141. **Deputy Mary Alexandra White** asked the Minister for Justice, Equality and Law Reform the additional resources and measures he is introducing to deal with the increase in applications for Garda clearance of students studying health-related courses and who cannot participate in work experience programmes without such clearance; and if he will make a statement on the matter. [8438/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Garda Central Vetting Unit (GCVU) provides employment vetting for a large number of organisations in Ireland registered with the Gardaí for this purpose and which employ persons in a full-time, part-time, voluntary or training capacity to work with children and/or vulnerable adults.

The GCVU has also managed a very significant increase in the numbers of applications it receives each year, rising from 137,600 in 2006 to 246,194 in 2009. The processing time for vetting applications fluctuates during the year due to seasonal demands when the volume of applications received from certain sectors can increase, for training placements for example. Additional time may be required to process an individual vetting application in cases where clarification is required as to the details provided or where other enquiries need to be made. There will always a time period required to process a vetting application. However, the Gardaí

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make every effort to reduce this to the minimum possible consistent with carrying out the necessary checks. I am informed by the Garda Authorities that the average processing time for valid vetting applications received at the GCVU may vary from four to five weeks in quieter periods to between eight to ten weeks at times of peak demand.

The allocation of Garda resources, including personnel, is a matter for the Garda Commissioner. There is currently a total of 78 personnel assigned to the vetting unit, including six Gardaí and 72 Garda civilian personnel. This represents a very significant increase in the level of personnel assigned to the unit, which stood at only 13 before the current process of development in Garda vetting began in 2005.

Residency Permits.

142. **Deputy Pat Rabbitte** asked the Minister for Justice, Equality and Law Reform the number of persons who have become undocumented following their involvement in the residence permit renewal process for persons who were granted residency here under the Irish born child 2005 scheme; and if he will make a statement on the matter. [8439/10]

143. **Deputy Pat Rabbitte** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the fact that persons have lost their jobs due to the fact that they were unable to renew their residence permits, despite following the instructions advertised by his Department and in situations where employers have tried to contact the Garda National Immigration Bureau seeking clarification of their employees' residence status and permission to continue in employment; and if he will make a statement on the matter. [8440/10]

144. **Deputy Pat Rabbitte** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the fact that while some migrants who were unable to renew their residence permits were offered a three month temporary residence permit as a stop gap measure were being charged €150 for these temporary permits; if he will ensure that they are not then charged another €150 for their three year permit; and if he will make a statement on the matter. [8441/10]

145. **Deputy Pat Rabbitte** asked the Minister for Justice, Equality and Law Reform if he will ensure that a penalty, financial or otherwise, will not be imposed on persons who were involved in the residence permit renewal process; if he will assure such persons that it will not jeopardise future citizenship applications. [8442/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I propose to take Questions Nos. 142 to 145, inclusive, together.

I wish to inform the Deputy that I am aware of the situation to which he refers, which is specific to the parents of Irish Born Children granted permission to remain in the State under the IBC/05 Scheme. Currently, IBC renewals are being effected by Immigration Officers in the Garda National Immigration Bureau and by local immigration officers outside Dublin.

A total of 14,139 parents are due to have their permission to remain in the State renewed over the course of 2010, with a high proportion of renewals arising in the six month period from May to October. It is not possible to give an exact figure as regards the number of parents currently undocumented. I wish to inform the Deputy that the renewal of permission to remain for those persons in employment whose permission is due to expire is being prioritised.

Persons involved in the IBC renewal process are expected to pay the current €150 registration fee. There are persons who were granted a three month temporary residence — mainly

for work or travel related reasons — and who were charged the registration fee of €150. A further fee of €150 will be charged by the GNIB for renewing their permission for a further three years when this renewal arises. However, persons who have paid this additional fee can apply for and be considered for a refund of this amount.

Registrations under the renewal process will not be backdated by the GNIB so it is in the interests of all persons renewing permission to ensure that they have no gaps in their residency.

Refugee Resettlement.

146. **Deputy Aengus Ó Snodaigh** asked the Minister for Foreign Affairs the role he will play to ensure that the EU and UN accelerate the resettlement of hundreds of Roma families that are living in temporary camps constructed by the UN administration in Kosovo and who are suffering from severe lead poisoning which is being compounded by the ongoing delays in relocating persons at risk; his views on the urgency of this matter in view of the number of Roma children living in these camps in view of the fact that they are particularly susceptible to the effects of lead poisoning. [8231/10]

Minister for Foreign Affairs (Deputy Micheál Martin): The Government takes a close interest in the situation of Roma families in Kosovo and, in particular, those living in temporary camps which are exposed to high levels of lead contamination.

The Taoiseach raised the living conditions of the Roma when he met President Sejdiu and Prime Minister Thaci during his visit to Kosovo on 22 December 2008. The Deputy will also be aware that the matter was the subject of an adjournment debate on 25 November 2008, when my colleague, Peter Power T.D., emphasised Ireland's support for all efforts to address the plight of the residents in these camps.

My officials regularly raise the issue at senior level within the EU both in Brussels and in Kosovo. An official of my Department met last October with the Head of Operations of the European Commission Liaison Office (ECLO) in Kosovo. This is the EU body charged with co-ordinating national and international efforts to secure a long-term sustainable solution to the difficulties facing the Roma community in Kosovo. Our Ambassador in Budapest, who is accredited to Kosovo, followed up on the matter with the EU Presidency in Pristina last November.

The ECLO has drawn up a €5m project to help resolve this humanitarian problem in cooperation with the Government of Kosovo and USAID. ECLO signed a contract with an NGO (Mercy Corps Scotland) on 14 December 2009 to implement it. The objective is to resettle and reintegrate up to 90 Roma families living in camps in North Mitrovica. It also includes provision for medical services and the treatment of children from the camps as well as access to education and other social services.

I am pleased to report that the project started on 1 February as planned and will be carried out over the next two and a half years. On 8 February, an official of my Department discussed its implementation with the Head of the ECLO during a meeting of the International Steering Group on Kosovo.

Together with our EU partners, we will continue to pursue the question of Roma resettlement with the responsible authorities and monitor the implementation of this ECLO project. Our objective is to contribute to the closure of the Osterode and Cesmin Lug camps.

The Deputy will also wish to note that Ireland has supported a broad range of projects to assist the Roma community in the Western Balkans region, including Kosovo. From 2005 to 2009, Irish Aid allocated €850,000 towards development and educational projects with the

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Roma community in Kosovo. In addition, Ireland contributed €200,000 to the World Bank's Roma Education Fund, which works in eleven countries in Central and Eastern Europe, including Kosovo.

Middle East Peace Process.

147. **Deputy Olivia Mitchell** asked the Minister for Foreign Affairs if his attention has been drawn to the impact on the citizens of Gaza of the removal of EU funding for fuel to operate the Gaza power station; his views on the thinking behind this proposal; if he has supported same; and if he will make a statement on the matter. [8265/10]

Minister for Foreign Affairs (Deputy Micheál Martin): Electricity supplies in Gaza during 2009 were generally stable at about 202 Megawatts — 120 MW supplied by and purchased from Israel, 17 MW purchased from Egypt, and 65MW produced in the Gaza Power Plant. This is estimated to be about 70% of the total demand for power in Gaza, if all domestic, civic and normal commercial needs were met. The Gaza Power Plant operates at reduced capacity because, under the current blockade, Israel limits import of fuel oil for the generator to 2.2 million litres per week (full capacity generating would use 3.3 million litres per week). As a result, power rationing in Gaza is frequent, and many users have recourse to private generators. The running of the power plant below capacity, and frequent shutting down of one or other of the turbines, increases wear and tear on the system. This, linked with the shortage of spare parts, leads to breakdowns and more power outages.

The Palestinian Authority pays for the purchase of power from Israel and Egypt, and the provision of fuel for the Gaza Power Plant. The European Union and its Member States provide extensive financial support for the Palestinian people through the Palestinian Authority. This formerly included funding to the PA specifically for fuel for Gaza.

In November 2009, at the initiative of the Palestinian Authority, EU financial support to the PA was restructured so that the level of support remained the same, but less was tied to specific spending headings. This is in line with the general intention to allow the PA, to the greatest extent possible, to set its own priorities. The EU has maintained its support at the same level, but no longer specifies that a given portion must be spent on fuel. It is not correct, as has been suggested in material recently circulated to Deputies, that EU funding has been withdrawn, or that budget pressures were a factor.

The Palestinian Authority agreed with the EU in November 2009 that it would remain responsible for electricity provision in Gaza, and would maintain provision of fuel oil. Substantial quantities of fuel have been transported into Gaza for this purpose, but there does seem to have been some shortfall of provision in January — 1.8 million litres instead of 2.2 million as before. It is not clear yet whether this is for technical reasons or because of ongoing disputes over the provision by the de facto authorities in Gaza of some payment to the PA for the power supplied.

Any additional worsening of the conditions of the people of Gaza is deeply regrettable. If any difficulties between Palestinians are exacerbating this, then I urge them strongly to resolve this. However, it is quite clear that the continuing power cuts and rationing in Gaza are due overwhelmingly to the continuing blockade by Israel. I will continue to argue in every forum open to me that this blockade is unacceptable and must be ended as a matter of urgency.

Question No. 148 answered with Question No. 71.

Departmental Agencies.

149. **Deputy Bernard J. Durkan** asked the Minister for Arts, Sport and Tourism the extent to which his Department directly or through subsidiary bodies has received or if their attention has been drawn to applications for grant aid for festival or festival facilities at various locations throughout the country in 2010; the extent of such activity in the previous three years to date in 2010; and if he will make a statement on the matter. [8414/10]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): At the outset, I wish to point out to the Deputy that the provision of funding for festivals is an operational matter for agencies under the aegis of my Department and I have no direct role in the process.

In relation to tourism-related funding for festivals, in accordance with the provisions of Section 8(1) of the National Tourism Development Authority Act, 2003, it is a day to day matter for Fáilte Ireland to encourage, promote and support either inside or outside the State (a) the development of tourism traffic within and to the State and (b) the development and marketing of tourist facilities and services within the State.

In relation to the provision of arts-related funding to organisations involved in festival activity, under Section 24(2) of the Arts Act 2003, the Arts Council shall be independent in the performance of its functions.

I am advised by Fáilte Ireland and the Arts Council that the numbers of applications for funding in relation to festivals are as shown as follows:

Number of Applications for Festival Funding

	2008	2009	2010
Fáilte Ireland — Festivals and Cultural Events Initiative	N/A ⁽¹⁾	National: 47 Regional: 152	National: 47 Regional: Not yet available ⁽²⁾
The Arts Council — Festivals and Small Events	335	332	163 (to date) ⁽³⁾

Notes

⁽¹⁾Figures are not readily available for the total number of applications to Fáilte Ireland under the Festivals and Cultural Events Initiative in 2008. However, the number of festival awards for that year was as follows:

- (a) National: 64
- (b) Regional: 185

⁽²⁾ Data on the number of applications in 2010 for festival funding to Fáilte Ireland at regional level is not yet available as the deadline has not yet passed.

⁽³⁾ Under the Arts Council Festival and Small Events Programme in 2010, 163 applications have been received to date. As round two is still open, no final definitive figure is available.

Film Industry Development.

150. **Deputy Bernard J. Durkan** asked the Minister for Arts, Sport and Tourism the extent to which he or his Department proposes to directly or indirectly promote the film industry in 2010; and if he will make a statement on the matter. [8415/10]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): Primary responsibility for the support and promotion of film-making in Ireland in respect of both the indigenous sector and inward productions is a matter for the Irish Film Board. This agency is funded through my Department and is statutorily independent of the Department in its operations. The allocation to the Irish Film Board in 2010 is €19.272m.

Sports Capital Programme.

151. **Deputy Bernard J. Durkan** asked the Minister for Arts, Sport and Tourism the expected expenditure in 2010 for the provision of indoor recreational facilities; the way this compares with the previous three years to date in 2010; and if he will make a statement on the matter. [8417/10]

154. **Deputy Bernard J. Durkan** asked the Minister for Arts, Sport and Tourism the expenditure for major or minor sporting and or recreational facilities in County Kildare in 2010; the way this compares with each of the past three years; and if he will make a statement on the matter. [8420/10]

157. **Deputy Bernard J. Durkan** asked the Minister for Arts, Sport and Tourism the extent to which it is expected to award major and minor grant assistance to sporting or recreational facilities at local level throughout the country in 2010; the degree to which this compares with each of the past three years to date in 2010; and if he will make a statement on the matter. [8423/10]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): I propose to take Questions Nos. 151, 145 and 157 together.

Under the Sports Capital Programme (SCP), which is administered by my Department, and part funded from the proceeds of the National Lottery, funding is allocated to sporting and community organisations at local, regional and national level throughout the country.

While no decision has been made on the timing of the next round of the SCP, €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. It is expected that all of this funding will be distributed to sports clubs and organisations this year.

As the drawdown of outstanding allocations is dependent on the timely receipt of invoices and other documentation from the grantees it is not possible to predict the exact amount of SCP drawdown from any county during a particular period of time.

The figures for expenditure under the SCP on projects funded under the programme up to and including 2008 for each of the last three years are set out in the table:

Sports Capital Programme

Year	Total Expenditure	Kildare
	€	€
2009	58,738,337	1,654,421
2008	60,137,146	687,451
2007	63,719,986	1,031,964

The information sought in relation to the exact amount spent on indoor facilities under the SCP is not readily available and its compilation would involve a disproportionate amount of time and work.

Under the Local Authority Swimming Pools Programme (LASPP) a provision of €7.5m has been made in 2010 which will be sufficient to meet existing commitments under current round of the Local Authority Swimming Pool Programme, including payments of €761,842 for projects

funded in County Kildare. No decision has been made on the timing of a new round of the programme.

The figures for expenditure under the LASPP for each of the last three years, for County Kildare and for the whole country, are set out in the table:

Local Authority Swimming Pools Programme

Year	Total Expenditure	Kildare
	€	€
2009	11,670,434	Nil
2008	20,448,420	4,801,336
2007	27,786,790	2,055,250

Arts Funding.

152. **Deputy Bernard J. Durkan** asked the Minister for Arts, Sport and Tourism the steps he is taking to promote the arts in County Kildare; and if he will make a statement on the matter. [8418/10]

155. **Deputy Bernard J. Durkan** asked the Minister for Arts, Sport and Tourism the financial support proposed by his Department for expenditure on the arts at local level in 2010 in County Kildare; and if he will make a statement on the matter. [8421/10]

156. **Deputy Bernard J. Durkan** asked the Minister for Arts, Sport and Tourism the financial support proposed by his Department for expenditure on the arts at local level in 2010 throughout the country on a county basis; and if he will make a statement on the matter. [8422/10]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): I propose to take Questions Nos. 152, 155 and 156 together.

Primary responsibility for the promotion of the arts at all levels throughout the country is devolved to the Arts Council. The Arts Council are funded by my Department but are independent in their day to day operations, including funding decisions. The allocation to the Arts Council for 2010 is €68.649m.

Under the ACCESS programme, my Department is responsible for the provision of capital monies for arts centres, galleries, theatres, etc. In 2008 and 2009 €52m was expended in respect of such facilities. A further €16m is allocated in 2010 for regional arts capital projects throughout the country. Many of these projects are already under construction and will be completed in 2010. Under this scheme €580,000 has been allocated to the Lantern Municipal Gallery in Kildare. This project has not yet commenced. A list of the successful ACCESS II projects and the amount of grant aid allocated to each project is available on my Department's website.

Question No. 153 answered with Question No. 72.

Question No. 154 answered with Question No. 151.

Questions Nos. 155 and 156 answered with Question No. 152.

Question No. 157 answered with Question No. 151.

Departmental Funding.

158. **Deputy Joe McHugh** asked the Minister for Community, Rural and Gaeltacht Affairs if he will provide funding to an association (details supplied) in County Donegal through his Department's programmes of grants for community and voluntary organisations; if he will make funding available; and if he will make a statement on the matter. [8205/10]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): The organisation in question has received funds from my Department for various projects under the Programme of Grants for Locally Based Community and Voluntary Organisations, as set out as follows:

Year	Total Paid
	€
2006	10,800
2008	4,672

In addition, I am advised the organisation was granted €534,028 from the Dormant Accounts Fund in 2004. Due to the continuing pressures on the public finances, the Programme of Grants for Locally Based Community and Voluntary Organisations was suspended at the end of February 2009. My Department has no plans to re-open it to new applications at present and, accordingly, organisations such as that referred to by the Deputy may wish to pursue alternative sources to secure financial support.

One possible alternative is the Rural Development Programme (RDP) 2007-13, under which funding of €425m is available to improve the quality of life in rural areas and facilitate the diversification of the rural economy. Under the RDP, Local Action Groups (LAGs) distribute funding to community groups and individuals in rural areas across a broad range of activities and measures. Interested community organisations should contact their local LAG who may be able to assist. Contact details for the relevant Co Donegal groups are set out as follows.

	Area Covered	Company Name & Address	C.E.O./ Manager	Telephone/ Fax	Contact Email & Website
National	Gaeltachtaí — Ciarraí, Corcaigh, Port Láirge, Gaillimh, An Mhí, Maigh Eo, Tír Chonaill	Meitheal Forbartha na Gaeltachta Teoranta. An Mhainistir, An Daingean, Co. Chiarraí	Antaine M. Ó Sé	066 9152280/ 066 9151790	eolas@mfg.ie/ www.mfg.ie
Donegal	Part Donegal	Donegal Local Development Company Ltd. 1 Millennium Court, Pearse Road, Letterkenny, Co. Donegal	Caoimhin Mc Aoidh	0749127056/ 0749121527	rdp@dldc.org/ www.dldc.org
Donegal	Inishowen	Inishowen Development Partnership. Pound Street, Carndonagh, Inishowen, Co. Donegal	Andrew Ward	0749373083/ 0749373084	info@inishowen.ie/ www.inishowen.ie

159. **Deputy Ruairí Quinn** asked the Minister for Community, Rural and Gaeltacht Affairs if he has reduced the funding for the accessible community transport services; if his attention has been drawn to the fact that reductions in funding of the service in Dublin has led to reduced

wages for drivers, an increase in fares for those on social welfare payments, the likelihood of a new membership fee and an increased endangering of the viability of the whole operation; if he will consider reversing the cutbacks; and if he will make a statement on the matter. [8224/10]

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 Services Programme (CSP) for the provision of a range of transport services for people with disabilities. 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 receives one of the larger contributions to deliver services with funding of the order of €289,000 being provided towards the costs of employing a manager and 13.5 full-time equivalents posts in 2010.

As the Deputy will appreciate, the pressure on the public finances has significantly impacted on resources available to the programmes delivered by my Department. My priority with respect to the CSP has been to protect the jobs of some 2,700 people employed by the 450 or so community-based organisations approved for support. In order to do this, it was necessary to reduce the level of non-wage grants paid to service providers, as well as cutting technical assistance and administrative costs.

I have provided a review process where an immediate examination of the impacts of the reduction in support to organisations can be undertaken. Accessible Community Transport Services lodged a review request in late January and I expect a recommendation to be made to me in respect of this matter no later than the 5th March. 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.

Social Welfare Benefits.

160. **Deputy Fergus O'Dowd** asked the Minister for Social and Family Affairs if financial assistance will be granted in respect of a person (details supplied) in County Louth; and if she will make a statement on the matter. [8215/10]

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.

161. **Deputy Noel J. Coonan** asked the Minister for Social and Family Affairs the reason a refund of pension payment is being sought from a person (details supplied) in County Tipperary; if and when full payment will be restored; and if she will make a statement on the matter. [8211/10]

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.

162. **Deputy Noel J. Coonan** asked the Minister for Social and Family Affairs the reason a pension has ceased in respect of a person (details supplied) in County Tipperary; if payment will be reinstated in the near future; and if she will make a statement on the matter. [8212/10]

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.

163. **Deputy Billy Timmins** asked the Minister for Social and Family Affairs the position regarding the case of a person (details supplied) in County Wicklow; and if she will make a statement on the matter. [8222/10]

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.

164. **Deputy Róisín Shortall** asked the Minister for Social and Family Affairs the way in which social contributions made while working in Jersey are counted when determining entitlement to a state contributory pension. [8225/10]

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.

165. **Deputy Billy Timmins** asked the Minister for Social and Family Affairs the position in respect of a person (details supplied) in County Wicklow who has been refused the household benefits; if this will be re-examined and awarded; and if she will make a statement on the matter. [8226/10]

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 Staff.

166. **Deputy Arthur Morgan** asked the Minister for Social and Family Affairs the number of persons working in each social welfare office in County Donegal in tabular form in 2009; and the number of persons working in each social welfare office in County Donegal in tabular form in 2010. [8254/10]

167. **Deputy Arthur Morgan** asked the Minister for Social and Family Affairs the number of persons working in each social welfare office in County Donegal who are on long-term or maternity leave as and from February 2010 in tabular form. [8255/10]

168. **Deputy Arthur Morgan** asked the Minister for Social and Family Affairs the number of temporary positions in each social welfare office in County Donegal which have been filled as a result of long-term or maternity leave as of February 2010. [8256/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): I propose to take Question Nos. 166, 167 and 168 together.

At February 2009, the number of posts occupied in the Department's offices in County Donegal was 327, as detailed in the table below. At February 2010, there are 394 posts occupied in the Department's offices in County Donegal. This includes the new decentralized office in Buncrana that opened in October 2009, as detailed in the table.

Office	February 2009 No. of Posts	February 2010 No. of Posts	Temporary Staff in place to cover long term absences
Letterkenny HQ	224.0	**198.0	2
Buncrana HQ	*0.0	85.0	
Buncrana Local Office	22.0	26.0	1
Donegal Town Local Office	19.0	16.0	1
Dunfanaghy Local Office	10.5	10.5	
Dungloe Local Office	16.0	16.0	
Letterkenny Local Office	22.0	28.0	
Social Welfare Inspectorate	13.5	14.5	
Total No. of Posts	327.0	394.0	4

*The Department's new decentralised office in Buncrana opened in October 2009.

**24 posts transferred from Letterkenny to the new office in Buncrana.

Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy in respect of the persons who are on long-term or maternity leave as and from February 2010.

Social Welfare Benefits.

169. **Deputy Michael D'Arcy** asked the Minister for Social and Family Affairs when a decision will issue on an application for disability benefit in respect of a person (details supplied) in County Wicklow; the reason for the delay; and if she will make a statement on the matter. [8257/10]

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.

170. **Deputy Michael D'Arcy** asked the Minister for Social and Family Affairs when a decision will issue on an appeal for jobseeker's allowance in respect of a person (details supplied) in County Wexford; the reason for the delay; and if she will make a statement on the matter. [8258/10]

171. **Deputy Michael D'Arcy** asked the Minister for Social and Family Affairs when a decision will issue on an appeal for jobseeker's allowance in respect of a person (details supplied) in County Wexford; the reason for the delay; and if she will make a statement on the matter. [8259/10]

172. **Deputy Michael D'Arcy** asked the Minister for Social and Family Affairs when a decision will issue on an appeal for jobseeker's benefit in respect of a person (details supplied) in County Wexford; the reason for the delay; and if she will make a statement on the matter. [8260/10]

173. **Deputy Michael D'Arcy** asked the Minister for Social and Family Affairs when a decision will issue on an appeal for disability allowance in respect of a person (details supplied) in County Wexford; the reason for the delay; and if she will make a statement on the matter. [8261/10]

174. **Deputy Michael D’Arcy** asked the Minister for Social and Family Affairs when a decision will issue on an appeal for jobseeker’s allowance in respect of a person (details supplied) in County Wexford; the reason for the delay; and if she will make a statement on the matter. [8262/10]

175. **Deputy Michael D’Arcy** asked the Minister for Social and Family Affairs when a decision will issue on an appeal for jobseeker’s allowance in respect of a person (details supplied) in County Wexford; the reason for the delay; and if she will make a statement on the matter. [8263/10]

176. **Deputy Michael D’Arcy** asked the Minister for Social and Family Affairs when a decision will issue on an appeal for illness benefit in respect of a person (details supplied) in County Wexford; the reason for the delay; and if she will make a statement on the matter. [8264/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): I propose to take Questions Nos. 170 to 176 together.

Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

Social Welfare Appeals.

177. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Social and Family Affairs the reason an oral hearing has not been arranged regarding an appeal of a refusal of old age pension in respect of a person (details supplied) in County Monaghan; and if she will make a statement on the matter. [8269/10]

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.

178. **Deputy Michael Noonan** asked the Minister for Social and Family Affairs if she will restore a free telephone rental allowance to persons (details supplied) in County Limerick; and if she will make a statement on the matter. [8271/10]

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.

179. **Deputy Michael Noonan** asked the Minister for Social and Family Affairs when a decision will be made on an application for disability allowance in respect of a person (details supplied) in County Limerick; and if she will make a statement on the matter. [8319/10]

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.

180. **Deputy Mary Wallace** asked the Minister for Social and Family Affairs the plans by her or the agencies under her remit to utilise office space in a town (details supplied) in County Meath; the way these plans have advanced; the services that are to be provided to the public; and if she will make a statement on the matter. [8321/10]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The Department currently does not have an office in this location and has no plans at this stage to establish an office there.

Social Welfare Benefits.

181. **Deputy Phil Hogan** asked the Minister for Social and Family Affairs when a decision will be made on an application for fuel allowance in respect of a person (details supplied) in County Carlow; and if she will make a statement on the matter. [8324/10]

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.

182. **Deputy Finian McGrath** asked the Minister for Social and Family Affairs if she will support the case of a person (details supplied) in County Dublin. [8333/10]

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.

183. **Deputy Finian McGrath** asked the Minister for Social and Family Affairs if she will support the case of persons (details supplied) in County Louth. [8334/10]

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.

184. **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. [8353/10]

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.

185. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs the entitlements of a person (details supplied) in Dublin 22 for fuel supplement; and if she will make a statement on the matter. [8413/10]

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.

186. **Deputy Edward O'Keeffe** asked the Minister for Defence the pension entitlements in respect of a person (details supplied) in County Cork. [8232/10]

Minister for Defence (Deputy Willie O'Dea): At the request of the person concerned, estimates (based on current pay scales and tax provisions) of pension entitlements have already been provided. If any additional details are required, the Human Resources Branch (Civilian Employees Section) of my Department will be happy to be of assistance.

Energy Efficiency.

187. **Deputy Olivia Mitchell** asked the Minister for the Environment, Heritage and Local Government if research has been carried out on the impact of energy saving measures, specifically increased house insulation, on indoor radon levels; and if advice is available to persons

[Deputy Olivia Mitchell.]

who are considering availing of State grants to improve the energy efficiency of their homes. [8253/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): On matters relating to radon gas my Department is advised by the Radiological Protection Institute of Ireland (RPII), which also provides a radon advice service to members of the public.

International scientific literature reviewed by the RPII suggests that measures to reduce heat loss through increasing the air-tightness of buildings may have the unintended effect of causing a build-up of radon and other indoor air contaminants. However, there is a lack of data applicable to countries with climates like Ireland and research is needed better to understand the relationship between greater energy efficiency and indoor radon concentrations. Radon measurements would need to be carried out before and after insulation in a statistically relevant sample of homes throughout the country. Discussions are ongoing between my Department, the Department of Communications, Energy and Natural Resources and the relevant Agencies, Sustainable Energy Ireland (SEI) and the RPII to develop a pilot research scheme.

SEI provides information on radon to applicants for the Home Energy Savings (HES) scheme. The SEI website includes information on radon for householders considering energy saving measures as well as a link to the RPII website which contains detailed information and advice on radon.

Planning Issues.

188. **Deputy Jimmy Deenihan** asked the Minister for the Environment, Heritage and Local Government his plans to extend the expiry date of planning approvals from five years to seven years in view of the current economic climate and the inability of approved applicants to get the finance to commence construction; and if he will make a statement on the matter. [8318/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): As stated in the reply to Question No. 578 of 9 February 2010, Section 42 of the Planning and Development Acts 2000-2009 currently provides that the duration of a planning permission may be extended, subject to certain conditions, where substantial works have been carried out before the expiration of the original permission.

The Planning and Development (Amendment) Bill provides for amending section 42 to allow, subject to certain conditions, for the possibility of an extension of permission for a period of up to 5 years, in circumstances where substantial works have not been carried out, but there are commercial, economic or technical considerations, beyond the control of the applicant, which substantially militated against either the commencement of development or the carrying out of substantial works. It is intended that this new provision should apply to applications for extension of permission received after the commencement of the said provision following the enactment of the Bill.

Allotment Management.

189. **Deputy Joe McHugh** asked the Minister for the Environment, Heritage and Local Government the reason he is permitting a body's continuing non-compliance with a legal obligation (details supplied); and if he will make a statement on the matter. [8325/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): There are currently no primary legislative provisions governing the provision or management

of allotments by local authorities. Any local objective or policy of the Council referred to in the Question in relation to allotments is, therefore, a matter for that Council and I have no function in this context.

Social and Affordable Housing.

190. **Deputy Billy Timmins** asked the Minister for the Environment, Heritage and Local Government if an application (details supplied) by Wicklow County Council has received sanction; and if he will make a statement on the matter. [8329/10]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): My Department issued budget approval for 6 new social houses at this location to Wicklow County Council on 14 October, 2009. It is a matter for each housing authority to manage its Social Housing Investment Programme within the annual capital allocation provided by my Department.

191. **Deputy John Cregan** asked the Minister for the Environment, Heritage and Local Government if his Department is processing an application received from South Tipperary County Council on behalf of an association (details supplied) under the build to lease scheme; the estimated approval date for this application; and if he will make a statement on the matter. [8371/10]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): Following a receipt of a project proposal for the provision of 18 units in Cahir, South Tipperary, my Department considered the proposal and issued provisional approval for inclusion in the Social Housing Leasing Initiative in December 2009. It is now a matter for the association in question to progress the matter to facilitate full funding approval.

Alternative Energy Projects.

192. **Deputy Enda Kenny** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the Clare wind energy strategy which is at variation to the Clare county development plan; if his further attention has been drawn to the fact that it was proposed by the council executive and unanimously approved by the members of Clare County Council on 14 December 2009 with the strong support of a political party (details supplied) following a year long review process and that the Department of Communications, Energy and Natural Resources has welcomed that strategy in principle; if he will endorse the Clare wind energy strategy and commend it to other county councils and regional authorities as a template for a renewable energy strategy which should be included in their development plans, many of which are currently under review; his views on this strategy; and if he will make a statement on the matter. [8374/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The Government is committed to delivering a significant growth in renewable energy as a contribution to fuel diversity in power generation with a 2020 target of 40% of electricity consumption. Wind energy will provide the pivotal contribution to achieving this target.

My Department's Wind Energy Development Guidelines issued to planning authorities in June 2006, and available on my Department's website at www.environ.ie, offer advice, *inter alia*, on wind energy and the development plan to ensure consistency of approach throughout the country for wind energy development.

[Deputy John Gormley.]

In my role as statutory consultee in relation to development plans and variations to development plans, my Department provided observations which commended Variation No. 2 (Wind Farm Strategy) to the Clare County Development Plan 2005-2011.

Local Authority Housing.

193. **Deputy Seán Fleming** asked the Minister for the Environment, Heritage and Local Government the contacts he has had with Laois County Council regarding the provision of a project (details supplied) in County Laois; and if he will make a statement on the matter. [8411/10]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): My Department's Capital Assistance Scheme (CAS) provides funding to approved housing bodies of up to 100% of the approved costs of accommodation for older people, the homeless, persons with special needs, returning emigrants and victims of domestic violence.

My Department's involvement with the scheme relates primarily to the provision of funds for individual projects. The detailed administration of the scheme, including the certification that projects comply with its terms and conditions, the processing of applications and the payment of capital grants in respect of approved housing projects, are the responsibility of the local authority.

There are no proposals with my Department at present with regard to the provision of a women's refuge in County Laois.

194. **Deputy David Stanton** asked the Minister for the Environment, Heritage and Local Government if he has received data from town and county councils regarding vacant housing stock in the ownership of the respective councils; if so, if he will provide this information; and if he will make a statement on the matter. [8429/10]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): Information in relation to vacant local authority houses is a Local Authority Service Indicator and reports on these indicators are available on the Local Government Management Services Board's website www.lgmsb.ie. The latest available figures relate to 2008.

Alternative Energy Projects.

195. **Deputy Frank Feighan** asked the Minister for the Environment, Heritage and Local Government his views on whether, if in haste to avail of the environmental benefits of wind farms, we are ignoring the ecological damage that turbines can do (details supplied). [8443/10]

196. **Deputy Frank Feighan** asked the Minister for the Environment, Heritage and Local Government his views on whether peat bogs store three times as much carbon as is held in tropical rain-forests (details supplied); if he will commission another study to examine the consequence of the impact of wind farms on areas such as Corry Mountain, County Leitrim. [8445/10]

197. **Deputy Frank Feighan** asked the Minister for the Environment, Heritage and Local Government his views on whether the grouse habitat is destroyed in the natural heritage area

— Corry Mountain Bog, NHA 002321, Order 2005 — due to a wind farm project; and if he proposes through the national parks and wildlife service to restore the grouse habitat. [8451/10]

198. **Deputy Frank Feighan** asked the Minister for the Environment, Heritage and Local Government if the national parks and wildlife service is responsible for the enforcement of national heritage area 473/2005 plans to prosecute the promoters of the wind farm for the damage to the upland bog. [8452/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I propose to take Questions Nos. 195 to 198, inclusive, together.

I fully appreciate the importance of peat bogs as a carbon sink. My Department's Wind Energy Development Guidelines issued to planning authorities in June 2006, and available on my Department's website at www.environ.ie, provide comprehensive advice to planning authorities on catering for wind energy through the development plan process. They include advice on the development of wind energy in peatlands, in order to reduce impacts, including the minimisation of habitat disturbance and loss, as well as hydrological disruption and the risk of erosion. The Guidelines were issued under Section 28 of the Planning and Development Acts, and planning authorities are obliged to have regard to such guidelines in the performance of their planning functions.

The National Parks and Wildlife Service (NPWS) of my Department has responsibility for the enforcement of the Wildlife Acts, under which Natural Heritage Areas (NHAs) receive protection. The wind farm development in question at Corry Mountain Bog was undertaken on foot of planning permission secured prior to the designation of the area as an NHA. Designation of a site as an NHA does not nullify planning permission already given. My Department has engaged in consultations with the developers, ESBI, as well as with Roscommon County Council, in relation to protecting natural habitats at this NHA site.

My Department has recently reviewed the current situation and has concluded that some upland habitats, which may host Red Grouse among other species, have been damaged. My Department is now arranging to have a survey carried out to assess the extent of the damage and the feasibility of restoration. It is hoped that this survey — and any works which may be needed — will be carried out with the co-operation of ESBI.

Grant Payments.

199. **Deputy Brian O'Shea** asked the Minister for Communications, Energy and Natural Resources if the portion of the €5 million fund set up to assist in the development of additional economic opportunities for the labour force previously employed in the ancillary sector of the commercial salmon fishing industry which was allocated to the three Munster Gaeltachts is now closed to applications; if all applications received have been fully processed; and if he will make a statement on the matter. [8433/10]

Minister of State at the Department of Communications, Energy and Natural Resources (Deputy Conor Lenihan): The Salmon Hardship Fund Community Support Scheme (CSS) was administered through 14 LEADER companies and Comhdháil Oileáin na hÉireann in respect of island communities and Meitheal Forbartha na Gaeltachta Teoranta, in respect of the Gaeltacht areas. I wish to advise the Deputy that the closing date for receipt of applications under the scheme was 31 March last year. Final payments under the scheme were distributed by my Department to Leader Companies in December 2009. Further details in relation to the pay-

[Deputy Conor Lenihan.]

ments made to Leader Companies are set out in my reply to Parliamentary Question No. 911 of 19th January 2010.

Television Licence Fee.

200. **Deputy Bobby Aylward** asked the Minister for Communications, Energy and Natural Resources if he will introduce the option to make it possible to pay a television licence on a quarterly or half yearly basis similar to that which pertains for car tax in view of the fact that the television licence is causing financial hardship to many persons at this time. [8238/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): An Post acts as my Department's agent in regard to the issuing of television licences and collection of licence fees under section 145 of the Broadcasting Act 2009. In undertaking this service, An Post provides a range of payment methods that can be availed of by the public. These include television licence stamps, which are available for purchase at all post offices, and a direct debit facility that allows the purchaser to pay on an annual, bi-annual, quarterly or monthly basis. Full details of all the available options are provided on An Post's website at www.anpost.ie.

Inland Fisheries.

201. **Deputy Mary Alexandra White** asked the Minister for Communications, Energy and Natural Resources the way €1.5 million in central government funding for the River Barrow has been spent; and if he will make a statement on the matter. [8434/10]

202. **Deputy Mary Alexandra White** asked the Minister for Communications, Energy and Natural Resources the way the new fisheries body, inland fisheries Ireland, will impact on the River Barrow; and if he will make a statement on the matter. [8435/10]

Minister of State at the Department of Communications, Energy and Natural Resources (Deputy Conor Lenihan): I propose to take Questions Nos. 201 and 202 together.

As the Deputy is aware the Inland Fisheries Bill 2009 is currently before the House. This Bill provides for the restructuring of the management of the inland fisheries sector, including the establishment of Inland Fisheries Ireland, a single authority which will replace the existing Central Fisheries Board and seven Regional Fisheries Boards. Given the nature of its work the new body will of course continue to have a strong regional presence and manage each river catchment according to best practice. Provision has been made in the Bill for the establishment of a national inland fisheries forum. It is envisaged that this will facilitate input by local stakeholders into the work of Inland Fisheries Ireland. I also expect Inland Fisheries Ireland to establish effective communication channels to give local interests an opportunity to influence policies and how they are implemented at a local level.

I understand that the €1.5m referred to by the Deputy was that recommended for the river Barrow in a 1998 Salmon Management Report. Expenditure on individual rivers is a matter for the relevant Regional Fisheries Board. I understand that a total of €12.1m in Exchequer funding was allocated to the Southern Regional Fisheries Board from 2004-2008, however, expenditure is not available on an individual river basis. I am informed by the Board that 8 of its fishery officers are dedicated to working on the river Barrow.

Fisheries Audit.

203. **Deputy Mary Alexandra White** asked the Minister for Communications, Energy and

Natural Resources if a fish audit was ever conducted on the Mountain River in south Carlow; and if he will make a statement on the matter. [8436/10]

Minister of State at the Department of Communications, Energy and Natural Resources (Deputy Conor Lenihan): I am informed that fish related survey work has been carried out on this catchment on at least four occasions by staff from the Central Fisheries Board. In 1995 a ground survey assessment of habitat and fish in the Mountain River sub-catchment was undertaken. In 2004 eight sites in Mountain River were sampled as part of a national assessment of the status of lamprey. More recently in 2007 & 2009 several sites in Mountain River were surveyed as part of the catchment-wide electrofishing survey of the Barrow to assess the abundance of juvenile salmon fry. Details of the data available from the various surveys can be obtained from the Central Fisheries Board.

Fisheries Protection.

204. **Deputy Mary Alexandra White** asked the Minister for Communications, Energy and Natural Resources the steps he is taking to combat invasive species on rivers such as the Barrow, the Nore and the Slaney; and if he will make a statement on the matter. [8437/10]

Minister of State at the Department of Communications, Energy and Natural Resources (Deputy Conor Lenihan): Under the Fisheries Acts, primary responsibility for the management, conservation, protection and development of the inland fisheries resource is the responsibility of the Central and Regional Fisheries Boards. The Department of Environment, Heritage and Local Government, has responsibility for the enactment of legislation to control the ecological impact of invasive species on freshwater ecology and native species under the Wildlife Acts 1976–2000. I understand that the Department of Environment, Heritage and Local Government, through the National Parks and Wildlife Services (NPWS), is currently considering proposals for the enactment of legislation in this area.

The Central and Regional Fisheries Boards are working in coordination with other State agencies, such as the NPWS, and stakeholders to address the issues associated with invasive species in Ireland. This will include the development of a process for the rapid identification and reaction to reported incidences of invasive species.

The CFB are currently the lead partner in a LIFE+ project (EU/NPWS funded), which focuses its efforts on the control of an aggressive South African weed (the curly leaved waterweed) in one of our great western lakes, Lough Corrib, and on a variety of high impact invasive species in the Grand Canal and River Barrow Navigation. This project, therefore, will act as a demonstration project that will develop species control and management initiatives, codes of best practice, stakeholder engagement opportunities and significant capacity building arrangements. It is anticipated that these will have broad application throughout Ireland and Europe.

The Boards are also working on raising awareness amongst water users about the spread of invasive species, how they can be prevented and the mitigating measures that can be taken, for example, by anglers when moving boats and gear from one river catchment to another.

Alternative Energy Projects.

205. **Deputy Frank Feighan** asked the Minister for Communications, Energy and Natural Resources his views on whether, if in haste to avail of the environmental benefits of wind farms, we are ignoring the ecological damage that turbines can do (details supplied). [8444/10]

208. **Deputy Frank Feighan** asked the Minister for Communications, Energy and Natural Resources the grant aid package to promoters of the wind farm and a breakdown by project on Corry Mountain in counties Leitrim and Roscommon (details supplied). [8449/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I propose to take Question Nos. 205 and 208 together.

The proven environmental benefits of wind power include reduced greenhouse gas emissions and reduction in fossil fuel consumption while also enhancing security of energy supply. Once constructed, wind turbines produce no harmful gas emissions, no effluent, no waste products and no radioactivity. Every megawatt (MW) of installed Irish wind energy capacity displaces carbon dioxide and other emissions. Using the 2008 average carbon dioxide emission for the grid (average including all generating technologies such as coal, gas, oil, peat, CHP and wind) is calculated that each new MW of wind installed displaced the emission of 1,500 tonnes of carbon dioxide.

When assessing the suitability of a site both technical suitability and environmental suitability must be addressed. The Department of Environment, Heritage and Local Government has published comprehensive guidelines (Wind Energy Development Guidelines — Guidelines for Planning Authorities June 2006) to assist the proper planning of wind power projects in appropriate locations (including peat lands) around Ireland.

When planning a wind farm, a developer must assess site suitability and project feasibility. Planning permission must be sought. Ground conditions must also be assessed to ensure that they are suitable for wind turbine foundations. The developer must undertake an Environmental Impact Statement (EIS). The processing of the planning application must be undertaken in line with the regulations set out in the planning legislation. Prior to granting planning permission for any individual site, the relevant planning authority must satisfy itself as to the suitability of the site from an environmental perspective.

My Department does not provide grant aid to wind farm developers. The Renewable Energy Feed in Tariff (REFIT) scheme is designed to encourage development of electricity from renewable sources.

More information on the terms and conditions of the scheme including the rates that are payable for the electricity produced is available on the Department's website.

Prior to accepting a project into the REFIT scheme, applicants must demonstrate that they have secured planning permission for the site. The assumption is that if the relevant authority has granted planning permission for a site then that site has been assessed as suitable for the development of a wind farm from an environmental perspective. The specific wind farm on the Corry Mountain has been accepted into REFIT and the supply company with which it has contracted has been eligible for payments under the REFIT scheme since October 2009.

I am advised that the wind farm development at Corry Mountain Bog received planning permission from the relevant local authority prior to the designation of the area as a National Heritage Area (NHA). The National Parks and Wildlife Service (NPWS) has engaged in regular consultations with the developers, who have indicated a willingness to cooperate in mitigating the effects of the development on the NHA.

NPWS is now arranging to have a survey carried out to assess the area. It is envisaged that this survey and any works which may be needed, will be carried out with the cooperation of the developer.

Fisheries Protection.

206. **Deputy Frank Feighan** asked the Minister for Communications, Energy and Natural Resources if the ESB fishery division or any employee or agent hold an eel dealers licence now or in the past. [8447/10]

Minister of State at the Department of Communications, Energy and Natural Resources (Deputy Conor Lenihan): As the Deputy will be aware eel dealer licences are issued in accordance with Part X of the Fisheries (Consolidation) Act 1959 (as amended) by the relevant Regional Fisheries Board. I have been advised by the ESB that neither ESB Fisheries Conservation nor any employee of ESB Fisheries Conservation hold an eel dealers licence or have held such a licence in the past. I am informed that ESB is not aware that any of its agents hold such licences.

207. **Deputy Frank Feighan** asked the Minister for Communications, Energy and Natural Resources if he proposes to have the indemnity from prosecution given to ESB under section 11 of the Electricity Amendment Act 1945 Section 11 removed for example in the case of a landslide which destroys a river and fish stocks. [8448/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I have requested by Department, in consultation with the Department's legal adviser, as well as ESB to review the relevant provision in the Electricity Amendment Act 1945 in light of national and EU environmental legislative developments.

Question No. 208 answered with Question No. 205.

209. **Deputy Frank Feighan** asked the Minister for Communications, Energy and Natural Resources his views on whether the impact of hydropower was a factor in the destruction of eels on the Shannon and Erne systems. [8450/10]

Minister of State at the Department of Communications, Energy and Natural Resources (Deputy Conor Lenihan): As outlined in the Irish Eel Management Plan (EMP) prepared under EC Regulation No 1100 of 2007 six catchments, including the Shannon and the Erne have major hydropower installations in the lower catchments. According to the results of studies by the International Council for Exploration of the Sea the average mortality per turbine installation amounts to 28.5% (ICES 2003). This figure was used in assessing the impact of hydropower in the EMP. One of the four management measures in the EMP is the mitigation of the impact of hydropower, including the operation of a comprehensive silver eel "trap and transport" plan. As previously advised to the Deputy ESB entered into contracts during 2009 with eight parties to carry out trap and transport on the Rivers Shannon, Lee and Erne on their behalf.

Environmental Legislation.

210. **Deputy Frank Feighan** asked the Minister for Communications, Energy and Natural Resources if he proposes to have the indemnity from prosecution given to Bord Na Móna under section 27 of the Turf Development Act 1946 removed in the interest of the environment in view of the fact that private landowners may be prosecuted for similar breaches; and if he will make a statement on the matter. [8454/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): Bord na Móna Plc is licensed by the Environmental Protection Agency (EPA) under the EPA Act 1992. Bord na Móna holds nine Integrated Pollution Prevention and Control (IPPC) Licences from the EPA for the purposes of peat extraction under Section 83(1) of the EPA Act 1992. These licences cover all of Bord na Móna's peat extraction operations and contain 14 conditions relating to operation and monitoring, emissions to water and air, water protection, waste management and bog rehabilitation. Bord na Móna is the only licensed peat extraction operator in Ireland, and is audited and inspected, in relation to compliance with the conditions of its IPPC Licences, by the EPA.

As Bord na Móna's operations in relation to peat extraction are governed by the terms of the IPPC licences issued to it by the EPA, which are monitored for compliance by the EPA, it does not rely on any immunity under the Turf Development Act 1946 from compliance with the Fisheries Acts.

I have however, requested my Department to review, in consultation with the Department's legal adviser and Bord na Móna, the relevant provision in the Turf Development Act 1946, in light of national and EU environmental legislative developments.

211. **Deputy Frank Feighan** asked the Minister for Communications, Energy and Natural Resources if Bord Na Mona may have damaged bogland development or water systems here and have been protected from prosecution under section 27 of the Turf Development Act 1946; and if he will make a statement on the matter. [8455/10]

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.

Natural Heritage Areas.

212. **Deputy Frank Feighan** asked the Minister for Communications, Energy and Natural Resources his views on whether the Owengar River habitat was destroyed on foot of the Natural Heritage Area (Corry Mountain Bog NHA 002321) Order 2005; his plans to restore the river ecosystem; and if he will make a statement on the matter. [8457/10]

Minister of State at the Department of Communications, Energy and Natural Resources (Deputy Conor Lenihan): I understand that during the development work associated with the construction of a wind farm a major peat slide occurred in September 2008, which inundated the Owengar River with peat. This impacted the river down to its confluence with and into Lough Allen. I am advised by the Shannon Regional Fisheries Board that damage to the entire habitat was caused, however, I am informed that no part of the Corry Mountain Bog NHA (Ref 002321) was affected by the peat slide.

Last week Garvagh Glebe Power Limited., a consortium of the ESB and Coillte, was successfully prosecuted for causing pollution of the Owengar River in County Leitrim, contrary to Section 171 of the Fisheries Act. In his judgement the Judge requested that a rehabilitation plan be put in place which will fully addresses all issues into the future and provide a "roadmap for the restoration of the river". I understand that Garvagh Glebe Power Limited has committed to progress the required plan as soon as possible and I welcome this approach. The Fisheries Board will work with Garvagh Glebe Power Ltd in the formulation of the plan which should see the restoration take place over a five year period.

Grant Payments.

213. **Deputy Paul Kehoe** asked the Minister for Agriculture, Fisheries and Food if a person (details supplied) will receive compensation for a fodder beet crop that was destroyed in the recent weather conditions. [8210/10]

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 fodder beet.

214. **Deputy John Deasy** asked the Minister for Agriculture, Fisheries and Food if he will provide compensation to persons in the hardy nursery stock sector who have suffered losses due to the recent weather conditions in view of the fact that the viability of their businesses is in doubt; and if he will make a statement on the matter. [8336/10]

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.

215. **Deputy Willie Penrose** asked the Minister for Agriculture, Fisheries and Food if an application for review of penalties applied in respect of a person (details supplied) in County Westmeath will be completed in view of the substantive documentation provided there with; and if he will make a statement on the matter. [8432/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): An application under the Single Payment Scheme/Disadvantaged Areas Scheme was received from the person named on the 12th May 2009. This application was selected for and was the subject of a ground eligibility and cross compliance inspection. During the course of the ground inspection carried out on 29th June 2009 discrepancies were found with parcel numbers X13101048, X13403091 and X19405020 resulting in portions of these parcels being rejected. The discrepancies in question were inadequate deduction for scrub in parcel X13101048, inadequate deduction for roadway and farmyard in parcel X13403091 and boundary change required in parcel X19405020. As there is an over declaration of over 20%, no payment will be made under the Single Payment Scheme/Disadvantaged Area Compensatory Allowance Scheme for the year in question.

The person named was informed of these findings on the 19th November 2009 and of his right to seek a review of this decision within 21 days and of his right to appeal the outcome of any such review to the Independent Agriculture Appeals Office. The person named requested a review of the decision on 13 January 2010 and this review is currently ongoing. The person named will be duly notified of the outcome of this review.

Schools Building Projects.

216. **Deputy Martin Ferris** asked the Minister for Education and Science the position regarding an application for funding by a school (details supplied) in County Kerry. [8213/10]

Minister for Education and Science (Deputy Batt O’Keeffe): The project to which the Deputy refers is at an advanced stage of architectural planning. Planning Permission was

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received for the new school building in 2009. A delegation from the school and its design team recently attended a briefing by my Department on the completion of stage 2(b) of architectural planning. I am pleased to inform the Deputy that this project was included in my announcement on 16 February of projects which will be progressing to tender and construction.

School Transport.

217. **Deputy Christy O’Sullivan** asked the Minister for Education and Science the number of boarding schools here in which Catholic pupils are entitled to attend and be paid the remote area grant subject to being eligible under the conditions of this grant; the names of these schools; their locations and roll numbers; and if he will make a statement on the matter.

[8217/10]

Minister for Education and Science (Deputy Batt O’Keeffe): Under the Remote Area Grant scheme, provision exists for the payment of grants in respect of pupils whose normal place of residence is outside the range of public transport services to a school providing suitable free second-level education. This scheme of grants was introduced in conjunction with the free post-primary education scheme in the 1967/68 school year.

The purpose of the scheme is to give pupils who are educationally disadvantaged because of their remoteness from schools an opportunity to attend school on the same basis as other pupils not so disadvantaged. Under the terms of the scheme, a second-level school is a school which is recognised by the Department for the purpose of providing the prescribed certificate courses, which enters its students for the State examinations and is subject to inspection by the Department.

To qualify for a boarding grant, an applicant:—

- must be normally resident in the State; and
- must be resident at least 4.8 km from a second-level school where suitable free second-level education is available and more than 3.2 km from a pick-up point on a transport service to such a school; and
- must be unable to obtain a place in a suitable second-level school within 25 km of his/her normal place of residence; and
- must be a pupil in a second-level school providing free second-level education for day pupils. Pupils resident on off-shore islands that do not have a school providing suitable free second-level education may also qualify for assistance under the scheme.

The curriculum choices provided by a school, including the provision or otherwise of transition year, within 25 km of the applicant’s normal place of residence will not be a factor in the determination of eligibility for the award of a grant. The maximum grant payable under the scheme from the commencement of the 2008/09 school year may not exceed €4,947 per pupil per annum. The grant is payable quarterly in arrears to the parent/guardian, whichever is appropriate, subject to verification by the school that the pupil has been in full-time attendance for the period concerned and the provision of a statement of the annual maintenance charge. A list of boarding schools is available on my Department’s website.

Departmental Funding.

218. **Deputy Christy O’Sullivan** asked the Minister for Education and Science the arrangements in place for students from the Church of Ireland, Presbyterian and Methodist persuasions to attend boarding schools here when there is no adjacent Protestant day school; the names of the schools eligible under this scheme; the locations of these schools and their roll numbers; and if he will make a statement on the matter. [8218/10]

Minister for Education and Science (Deputy Batt O’Keeffe): My Department disburses the Protestant Block grant, which amounted to €6.5 million in 2009. It covers capitation, tuition and boarding costs and is distributed through the Secondary Education Committee, established by the Protestant churches involved in the provision of education. This fund ensures that necessitous Protestant children can attend a school of their choice.

The boarding grant element of the block grant is a recognition of the dispersed nature of the Protestant community. In this regard, I wish to advise the Deputy that students who board at a Protestant school which does not charge fees may also apply for a grant from the Secondary Education Committee to assist with boarding costs. At present, only one school falls into this category.

I, along with my colleagues in Government, recognise the importance of ensuring that students from a Protestant background can attend a school that reflects their denominational ethos. I will continue to work with representatives of the Protestant educational sector to ensure that State funding made available to the Protestant community is targeted in the fairest way possible to meet the needs of their children and their schools. A list of boarding schools is available on my Department’s website.

Schools Building Projects.

219. **Deputy Arthur Morgan** asked the Minister for Education and Science the position regarding capital works in respect of a school (details supplied) in County Donegal. [8230/10]

Minister for Education and Science (Deputy Batt O’Keeffe): The project to which the Deputy refers has been tendered and the Tender Report forwarded to my Department. Following an assessment of this report some issues have arisen which require further clarification by the VEC. Once this clarification process is complete and assuming that no further issues arise; the project will progress to the construction stage. It is anticipated that construction will commence in the second quarter of 2010.

School Closures.

220. **Deputy Brian O’Shea** asked the Minister for Education and Science if he will give an assurance that a school (details supplied) in County Waterford is not in danger of being closed down due to the lack of numbers; and if he will make a statement on the matter. [8328/10]

Minister for Education and Science (Deputy Batt O’Keeffe): As the Deputy will be aware, the Special Group on Public Services and Expenditure was established to examine current expenditure programmes in each Government Department and to make recommendations to Government for ensuring a return to sustainable public finances. I can confirm that there are no plans to undertake an immediate large-scale programme of small school closures at this time. The exception to this is small schools where the question of closure would arise in the normal course under the current sustainability limits. These will continue to be dealt with in

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the same way and such schools may be closed if the numbers reduce over time to an unsustainable level. However, I am of the view that my Department will have to examine the implementation of more strict guidelines in relation to the number of pupils required for both the commencement and the sustainability of schools.

It is within this context that my Department will be examining discreet groups or clusters of small schools and perhaps some individual small schools to see how we might achieve more value for money and a more efficient use of the resources that are currently allocated to these schools. However, in considering any policy changes relating to small schools, my Department is conscious that there is a wider dimension in addition to the cost of maintaining small schools to be considered. Among the issues that will need to be taken into account are the impact of school closures on dispersed rural communities, parental choice, the availability of diversity of school provision and the additional cost of school transport. All Patron bodies and the Education Partners will be consulted as part of any initiative undertaken by my Department in the future.

Schools Refurbishment.

221. **Deputy John Deasy** asked the Minister for Education and Science the position regarding an application from a school (details supplied) in County Waterford under the summer works scheme for primary schools 2010; when a decision on the application will be made; and if he will make a statement on the matter. [8337/10]

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 in the governing Circular letter, I expect to be in a position to publish the list of successful applicants in March 2010.

Schools Building Projects.

222. **Deputy Tom Hayes** asked the Minister for Education and Science the position regarding the application for funding for a physical education hall in respect of a school (details supplied) in County Tipperary; when this school will receive funding; and if he will make a statement on the matter. [8346/10]

223. **Deputy Tom Hayes** asked the Minister for Education and Science the number of schools that have outstanding applications for funding to build physical education halls; the year of submission of each application; the number of applications that have been successful since 2000; and if he will make a statement on the matter. [8347/10]

227. **Deputy Tom Hayes** asked the Minister for Education and Science the position regarding an application in 1996 for funding in respect of a physical education hall by a school (details supplied) in County Tipperary; when the school will receive funding; and if he will make a statement on the matter. [8370/10]

Minister for Education and Science (Deputy Batt O’Keeffe): I propose to take Questions Nos. 222, 223 and 227 together.

As the Deputy will be aware, my Department operates a published prioritisation criteria system for major capital projects. Projects are assigned a band rating in accordance with these criteria, which were formulated following consultation with the Education Partners. A band rating reflects the type of works needed and the urgency attaching to them.

There are four band ratings in all. Band 1 is the highest and Band 4 is the lowest. Documents explaining the band rating system are available on my Department's website www.education.ie.

Applications for capital funding for new PE Halls or for the extension and refurbishment of existing PE Halls attract a Band 4 rating.

My Department currently has 34 applications for funding for PE Hall projects. 2 applications, including the project to which the Deputy refers, are in architectural planning. A further project was announced to proceed to tender and construction in 2009. The applications for the projects in question were made between 1996 and 2008. Details of these projects are also available on my Department's website.

The specific information sought by the Deputy in relation to the number of projects delivered since 2000 that also contained PE Hall works are not readily available in my Department and, in view of other competing priorities in the capital area, it is not possible to allocate staffing resources to the compilation of the information at this stage.

However, my Department's design guidelines for schools include guidance on the provision of PE Halls, general purpose rooms and outdoor hard play areas such as basketball courts. PE facilities have been provided, where appropriate, as part of my Department's school building programme. The Government is providing €579 million for the school building programme this year. This will enable my Department to continue to take a proactive approach to the provision of modern school accommodation including PE facilities.

With regard to the specific project to which the Deputy refers, this will continue to be considered for advancement under the School Building and Modernisation Programme consistent with the Band rating attaching to it and level of demand on my Department's capital budget from higher competing priorities.

224. **Deputy Dinny McGinley** asked the Minister for Education and Science if contract documents have been submitted in relation to a project (details supplied) in County Donegal; when the documents were submitted; if they are being assessed and considered at the moment; when a decision will be made to have a contractor appointed; when work will commence; and if he will make a statement on the matter. [8350/10]

Minister for Education and Science (Deputy Batt O'Keeffe): The project to which the Deputy refers has been tendered and the Tender Report forwarded to my Department. Following an assessment of this report some issues have arisen which require further clarification by the VEC. Once this clarification process is complete and assuming that no further issues arise; the project will progress to the construction stage. It is anticipated that construction will commence in the second quarter of 2010.

School Staffing.

225. **Deputy Charlie O'Connor** asked the Minister for Education and Science if he will intervene in the situation at a school (details supplied) in Dublin 24 which faces staff cuts by the National Council for Special Needs; his views on the concern and the anxiety of the school

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community; if he will outline the position regarding this school; and if he will make a statement on the matter. [8352/10]

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 Special Needs Assistant (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 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.

Higher Education Grants.

226. **Deputy Ruairí Quinn** asked the Minister for Education and Science the number of persons who are in receipt of both a higher education maintenance grant and either a back to education allowance or a vocational training opportunity scheme allowance during the 2008-09 academic year; the number of persons in receipt of either back to education allowance or a VTOS allowance during the 2009-10 academic year; and if he will make a statement on the matter. [8355/10]

Minister for Education and Science (Deputy Batt O'Keeffe): It is understood from the Department of Social and Family Affairs that some 6,559 of their clients were in receipt of the BTEA Third Level Option in 2008/09 and 10,351 in 2009/10. However, not all BTEA recipients qualify for support under the student grant schemes.

In relation to VTOS allowances, only those students pursuing PLC courses in dispersed mode are eligible to apply for a maintenance grant. There were some 3,671 students in receipt of VTOS allowances for 2008/09, of which 1,800 were pursuing PLC courses in dispersed mode and 4,238 students in receipt of VTOS allowances for the 2009/10 academic year, of which 1,455 were pursuing PLC courses in dispersed mode.

The Deputy will appreciate that many categories of applicants apply for funding under the maintenance grant schemes. My Department does not collate information specifically on students in receipt of the BTEA scheme or VTOS allowance only.

Students currently in receipt of the BTEA and the maintenance grant will continue to be eligible for both payments for the duration of their current course provided they continue to meet the terms and conditions of the schemes. With effect from the academic year 2010/11, students entering or progressing to a new course will no longer be eligible to hold the BTEA together with a student maintenance grant. These students may continue to apply to be assessed to have the cost of the student service charge and any tuition fees paid on their behalf.

The Back to Education Allowance (BTEA) is a second chance education opportunities scheme designed to encourage and facilitate people on certain social welfare payments to improve their skills and qualifications and therefore, their prospects of returning to the workforce. Eligibility for the Back to Education Allowance and associated payments is determined and administered by the Department of Social and Family Affairs and is primarily a matter for my colleague, the Minister for Social and Family Affairs.

Question No. 227 answered with Question No. 222.

Higher Education Grants.

228. **Deputy Joanna Tuffy** asked the Minister for Education and Science the number of students in County Meath still awaiting the first instalment of the maintenance grant; the date that has been set for the second instalment; and if he will make a statement on the matter. [8382/10]

Minister for Education and Science (Deputy Batt O’Keeffe): The Third Level Maintenance Grant Schemes, are administered by the Local Authorities and Vocational Education Committees’ on behalf of my Department. The arrangement for the payment of grants and refunds of student service charges under the grant schemes are a matter for the administering authorities.

Some 30 students who have been awarded a maintenance grant by County Meath VEC are awaiting payment of the first instalment. This payment cannot issue until the Final Course Acceptance Forms are returned by the students. The second instalment was paid on the 19th January 2010 by County Meath VEC.

Some 112 students who have been awarded a maintenance grant by Meath County Council are awaiting payment of the first instalment. This cannot issue until the Final Course Acceptance Forms are returned by the students (of the 112 students 41 have returned the acceptance forms to date and will be ready for payment this week). The second instalment was paid in the first week of February 2010 by Meath County Council.

International Students.

229. **Deputy Brian Hayes** asked the Minister for Education and Science the capacity that exists at third level for the expansion of the international student body; and if he will make a statement on the matter. [8386/10]

Minister for Education and Science (Deputy Batt O’Keeffe): I have recently established a high level group on international education, as part of the new framework for the promotion, co-ordination and regulation of international education in Ireland. The Government has requested that the High Level Group develop an action plan for enhanced performance, which should address the full range of issues relevant to the recruitment of international students and other forms of internationalisation of education. Among the core issues that the Group will be examining includes the capacity of institutions to attract increased numbers of international students in a way which is consistent with other national policies and has regard to needs of Irish students. I expect that the Action Plan will be ready later this year.