



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Thursday, 25 March 2010.

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DÁIL ÉIREANN

Déardaoin, 25 Márta 2010.
Thursday, 25 March 2010.

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

Paidir.
Prayer.

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 Finian McGrath: I seek the adjournment of the Dáil under Standing Order 32 to raise a matter of national importance, namely, the urgent need to support the residents of Clontarf, Dublin 3, in their efforts to close the head shop on Clontarf Road, to call on all Ministers and Members of the Oireachtas to bring forward legislation to put an end to these head shops in order to protect our children and young people, and to make this issue a priority.

Deputy Emmet Stagg: I seek the adjournment of the Dáil under Standing Order 32 to raise a matter of national importance, namely, the decision by the Government to reduce the number of special needs assistants by 1,200 and, in particular, the decision by the Government to remove 4.5 SNA posts from the special needs school at St. Raphael's, Celbridge, County Kildare, and to ask the new Minister for Education and Skills to review the decisions and, in particular, to accept the appeal by St. Raphael's against this heartless decision.

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

Deputy Bernard J. Durkan: I do not want to disrupt the commencement of the Order of Business, but may I gently suggest that in the present climate, there must be some issue that is deemed sufficiently important to allow the adjournment of the House, such as the issue I brought to the Ceann Comhairle's attention yesterday and again this morning. I and other Members will bring such matters to the attention of the Ceann Comhairle from time to time. At this particular time, the complete breakdown in the delivery of services by various Departments to the people of this country—

An Ceann Comhairle: Debate is not provided for at this stage.

Deputy Bernard J. Durkan: —is sufficient in my view and in the view of people outside the House to necessitate that the proceedings of the Dáil be adjourned to allow an emergency debate on those issues.

Deputies: Hear, hear.

An Ceann Comhairle: I have said that debate is not provided for at this time.

Order of Business.

The Tánaiste: It is proposed to take No. *a10*, Merchant Shipping Bill 2009 — motion to instruct the committee, to adjourn at 1.30 p.m. if not previously concluded; and No. 20, Planning and Development (Amendment) Bill 2009 [*Seanad*] — Second Stage (resumed). It is proposed, notwithstanding anything in Standing Orders, that the following arrangements shall apply in regard to No. *a10*: the speech of a Minister or Minister of State and of the main spokespersons for Fine Gael, the Labour Party and Sinn Féin, who shall be called upon in that order, shall not exceed 15 minutes in each case; the speech of each other Member called upon shall not exceed ten minutes in each case; Members may share time; and a Minister or Minister of State shall be called upon to make a speech in reply which shall not exceed ten minutes.

An Ceann Comhairle: There is one proposal to put to the House. Is the proposal for dealing with No. *a10* agreed to?

Deputy Richard Bruton: It is not agreed. As we speak, a very prominent backbencher in the Fianna Fáil Party is indicating that he believes the Taoiseach should consider his position.

An Ceann Comhairle: This is not contemplated on the Order of Business.

(Interruptions).

Deputy Ulick Burke: The Ceann Comhairle does not have to worry about minding his seat.

Deputy Michael Ring: What about Deputy Enda Kenny? There is nothing about Enda, it is all about Brian now.

An Ceann Comhairle: Does Deputy Bruton have a query about promised legislation?

Deputy Richard Bruton: I do. I wish to indicate a number of reasons that I am opposed to the Order of Business. First, when we find that Government backbenchers do not believe the Taoiseach capable of providing fresh leadership for the country, we have a serious and grave situation.

Deputies: Hear, hear.

Deputy Richard Bruton: Second, we have just read that the Minister for Finance will announce next Tuesday a recapitalisation package for Anglo Irish Bank. It appears that not only will we be buying €35 billion of loans from the bank but we will also be asking the taxpayer to provide €9 billion for recapitalisation. Next week's business makes no provision for a debate on this huge decision which has enormous implications for the people of this country. The Minister for Finance does not have unfettered authority to make these decisions. He must show that the banks involved are of systemic importance to the country and that these decisions are well balanced and are sound and good investments for the country. We demand and are entitled to a debate on this next week.

I wish to advance a final point before we can agree this business. Last December Deputy Phil Hogan, via a Private Members' Bill, proposed that the affairs of the Dublin Docklands Development Authority be brought within the remit of the Comptroller and Auditor General. Today we learn that not only is €140 million of State investment now at zero value but that the taxpayer may be on the hook for interest for cost overruns——

An Ceann Comhairle: We cannot have long recitations on the Order of Business.

Deputy Richard Bruton: —and for the failure to have any financial assessment of the issue. There should be an immediate publication of this report so that we can schedule a debate. The Attorney General and those concerned have had plenty of time to consider it. We must now move to see real accountability for the appalling decisions that were made. Let us scrutinise what happened and let us assign the Comptroller and Auditor General to do a proper job to defend the taxpayer. Before we agree to the Order of Business, I want to hear a proper response on these subjects.

Deputies: Hear, hear.

Deputy Eamon Gilmore: What is happening here this morning is very similar to what the Government attempts to do as we come close to a recess. The first thing it does is bring forward legislation that was not adequately prepared in the first place, namely, the Merchant Shipping Bill, and instead of revising that legislation it brings in a batch of amendments that are larger than the Bill itself. The motion before us is to enable the Government to introduce Report Stage amendments that amount to more than what is in the Bill. It has done this before; it is a new approach to legislating.

There are 20 items of legislation listed for publication this session. The Government has published only one Bill since 29 January, namely, the Finance Bill 2010. The rest of them will be dealt with by this new form of legislating, which is to publish Bills during the recess and bring in amendments on Report Stage. This is not acceptable.

Next week will be our last in the House before the Easter break. There is a promised announcement on the proposed recapitalisation of Anglo Irish Bank. We are now being told that this announcement will be made sometime next week, but no provision has been made for debating it. If the Government thinks it can make this announcement some time after Leaders' Questions next Wednesday, and then not allow any opportunity to debate it in the House for three weeks, then it is very seriously mistaken. On top of all this, the report on the Dublin Docklands Development Authority apparently has been sitting on the desk of the Minister for the Environment, Heritage and Local Government. We have been told it has not been released because the Attorney General has been asked whether parts of it are acceptable, but it is now in the hands of a broadcaster. There is no justification for withholding that report a day longer, and I want to see it laid before the Oireachtas today. If it is in the hands of a broadcaster, it is in the public domain, so it is unacceptable for the Minister to say that he cannot publish it.

The Labour Party is opposing the proposal from the Government this morning because of what the legislation amounts to, but also because it is part of a pattern to let everything go to the last minute, close down the Dáil and then avoid debate for three or four weeks. We will come back to what Deputy McGuinness had to say at a later stage.

Deputy Ulick Burke: Is he on side?

Deputy Joan Burton: He is on KCLR.

Deputy Caoimhghín Ó Caoláin: The proposition before us this morning is another effort to undermine the relevance of this House. That is what is involved in the formula mooted by the Government to deal with the Merchant Shipping Bill 2009. The other points raised by other speakers are all equally valid for opposing the adoption of the Order Paper this morning, because the Government is failing time and again to protect the relevance of Parliament.

[Deputy Caoimhghín Ó Caoláin.]

The report on the Dublin Docklands Development Authority has been denied to Members of the House, yet it is now in open currency——

An Ceann Comhairle: That is not relevant and there is no provision to debate it now.

Deputy Caoimhghín Ó Caoláin: It is just as relevant as any other speaker who referred to it this morning without being interrupted by the Chair. That is another issue that deals with relevance in this Chamber.

An Ceann Comhairle: I just mentioned that there is no provision at this point to debate the issue.

Deputy Caoimhghín Ó Caoláin: I have already referred to the report on the docklands authority several times in this House. Members are entitled to see that report published and this House is the place to debate its contents properly. We should not be dependent on piecemeal leaking to the media by whatever hand.

The Tánaiste: If a decision is made by the Government to recapitalise the banks next week, it will facilitate time in the House, through consultation with the Whips, to allow for a debate.

Deputy Joan Burton: Does that imply that the decision——

An Ceann Comhairle: Resume your seat, Deputy. The Tánaiste is in possession.

Deputy Joan Burton: There will be no debate on this for three weeks.

The Tánaiste: If I am not allowed to answer, then I put the motion.

Deputy Joan Burton: It is a fraud on the Irish people.

Question put: "That the proposal for dealing with No. a10 be agreed to."

The Dáil divided: Tá, 70; Níl, 58.

Tá

Ahern, Bertie.
 Ahern, Dermot.
 Ahern, Michael.
 Ahern, Noel.
 Andrews, Barry.
 Andrews, Chris.
 Ardagh, Seán.
 Blaney, Niall.
 Brady, Cyprian.
 Brady, Johnny.
 Browne, John.
 Byrne, Thomas.
 Calleary, Dara.
 Carey, Pat.
 Collins, Niall.
 Conlon, Margaret.
 Connick, Seán.
 Coughlan, Mary.
 Cregan, John.
 Cuffe, Ciarán.
 Curran, John.
 Dempsey, Noel.
 Devins, Jimmy.
 Dooley, Timmy.

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

Tá—*continued*

Mulcahy, Michael.
 Nolan, M. J.
 Ó Cuív, Éamon.
 Ó Fearghail, Seán.
 O'Brien, Darragh.
 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, Peter.
 Power, Seán.
 Sargent, Trevor.
 Scanlon, Eamon.
 Smith, Brendan.
 Treacy, Noel.
 Wallace, Mary.
 White, Mary Alexandra.
 Woods, Michael.

Níl

Allen, Bernard.
 Barrett, Seán.
 Broughan, Thomas P.
 Bruton, Richard.
 Burke, Ulick.
 Burton, Joan.
 Carey, Joe.
 Clune, Deirdre.
 Costello, Joe.
 Creed, Michael.
 D'Arcy, Michael.
 Deasy, John.
 Deenihan, Jimmy.
 Doyle, Andrew.
 Durkan, Bernard J.
 English, Damien.
 Enright, Olwyn.
 Feighan, Frank.
 Flanagan, Charles.
 Flanagan, Terence.
 Gilmore, Eamon.
 Hayes, Brian.
 Hayes, Tom.
 Higgins, Michael D.
 Hogan, Phil.
 Kehoe, Paul.
 Lynch, Ciarán.
 McCormack, Pádraic.
 McEntee, Shane.

McGinley, Dinny.
 McGrath, Finian.
 McHugh, Joe.
 McManus, Liz.
 Mitchell, Olivia.
 Neville, Dan.
 Noonan, Michael.
 Ó Caoláin, Caoimhghín.
 Ó Snodaigh, Aengus.
 O'Donnell, Kieran.
 O'Dowd, Fergus.
 O'Keeffe, Jim.
 O'Mahony, John.
 O'Shea, Brian.
 O'Sullivan, Jan.
 Penrose, Willie.
 Perry, John.
 Quinn, Ruairí.
 Rabbitte, Pat.
 Reilly, James.
 Sheahan, Tom.
 Sheehan, P.J.
 Sherlock, Seán.
 Shortall, Róisín.
 Stagg, Emmet.
 Stanton, David.
 Timmins, Billy.
 Tuffy, Joanna.
 Upton, Mary.

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

Question declared carried.

Deputy Richard Bruton: As regards the Order of Business, the Tánaiste seemed to indicate earlier that she was willing to schedule a debate for next week on the recapitalisation of the banks. Could she clarify the format of that debate? We need to have the ability to make distinctions between different banks and take a prudent decision in respect of how we approach them. Various banks are of different importance to the economy and we need to have a debate next week that faces up to those differences and draws conclusions.

11 o'clock The Tánaiste did not get a chance to respond earlier, but will she arrange for the report on the Dublin Docklands Development Authority to be published, as well as scheduling a debate? We have seen these issues being kicked around for a long time. They constitute immense

[Deputy Richard Bruton.]

exposure for the taxpayer and the Dáil deserves to have a debate on them in view of the fact that journalists are discussing them freely on the airwaves. It makes a nonsense of this House if the Tánaiste is not willing to provide the basis for a reasoned debate on an important issue.

Deputy Bernard J. Durkan: Hear, hear.

The Tánaiste: I do not disagree with the Deputy at all. It is clearly the intention of the Minister for the Environment, Heritage and Local Government to ensure there is a debate and that the report is published.

Deputy Richard Bruton: When?

The Tánaiste: As quickly as possible. It is in draft form at the moment.

Deputy James Reilly: After it has been debated by the public.

The Tánaiste: I have agreed there will be a debate next week, although it will be a matter for the Whips to decide the time allocation and format.

Deputy Olivia Mitchell: That is nice.

Deputy Eamon Gilmore: I am glad to hear there will be a debate on the banking proposal next week. Is it intended that the debate will take place early in the week? If this decision is made by the Government early in the week, a debate on Thursday in the form of statements, for example, would not be acceptable. I would like to hear the details of the Government proposal for a debate.

My second question concerns the Dublin Docklands Development Authority report. When will it be published and laid before the Houses? It has in effect been published already, given that it has been discussed in the media. It is not acceptable for this to drag on for a long period.

Deputy Shortall asked the Taoiseach yesterday where FÁS now stands following the Government's announcement of the reallocation and reconfiguration of Departments and portfolios. In his reply he stated:

Two thirds of its operations deal with placements and all of that area will be dealt with in the Department of Social Protection . . . skills policy will be dealt with in the Department of Education and Skills. The corporate accountability issues remain with the main Department [that is, the Department of Enterprise, Trade and Innovation] until such time as there is legislation that will change it.

When will legislation be introduced to change things in FÁS? Will it need to be introduced before the placements operation is transferred to the Department of Social Protection and the skills operation transferred to the Department of Education and Science? If that is not the case, how are these operations to be transferred to the Departments?

An item in today's *Irish Examiner* states that the Government jet was sent to London to collect a Minister of State, Deputy Kelleher——

An Ceann Comhairle: I am sure there is some way for the Deputy to raise that matter other than on the Order of Business.

Deputy Eamon Gilmore: ——and take him home for the vote on the Cabinet reshuffle last Tuesday. The cost was €5,900.

An Ceann Comhairle: This has nothing to do with promised business.

Deputy Eamon Gilmore: I cannot see how this could be construed as Government business. It seems, if anything, to be Fianna Fáil business. If Fianna Fáil wanted to fly him home it should have paid the bill. In any event, it does not seem to be good value for money; the Government could buy an Independent for less.

An Ceann Comhairle: We cannot have a debate on that matter.

The Tánaiste: The format and timing of the debate can be decided at the Whips' meeting.

It is important to point out that the DDDA report is in draft form and it was not the Government that made it available to the press. It is clearly the Minister's intention to have the report published as quickly as possible, although I am not yet in a position to give a specific date.

On the matter of FÁS, all the relevant Ministers met last night to discuss the implementation of the decision made by the Taoiseach. FÁS will continue to provide the programmes for which it currently has responsibility. Responsibility for FÁS as a State body and funding related to training and skills will be transferred to the Department of Education and Skills. The Department of Social Protection will receive funding for the programmes for which it has acquired responsibility, and pending the full integration of the service into the Department, it will arrange with FÁS for the supply of programmes currently delivered by that body. The changes will be finalised by a Government order in the next week or two and the appropriate funding adjustments will take place in the Estimates. In the meantime, the current reporting arrangements and responsibilities continue to apply.

Deputy Eamon Gilmore: Two questions arise from the Tánaiste's reply.

Deputy Noel Dempsey: This is not Question Time.

An Ceann Comhairle: We cannot have questions. We have a major problem with the Order of Business dragging on for half a day every day. We are setting a bad example. There is much business to be transacted in the House. While I endeavour to be as fair as possible to everybody in the House, we must have regard to the proper running of the place.

Deputy Eamon Gilmore: Thank you, a Cheann Comhairle. All that is required to avoid that is that I receive straight answers to my questions the first time. Then I would not need to ask a supplementary question.

Deputy Noel Dempsey: There is no right to ask it.

Deputy Eamon Gilmore: There are two issues arising from the Tánaiste's reply. Twice, she used the term "draft" in referring to the report on the DDDA. I understood Professor Brennan had submitted a final report. What does the Tánaiste mean by stating it is in draft form? Does it mean Professor Brennan has not completed her report and that it is to be sent back to her?

The Tánaiste also said that the transfer of functions from FÁS would be achieved by way of a Government order. When will that order be laid before the House?

The Tánaiste: The reason I referred to the DDDA report as a draft report is that it was sent to the interested parties to give them an opportunity to reply to what was written in it. It is also important to point out that Professor Brennan has implemented many of the recommendations within the report. That is the reason it is in draft form; it is normal procedure on advice.

Deputy Eamon Gilmore: Will it be redrafted?

The Tánaiste: On the question of FÁS, the orders will be prepared in the next week or two.

Deputy Caoimhghín Ó Caoláin: Deputy Gilmore's remark about the price of an Independent is an interesting one, given that on yesterday's evening news we saw one of the Independent Deputies say that he had secured hospital and school services in return for abstaining from the vote on the Cabinet reshuffle.

An Ceann Comhairle: The Order of Business does not have room for such observations.

Deputy Aengus Ó Snodaigh: It is to do with the programme for Government.

Deputy Caoimhghín Ó Caoláin: It is a fair point.

Deputy Bernard J. Durkan: That is agreed.

An Ceann Comhairle: On promised business, please.

Deputy Caoimhghín Ó Caoláin: This is all relevant to the programme for Government.

Deputy Bernard J. Durkan: The promise is already made.

Deputy Caoimhghín Ó Caoláin: I understood the arrangement with the Deputy concerned had ceased, but it seems to be similar to the Ballinasloe Fair. It is not only the first week in October; it goes on with every vote.

An Ceann Comhairle: Does the Deputy have a query on promised legislation?

Deputy Caoimhghín Ó Caoláin: Now there is a price for abstaining. I wonder what the price was for other Independents who actually voted for the reshuffle. Perhaps we as Members of the House are entitled to receive that information.

Deputy Bernard J. Durkan: Hear, hear.

Deputy Caoimhghín Ó Caoláin: With regard to the DDDA report, the issue of the Irish Glass Bottle site is particularly vexatious. The Irish Glass Bottle Company, by the way, was profitable——

An Ceann Comhairle: Deputy, we cannot get into details on the Order of Business. There will be a debate on the issue next week.

Deputy Caoimhghín Ó Caoláin: ——and the plant was the only glass bottle recycling facility in the State. It was lost due to the Government's inaction and failure to intervene. I ask the Tánaiste again: Will the DDDA report be laid before the Houses today? If it is already in circulation in the media, why in heaven's name can it not now be presented to the Members of the House? It defies understanding, a Cheann Comhairle.

An Ceann Comhairle: The Deputy is anticipating the debate on the matter.

Deputy Caoimhghín Ó Caoláin: What is the reason for the refusal to share the information in this report with the Members of the House? It is absolutely unacceptable.

An Ceann Comhairle: Deputy, the indication is that the report will be laid before the Houses. We can deal with it at that stage.

Deputy Caoimhghín Ó Caoláin: It does not require legislation. It is such a ridiculous proposition. Can we get some answer or explanation for the fact that the Government has refused to publish the report?

With regard to the proposal to introduce prescription charges for medical card patients——

An Ceann Comhairle: Is there promised legislation?

Deputy Caoimhghín Ó Caoláin: There is promised legislation and I will finish my question.

The Tánaiste: It is this session.

Deputy Caoimhghín Ó Caoláin: Next week is the beginning of April and already pharmacies are carrying notification on the premises——

An Ceann Comhairle: The Deputy should take the matter up with the line Minister.

Deputy Caoimhghín Ó Caoláin: For the love of God——

An Ceann Comhairle: I advised as much yesterday.

Deputy Caoimhghín Ó Caoláin: With all respect, this is the limit.

An Ceann Comhairle: I know it is. The Order of Business has become the limit.

Deputy Caoimhghín Ó Caoláin: There is no equity here. I have said it repeatedly. I am tired of it now.

Deputy Noel Dempsey: The Deputy has had five minutes and only one question was in order.

Deputy Caoimhghín Ó Caoláin: I want to be able to ask my question as the legislation has been promised.

An Ceann Comhairle: The Order of Business is not the appropriate time for questions.

Deputy Caoimhghín Ó Caoláin: This is about promised legislation on the imposition of prescription charges on medical card holders. I am indicating to the Tánaiste and the House that pharmacies are carrying notification that from April, these charges will apply. April fools' day is on 1 April next week and there is no indication that the legislation has been published. I hope, irrespective of what the Minister, Deputy Dempsey, has said, that this is an indication of the Government thinking about this again. There was no publication in advance of next week and there is no signal of intent to address such legislation in the coming week. Will the Tánaiste put all the unfortunate people who have this vista waiting on them out of their misery and declare that the Government will not proceed with the charge and the process of legislation in this regard has been scrapped——

The Tánaiste: The legislation is in draft form——

Deputy Caoimhghín Ó Caoláin: ——as it should be?

The Tánaiste: ——and will be brought as quickly as possible to the House.

Deputy Caoimhghín Ó Caoláin: What will be brought quickly to the House?

The Tánaiste: The legislation.

Deputy Caoimhghín Ó Caoláin: It is the legislation relating to the prescription charges.

The Tánaiste: I answered the question asked by the Deputy.

Deputy Caoimhghín Ó Caoláin: So the Government is not withdrawing its intent.

An Ceann Comhairle: The Deputy has the answer.

Deputy Caoimhghín Ó Caoláin: Shame on the Government once again in that case.

Deputy Olwyn Enright: What contingency plans will be in place in the event of social welfare offices being closed this afternoon? The Tánaiste is aware there are already massive backlogs of applications in social welfare offices throughout the country. I was contacted by somebody this morning who applied for the family income supplement in December and has not even been assigned to an inspector despite the fact that we are approaching the end of March. We have seen the fiasco at the passport office and this will be replicated throughout the country in social welfare offices unless contingency arrangements are put in place.

The Tánaiste indicated the new Minister responsible for social protection would be involved in the divvying up of FÁS——

An Ceann Comhairle: A parliamentary question might elicit some information.

Deputy Olwyn Enright: ——and perhaps she has been talking to him about his plans to ensure the very vulnerable people who need their payments can get them on time.

Deputy Bernard J. Durkan: Hear, hear.

The Tánaiste: There is no promised legislation.

An Ceann Comhairle: I call Deputy Tom Sheahan.

Deputy Olwyn Enright: There is legislation promised; it is the social welfare Bill. There is not much point in having legislation if we are not able to facilitate people with payments.

The Tánaiste: As the Deputy is aware, that is not the question she asked. The heads of the Bill have been signed off by the Government.

Deputy Olwyn Enright: We will not return here until next Tuesday and in the meantime there may be several days where little or no work would be done in the processing of payments, leaving thousands of people waiting longer.

An Ceann Comhairle: Is there promised legislation?

Deputy Olwyn Enright: We need an answer on this. It is promised legislation.

Deputy Seán Sherlock: On the same issue——

The Tánaiste: The heads of the social welfare Bill have been signed off by the Government this week. Preparation for publication is taking place.

Deputy Olwyn Enright: There are no contingency arrangements.

An Ceann Comhairle: We cannot have questions like that on the Order of Business.

Deputy Olwyn Enright: The people want answers.

An Ceann Comhairle: I do not disagree with the Deputy but she must find an alternative way of raising the issue.

Deputy Olwyn Enright: There is no alternative.

An Ceann Comhairle: There is the Adjournment and parliamentary questions; there are so many other ways.

Deputy Seán Sherlock: On the same issue——

Deputy Olwyn Enright: All we need is a “Yes” or “No” answer. Are contingency arrangements in place? We could have the answer in two seconds.

An Ceann Comhairle: The Deputy could put the matter down for the Adjournment.

Deputy Seán Sherlock: I have a raft of representations made to the Department of Social and Family Affairs. The Ceann Comhairle will tell me——

An Ceann Comhairle: We cannot have Question Time on the Order of Business.

Deputy Seán Sherlock: If I could be allowed——

An Ceann Comhairle: The Deputy may make a brief contribution if it relates to promised business or legislation.

Deputy Seán Sherlock: The Ceann Comhairle will tell me there are other mechanisms to raise the matter.

An Ceann Comhairle: Yes.

Deputy Seán Sherlock: If I put down a parliamentary question on specific people, it will be refused.

An Ceann Comhairle: There are other mechanisms than parliamentary questions.

Deputy Seán Sherlock: If I seek it for the Adjournment, it is a matter of a lottery. There are few means or mechanisms available to me to raise the plight of hundreds of people in my constituency who literally do not have a bob to their name at the moment to be able to feed their families.

An Ceann Comhairle: We cannot have this on the Order of Business.

Deputy Seán Sherlock: This is the penury that we are putting these people through at the moment.

Deputy Olwyn Enright: Where else can it be raised?

Deputy Bernard J. Durkan: On a point of order——

Deputy Seán Sherlock: This Government should take contingency measures as have been outlined by Deputy Enright——

An Ceann Comhairle: Deputy.

Deputy Seán Sherlock: ——to ensure those people now below the poverty line would have their cases dealt with so they might have a few bob to survive.

An Ceann Comhairle: The Deputy's query should be raised directly with the line Minister.

Deputy Bernard J. Durkan: On a point of order——

Deputy Olwyn Enright: The Minister responsible for social welfare will not be here until 20 April.

An Ceann Comhairle: The Deputy has the option of the Adjournment.

Deputy Olwyn Enright: What are the people to do until then?

Deputy Bernard J. Durkan: As the Ceann Comhairle knows, this was the subject of the issue I raised and on which he refused to allow discussion earlier this morning. We have come to a serious state of affairs in the House——

An Ceann Comhairle: This is not a point of order.

Deputy Bernard J. Durkan: ——because of the inability to discuss an issue that is very important and which affects lives in almost every household in the country.

An Ceann Comhairle: I do not dispute the merit of the Deputy's argument.

Deputy Bernard J. Durkan: If so why do we not——

An Ceann Comhairle: I advise the Deputy that we must find an alternative mechanism in raising the issue.

Deputy Olwyn Enright: There is none.

Deputy Emmet Stagg: There are no alternatives.

Deputy Bernard J. Durkan: This is the alternative.

An Ceann Comhairle: It should not be contemplated on the Order of Business.

Deputy Bernard J. Durkan: The Tánaiste should outline to the House——

An Ceann Comhairle: The Order of Business is not Question Time.

Deputy Bernard J. Durkan: Scores of people are being punished.

An Ceann Comhairle: We have parliamentary questions, the Adjournment and Private Notice Questions.

Deputy Bernard J. Durkan: There are hundreds and thousands being punished all over the country because of the failure of the Government to deliver on its promises.

An Ceann Comhairle: The matter can be raised through such mechanisms.

Deputy Bernard J. Durkan: This is the service it gives the people.

An Ceann Comhairle: The Deputy should resume his seat.

Deputy Bernard J. Durkan: Is the House still relevant?

An Ceann Comhairle: It is very relevant.

Deputy Bernard J. Durkan: Is it irrelevant?

Deputy Caoimhghín Ó Caoláin: There is no accountability.

Deputy Liz McManus: It is not relevant.

An Ceann Comhairle: I am advising the Deputy that there are alternative ways to raise these matters.

Deputy Emmet Stagg: There is none.

An Ceann Comhairle: The Order of Business is not Question Time.

Deputy Bernard J. Durkan: I gave the Ceann Comhairle an opportunity this morning——

Deputy Seán Sherlock: The Ceann Comhairle should outline the alternatives.

Deputy Bernard J. Durkan: ——to provide for a full debate and he refused.

An Ceann Comhairle: It would have been allowed if it was in order under Standing Order 32.

Deputy Bernard J. Durkan: This is an important issue and we have raised the matter again.

An Ceann Comhairle: The Deputy should resume his seat.

Deputy Seán Sherlock: On a point of order——

Deputy Olwyn Enright: How is this not a national issue?

An Ceann Comhairle: I have advised the Deputies that there are alternative ways of raising this matter in the House——

Deputy Olwyn Enright: What are they?

Deputy Seán Sherlock: There are not.

An Ceann Comhairle: ——instead of the Order of Business.

Deputy Bernard J. Durkan: There are not.

Deputy Seán Sherlock: What are those mechanisms.?

An Ceann Comhairle: There are several ways and if the Deputies wish to consult with my office, we will offer advice.

Deputy Seán Sherlock: The Ceann Comhairle should——

An Ceann Comhairle: I have advised Deputies several times already.

Deputy Emmet Stagg: A Cheann Comhairle——

Deputy Liz McManus: On a point of order, the Ceann Comhairle may not be aware of what is going on. I have a sheaf of letters that have been returned to me from the Minister for Social Protection. These are representations I have made with private and confidential details in them.

An Ceann Comhairle: I do not doubt that.

Deputy Liz McManus: I have not finished my point, which is extremely serious. I have also had returned to me private and confidential letters sent to the Minister by another Minister, Deputy Micheál Martin. I do not know if Deputy John McGuinness is still on the Government side but yesterday he returned letters that I sent to the Department that he had received. These were relevant to representations I had made as a public representative to the Minister on behalf of people who have no voice.

An Ceann Comhairle: The matter must be raised with the line Minister.

Deputy Liz McManus: No.

An Ceann Comhairle: The Order of Business is not the appropriate time.

Deputy Liz McManus: This is much more serious.

Deputy Olwyn Enright: It is a serious matter.

Deputy Eamon Gilmore: This relates to privilege.

Deputy Liz McManus: This is an issue of data protection as well as privilege.

An Ceann Comhairle: Yes.

Deputy Liz McManus: With all due respect, the Ceann Comhairle and the Tánaiste must investigate the fact——

An Ceann Comhairle: Deputy, please.

Deputy Liz McManus: ——that we are unable to do our work as public representatives.

An Ceann Comhairle: The Deputy should put down a parliamentary question to the line Minister on the matter.

Deputy Olwyn Enright: They will not answer the questions.

Deputy Liz McManus: This involves private and confidential information that another Deputy has referred to the Minister.

An Ceann Comhairle: We are abusing the provisions for the Order of Business this morning.

Deputy Liz McManus: It is now being circulated like snuff at a wake.

An Ceann Comhairle: There are many other ways of raising the matter.

Deputy Liz McManus: The Ceann Comhairle has the responsibility to ensure Ministers are acting lawfully. In this instance——

An Ceann Comhairle: Deputy——

Deputy Liz McManus: ——I submit to the Ceann Comhairle that there is a real danger——

An Ceann Comhairle: ——the provision for the Order of Business is very clear.

Deputy Liz McManus: ——that the Minister is acting unlawfully.

An Ceann Comhairle: The matters that can be raised on the Order of Business relate to promised business or legislation.

Deputy Liz McManus: Issues of data protection are at stake.

An Ceann Comhairle: It is not Question Time.

Deputy Olwyn Enright: This is a matter for the Ceann Comhairle as the same type of incident described by Deputy McManus was brought up in the House approximately a fortnight ago. A number of parliamentary questions from Deputies were grouped and we got the details of the questions, including PPS numbers of several constituents around the country. That is a matter for the Ceann Comhairle as a person's details should not go to other Deputies who have not raised specific issues. It is extremely serious.

Deputy Caoimhghín Ó Caoláin: Correspondence I have submitted to the Minister for Social and Family Affairs has been stamped as received by the Department with a date stamp. By that action, it becomes part of the file of the Department of Social and Family Affairs. I have had such correspondence returned to me in its entirety. In other words, information that should have been retained by the Department on file has been returned——

An Ceann Comhairle: Deputy——

Deputy Caoimhghín Ó Caoláin: The Ceann Comhairle should let me finish the question.

An Ceann Comhairle: ——there is an industrial relations issue over which I have no control.

Deputy Liz McManus: That has nothing to do with it.

Deputy Olwyn Enright: This is very serious.

Deputy Caoimhghín Ó Caoláin: The material has been stamped as received by the Department.

Deputy Liz McManus: This is about accountability in Parliament.

Deputy Caoimhghín Ó Caoláin: If I am allowed to finish my point, I must say that this makes a mockery of the governance of this Government and its respective Ministers. What is happening is an absolute outrage.

An Ceann Comhairle: If we want to make provision for debates on the Order of Business in respect of matters of this nature, we will be obliged to change Standing Orders.

Deputy Bernard J. Durkan: No, we will not be obliged to do so. It is already——

Deputy Caoimhghín Ó Caoláin: We will be obliged to change the Government.

Deputy Noel Dempsey: There is some alternative on offer.

(Interruptions).

An Ceann Comhairle: Standing Orders do not contemplate what is happening this morning. I call Deputy Tom Sheahan.

Deputy Emmet Stagg: On a point of order, the Ceann Comhairle continually gives advice to Members that there are alternative means by which they might raise matters of this nature.

An Ceann Comhairle: Yes.

Deputy Emmet Stagg: There are no such alternative means, with the exception of obliging Members to enter a lottery to which, if they are lucky, they might obtain access once a month. That is the only means available. The letters we send are returned and our telephone calls are not answered. In addition, Ministers on whom there is a constitutional requirement to answer questions in and be accountable to this House are refusing to answer such questions. There are no alternative means by which matters of this nature might be addressed.

An Ceann Comhairle: Deputy Stagg has been a Member of the House for some time and he knows that in order to accommodate matters of this nature, Standing Orders will have to be changed.

Deputy Liz McManus: Cases of this nature have never arisen in the past.

Deputy Bernard J. Durkan: Standing Orders will not have to be changed.

Deputy Seán Sherlock: What about the people outside the House who are——

Deputy Bernard J. Durkan: On a point of order once again, there is only one way to address this issue, namely, by suspending the Standing Orders of the House and engaging in a full-scale debate on the issue.

An Ceann Comhairle: We are not going to——

Deputy Bernard J. Durkan: The Ceann Comhairle should wait a second. He has not——

An Ceann Comhairle: I suggest that the Deputy raise the matter next week. In the first instance, he should attempt to raise it on the Adjournment.

Deputy Bernard J. Durkan: The Ceann Comhairle refused to allow me to raise this matter earlier under the relevant Standing Order and that is his prerogative. However, there are other issues which arise and which are unassociated. These relate to the total and abysmal failure to deliver services to the public. The Government is charged with the responsibility for delivering such services.

An Ceann Comhairle: I do not have responsibility for these matters.

Deputy Bernard J. Durkan: We have no other way of dealing with matters of this nature in the House.

An Ceann Comhairle: I do not have a rights commissioner role in the House.

Deputy Bernard J. Durkan: I accept that but the Ceann Comhairle does have the right to allow matters such as that which I raised earlier. If he exercised that right, a debate on the matter could be facilitated.

An Ceann Comhairle: The matter would have been allowed if it were in order under Standing Order 32.

Deputy Bernard J. Durkan: It is in order. The difficulty is that it is getting——

An Ceann Comhairle: Resume your seat, Deputy. We must continue with the Order of Business.

Deputy Bernard J. Durkan: No, Ceann Comhairle, I do not want to——

An Ceann Comhairle: The business of the House is being delayed.

Deputy Bernard J. Durkan: The Government is delaying the business of the country.

An Ceann Comhairle: There is much important business to be dealt with. Please resume your seat, Deputy.

Deputy Bernard J. Durkan: The Opposition is not receiving——

An Ceann Comhairle: Deputy, resume your seat when the Chair is on its feet.

Deputy Bernard J. Durkan: Is the Ceann Comhairle prepared to assist Deputies in upholding the rights of members of the public?

An Ceann Comhairle: Will the Deputy resume his seat? If he does not do so, I will be obliged to ask him to leave the House.

Deputy Bernard J. Durkan: Ceann Comhairle----

An Ceann Comhairle: Will the Deputy resume his seat?

Deputy Bernard J. Durkan: The Ceann Comhairle need not ask me to leave. I do so in protest.

An Ceann Comhairle: That is fine.

Deputy Bernard J. Durkan: If that is the way the Ceann Comhairle intends to conduct the business of the House, there is no point in me being present.

Deputy Liz McManus: On a point of order——

An Ceann Comhairle: Deputy McManus knows that I must call those who are offering in some sequence.

Deputy Liz McManus: This is the final intervention I will make. The situation in which we find ourselves is most unusual and unprecedented. Will the Tánaiste indicate if it is the intention of the new Minister for Social Protection to continue the brutal practice of returning representations made by Deputies on behalf of constituents who are in desperate need?

The Tánaiste: The situation in respect of this matter is quite nonsensical. The Minister for Social Protection, Deputy Éamon Ó Cuív, can be approached by any Member of the House on any occasion.

Deputy Olwyn Enright: That is not a solution.

Deputy Seán Sherlock: I take issue with that remark.

An Ceann Comhairle: The Tánaiste is in possession.

(Interruptions).

The Tánaiste: I will advise the Minister of the issues that have been raised in the House.

Deputy Olwyn Enright: There are thousands of these cases.

Deputy Liz McManus: A Cheann Comhairle——

Deputy Jan O’Sullivan: It is a matter of people’s rights.

Deputy Richard Bruton: The Minister for Social Protection is a wonderful man but he cannot be everywhere at once.

(Interruptions).

An Ceann Comhairle: I call Deputy Tom Sheahan.

Deputy Tom Sheahan: Will I be able to proceed without interruption?

An Ceann Comhairle: Yes, provided the matter the Deputy wishes to raise is in order.

Deputy Tom Sheahan: The purpose of the Central Bank (No. 2) Bill is to address the necessary changes and enhancements to the regulatory functions of the Central Bank and Financial Services Authority of Ireland. A constituent who has €2.3 million in borrowings from a particular bank visited my office on Monday. This man’s business is above board and all his loans are performing. He approached his bank for a loan of €300,000 and was offered €2.7 million if he would go into NAMA.

An Ceann Comhairle: This matter is not appropriate to the Order of Business.

Deputy Tom Sheahan: Without interruption, Ceann Comhairle.

An Ceann Comhairle: The Deputy should arrange to discuss the matter with the Minister for Finance.

Deputy Tom Sheahan: I am referring the Central Bank (No. 2) Bill, which is No. 57 on the list of Government legislation in respect of which heads have not yet been decided.

An Ceann Comhairle: The difficulty is that the Deputy is not in order.

The Tánaiste: The Central Bank Bill will be taken in the summer.

An Ceann Comhairle: In the meantime, I suggest that the Deputy——

Deputy Tom Sheahan: This goes to show——

The Tánaiste: The Deputy has been given an answer to his question.

An Ceann Comhairle: The Deputy will have to raise this matter with the Minister for Finance.

Deputy Tom Sheahan: ——that before NAMA comes fully into place, the entire matter should be put to bed. NAMA is going to be an boy’s club. The bank to which I refer wanted to remove the man’s loans, which are all performing, from its balance sheet and transfer them to NAMA. It offered him €2.7 million in that regard. That is an absolute disgrace.

An Ceann Comhairle: This matter is not appropriate to the Order of Business. I call Deputy McHugh.

Deputy Joe McHugh: The issue I wish to raise does not come under promised legislation. In such circumstances, I request the Ceann Comhairle’s indulgence.

Hundreds of people are queuing outside the passport office in Molesworth St. The Tánaiste is only too aware that in respect of a county such as Donegal, in which we both live, when a system is in place——

An Ceann Comhairle: This matter is so important that I allowed a private notice question on it to be taken yesterday.

Deputy Joe McHugh: That is fine but I was attending my aunt's funeral yesterday. What contingency is in place for people who need to travel abroad in the next few days? These people are terrified that there will be an industrial dispute in the passport office by Wednesday next. Are staff going to be deployed in order that applications might be processed? Will provision be made to open the passport office this weekend? Will it be open on a 24-hour basis? The backlog of 42,000 unprocessed applications must be cleared.

Deputy Tom Sheahan: Hear, hear.

Deputy Joe McHugh: People from counties Kerry and Donegal and the islands off the west coast are being obliged to travel to Dublin in order to obtain their passports.

An Ceann Comhairle: The Deputy has done well in the context of getting his point across in respect of this matter.

Deputy Joe McHugh: Deputy Bertie Ahern stood on a platform in my county in 1999 and referred to e-government and the fact that people would not be obliged to obtain passports, either in Dublin or elsewhere.

An Ceann Comhairle: Private notice questions relating to this matter were taken yesterday.

Deputy Joe McHugh: What is happening is an absolute disgrace. What hope can the Tánaiste offer to the people to whom I refer? What hope can she offer a woman who is due to travel to England in the next day or so to attend her son's funeral?

An Ceann Comhairle: Deputy McHugh should resume his seat.

Deputy Joe McHugh: The Tánaiste should offer those to whom I refer some sort of hope.

An Ceann Comhairle: This matter was discussed for almost 40 minutes yesterday.

Deputy Joe McHugh: Hundreds of people are——

An Ceann Comhairle: In addition, some of the committees of the Houses also addressed it.

Deputy James Reilly: In the context of promised legislation, I wish to put a question to the Tánaiste — it was raised in the Upper House by Senator Healy Eames — regarding underfunding at Galway University Hospital in respect of cancer services and certain vital drugs. There is a €12 million shortfall in this regard. Only 30 of the 51 staff that were supposed to be appointed to this so-called centre of excellence are in place. It appears that a situation similar to that which obtained in Portlaoise is going to arise. These people were asked to do a job but we are not providing them with the necessary resources. Will provision be made in the eligibility for health and personal social services Bill to ensure that people's eligibility will be honoured in action as well as word?

The Tánaiste: There is no date for that legislation.

Deputy Jan O’Sullivan: The Minister for Health and Children tends to wash her hands of many of the scandals that occur within the health service. I tabled three parliamentary questions on the barbaric practice of symphysiotomy and the review the Minister established in respect of it. I received a standard reply to the effect that the Minister cannot answer the questions I posed because of the current industrial action. The Minister established the review. My questions relate to the fact that a body which is directly implicated, namely, the Institute of Obstetricians and Gynaecologists, has been appointed to examine this matter. I posed specific questions in respect of the protocols, the timeframe and why this body was asked to carry out the review and the Minister indicated that, due to industrial action, she cannot reply to me.

The Minister established the review and, therefore, it is entirely unacceptable that she cannot provide me with a reply. I understand that she might not be in a position to answer questions which relate to the detail of what happens within the HSE. However, she established the review to which I refer into an absolutely barbaric practice that has ruined the lives of many women.

An Ceann Comhairle: Submit the matter for the Adjournment, Deputy.

Deputy Jan O’Sullivan: The Minister is refusing to answer my questions. I do not know how I might otherwise deal with this matter.

An Ceann Comhairle: Submit it for the Adjournment and it can be considered at that stage.

Deputy Jan O’Sullivan: I tabled very specific questions which would not be answered in an Adjournment debate. If I raise the matter on the Adjournment, it will be replied to by a Minister of State reading a prepared script.

An Ceann Comhairle: The Adjournment is the starting point.

Deputy Jan O’Sullivan: It is not acceptable that Ministers are hiding behind industrial action in the hope that they will not be obliged to reply to questions to which they already know the answers.

An Ceann Comhairle: The problem exists and we must deal with it as best as possible. I understand the Deputy’s dilemma. However, I have given her advice with regard to how she might approach it in the short term.

Deputy Jan O’Sullivan: The Minister for Health and Children is sheltering behind a real problem. That is not acceptable. I will be taking this matter further.

Deputy Andrew Doyle: What measures will be included in the social welfare (miscellaneous provisions) Bill, which has been promised for this session? I have received correspondence from people whose mortgage interest supplement was denied after 12 months because the social welfare consolidation supplementary welfare allowances regulations of 2007 state that no supplement referred to shall be paid in respect of a period of more than 12 months. More than 6,000 people—

An Ceann Comhairle: On the Order of Business.

Deputy Andrew Doyle: I am making the point that this will snowball. Will the new Bill be expedited as soon as possible and include provision to amend the 2007 legislation which did not envisage that people would be in continuous mortgage arrears? This will snowball and get worse. People will have their homes repossessed.

The Tánaiste: The heads of the Bill were passed by the Government on Tuesday and it is our intention to have the legislation in the House this session.

Deputy Joanna Tuffy: The national monuments Bill was promised approximately three years ago and would have dealt with the issues that arose with regard to the development of the M3 motorway. It would protect our national monuments. It would seem to be a straightforward Bill because it amends legislation so I do not understand why it would take three years to put it together. What is the up-to-date position on the Bill?

The Tánaiste: The heads of the legislation will be available very shortly.

Road Traffic Bill 2009: Referral to Select Committee.

Minister of State at the Department of the Taoiseach (Deputy John Curran): I move:

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

Deputy Fergus O'Dowd: On what date?

An Ceann Comhairle: I am sure the Whips will work it out.

Question put and agreed to.

Merchant Shipping Bill 2009: Instruction to Committee.

Minister for Transport (Deputy Noel Dempsey): I move:

That, pursuant to Standing Order 127, it be an instruction to the Committee to which the Merchant Shipping Bill 2009 may be recommitted in respect of certain amendments, that it has power to make provision in the Bill to provide for a NEW PART 3 comprised of 7 Chapters to provide for maritime safety and the implementation of the Saving of Life at Sea (SOLAS) Convention of the International Maritime Organisation through the provision of regulatory and enforcement provisions in Chapter 1 — Chemical Tanker Rules, Chapter 2 — Liquefied Gas Carriage Rules, Chapter 3 — Nuclear Carriage Rules, Chapter 4 — High-Speed Craft Rules, Chapter 5 — safety provisions for Tendering Operations, Chapter 6 — Safe Manning Regulations and Chapter 7 — enforcement measures against Unsafe ships; to amend the Merchant Shipping (Certification of Seamen) Act 1979 (to provide standard provision for disposal of fees); to amend the Harbours Act 1996 (to provide for the medical fitness of marine pilots and to repeal the requirement for compulsory retirement at age 60) and to make necessary consequential amendments to sections 1, 11, 38, 39 and 40 and to the Long Title.

The Merchant Shipping Bill 2009 is important legislation in the strategy for improvement of the maritime safety agenda. A key aim of the Bill is to improve safety of life at sea by ensuring that our national law enables the further implementation of the International Convention for the Safety of Life at Sea, the SOLAS convention. I will now set out the proposed changes.

While waiting to have the Bill scheduled for Committee Stage the opportunity was taken to progress the preparation of additional SOLAS provisions to augment the contents of the Bill in that regard. The purpose of these new amendments is to provide for the implementation of additional elements of SOLAS. Ireland must have national legislation in place to enable the implementation of SOLAS. These amendments will meet this objective.

[Deputy Noel Dempsey.]

An increased number of tendering operations, the movement of passengers by boat from ship to shore, is being carried out here each year and an amendment to provide for safety regulation of tendering operations is proposed. A separate amendment is required to amend and extend the Harbours Act 1996. The purpose of the proposed amendment is to remove all statutory reference to the compulsory retirement of marine pilots on reaching 60 years of age. A new provision is proposed to require marine pilots to meet the required standards of medical fitness deemed necessary to carry out their duties. Suspension and appeal provisions are also provided. I indicated during the passage of the Harbours (Amendment) Act 2009 that I intended to address this outstanding matter in the Merchant Shipping Bill 2009. The inclusion of this amendment to the 1996 Act gives rise to an amendment to the collective citation in the Bill in section 1 and to the Long Title. Deputies opposite raised the matter with me at the time and I gave that commitment.

The proposed amendment to section 40 is standard to provide that any fees payable under sections of the Merchant Shipping (Certification of Seamen) Act 1979 be disposed of for the benefit of the Exchequer. Some technical and consequential amendments arise in respect of sections 11, 37, 38 and 39 of the Bill as a result of those new provisions.

The proposed amendments to Chapter 1 of the SOLAS convention on chemical tanker rules, which comprises sections 16 to 24, provide enabling provisions for regulation and survey of Irish chemical tankers and the inspection and enforcement of the applicable SOLAS provisions for all chemical tankers engaged on international voyages. Ireland has two chemical tankers on its flag. Section 16 provides definition for terms used in Chapter 1. Section 17 sets out the application of Chapter 1. Section 18 is an enabling provision to allow the Minister to make chemical tanker rules to prescribe structural, operational and survey requirements for chemical tankers. Section 19 provides for certification, endorsement of continued compliance and prohibiting a tanker from going to sea without having the required certification of fitness. Section 20 imposes duties on owners and masters to have the vessel comply with the requirements in respect of chemical tanker rules. Section 21 provides for continued compliance with standards and prohibits unauthorised changes to the structures and equipment of the ship. Section 22 sets out requirements on transfer of an Irish ship to a flag of a state to which SOLAS applies. Section 23 provides enforcement powers for surveyors of ships to check for compliance with this chapter through inspection of vessels and the issue of notices of non-compliance. Section 24 sets out the maximum monetary fines that the master or owner of a ship is liable for if convicted in court of breach of statutory requirements.

The proposed amendments in Chapter 2 comprising sections 25 to 33 provide enabling provisions for regulation and survey of Irish gas carriers and the inspection and enforcement of the applicable SOLAS provisions for gas carriers engaged on international voyages. Section 25 provides definition for terms used in Chapter 2. Section 26 sets out the application of Chapter 2. Section 27 is an enabling provision to allow the Minister to make gas carrier rules to prescribe structural, operational and survey requirements for gas carriers. Section 28 provides for certification, endorsement of continued compliance and prohibiting a tanker from going to sea without having the required certificates of fitness. Section 29 imposes duties on owners and masters to have the vessel comply with the requirements in respect of gas carriage rules. Section 30 provides for continued compliance with standards and prohibits unauthorised changes to the structures and equipment of the ship. Section 31 sets out requirements on transfer of an Irish ship to a flag of a state to which SOLAS applies. Section 32 provides enforcement powers for surveyors of ships to check for compliance with this chapter through inspection of vessels and the issue of notices of non-compliance. Section 33 sets out the maximum monetary fines that

the master or owner of a ship is liable for if convicted in court of breach of any statutory requirements.

Chapter 3 deals in the same manner with nuclear carriage rules and comprises sections 34 to 49. It provides enabling provisions for regulation and survey of Irish nuclear carriers and the inspection and enforcement of the applicable SOLAS provisions for all nuclear carriers engaged on international voyages. Ireland has no nuclear carrier on its flag at present.

Deputy Thomas P. Broughan: Do we intend to have any?

Deputy Noel Dempsey: No.

Section 34 provides definition for terms used in Chapter 3. Section 35 sets out the application of Chapter 3. Section 36 is an enabling provision to allow the Minister to make nuclear carriage rules to prescribe structural, operational and survey requirements for Irish ships engaged or intending to be engaged in the carriage of nuclear cargo.

Section 36 is an enabling provision to allow the Minister to make nuclear carriage rules to prescribe structural, operational and survey requirements for Irish ships engaged or intending to be engaged in the carriage of nuclear cargo. Section 37 provides for the certification requirements for nuclear carriers and prohibits a carrier from going to sea without having the required certification of fitness. Section 38 imposes duties on owners and masters to have the ship comply with the statutory requirements in respect of the carriage of nuclear cargo. Section 39 provides for continued compliance with standards and prohibits the making of unauthorised changes to an Irish ship in regard to the carriage of nuclear cargo. Section 40 provides enforcement powers for surveyors of ships to check for compliance with this chapter through inspection of ships and the issue of notices of non-compliance. Section 41 sets out the maximum monetary fines for which the master or owner of a ship is liable if convicted in court for non-compliance with nuclear carriage rules.

Chapter 4 deals with high-speed craft. The proposed amendments in chapter 4, comprising sections 42 to 49, provide for the regulation under SOLAS of high-speed craft. The purpose of this chapter is to set out the separate standards and regulatory measures that are appropriate for high-speed craft. Ireland has no applicable high-speed craft under its flag at present. Section 42 provides definition for terms used in the chapter. Section 43 sets out the application of chapter 4. Section 44 is an enabling provision to allow the Minister to make high-speed craft rules. Section 45 provides for certification and endorsement of continued compliance with standards for high-speed craft. Section 46 imposes duties on owners and masters to have the vessels comply with the statutory requirements. Section 47 provides for continued compliance with standards and prohibits unauthorised changes to the structures and equipment of a high-speed craft. Section 48 provides enforcement powers for surveyors of ships to check for compliance with this chapter through inspection of vessels and the issue of notices of non-compliance. Section 49 sets out the maximum monetary fines for which the master or owner of a ship is liable if convicted in court of breach of the provisions of this chapter.

Chapter 5 deals in the same manner with tendering operations regulations. This is comprised of sections 50 to 56, which provide for the safety regulation of tendering operations. Section 50 provides the definitions for the terms used in chapter 5. Section 51 sets out application of chapter 5. Basically, the owner or master of a passenger ship or boat who proposes to undertake a tendering operation must apply to the Minister for a permit to undertake the operation and this step consists of submitting a tendering operations safety plan. Section 52 is an enabling provision to allow the Minister to make tendering operations regulations and to prescribe requirements for safe operations. Section 53 provides for the issue of permits to tender and prohibits the carrying out of tendering operations without having a permit in force. Section 54

[Deputy Noel Dempsey.]

imposes duties on owners and masters of a ship or boat in respect of the carrying out of tendering operations. Section 55 provides enforcement powers for surveyors of ships to inspect any ship or boat, including a tender or a vessel's tender, to check that a permit to tender is being complied with. Section 56 sets out the maximum monetary fines for which the master or owner of a ship or boat is liable if convicted in court for breach of the provisions in this chapter. Section 11 of the Bill is a consequential amendment. If tendering regulations are provided in chapter 5, it requires that an amendment be made to the text to section 11 of the Bill to exclude a reference to "tenders".

Safe manning regulations are dealt with in chapter 6, comprising sections 57 to 63, the purpose of which is to put enabling provisions in place for the regulation of safe manning on SOLAS ships. Section 57 provides definition for terms used in chapter 6. Section 58 sets out the application of chapter 6. Section 59 is an enabling provision to allow the Minister to make safe manning regulations to prescribe requirements for the appropriate minimum safe manning of ships. Section 60 provides for a procedure for the submission of proposals by the owner of an Irish ship on international voyages to the Minister for safe manning and the issue of safe manning documents. No unauthorised change can be made in the minimum safe manning of the ship and a ship is prohibited from going to sea without having a minimum safe manning document in force. Section 61 imposes duties on owners and masters of ships to which this chapter applies to comply with safe manning requirements. Section 62 provides enforcement powers for surveyors of ships to check for compliance with this chapter through inspection and issue of notices of non-compliance. Section 63 sets out the maximum monetary fines for which the master or owner of a ship is liable if convicted in court of breach of a minimum safe manning requirement.

Chapter 7, comprising sections 64 to 66, deals with unsafe ships and is to provide that any unsafe ships may be detained by a surveyor of ships. Section 64 provides that this deterrent and enforcement measure to detain an unsafe ship applies in respect of the proposed new SOLAS and safety regulation provisions in the chapters to which I have just referred. Section 65 provides that a ship or boat may be detained by a surveyor of ships in a port in the State on the grounds of being regarded as an unsafe ship until the relevant certificate, permit or document is issued. Section 66 provides for the issue of a notice of detention that is withdrawn when the defect is remedied.

As for other enforcement measures, I also propose amendments to extend the application of other enforcement measures under the Bill. Section 37 of the Bill prohibits the obstruction of a surveyor of ships while performing duties under the Bill. An amendment is required to section 37 to include the performance of duties under the proposed new chapters. Section 38 of the Bill provides that a surveyor of ships may apply to a Circuit Court for a compliance order where certain requirements under the Bill are not complied with. An amendment is required to section 38 to bring the new chapters within its scope. Section 39 of the Bill provides for the making of a fees order. An amendment is required to section 39 to cover new verification elements and to bring the proposed new chapters within its scope.

Members can see that the proposed SOLAS chapters and safety regulation provisions follow a clearly defined structure. Their purpose and intent can be clearly seen and the contribution they would make to significantly strengthen the Bill in respect of maritime safety is evident. I commend this amendments to the House.

Deputy Fergus O'Dowd: First, I note Members are following an unusual procedure in this respect. It is rare and I presume this must be done because there is no other way of doing this. My criticism of this process is that while Fine Gael does not disagree with the content or nature

of the provisions before the House, this is such an inherently complex and important matter that it ought to have been present in the Bill *ab initio*. While this process obviously is necessary now, it should have been done before this. Having rapped the Minister over the knuckles and sent him back to do his homework——

Deputy Noel Dempsey: I accept the criticism.

Deputy Fergus O'Dowd: Very well. That said, the task of Members this morning is to facilitate the Committee Stage debate as soon as it commences, which is the reason they have short points to make. This is a highly complex issue and it is important to get it right. Members must tease out on Committee Stage whether there are special or significant Irish aspects to this convention that ought to be included but which are not. Similarly, they must ascertain whether this international convention can be made stronger or whether there are areas in which one could add to the regulations to make it safer for all.

I wish to address two issues. First, the issue of alcohol consumption was raised during the Committee Stage debate and I tabled an amendment proposing new regulations to control drink-driving at sea. In other words, it pertained to a person on a vessel, not necessarily its master, who has consumed alcohol and is working on the ship. I note this issue is not included in these proposals. My key point at the time was that the Marine Casualty Investigation Board made a recommendation to the Department of Transport concerning the lack of legislation covering drunkenness on a vessel and the fact that a legal alcohol limit did not apply to anyone, be they masters or crew. The Minister indicated that he would address these issues on Committee Stage, but he has not identified them from what I see. What is the status of the proposal, which the Minister accepted in principle? It is important that it be addressed and that the same rules apply on boats as apply to drivers of land vehicles. I await the Minister's comments.

Marine safety is an important issue. During yesterday's Priority Questions, we debated the rescue services, particularly as they relate to people who get into difficulty on boats in the south east. I asked the Minister a direct question, but I was not satisfied with the reply. I asked whether the Air Corps had been consulted on providing the marine helicopter rescue service. Unless I am misquoting him, he told me that it had been approached. As I understand it, the Air Corps has made no assessment of whether it can provide such a rescue service from Baldonnel for the Dublin area. Were such an assessment carried out, it would show that the Air Corps had the capacity to provide the service and that the €500 million the Government will give the preferred contractor, who has gone through due process, would militate against the service's provision by the Air Corps.

Yesterday afternoon, we asked for the transport committee to meet urgently to debate this issue further before the Minister signs the order. Will he clarify the issue? The Air Corps was not consulted and has not carried out a fact-finding analysis of whether it could provide the service and what the service's cost would be. If the Air Corps was asked to conduct the analysis, we would find that the cost of providing the service would be significantly cheaper, that the Air Corps could expand its current role at Baldonnel, meaning that it would not need a new facility, and that it would be better for the country in the long run.

I wish to reiterate another of my points on marine safety that I made yesterday. The population, particularly the maritime population in the broadest possible sense from fishermen to vessel owners and so on, is concerned that if people get into difficulty outside the 12 hours during which a service is provided on-site, they will not all be reached within the golden hour. People are worried that, despite the €500 million that is to be spent during the next ten years, the Minister is not making the same provision for saving each of those lives as he has made everywhere else. There is no way a helicopter in Dublin can bilocate. If a vessel off the coast

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of County Waterford or Wexford is in difficulty, a helicopter from Waterford would get there more quickly than a helicopter from Dublin would irrespective of how powerful the latter is. People would be in the water for longer than necessary. This must result in tragedy. When immersed in water, survival time has nothing to do with being a good swimmer. Rather, it has to do with losing body heat. Someone can die quickly.

The decision the Minister is about to make places people at risk and will lead to tragedy. Despite the number of lives that could clearly be saved, the Minister's decision will save €1 million per year. For an extra €10 million in a budget of €500 million, the Minister would be able to guarantee the timely arrival of a rescue helicopter on a 24-7 basis in the south east. This is the core of my criticism of the Minister's actions. We are deeply unhappy with this situation and will raise it on Committee Stage. I want to Minister the revert to those who told him that the Air Corps, as opposed to the Department of Defence, had been asked to conduct an analysis.

The greater part of this debate will occur on Committee Stage. I have spoken with the Minister's officials. Key to this issue is that the end users who will be affected by these regulations should be consulted beforehand. This legislation will allow the Minister to make those regulations. There should be full consultation with every body or person that will be affected by these proposals. I accept the principle that we must apply international safety regulations rigorously and as quickly as possible. I would have no problem with supporting Committee Stage amendments to go above and beyond the international regulations. Will the Minister reply to my points, please?

Deputy Thomas P. Broughan: I would like to place on the record of the House my unhappiness with the manner in which the Merchant Shipping Bill 2009 is effectively being given a second introduction. We have already gone through Second and Committee Stages of the Bill. This morning, we should have been finalising this critical legislation on Report Stage and sending it forward for signing it into law. Instead of dealing with Report Stage amendments, we are having a constricted form of a further Second Stage reading because of legal issues concerning the Minister's new amendments. In my time in the Dáil, I have never experienced this type of legislative messing.

It is clear that what we have before us is new legislation. In effect, the list of amendments is nearly 50 pages long, longer than the original Bill. We are introducing a new merchant shipping Bill as a series of amendments to the original Bill. Why were these amendments not introduced as a separate merchant shipping Bill? Three such Bills are on the clár of the Dáil. Why were all of the new chapters on rules on chemical tanker rules, liquefied gas carriage, nuclear carriage, high-speed craft, tendering operations regulations and unsafe ships not incorporated into the original Bill so as to give Deputies on the Opposition benches a proper amount of time to invigilate the provisions in the context of the whole Bill? Until recently, we had no procedure for the Government to introduce a new Bill by wrapping it around an existing Bill that had not yet been passed by the Oireachtas. It is incredible that legislation on the standards regulating the passage of tankers carrying chemicals and nuclear material in Irish and international waters would be treated in this shoddy and slipshod manner.

As I stated during the original Second Stage debate on the Bill in May, I welcome its belated introduction, in particular the provisions on enhancing the safety regulations for mariners, increasing access to passenger vessels for persons with reduced mobility and implementing the International Convention for the Safety of Life at Sea, SOLAS, and the Maritime Labour Convention 2006. Many of these measures are long overdue and are a first step towards addressing the sometimes horrific conditions that marine workers are forced to endure.

However, it is disappointing that it has taken since 2006 for the Maritime Labour Convention to be implemented into law. What further steps have been taken in the ratification process for this critical international convention? The Minister referred to an upcoming international maritime conference in the Philippines.

I have registered my opposition to the appalling way in which this Bill is being introduced to the House but I welcome the content of many of the Minister's new amendments in Part 3 to strengthen the law on rules and regulations for certain vessels, including chemical tanker rules, liquefied gas carriage rules, nuclear carriage rules, high-speed craft rules, tendering operations regulations and unsafe ships. However, I have grave concerns about the nuclear carriage rules and I will return to them later.

One of my key concerns is that the regulations contained in the Part 3, Chapters 1 to 7, are not strong enough, given the very dangerous situations we are, potentially, dealing with in this case. These concerns are reflected in the series of further amendments to the Minister's amendments, which I have submitted on behalf of the Labour Party.

One of the glaring problems, which I highlighted on Committee Stage, is the level of fines. I have submitted a number of amendments to update the level of fines in the ministerial amendments from €100,000 to 10% of annual turnover. In many cases we are dealing with global companies with an annual turnover of billions of euro. A fine of €100,000 may be nothing more than small change to these global conglomerates and act as no deterrent to the bad treatment of workers and misbehaviour in Irish waters. It makes much more sense to fine a company or a ship's owner or master based on their income and ability to pay. The United Kingdom has taken a lead in this area and it is one we could follow.

With regard to chemical tankers and vessels carrying liquefied gas or nuclear material, the Minister should have specified as a key part of the categorisation of these vessels that they all have double hulls. I would like the Minister to address that matter in his reply. We had a long campaign for double-hulled oil tankers. I believe that all ships which carry material of such a potentially dangerous nature should be designed and constructed to the highest safety standards, which clearly includes double hulls. I understand that in the aftermath of the horrific *Exxon Valdez* disaster the US government mandated that every newly built oil tanker using US ports must have a double hull. If double hulls are necessary for oil tankers, then they are just as or even more necessary for tankers carrying nuclear, liquefied gas or chemical materials. Why did the Minister not include a specific provision in each of the Chapters 1 to 7 in Part 3 on a specific requirement for double hulls?

These amendments are in a totally new format which I have not seen in legislation from the Department I invigilate on behalf of my party. They are organised on the basis of chapters, which we have not seen before.

The new Part 3, Chapter 1 deals with chemical tanker rules. The measures in this chapter would allow the Minister to make rules "prescribing requirements for the hull". Why were more specific provisions not prescribed in law in this regard?

The IBC reference in the definitions to this chapter refers to the international code for the construction and equipment of ships carrying dangerous chemicals in bulk. What happens to ships that are awarded an IBC code if they are transferred to a flag of another state, especially one that has not signed up to the code? I hope the Minister will clarify this matter in his reply. I welcome the mention of liquefied gas carriage in the Bill. Liquefied natural gas is of growing importance for the energy needs of European Union states. In Ireland, there is the proposed Shannon Estuary facility which we discussed at the Joint Committee on Transport. Our closest neighbour, the UK, has an even greater reliance on liquefied natural gas and it is a very

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important British industry. Clearly there are implications through the carriage of liquefied gas materials for our territorial waters. Can the Minister indicate the level of traffic through Irish waters that involves the carriage of liquefied gas? Yesterday, the joint committee heard an interesting proposal for a gas storage facility in the Larne estuary from a company in Northern Ireland.

I again highlight the vague nature of many of the provisions contained in Chapter 2 on liquefied gas carriage rules. In subsection (27)(a) why are there not more precise requirements on the regulations and strict safety and quality standards that the Minister must impose on any ships to which this chapter applies? In Chapter 2 subsection (28) what happens to a vessel that has been certified under the international code for the construction and equipment of ships carrying liquefied gases in bulk — the IGC code — but which then transfers to a different flag? These are very profound questions which the Minister must address.

Chapter 3 in Part 3 deals with nuclear carriage rules. This is of great interest to everyone in this House. First, can the Minister clarify whether the chapters on chemical tanker rules and nuclear carriage rules are only being given legislative effect due to our obligations under international maritime law and treaties and for the regulation of international waters? Are we accepting the carriage of nuclear waste and other nuclear materials through our waters? Serious concerns have been raised about the potential passage of certain ships in Irish waters especially those carrying nuclear materials. Can the Minister reassure us that there are not various ships traversing through Irish waters and carrying lethal nuclear or other dangerous chemicals that may put our people or environment at serious risk? Throughout the years we have had discussions and controversies about Sellafield and the Irish Sea. Are vessels with nuclear material actually allowed to travel through Irish waters? What type of chemical tankers use Irish waters? The Minister has said we have two of these and that we have no nuclear flagged vessels.

There have been very serious problems in the past in relation to the transfer of nuclear materials. Many people will remember in 2002 when the famous Greenpeace ship the *Rainbow Warrior* was involved in a campaign to intercept two armed merchant ships that were travelling through the Irish Sea *en route* from Japan to Sellafield carrying more than 200 kg of mixed oxide nuclear fuel. There has been an appalling environmental degradation of the Irish Sea, allegedly with nuclear waste especially from the Sellafield plant in Cumbria in the UK. As Mr. Frank McDonald reported in the *Irish Times* in 2008, Sellafield has the world's biggest stockpile of plutonium and uranium. How will all of this waste be disposed of? Will it be transported through the Irish Sea? We saw some vessels going in the opposite direction and bringing plutonium waste back to Japan. Why did the Minister not introduce measures in this section to address the threat of further exposure in the Irish Sea and other Irish waters to nuclear waste?

In 2004, there was, rightly, a major outcry over the shipment of more than 300 pounds of weapons grade plutonium from the US to France by two ships which travelled just 150 miles off the Irish coast. I was my party's spokesperson on marine affairs at the time. The then Minister, former Deputy Martin Cullen, had to address intense public fears over the massive catastrophe that people feared if there was any kind of incident or accident involving this toxic cargo. I remember also that the Government at that time raised the issue at the International Atomic Energy Agency and sought clarification on the movement of nuclear waste in international waters. Most Irish people would totally oppose the movement of this type of deadly cargo through Irish waters.

Section 35 in Chapter 3 refers to "Irish Ships" to which this law will apply. The Minister has answered my question regarding Irish registered ships involved in the carriage of nuclear materials.

Regarding section 36 on prescribing rules for vessels involved in nuclear carriage, I again ask the Minister to accept the Labour Party's amendments on double hulls and to include much more specific provisions in the Bill.

Section 37 refers to certification of Irish ships under the international code for the safe carriage of packaged irradiated nuclear fuel, plutonium and high level radioactive wastes on board ships. Are Irish registered ships involved in the carriage of high level radioactive material? By incorporating this provision into Irish law are we not, in effect, accepting the carriage of nuclear and potentially lethal material through our waters? Section 37(c) refers to some ships carrying nuclear waste as being "unsafe ships". Given the toxic material they are carrying, can any ship carrying nuclear and radioactive material ever really be safe? Particularly with regard to the offences under section 41, the Minister must urgently strengthen the level of fines that can be imposed in this instance. I hope the Minister will provide urgent clarification on all of these matters pertaining to nuclear carriage rules.

Chapter 4 introduces provisions to deal with high-speed craft. In section 44(2), has the Minister considered introducing requirements on accessibility to these crafts for citizens with a disability? We discussed this matter when we debated Committee Stage of the previous Bill. I assume that high-speed craft may include some of the catamaran type vessels that provide short-haul passenger ferry services. If this is the case, why are there no accessibility requirements? In subsections (45)(3) and (45)(5) why again do these provisions not apply to all high-speed craft in Irish waters and what happens if the vessel is transferred to another state? Subsection (48) contains measures on the powers of surveyors. Can surveyors board and inspect any high-speed craft in Irish waters?

In the safe manning regulations in subsection 58(1) of Chapter 6, why did the Minister exclude ships of war, troop ships, fishing vessels under 24 m in length and pleasure yachts not engaged in trade? In subsection 59(3)(b) in the same chapter why are these regulations only for use "where applicable"? Surely this undermines all of the important regulations on training requirements in relation to fire fighting and emergency and life-saving equipment if there is a "get out" clause for vessels. Will the Minister clarify when these regulations will be applicable?

I welcome subsection (60) on safe manning documents and urge the Minister to ensure that there is strict invigilation of these documents. The Minister should also strengthen the level of fines applicable to those found guilty of offences under this chapter.

Chapter 7 deals with unsafe ships and I believe that the question must be asked again whether we can ever designate a ship that is carrying nuclear waste and radioactive material as safe. Surely all ships involved in nuclear carriage are unsafe.

Finally, I ask the Minister to clarify the amendment he is introducing in this section regarding the retirement age for maritime pilots. With other Opposition Members I made strong representations to the Minister on this matter when we debated the Harbours Bill. Many maritime pilots have been in contact with me who were desperately opposed to the current legislation which forced all maritime pilots to retire at 60 even when they are perfectly competent and in the full of their health. Will the current amendment mean that maritime pilots will be able to continue working indefinitely once they have passed the relevant fitness to practise and competency tests?

The manner of the Bill's introduction is disgraceful. We have waited a long time for these changes. One of the most profound deficiencies in all of the marine legislation that the Minister and his colleagues have introduced is his refusal to address vessels that are in Irish waters but are not sailing under the Irish flag. I appreciate that there are difficulties in this regard but it is appalling that the Minister has not even tried to take a first step to address this problem. That is the reason I introduced a series of amendments to the Minister's amendments. I sought

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to ensure that these new rules and regulations will not simply apply to an Irish registered ship but that they will apply to any ship travelling in Irish waters.

I am sure the Acting Chairman has often heard me say the phrase, “if you bought it, a ship brought it”. Mariners throughout Ireland have often repeated this phrase. Some 99% of our trade and imports come through our ports and marine workers on Irish and non-Irish registered ships play a vital role in this regard. It is the maritime laws, or lack of them, in place where the ship is registered that applies on board any ship and which gives *carte blanche* to some appalling operators to mistreat and exploit their workers.

As a maritime nation, why do we not take a lead on this issue? I tabled a series of amendments on Committee Stage, which basically amounted to a resubmission of my Bill on the abolition of people using flags of convenience, but they were ruled out of order by the Ceann Comhairle after a vote on Committee Stage on what is now the first Part of the Bill. I do not understand why we, as a maritime nation, do not take a lead and expose the nonsense of ships registered in places like Mongolia, the Grenadines and other places in the West Indies.

One of the greatest disappointments in the new Bill before us is that the Minister has still refused to accept my amendments on mariners’ rights and those relating to the legislation I submitted on flags of convenience, the enhancement of the port state control mechanism to include the monitoring and invigilation and fiscal and salary entitlements of marine workers and the introduction of regulations to enhance the system of monitoring wages and conditions of maritime workers on Irish and non-Irish registered ships and ports.

I published my Private Members’ Bill, the Mercantile Marine (Avoidance of Flags of Convenience) Bill 2005, to tackle the use of flags of convenience. I submitted an amendment that was a summary of my Bill to be part of this Bill and I deeply regret that the Minister did not accept it.

I welcome the content of much of this new amended Merchant Shipping Bill but I strongly protest at the manner in which the Minister has introduced these new sections. Certain amendments are necessary to strengthen the monitoring and enforcement regime and to address the horrific exploitation of seafarers. I would like the Minister in his reply to address all the concerns people have about carriage of nuclear materials and whether, by accepting this measure, we are accepting that other states and maritime companies would be allowed to carry dangerous, toxic materials through our waters.

Deputy John Deasy: I am pleased to have this opportunity to speak about marine safety and the safety of merchant shipping, particularly the search and rescue services that provide that safety and especially the services, as my colleagues said, that exist in the south and south east. The Minister was not present for the matter we raised on the Adjournment last night on which Members from the Labour Party, Fianna Fáil Party and Fine Gael Party spoke. It is worthwhile repeating some of the points made because they are pertinent to a service on which people’s lives depend. Decisions that will be made by the Government in the next week will affect the lives of fishermen and people who use the water, not only people offshore but people inland who rely on our Coast Guard service and have done so in my area since 2004 when Members on the opposite side lobbied successfully to have a 24-hour service in the south east.

With regard to what has occurred over the past three or four days, it began this week at a meeting with senior officials of the Department of Transport and the head of the Irish Coast Guard Service. A comparison of the subsequent comments by the Minister with the comments of the officials we met on Monday reveals some contradictions and extreme variances. First, and possibly most significantly, the Minister made it clear in an interview he gave on Monday at a road opening in Kilkenny that the Coast Guard service was the entity which made the

recommendation that went to Cabinet and that the Cabinet decided on regarding the three and a half bases and the downgrading of the service in Waterford after 2013. It was made clear to us at the meeting on Monday that this was not the case. In fact, the Coast Guard service submitted a range of options to the Department.

The Department was the entity that crafted and constructed the recommendation that went to Cabinet and no one else. Therefore, it is completely wrong, misleading and untruthful to say that the Coast Guard service was the entity that issued that recommendation. We asked the officials specifically about the process and that is what they told us.

With regard to the Minister's comments about a better service being created for the south and south east, that is simply not the case. The officials made it clear to us at the meeting on Monday that they could not say it was a better service for the south or south east because, in a case of emergency, the helicopters would not arrive as quickly after 2013 as they do now. That represents a massive variance and a contradiction of what the Minister has been saying during the week.

The meeting we had on Monday and the debate that has continued throughout the week rests upon one simple premise, namely, how can much more money, in this case €20 million extra per year, be spent on a service and there be a downgrading of an aspect of it? That is simply down to bad governance. It comes down to a cost of €1 million per year for the protection of south and south east coastlines in terms of the search and rescue service and the availability of an extra €1 million. The Department officials made it clear to us that the Department did not have the required €1 million. When one examines the issue, the way Government is proceeding, what has occurred during the past five or six years and the mismanagement the Government is culpable of, one can point the finger of blame directly at the mismanagement by Government when it comes down to a small amount of money that would maintain the search and rescue service in the south east after 2013.

I have asked the newly appointed Minister of State at the Department with responsibility for fisheries, Deputy Seán Connick, and the newly appointed Minister for Defence, Deputy Tony Killeen, to examine the budgets in their Departments, which have direct relevance to seafaring issues, the subject of merchant shipping that we are discussing and fisheries. There is also the relationship between the Coast Guard service and the Department of Defence. In other words, I am doing the work the Government should be doing. No one in the Government seems to be bothering to come up with the money required through different Departments that have direct relevance to the Department of Transport. Collectively, this would not be a hard thing to do. From among those three Departments, particularly in regard to the fisheries area and the protection of fishermen, it is not beyond the bounds of possibility that those Departments could take time to make those necessary contacts to try to work this out.

I said on the Adjournment last night that I noted a massive contradiction. The Road Traffic Bill was debated in the House yesterday and I will not go into the argument of the rights or wrongs of it, the specific element of the blood-alcohol level and the lowering of the those levels. The premise for the Bill and the lowering of the blood-alcohol levels was that it might save five or six lives over the course of a year. That argument was trotted out by many Members, including the Minister. This approach is contradicted by the decision to remove a night-time marine health and safety service as its removal will affect lives. While the Government justifies the lowering blood alcohol levels for drivers by a purported concern to reduce road deaths, its decision not to fund an essential safety service after 2013 will have an effect on people's lives. That is a major contradiction.

I live alongside the channel of the Colligan River as it enters Dungarvan Bay. In the six years that I have lived in my home I have been woken at night at least four times by the Coast

[Deputy John Deasy.]

Guard helicopter fishing bodies out of the channel or searching for people who have fallen or jumped in at the quay in Dungarvan. It takes 45 minutes for an emergency helicopter to be loaded for take off. This means 45 minutes will elapse before the helicopter is off the ground. Even if the new helicopters are 50% faster than those they will replace, provided there are no head winds a further 30 or 35 minutes will be needed to reach Dungarvan.

I have been told by helicopter crews and others involved in this area that the pocket of sea where most problems arise is 50 or 60 miles south of the Hook. The reason we need a helicopter in Waterford is to deal with incidents where people get into difficulty. While the Minister may argue that the helicopters are faster and the service will be better, people who get into difficulty in my area will be more vulnerable and will die if an appreciable period elapses before a helicopter arrives on the scene.

There is a week left before the contract is signed. The Government must change the decision it made. As Deputy John Browne, chairman of the Fianna Fáil Parliamentary Party, stated in the Chamber last night, the decision is daft and does not make sense. It is bad government, a poor use of resources and money and it will cost lives.

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary): The Minister indicated during the Second Stage debate in May that the objective of the Bill was to put in place a safety regime ensuring the highest standards for safe construction, design and operation of vessels and the up-to-date safety equipment and arrangements that will support skilled and competent seafarers across the trading, fishing and leisure areas of the maritime sector. The SOLAS matters in the Bill, as published, include construction rules for passenger vessels, cargo ship construction and survey rules, radio rules, navigation and tracking rules, cargo ship bulk carrier rules, fire protection rules, rules for life saving appliances and arrangements and improvement of service stations for inflatable life saving appliances.

The main new amendments are the subject of the motion and relate to chemical tankers, gas carriers, carriage of nuclear cargo, safe manning and additional SOLAS related measures. I appreciate that the proposed SOLAS and safety amendments that are the subject of the motion are lengthy and technical in nature. In light of this, the Minister gave advance notice of the proposals to Opposition spokespersons in December last and requested the Bills Office to provide early release of the proposed amendments to give extra time for their consideration. On behalf of the Minister, I thank the Bills Office for facilitating earlier release of the proposals on 28 January to members of the Select Committee on Transport. A detailed briefing note was issued by the Department in early February. The Minister hopes this information has been of assistance in informing the debate.

The contents of each of the proposed chapters on SOLAS are set out in the standard framework to provide enabling powers to make rules or regulations for Irish ships to which the chapters apply and other ships engaged in such carriage while in any port in the State and to provide for the survey and certification of Irish ships to which the chapters apply. They set out the duties of owners and masters, provide powers to surveyors of ships for inspection and enforcement and set out offences and maximum levels of court fines.

A number of issues were raised regarding the structure of the amendments. The reason the amendments were structured as they are is that Parliamentary Counsel has adopted a new drafting format for complex Bills designed to improve clarity in primary legislation. The proposals in the Bill follow this format. While this results in a higher number of sections, the structure in the chapters and sections is clearer in presentation.

I understand Deputies O'Dowd and Deasy raised questions and queries concerning the issue of alcohol and drug testing. The thresholds for alcohol are not specifically provided for in

maritime legislation at present. The approach taken in Ireland was to make provision in the Maritime Safety Act 2005 to prohibit the operation of vessels where a crew is impaired by being under the influence of alcohol or drugs. Section 28 prohibits operating a vessel while under the influence of alcohol or drugs. Section 29 outlines the offences on drunkenness of a crew and section 30 sets out offences on the control of drugs and alcohol by the masters of vessels.

I note Deputy Deasy's remarks and will bring them to the attention of the Minister who was called away to attend another engagement. Deputy O'Dowd raised the issue of Air Corps involvement in search and rescue. The Department of Defence has confirmed that the Air Corps does not have the capacity to undertake maritime search and rescue, in particular, in terms of trained pilots, winchmen and properly equipped helicopters. Air Corps helicopter assets are not configured for maritime search and rescue and there are no plans to restore this capacity as significant investment in equipment and training would be required over many years before it could be brought to an operational level.

Deputy Broughan raised issues regarding troop ships. The reason certain vessels, including troops ships, ships of war, fishing vessels and certain recreational craft, were excluded is that these vessels are excluded under SOLAS and the purpose of the Bill is to put in place enabling provisions for the implementation of SOLAS. Separate domestic legislation applies to fishing boats, etc., under the earlier Merchant Shipping Acts.

Deputy Broughan asked what would happen if a ship which had the IBC code certificate, etc., under one state was transferred to a non-convention state. The proposals in the amendments provide that the international certificate of fitness for chemical, gas and nuclear carriage cease to be in force upon transfer of a ship to the flag of another state. I hope I have provided some clarification. I will bring Deputies' comments to the attention of the Minister.

Question put and agreed to.

Planning and Development (Amendment) Bill 2009 [Seanad]: Second Stage (Resumed).

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

Deputy David Stanton: I am pleased to be able to say a few words on the Planning and Development (Amendment) Bill 2009. I welcome many of the measures proposed in the legislation. As the Minister stated, planning is about people. However, having read the Bill and listened to the contributions of other Deputies, I have a feeling that we are closing the door after the horse has bolted. The boom is over and building is at a standstill yet many of the provisions in the Bill appear to anticipate significantly more construction in the near future. I do not believe that will be the case. I cannot see it occurring, which is another issue.

It is a shame that much of this work was not put in place six or seven years ago before the boom started. Many of us are aware of situations where great numbers of houses were built but without infrastructure. This is something I have been saying for years because what happened has led to a very serious and dangerous situation. Housing estate after housing estate was built with very little community provision, sports fields, playing fields, youth centres or schools. In my own area, east Cork, a great deal of development was built along the much heralded and welcome Midleton railway line and ten years from now, if my figures are correct, approximately 2,000 extra second level school places will be required. Some land has been zoned for building schools but that kind of zoning is no good if the land is not purchased or acquired and planning put in place. That takes a long time and it might be a number of years before a school is in place.

[Deputy David Stanton.]

In my part of the country, and I am sure it is the same in other places, the secondary schools are already full. I am sure the Minister of State realises a secondary school is not like a primary school. In a primary school another room can be added on, or, as the Government has been doing for years, portacabin can be added to portacabin. One can get away with that for only a certain period of time at second level because specialist rooms are needed. There is need for home economics rooms, engineering and building construction rooms and, in particular, science laboratories must be put in place. This is not happening throughout the country, especially in my area. I have seen the map the Department of Education and Skills produced and my area is one of the few marked in bright red.

On many occasion during many years in this House I have tried, through parliamentary questions and Adjournment debates and all kinds of other methods, to stimulate debate on how we might deal with this emerging crisis but I could not do it. I might as well be on the other side of the moon, talking to myself, because I get no reaction or response, no debate, nothing. Yet this crisis is brewing at present.

I welcome the Minister of State, Deputy Finneran, to the House. I shall repeat for his ears, although I am sure he will spend some time reading the transcripts, that in my area within ten years we will need 2,000 extra second level school places. Due to the planning and zoning and everything else that has gone on and because there was a lack of any Government direction in this area we now have a situation where some land has been zoned for schools but nothing has been acquired or built and now the secondary schools are full.

What will I do next September, or later, when parents come to me and tell me their son or daughter cannot get into a secondary school anywhere? What would the Minister of State do? What can be done? All I can do is raise the issue, flag it and alert the Department of Education and Skills and the Ministers of the day to the problem.

I repeat, if the Minister of State is listening, that in my part of the country in east Cork we have a re-opened rail link. As a consequence much land was zoned in order to make the rail link viable and the people who built the houses had to pay a special levy to fund it. There are very many houses, but, as I said before the Minister of State arrived, there are no community centres, no sports or playing fields and no schools even though land is zoned for them.

The Government must look at all of this even though it is like closing the door after the horse has bolted. I cannot see any large, medium or even small-scale development happening in the future. We must look at what has happened in the past ten years and see how we can correct it. I note that the Minister spoke about correcting certain aspects but I do not see anything in the Bill that will help do that. He spoke about flooding but that refers to the future. How can we correct the mistakes that were made in the past? How can we acquire land to build schools and community centres and put in playing fields and youth centres? That is what we should do.

We should be building communities not merely housing estates. We must start looking at the thrust of this. How can we build communities? The Minister of State, Deputy Finneran, spoke at one stage about a housing Bill and at the time I made a similar speech to the one I am making now. It is an important matter.

I welcome what is stated in the Bill about flood assessment risks and guidelines. However, we may not need these for some time. There is a provision in the Bill about reviewing land that has been zoned already and there is the idea of de-zoning land. That is important. Linked to all of this is the fact that much of this land will probably end up with NAMA, with the State owning it. Is there any way by which local communities might benefit from the fields outside towns and villages which will never be built upon in our lifetimes? The State owns them but

most of them will only grow weeds. There is an issue about noxious weeds and who is responsible for them because they, too, are illegal. Would it be possible in some shape or form for some of these fields to be used by local communities for recreational and amenity purposes, as local parks or something like that? That is something we might do to address some of the situations the Minister mentions in his Bill. He mentions sustainable, high-quality living communities. We do not have them and that is a goal we must achieve.

I also welcome the notion of linking regional and national plans and so forth. In principle that is a good idea but, again, it presumes there will be a great deal of development in the future.

All land zoning will have to be the subject of public consultation at plan-making stage to ensure public confidence. Again, I agree with that. Two thirds of members' votes will be required for further change in a draft development plan. That is a good idea.

There is an issue regarding the number of estates that exist. The Minister of State will probably have an interest in this matter, given his responsibilities. There are very many estates which are in a limbo situation. I am not sure what the Minister for the Environment, Heritage and Local Government, Deputy Gormley, plans to do about this because I do not see the matter addressed in his Bill. Perhaps it should be looked at. I am told there are approximately 400 estates to be taken in charge by Cork County Council alone. In many cases developers have sailed off into the sunset and their companies have gone wallop. Who is responsible for looking after these estates? It is very difficult to know. If there is a problem in an estate where the bond has been handed back but the council has not taken it in charge, where do residents get redress? There is a certain estate in a small town close to me, in Cloyne, where there have been major problems with sewage. The entire system just stopped working and redress was very difficult to get. The developer was not available and the local authority is stretched already. What do the residents do? What can the Government do to help them? What is contained in this Bill that might help in a situation like that, or that might seek to redress it, as was discussed earlier.

Recently there has been a debate about proposals to knock down houses that may never be lived in or those which cannot be sold. Some part of me feels there is something radically wrong with that, given that so many people are on housing waiting lists throughout the country. Many people are crying out for houses but cannot get them. It seems that NAMA will take over many of these so-called ghost estates, although not all of them. Some of these housing estates are finished, although others are not. Is there any way of giving such houses to people who need them right now?

Representatives of the Homeless Agency organised an awareness coffee morning in Leinster House today. It seems almost sinful to knock new houses that have been built to a high standard at a time when people are living in deplorable conditions. Is there any way of solving both of these problems in one go? We could use these houses to put a roof over the heads of people who have no houses, or are living in overcrowded conditions. That is a challenge for the Minister of State with responsibility for housing. A certain amount of imagination is needed if we are to deal with these issues.

I agree with the intention to introduce a statutory protection for whistleblowers in the local government system. We need to build on that approach. We really need to look at the general issue of whistleblowing. Having been a Member of this House for almost 13 years, I am aware that the Opposition has made many attempts over the years to introduce legislation to protect whistleblowers. The Government, and Fianna Fáil in particular, does not like that concept. It has voted such legislation down and knocked it at every possible opportunity. It is about time some light was shone on many areas of our society.

[Deputy David Stanton.]

If I can wear another hat for a moment I would like to say that if this House were allowed to operate properly, many of the problems which are surfacing now, which will cost the taxpayer billions of euro, might not have developed in the first instance. If Members could work as we are supposed to, for example by inquiring and asking detailed questions at committee level, this House would work as it should. Ministers should be prepared to engage in proper debates with Deputies on all sides. The Executive should engage with the Parliament, rather than going into a bunker. I do not see anything wrong with allowing Government backbenchers to ask questions of Ministers. They should challenge Ministers and test their policy proposals. That is how we should operate in here.

It should be possible for this House to adjudicate on everything in the public sphere, including all the quangos that have been established by Fianna Fáil over the years in order to protect Ministers. When Ministers come in here, they often say they do not have responsibility for certain matters any more. They have given it to one quango or another. In such circumstances, how can we ascertain what Ministers are spending taxpayers' money on? If we cannot get at them, how can we get information on the decisions they are making or tell whether such decisions are in the public interest? It cannot be done.

I suggest that the existence of so many unaccountable quangos is an affront to democracy. The sooner we rein them in, the better. I do not suggest that the staff of such bodies are doing anything wrong, as many of them work very hard. If every official in every organisation were accountable to the nth degree — if they knew they could be questioned — it would ensure they do their business properly. When representatives of the National Council for Special Education appeared before the Joint Committee on Education and Science recently, they were questioned intensely by Members from all sides. The same thing should happen in all cases. I welcome the protection being given to whistleblowers in this Bill.

I would like to speak about section 20 of the Bill, which is important. When the Minister, Deputy Gormley, introduced this Bill in the House, he said that the section “proposes an amendment to section 35 of the Act, which will allow a planning authority to refuse permission where the applicant has carried out a substantial unauthorised development, including a development with no permission, or has been convicted of an offence under the planning Acts, subject to certain conditions”. I understand that up to now, certain cowboy developers have been able to build housing estates, leave them half-finished, go into some form of liquidation and disappear into the sunset, thereby leaving owners and residents in the lurch. We have to ensure that does not happen again. If this measure can be retrospectively implemented, so much the better.

Section 20 is very important, as I have said. We have to ensure it provides for a means of chasing these guys and making them accountable. It is not right that people who spend hard-earned money — who have mortgaged their lives for 25 or 30 years — find their housing estates in a mess. We need to protect citizens from cowboys who may wish to ride off into the sunset. I urge the Minister to examine section 20 to ensure its provisions are very strong. I would like to know whether “the applicant” referred to in this section is always a person, or may sometimes be a company. Can a developer dissolve his company, set up a new company with a different name and continue to engage in the same business? That is what goes on. It is important that we use section 20 to chase down directors and owners who may wish to hide behind shell companies.

I wish to sum up my thoughts on this planning and development Bill. I have spoken about the need for local authorities to take estates in charge. Perhaps the Government should have a long look at that. Planning is about people. I welcome many of the provisions of the Bill,

which is probably six, seven or eight years too late. I am concerned about the integration of schools with the planning process, which was mentioned by the Minister at the beginning of this debate. The huge problem across the country in that regard also relates to youth and community centres. The land that is to be taken over by NAMA should be used, rather than having weeds growing on it for God knows how long. The Government should ascertain whether the houses that have been proposed for possible demolition can be used for social housing in some shape or form. The actions of those who break the law, including the small number of cowboy developers, make people's lives a misery. Some people who have put their heart and soul into the purchase of houses have been left in an awful situation. We should ensure that the legislation is sufficiently strong to deal with such cases. It is important that local authorities have the teeth and the resources to take action. I thank the Chair for giving me a chance to make a few remarks.

Deputy Michael D'Arcy: I would like to share time with Deputy Sheahan.

Acting Chairman (Deputy Michael Kennedy): Is that agreed? Agreed.

Deputy Michael D'Arcy: I am inclined to agree with my colleague, Deputy Stanton, who said that this Bill is probably too little, too late. The previous legislation provided for a "one size fits all" approach to planning. I wish to explain what I mean with reference to small towns like Wexford and Athlone and larger towns like Limerick. The people of those areas might not like to hear them referred to as towns, but they are not large urban areas. Two of them have populations of fewer than 50,000. Limerick has a little more than 50,000 inhabitants. Planning permission was granted for 13-storey buildings in each of those towns.

In the case of the only urban area on the island of Ireland, that is, Dublin city, An Bord Pleanála has stipulated in certain cases that buildings cannot have more than 13 storeys because that does not represent good, sustainable planning. Yet there are small towns with populations of less than 50,000 where such applications have been granted. It was this type of planning madness that led to the boom and subsequent bust in which we now find ourselves.

Another outlandish aspect of the planning process is high-density developments in small towns. I am referring here to towns with populations of less than 10,000 — in many cases, between 5,000 and 10,000 inhabitants. In recent years the Department of the Environment, Heritage and Local Government was moving towards high-density zoning, namely, three-storey housing and some apartment blocks in towns where there was ample land to allow for the development of properties with front and back gardens. There are estates in my own town of Gorey with 22 and 24 houses per acre and cattle grazing in the field next door. This was the type of madness that went on.

This Bill has significant relevance for local area plans. In Courtown, County Wexford, along with the local area plan there was a tax designation, and the appetite to build in the area was astonishing. There were fields that were zoned and fields that were designated by previous Governments. It did not make any difference whether there was a tax designation; developers were willing to forgo tax benefits and get to building. There are towns throughout the State with thousands of houses which were small villages only a few years ago. Courtown is one such, but it has no secondary school and there is no plan to provide one. We must bring something to those areas in which development was tax designated for specific purposes, whether some type of stimulus in regard to jobs or incentives for community amenities. In some cases, most of the population of these once small villages are originally from elsewhere and are commuting elsewhere to work. Some were effectively only sleeping in their new homes. Even worse, many such persons are now unemployed and cannot find work in the area in which they live.

[Deputy Michael D'Arcy.]

I am concerned about the proposal in the Bill for a ten-year local area plan. In Gorey there has been significant focus on the 2002 local area plan. That plan was considered at some stage before the end of 2000 and into 2001 and published as the 2002 plan. Thus, it has in effect been a ten-year plan. The view at the time of its inception was to ensure there would be sufficient zoned land for the prosperous development that was coming down the line. The expectation was that nearly every county in the State would have a new town like Leixlip with a massive number of jobs and an associated requirement for housing. In the case of Gorey, however, it became clear within a short period that this was a mistaken view. By 2006, four years into what was supposed to be a five-year plan, we could see that the oversupply of zoned land had contributed to an overheated market. The area was fortunate that houses could not be built because sewerage services were not available. We should not have to rely on that type of luck. The new local area plan for Gorey is now at pre-draft stage. As I said, the attitude when we were moving upwards was to move to zone as much land as possible. Now that we are in the belly of the recession, we must be careful that we do not retract too much. There is no question that the problem of oversupply must be rectified, but we must be careful not to go too far in the other direction.

An issue of great relevance to this debate is the madness that is NAMA. Having pursued the matter vigorously with the Minister for Finance, he confirmed to me that nothing will be made available to local authorities or communities from NAMA unless the full market value is paid. That is the Minister's view and his instruction, but it is not the correct policy. If there is a community benefit to be had we should ensure it is secured. As unusual aspect in all of this is that we have on the one hand, the Minister for Finance, who has established and instructed NAMA, and, on the other hand, the Minister for the Environment, Heritage and Local Government instructing local authorities' planning sections via departmental circulars that zoning must be scaled back. I agree with some of the measures introduced in this regard by the Minister for the Environment, Heritage and Local Government. However, NAMA is obliged to get the maximum value for the lands it holds on behalf of the State. Local authorities are caught in the middle of these conflicting departmental priorities.

Deputy Michael Finneran: NAMA itself has an entitlement to contribute to the planning process.

Deputy Michael D'Arcy: I understand that. We have a situation where developers will be lobbying councillors, while planners, under instruction from the Minister for the Environment, Heritage and Local Government, will be seeking to dezone land, and NAMA will, as the Minister of State said, have the authority to make submissions at draft stage of local area plans. There is a conflict in all of this which leaves local authority members — which most Members were in a previous life — in a difficult position. There is no joined-up thinking on the matter. Councillors should not be left in the lurch, in a situation where no matter what they do it is wrong.

I have a particular concern about the pre-draft stage of the local area plan for Gorey, which includes an enormous swathe of land that is zoned for business and technology parks. There is no prospect of those 100 or 150 acres being taken up for the construction of business and technology parks. Moreover, while this land is close to the town centre, land zoned for residential purposes is situated outside the town. The land closest to the town centre should be for residential zoning and the business parks earmarked for further out. This is an issue I intend to pursue. If we have to dezone business and technology park land and change it to residential zoning and *vice versa*, that should be done.

I know there is a bone of contention with the Green Party on rural one-off planning, but I fully support it. I know many people who cannot get planning permission in the countryside in County Wexford, not because of the local authority, which is in favour of one-off planning in what is primarily a rural county, but because they cannot get discharge licences as there is no discharge into the groundwater and no lateral discharge into the streams. There are systems that work, and people from the countryside should be given the opportunity to live in the countryside on their family land if they so wish.

The original Bill on An Bord Pleanála was designed to ensure there was not a majority of professional planners. That legislation goes back to the 1970s, and the board was to be representative of society. That has been completely turned on its head and I am told every member of An Bord Pleanála is now a planner. I am not satisfied that this was the original thinking behind the establishment of the original board.

The lifespan of a local area plan at ten years is too long. Section 18 allows for the Minister to appoint an independent inspector to review the manager's report on foot of consultations on the local area plan. I welcome this on the basis that the inspector is independent and that he or she is not under instruction from the Minister. The vital word in the section is "independent".

Section 19 amends the principal Act in respect of passing a material contravention of a local area plan. I was involved in one material contravention in my time on a local authority in respect of a cinema on land that was zoned "BTP" and that was not compatible with the planning application. I had a bare knuckle fist fight with the planners to promote the planning application so that it could go before members of the local authority as a material contravention. The planners told me they would eat their hat before a cinema would be built on that site. I have a very large chocolate hat because the cinema is built and will be open before the end of June. It is important not to ignore the views and opinions of the local authority members.

I have concerns with sections 24 and 25 and the possibility of supplementary development contribution schemes. There is no money to do anything and we cannot ask developers to pony up extra money for the scheme to ensure they get through the planning process. There is no chance this can work at the moment.

I have established a jobs initiative in north Wexford. The highest rate of unemployment in Wexford is the north of the county at 14%. There are only five counties with more unemployed people than Wexford, namely, Dublin, Cork, Limerick, Galway and Donegal. There are almost 18,000 unemployed people in Wexford. There is now an 80% tax on any development land, which is defined as any portion of ground over two acres. This does not make any difference, as the mistakes have already happened. However, I am trying to create a jobs initiative and I have people who are looking at moving into certain areas of north Wexford, but the person who owns the land will not do anything when he or she has to pay an 80% tax to develop the land. That tax has meant it is now difficult to find land to be traded. I realise the sentiment attached to the idea when it was brought in, but it is too late. I do not think the tax will be removed, but the Government needs to be progressive and realise that if the development of certain portions of land will lead to jobs, then the 80% tax should not apply. It could be reduced to the original 40% capital gains tax rate, because 80% is now an impediment. It was meant to be an impediment to the crazy development that occurred in certain parts of the country, but it has become an impediment to jobs.

I was not involved in the 2002 local area plan for Gorey, in which I believe mistakes were made. However, I want to make sure that the 2010 local area plan is improved and that the Bill is improved for the majority of communities.

Deputy Tom Sheahan: My understanding, when I became acquainted with planning——

An Ceann Comhairle: Are you sharing time with any colleague?

Deputy Tom Sheahan: I will drive on as far as I can, a Cheann Comhairle, and we will go for the spuds then.

My understanding of planning has developed into three fundamental aspects, namely, precedence, consistency and transparency. This Bill rubbishes those three fundamental aspects. Planning permission for a one-off house was once dependent on site suitability. Unfortunately, it now depends on the suitability of the person. The only people applying for planning permissions at present are those who can get the funding to build houses, while the speculative element is gone from planning applications.

I know a gentleman near me who has been refused planning permission to build a house near the local GAA pitch. He gives four nights per week in the pitch training the under tens, the under 12s and the “B” team, while he plays with the “C” team. He was refused planning because he was from the next townland, one mile away. There was no problem with the design of the house or with the soil conditions. I spoke to the director of planning and to the county manager. The application has been resubmitted and we will go to An Bord Pleanála with it, because I imagine the council will refuse it again. This will go to the end of the line, because unfortunately An Bord Pleanála is the end of the line. Some say we can go for a judicial review, but the man that wants to build a four bedroom bungalow does not have the finances for such a move. He has been treated very unfairly in this case.

I have given just one example, but there are many more. I get very frustrated when talking about planning permission. I once put a motion before the local authority, when I was on the county council, seeking a list of agents and the number of applications they made on behalf of applicants, their success rate, how many were returned unaccepted, and how many were refused or granted. I sought a list system because there are some rogue agents out there dealing with planning permission whose qualifications are limited. Some of them are charging up to €3,500 or €4,000 to young applicants for houses. The ordinary lay person knows nothing about planning permission.

I wish to deal with the issue of transparency. Local authority planners are bosses within the planning system and applicants are begging. They are nearly made to feel that they must send a thank-you note to the planner when they receive planning permission. We have to get away from that.

On one occasion, a member of An Taisce asked me why I made so many representations on planning applications. They were insisting that there should be a code of conduct for councillors regarding submissions on planning applications. However, I questioned the code of conduct within An Taisce. Over the years, I have made many submissions on behalf of applicants for planning permission. I saw myself as a conduit between the planner and the applicant. We even had agents in County Kerry who, once the application went in for planning permission, wrote back to the applicant to tell them to get on to their local councillor or Deputy to follow this up. They were abdicating their responsibility, yet they were getting €3,500 or €4,000.

Some years ago, I also put a motion before the local authority proposing that serial objectors should have to pay €200, rather than €20, to object to a planning application. There are serial objectors in my area and I am sure every Member of this House knows such people in their own areas. I know of a serial objector who took €25,000 in cash to withdraw an objection to planning permission for two family members on a holding. A lot of these people are aligned

and associated with An Taisce and the Green Party. It is ironic that a Green Minister is bringing this Bill before us because he is centralising power to himself. He is making the local authority's role in planning permission irrelevant by centralising the whole system.

I firmly believe, however, that something needs to be done with serial objectors who have cashed in and made people's lives a misery when they try to apply for planning permission. I was almost thrown out of the local authority once because I named a man who was a serial objector. I described him as a parasite, which is a person who thrives on and lives off another's misery. The owners of a family holding were trying to get planning permission for their daughter, but on five occasions this man objected. The killing thing about it, however, is that the man lived 50 miles away. There was no reason in the world why the planning permission, if granted, would upset or interfere in any way with his quality of life. However, the objector had a personal gripe with the landowner and cost that man a fortune. The woman of the house actually had a breakdown because of it. That is why I called him a parasite.

In my area some years ago, an old hotel had gone to ruin and an application was made for a new hotel. A man from Canada objected to it, however, and stopped it from going ahead. It could only happen in this country. The council granted permission, yet this man from Canada objected. I do not know if he was ever in the area, but he paid €20 to stop the development of a hotel with a potential to create 80 to 100 jobs. The jobs would have been seasonal, but very welcome in that area nonetheless. That is fundamentally wrong. I hope the Minister will provide for a sense of fairness and transparency in the Bill.

Some of my colleagues referred earlier to An Bord Pleanála but my understanding is that not all the board's members are planners. To the best of my knowledge, those who are — funnily enough — are urban planners. When a planning file is appealed to An Bord Pleanála, an inspector will come to inspect on behalf of the board and writes up recommendations. For instance, the inspector may write a recommendation to grant the relevant planning application. That recommendation goes before An Board Pleanála and those sitting around the table, who have not visited the site, will refuse the inspector's report. How many times have Deputies seen that happen? Is that logical and does it make sense? I would like somebody to explain that to me.

Alternatively, an inspector may inspect a site and the planning file, and then recommend a refusal, yet the board will grant it. Some people say to me — but I would not be that narrow-minded — that maybe there are members of the board who are taking money. Perhaps there are members of An Bord Pleanála who are taking money, because they have never visited the site——

An Ceann Comhairle: The Deputy may wish to reconsider the terminology he is using.

Deputy Tom Sheahan: We will drive on. Will somebody please explain to me——

An Ceann Comhairle: I am sorry Deputy, but this is an important matter. It is quite inappropriate, particularly if there is not any evidence, to make what is a fairly serious allegation. It might be appropriate for the Deputy to take the opportunity to amend the terminology being used.

Deputy Tom Sheahan: I have said what I said and I stand by it. I want somebody to explain to me why, when a person inspects the planning file and the site, their recommendation is overturned by people who were not near the site.

[Deputy Tom Sheahan.]

For years the Irish Rural Dwellers' Association has sought to have a representative on An Bord Pleanála, but why has this been blocked? Every time they tried, they have been blocked, so I would like that question to be answered.

Why are local authorities throughout the country currently de-zoning land? For example, a ten-acre field with cattle grazing on it may be zoned, but why is it now being dezoned? The Minister says too much land is zoned. What difference does that make to the land? Zoning does not guarantee planning permission; it never did. The Minister has now given an instruction that land is to be dezoned, although I have not seen any legislation. It is similar to the rural planning guidelines, which were never given a legislative basis but directed the development of the country over a number of years. Land that has been already zoned for development will be dezoned, but we will turn around in a number of years — nobody can guess the timeframe — and rezone the land again, except that this time the owners will be nailed for an 80% property tax or levy. That is immoral.

Deputy Mary Alexandra White: “Windfall” is the word.

Deputy Tom Sheahan: Call it what one likes, it is immoral. It might not be the people who own the land today but the next generation who will be nailed for the tax.

During the production of local area plans, I saw land being zoned even though its owners did not want it zoned. I went to the forward planning section of Kerry County Council on behalf of several people who had asked for their land to be removed from certain local area plans because they did not want it zoned. The staff asked me if I was for real, and I said “Yes.” I said there were several farmers who did not want their land ever to be built on because they wanted to pass it on to the next generation. The land was eventually removed from the local area plans.

With the way the Minister is going about it, we will find that after the dezoning of land has been completed, the staff of the local authorities will automatically begin to produce local area plans again. It is a futile exercise and the only reason for it is to nail landowners for the 80% windfall tax. I do not think this should be going ahead. I believe it is to be challenged in the courts, and rightly so. Members should not get me wrong; I am not trying to speak up for the developer that bought land at €500,000 or €600,000 per acre to develop. I am talking about the landowner whose land was zoned when it was still in his or her ownership.

EPA guidelines are produced nearly every year now, and they are being upgraded every year, to the extent that many of the planners and environmentalists in our local authorities are giving half their time to training courses. I am currently involved in a case in which the EPA, after three months, has not yet replied to a scientist who is working on behalf of an applicant for planning permission. I cannot understand why it has not replied in the space of three months.

The Minister of State, Deputy Finneran, who was here when I came in, is a man I hold in great esteem. I believe he is doing a good job. He is the one man who is trying to do something for the construction industry. The only show in town at present is the funding he has provided for local authorities for long-term lease arrangements — a scheme to which I give 100% support. The man must be commended on thinking outside the box and trying to get things moving.

This is a reaction to what has happened in the past decade. Why did we have a property bubble? Who created it and why did it spiral out of control? The 2006 census found that there were 215,000 unoccupied houses in the country, of which 51,000 were holiday homes, which meant that 165,000 houses were empty year-round. Government policy was to build 90,000

units per year. Will anybody be brought to book for this? That is the reason the whole country is in the doldrums — bad governance and bad decisions made by Government. It was the tent at the Galway races with the developers and the bankers. Government policy, with 215,000 unoccupied houses, was to build 90,000 units per year. At one stage we were told Ireland would have a population of 8 million by a certain year — although I cannot remember which year — so we had to keep building these houses, we had to keep zoning, and we had to keep developing.

There are 22 ghost estates in Kerry. I can safely say, hand on heart, that no member of the local authority is responsible for those 22 estates — or at least, no elected member. Planning is a function of the executive and those involved made executive decisions to grant planning permission for those estates, yet the person seeking planning permission for a one-off rural house receives a blank “No.” It is a shambles. I am afraid the Minister is attempting to centralise the whole planning function of the local authorities to his Department. It will be a sad day when that happens.

A superintendent of the Garda Síochána once told me that the majority of our social problems were in built-up housing estates where there were too many houses. This is also the fault of bad planning. He said people were being driven from rural areas to built-up urban areas and housing estates, which was causing many of these problems. This is an issue that needs to be addressed. I hope the Green Party and its members will not continue with this flawed idea. These estates are similar to reservations. They want to herd people into built-up areas, but they are creating ghettos.

An Ceann Comhairle: As the Deputy concludes, I must draw attention to the fact that he made an allegation against members of An Bord Pleanála. I do not know whether he has any evidence in this regard. I accept that he has not made a personal allegation against any individual member of the board. It is inappropriate to make such an allegation under the protection of the House unless the Deputy is in a position to substantiate it. While the remarks have been made, I ask the Deputy to reflect on this — if not now, perhaps later — and consider the implications.

Deputy Tom Sheahan: Thank you, a Cheann Comhairle.

Deputy Joe Carey: I congratulate the Minister of State, Deputy White, on her appointment and wish her well in her new portfolio. I know she will do well.

It is often said that if the Dutch lived in Ireland they would feed the world, while if the Irish lived in the Netherlands they would drown. Anybody who visits the Netherlands cannot but be impressed by the manner in which the country is planned and developed. There is a strong sense of the common good in the way resources are dealt with and the country is developed. Here in Ireland we have made many mistakes, largely because of the historical abundance of our natural resources but, more importantly, because of an inability to say no. We have an inability to say something is inappropriate from a development point of view. The core principle in this legislation, as presented by the Minister, Deputy John Gormley, is one of centralisation of powers; in essence the transfer of power in determining appropriate planning to his office, the Department of Environment, Heritage and Local Government.

The cornerstone of how this legislation is to be used in future, as outlined when the Minister presented the Bill early last December, would seem to be that of the national spatial strategy along with regional planning guidelines. It is the Minister's wish that local area plans, along with county development plans, should feed into those plans and strategies determined at a

[Deputy Joe Carey.]

higher level. In section 5 of this Bill there is mention of evidence-based core strategies. Last December, the Minister stated: “A key element of the zoning reform is the introduction in section 5 of a requirement for an evidence-based core strategy in development plans, which will provide relevant information as to how the plan and the housing strategy are consistent with regional planning guidelines and the national spatial strategy.” These are worthy sentiments and in fairness to the Minister, Deputy Gormley, and the Green Party, they have been consistent on this issue over the years.

The Minister acknowledged the work done by local councillors on planning heretofore but one gets the sense with this legislation that the Minister’s true feelings for the county councillor are more along the lines of the “damning indictment” he spoke of. Having been a member of Clare County Council for eight years, this is of interest to me. It is quite easy to create the caricature of the buffoon councillor rezoning all before him or her. The reality of how our local public representatives carry out their duties in planning is often different.

One of the last projects relating to planning which I worked upon as a councillor in Clare was the Clarecastle rejuvenation plan. I take this opportunity to raise this very important matter with the Minister of State, Deputy Mary Alexandra White, and the Minister, Deputy Gormley. Prior to the opening of the Ennis bypass, 25,000 vehicles a day passed through the village of Clarecastle. The decades of heavy traffic have taken its toll on the streetscape of my native village but the re-routing of traffic presents the village of Clarecastle with an opportunity to be rejuvenated. The Ennis bypass presents Clarecastle with an opportunity to finally take in a breath of fresh air after decades of being under attack from car, truck and bus.

As a councillor representing the Clarecastle area, I requested by means of a notice of motion that such a plan be drawn up. My request was granted and the county architect, Ms Ruth Hurley, together with the planning and road design teams of Clare County Council, produced the Clarecastle rejuvenation plan. This action plan for the village of Clarecastle provides a comprehensive assessment of the areas that need attention. Features include a redevelopment of the main street to include a new streetscape incorporating new lighting and paving, an upgrading of the various approach roads to the village, major improvement of the roads and footpaths and better use of public open space.

I have had meetings and various communications with different officials in Clare County Council relating to this vital plan. I have put down parliamentary questions to the Minister for the Environment, Heritage and Local Government, Deputy Gormley, and the former Minister for Community, Rural and Gaeltacht Affairs, Deputy Éamon Ó Cuív. I should mention Councillor Paul Murphy, who was co-opted to my seat on Clare County Council when I was elected to this Chamber and who was re-elected last June, as he is also pursuing this issue.

The Clarecastle rejuvenation plan has been incorporated within the Ennis and environs development plan. The community needs and demands implementation of the plan’s recommendations. On behalf of the people of Clarecastle, I ask that the Minister for the Environment, Heritage and Local Government engage with Clare County Council to make this plan a reality as a matter of urgency. The Minister of State might relay this issue to the Minister and ask him to provide an update on the support he will give to the plan.

The Clarecastle rejuvenation plan is a good example of proper planning and how an area should be developed. However, there have been many cases of inappropriate zoning throughout the country over the past number of years. The chairman of the Oireachtas Joint Committee on the Environment, Heritage and Local Government, Deputy Seán Fleming, might have got to the nub of this in his contribution when he spoke of “whose land this is” rather than “is

the land suitable?”. He hit the nail on the head as the first question considered should be whether the zoning is appropriate.

The recent severe flooding that took place in my constituency of Clare and in particular the unprecedented flooding that was witnessed in Ennis should serve as a major wake-up call to the Government. Flood waters caused extensive damage to homes and businesses and some flood victims still have to move back into their homes. The risk of severe flooding recurring in Ennis must be addressed. We need a radical approach to flood relief and a flood prevention officer should be appointed in every county and given responsibility for a current and capital budget. That flood prevention officer should oversee a maintenance programme for rivers, drains and watercourses. The officer should report directly to the Minister for the Environment, Heritage and Local Government, who must be identified as having ultimate responsibility for flood prevention.

All the indications are that the issue of flooding is only going to increase in importance in the decades ahead and we now have the problem of poor planning decisions over the past decade adding to the problem. It seems obvious that flood risk areas have not been protected. Natural flood plains throughout Ennis have been destroyed. For example, there is an area just outside Ennis in Skehanagh where land was zoned within the remit of the Ennis and environs development plan. It was deemed suitable for industrial and commercial development and land was sold there for €18 million. During the flooding the land was under six feet of water, meaning it was completely inappropriate for the land to be identified and zoned as such.

The backbone of the Ennis and environs development plan was put together by Colin Buchanan and Partners consultants on behalf of Clare County Council. It was outrageous for such consultants to identify those lands, which are liable to flooding and which were under six feet of water during the recent flooding.

Deputy Jimmy Deenihan: When did the consultants carry out that investigation?

Deputy Joe Carey: It was 2003. What went on in that instance was outrageous. Such land should never be built on and there should be protection to ensure this is so. It is obvious that flood-risk areas have not been protected and it is critical that the Ennis flood relief scheme be amended in order to address the major flooding problems which surfaced in areas of Ennis that had never flooded before.

The River Fergus drains half of County Clare. The sheer volume of water which travels through Ennis town cannot be contained in the narrow river channel. Consideration must, therefore, be given to the development of major attenuation ponds outside the town. Such man-made ponds would help control the flow of water through Ennis and prevent flooding. They could be used for aqua sports during the summer months or as reservoirs when water supplies are low.

I thank the Oireachtas Library & Research Service for providing the excellent debate pack relating to the Bill. However, there is one glaring omission from the Bill, namely, one further level from where much inappropriate planning emanates and one institution that, from time to time, does a great deal of damage to proper planning. I cannot find any references in the legislation to the actions of the Cabinet in respect of good, appropriate and sustainable development.

I refer to the Cabinet for a number of reasons. The national spatial strategy, which the Minister appears to regard as fundamentally important to his principles of good and sustainable planning, represents a missed opportunity. It is a document that is hopelessly diluted. In

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addition, it failed miserably in the context of the first test with which it was presented. The decentralisation plan, as presented by the Government, through the Minister for Finance in one of his budgets, took absolutely no account of the national spatial strategy which emerged just before it.

Another example of Government or Cabinet interference in the planning process relates to tax incentive-based development in respect of housing associated with tourism. For example, many houses were built in areas along the River Shannon, Ireland's largest waterway, at a time when there was little expressed need for this type of development. Many of these houses are rarely occupied and their construction has effectively prevented the construction of more sustainable homes because the capacity for services such as sewerage and water has been reached. Those who live in Killaloe, County Clare, cannot obtain planning permission or tap into the existing sewerage system because there is no further capacity to be had. Many towns and villages along the Shannon have effectively been sterilised as a result of the actions of the Cabinet or the Government in general.

It will be interesting to discover whether the Minister will be able to deal with the problem of Cabinet interference for reasons of political expediency. He previously asserted that planning decisions at local level cannot fly in the face of wider regional and national interests, particularly those agreed and endorsed by the Government. What happens in that regard should be carefully monitored in the run-up to the next general election.

The thrust of the legislation, and its preoccupation with centralisation, is worrying. The centralised model of government it puts forward does not work. Our most recent administrative experiment with the transfer of responsibilities from the old regional health boards to the centralised HSE has not worked. Most of the remainder of the world abandoned politburo-style centralisation with the fall of the Berlin Wall in 1989. However, we in Ireland tend to positively embrace the concept and occasionally polish it up — with a bit of PR spin — for reuse.

If the Minister really wants proper planning and development, then local people and those in leadership positions in their own communities — I do not necessarily refer to elected representatives in this regard — must be given a meaningful role. These people have a better knowledge than anyone else with regard to how their areas might be developed in the future. However, the Minister and the Government seem to have an absolute fear of allowing something of this nature to happen.

The legislation is seriously misguided in its obsession with centralisation and the vesting of powers in the individual. The fact that the Minister described these guidelines as a combination of both a top-down and a bottom-up approach shows just how ill-conceived and contradictory is the legislation actually.

Deputy Jimmy Deenihan: I agree with the key objective of the Bill, which is to support economic renewal and promote sustainable development. It also aims to bring about a closer alignment between the national spatial strategy, regional planning guidelines, and development and local area plans, in addition to introducing a requirement for an evidence based core strategy in development plans. These aims are extremely laudable and would be accepted by most Members.

Like most Members, I served on a local authority for a number of years. One of the most frustrating aspects of my work in that regard related to planning and the inconsistencies relating thereto, even between different areas within one's own county. Whereas someone might be

allowed to build a house on an elevated site in one part of the county, a person in another part of the county would not be allowed to do so. There are contradictions in this regard right across the country, be it in the west, the midlands or the east. Perhaps it might be possible to introduce national guidelines to promote consistency in respect of planning. It is frustrating for councillors to explain to people that what is acceptable in one part of the country might not be acceptable in another or that what is considered to be an elevated site in one area is not so considered in another. In many cases it comes down to individual planners, who have their own ideas regarding planning, making decisions.

It has been my experience that planners who graduated in the recent past and who have embarked upon masters courses at UCD or at Queen's University in Belfast have a completely different vision than that of their predecessors in respect of the type of landscape they want to see develop in Ireland than do their predecessors. There is both a contradiction and a tension in this regard. It may already be the case but I suggest that on several occasions during the year planners and senior planning officers should be brought together in order that we might promote a consistency of approach throughout the country.

The main difficulty in Kerry at present, particularly in the north of the county, relates to water discharge and the process of percolation. The soil in north Kerry is particularly heavy or dense and, as a result, percolation is poor. In the past, it was possible to build houses in certain areas. These houses were built to different standards and septic tanks relating to them seemed to work. However, as a result of the introduction of the EPA guidelines and the new percolation tests — the so-called P and T tests — it is not possible to build houses in such areas.

A contradiction arises in respect of this matter. If someone wanted to build a factory or a unit in north Kerry in order to carry out a commercial activity, he or she could obtain a surface water discharge licence and remove water — once it has been properly treated, etc. — from the site and run it into a local land drain or whatever. However, it is not possible to obtain such a licence in respect of one's home. That does not make sense. Perhaps the Minister might obtain clarification from his officials with regard to whether this position obtains throughout the country. Obviously, if that was allowed for a house it would get over the problem of percolation because people could take it to the nearest waterway and discharge it provided it was properly purified, and we know that is possible with modern technology. I would like clarification on this point.

An Bord Pleanála seems to be the overarching authority on planning. It is the ultimate decision maker. At times, it makes strange decisions but generally it is guided by county development plans, the national spatial strategy and area plans. I would not be totally critical of it because it has also made some very balanced decisions. However, there should be a more overarching authority that would specify more consistency in planning in the country, either besides An Bord Pleanála or through a change of role for that organisation. At present, An Bord Pleanála is the final arbiter and this can lead to problems in certain cases.

I will refer to some sections of the Bill, which I have examined. A large number of young couples in particular who received planning permission almost five years ago cannot go ahead and build their houses because of the economic climate. In some cases, the planning permission will be up quite shortly but they cannot obtain mortgages and may have lost their jobs in the meantime. They may have received planning permission under the previous regime in Kerry when the same emphasis was not on percolation. They may be in areas where they will not satisfy the percolation conditions. They have bought sites and are paying mortgages on those sites but have been unable to obtain a mortgage to build their houses. They may have young

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families and live in rented accommodation. Will the Minister clarify whether the Bill will enable them to get an extension to their planning permission?

At present, the duration of planning permission may be extended subject to certain conditions where substantial works have been carried out prior to the expiration of the original permission. The 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 five years, which I welcome, in circumstances where substantial works have not been carried out but where there are commercial, economic and 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 also intended that this new provision shall apply to applicants for extension of permission received after the commencement of the provision following the enactment of the Bill.

Will the Minister clarify whether the economic conditions cover people in the circumstances I described, namely, young couples who, through no fault of their own, lost their jobs and cannot get a mortgage and will lose planning permission having spent a large amount of money on acquiring a site and planning permission? It is very important to clarify this because the impression given was that it would be for large developments only. It is hoped that the Bill will pass through the Dáil over the coming month or two, depending on how speedily Committee Stage will be taken. It should be made retrospective to the time the Bill was introduced, in fairness to those whose planning permission will expire.

Section 24 provides for a wider definition of public infrastructure and facilities and I welcome this measure to reflect newer infrastructure requirements including, in particular, the provision of school sites. The wider definition allows for development contributions to be levied and used to fund such infrastructure as school sites, broadband provision and flood relief works. I welcome this but it should be further extended.

To give a practical example, recently a school in the village of Athea in west Limerick was extended. Part of the planning permission condition was that a pedestrian crossing should be provided. It was not provided because the school could not afford it. Limerick County Council now states that it is the responsibility of the Department of Education and Science. The Department states that it is the responsibility of either Limerick County Council or the Department of Transport and the Department of Transport states that Limerick County Council should provide for it through its discretionary funding. All of this is documented. Levies could be used for such work. The school is in the flood plain of the River Galey which has overflowed on a number of occasions. I could see the possibility of flood prevention work being carried out through this type of levy so I appreciate this provision. The definition of school sites could be amended to include pedestrian crossings relating to the school. A pedestrian crossing is critical for any school.

Section 35 refers to nature conservation sites. I have been asking the Minister about people seeking planning permission on a special area of conservation, SAC, and previous Ministers have also been pursued on this issue. This particularly relates to Inch Strand in County Kerry, which has 1,200 acres of sand dunes. They are being damaged but nobody seems to have any responsibility for them. People use quad bikes on the sand dunes. There is also wind erosion. The dunes are being threatened but the only responsibility the Government has taken is to designate them an SAC but it then left them lie there. They are being farmed with various types of grass being transported into the sand spit, including weeds that would be alien to the sand dune formation, but no one seems to care.

The owners, who live in New York, are anxious to put a golf course in part of the sand spit. They are willing to also put in place conservation measures for the remainder. I have looked at the plans and I am as conscious as anyone about conservation, but I think it would enhance and protect the sand spit if it were conditional on a proper programme being put in place for preservation, the prevention of erosion and any further damage to the dune formation. Also, at present, cars park on the beach during the summer. The beach is littered and local people clean it up. No one else has or takes responsibility for it. Moreover, I understand that this law has been changed in Scotland for the benefit of Donald Trump in respect of dune formations which had been designated as special areas of conservation. While I am unsure of this, I have heard his name being used.

2 o'clock

Deputy Joan Burton: I believe the Deputy is correct.

Deputy Jimmy Deenihan: Why can this not be done in Ireland? I have looked up old tourist guides to County Kerry. I have one dating from 1946, which was a time when good tourist guides to the county were produced, in which a nine-hole golf course on Inch Strand is included. While a golf course had been located there previously and one can discern on the dunes the outline of former holes, the owners are unable to develop it. I consider this to be a step too far. Provided they go through a proper environmental impact assessment study and carry out proper procedures, can an opportunity be provided to these people to seriously consider such a possibility? The Minister should refer to this matter in his response because it constitutes an example of how planning can provide an economic advantage to a local area and the exact purpose of this Bill is to promote and support economic renewal. The area of Annascaul and west County Kerry as a whole have suffered serious underpopulation, underemployment and depopulation for a number of years and this project would provide it with a major boost. It also would make County Kerry a destination for links golf with facilities at Ballybunion, Barrow, Dooks, Waterville and Annascaul. Even though the Minister, as a member of the Green Party, is supposed to be protecting the environment, I see no reason he could not take an initiative on this issue. He should at least provide clarification in this regard.

Listowel has a particular problem regarding a flood plain that was purchased. The Minister announced he intended to draw up guidelines in this regard but in the meantime, his Department, which obviously went through the proper procedures, purchased a major site in Listowel for an enormous sum of money. Thereafter, after the purchase of the site by his Department, the Minister's new guidelines came into effect. The Minister should clarify this point, as surely the officials in his Department who purchased the site should have known that he intended to issue the flood plain guidelines. What can now be done with this land? My understanding is that this land is frozen and cannot be built upon and the Minister might clarify this point. Certainly, the land simply is sitting there. Perhaps it could be used for recreational purposes or to provide people with garden allotments or some other use.

Deputy Joe Carey referred to a similar matter, but the case to which he referred differed because this site had not been purchased when the Minister announced his intention to introduce guidelines. As for one section of the Minister's Department speaking to another, an explanation might be helpful in this regard. I do not suggest any impropriety took place and I do not begrudge the recipients whatever they received for it because the Department's officials paid them the money.

I will conclude by reiterating that the Minister should revert to the issue of percolation. Is the availability of a surface water discharge licence accepted throughout the country? As it can be done from a commercial premises but not from a private house, there seems to be a major

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contradiction in this regard. Another important point is whether this should apply to every county. Moreover, in respect of special areas of conservation, where a strong economic argument exists surely then exceptions can be made to provide a boost to the local economy.

Deputy Joan Burton: I am pleased to have an opportunity to speak on this important Bill. The Minister's intentions are positive regarding the Bill, many aspects of which I welcome because much of my life in politics has been spent arguing against the odds for proper planning and development. On many occasions, except for fellow members of the Labour Party, there has been scant respect for the concept of sustainable planning and development. Planning in Ireland has been highly corrupted. I was elected to the old Dublin County Council in 1991 and was quite astonished by what I encountered there. At one stage, I was threatened with legal action by 42 members, comprising the entire Fianna Fáil membership and approximately three quarters of the Fine Gael membership of the council, because I suggested that what was happening with regard to planning was inappropriate.

I wish to refer first to the events of today and yesterday because what has happened regarding the Dublin Docklands Development Authority has a profound impact for both planning and business in Ireland. It is centrally related to the property bust, to the bursting of the bubble and to the misfortunes arising on foot of the collapse experienced by so many families which have lost employment, who have seen the value of their houses tumble and who are in negative equity. I refer in particular to young couples in their 30s and early 40s who bought at the height of the boom.

The Minister should note that what has emerged in respect of the Dublin Docklands Development Authority is farcical to a degree. A report has been commissioned by someone of the highest competence and integrity, Professor Niamh Brennan, who the Minister has appointed to chair the authority. However, it is absurd that two media outlets each appear to have either full possession of or sight of a full copy of the report. I am aware the Minister has informed the House that he awaits advice from the Attorney General in respect of publication. However, it is a farce for our democracy that media outlets can obtain a report of which Members do not have possession. Moreover, I understand that a Member of the House also may have possession of the report and also may intend to publish it. This further erodes the appearance of competence of public services and of ministerial office in Ireland. While I understand the Minister is required to get advice from the Attorney General, I strongly suggest this advice be speeded up to prevent his ministerial office from being completely eroded and claim jumped by the persistence of media people in acquiring reports and subsequently publishing selected sections therefrom.

Moreover, this report raises a major issue for the Department of the Environment, Heritage and Local Government just as it does for the Central Bank, the Financial Regulator and the Department of Finance. This is because banking, development and planning are inextricably linked in Ireland. Moreover, the light touch regulation that brought down our banking system also has been clearly evident in respect of both the Dublin Docklands Development Authority and the planning system. I do not know whether the report refers to a light touch regulatory approach taken by the Department as regards the Dublin Docklands Development Authority, DDDA, but my guess is that it must. I am referring to the period of the docklands development, particularly when the bubble started to grow.

When the rainbow coalition left office in 1997, the number of jobs was growing by approximately 1,000 per week and the country was starting to become prosperous. When a country starts to do well, there will be people who want to do much better than anyone else and people

who become consumed by greed. This is a given in every country, but it is the job of public bodies, Departments, Ministers and the public service to regulate the situation and ensure that the sustainable long-term interests of their society are not destroyed. It seems to have been the case that the Financial Regulator was in awe of the major figures in Irish banking, including Anglo Irish Bank. Not only this, but the Minister must ask himself whether former Ministers and senior civil servants in his Department were in awe of the people who came to the board of the DDDA from Anglo Irish Bank because they seemed to have the Midas touch where money was concerned. Did the atmosphere in the Department prevent those people's plans from being blocked or a note of caution being voiced about the sustainability of the amount of development to be undertaken in the timeframe concerned?

The idea of developing docklands is reflected around the world. Everywhere one goes there are waterfront developments. Traditionally, we turned our backs on rivers and waterfronts, particularly since the 1940s. The notion of developments facing the sea, rivers or estuaries is a fundamental product of 20th century architecture, involving insulation and the capacity of glass buildings. New types of development were seen on coastlines and rivers from the mid-20th century onwards where such work was impossible in the 19th century.

The Minister must ask himself about why he is unable to publish the docklands report. What does it have to say about his Department's regulatory approach? Did it parallel the light touch regulation by the regulator, the Central Bank and the Department of Finance? We need to explore these matters.

I agree with the Minister concerning information on which he has spoken several times. We have been developing on flood plains and we have been developing excessively. While I was a member of Fingal County Council, I saw cluster developments in rural areas of France. To stop rural north County Dublin being overrun by one-off houses on every field and byroad, I proposed to the council that it examine the French and German pattern of cluster settlements. They would not need to be in villages, in that they could be on family farms. Three or four unit clusters could develop and only one common road entrance would be necessary.

Often, the discourse engaged in by people from rural Ireland who want to live within the environs of, for example, a family farm holding and do not want to live in the next village is problematic. In other countries, this desire is somewhat addressed by cluster developments and rural village developments.

Deputy Jimmy Deenihan: It was the tradition in places like Dingle. They called it the clochán.

Deputy Joan Burton: It is where we get the sráid baile from. As Deputy Deenihan indicated, we have a rich heritage of being able to address the issue of rural settlement and development in the homeplace. If one is from a farm, a nearby village is different. Fingal County Council tried to follow this route. I was one of those who proposed the notion, but people from all parties supported it.

We overzoned and overdeveloped without requisite infrastructure like water supplies and without necessary caution regarding flood plains. I have written many detailed submissions to action plans and local area proposals. I was discussing the issue of flood plains ten years ago. My uncles were involved in areas like Dunboyne, where cattle were up to their armpits, if cattle had armpits, in water.

Deputy Jimmy Deenihan: Up to their udders.

Deputy Joan Burton: All of this local lore and knowledge needs to be reflected in consultation on local planning, as it allows for an holistic approach that reflects the best mix of professional advice, the value people attach to their localities and how they want to see those areas develop.

In the case of many development plans, a wealth of the planning applications and requests for zoning currently before councils relate to NAMA alone. The Minister and the Government have consistently stated that NAMA has nothing to do with developers, but with rescuing banks. The Minister knows this is not the case, since I know him to be an intelligent person. The Fingal development plan process is under way. Fingal is grotesquely overdeveloped. It has a considerable amount of zoned land available for housing units, particularly apartment blocks that no one now wants, and warehousing in the context of the airport. Fingal needs and will have an amount of development, but it will be nowhere near the level being sought by landowners in a bid to increase valuations in light of NAMA.

I am disappointed that the Green Party, which has good credentials and intentions where planning is concerned, seems to have absented itself from the Cabinet discussion on an ongoing abuse, namely, the facilitation of the upward movement of valuations for the NAMA process. I wish the Green Party would take an interest in the matter.

What will be the designated planning functions of the Minister of State, Deputy Ciarán Cuffe? Some people state he will take over the planning side of the Department and that he will effectively be the Minister for planning. Will the Minister confirm whether this will be the case? Will the Minister of State have ministerial responsibility for the oversight of An Bord Pleanála and the other instruments of planning? If so, it is an important issue that deserves to be explained to the public.

My next question is on management companies and unfinished estates. At this very moment, people in every townland are in total misery because of the depredations of rogue developers who have built estates and are running management companies on their own or, for example, with their cousins or spouses. They are charging increasing management fees and are giving no service for them. They are fleecing people who are in negative equity and they are not subject to regulation. I know the Bill contains a clause which concentrates voting rights in management companies with owners as opposed to absentee landlords. However, the Minister for Justice, Equality and Law Reform was to have regulated management companies but has not done so. Many individuals in my constituency are now paying more than €2,000 in management fees for apartments while the management fees for houses in traditional estates have galloped from approximately €250 per annum to between €450 and €700. These fees cover the cutting and trimming of shrubs and a few blades of grass in front of rows of houses in tight configurations. People are being robbed and fleeced. Can the Minister give some hope to the tens of thousands of people in managed apartments and estates who are facing serious financial difficulties? Will the Government and his Department continue to allow them to be ripped off? They need to be able to manage their own affairs.

What is the Minister's view of local authorities taking charge of finished estates? Can people in a management company limit the company and have the local authority take the estate into charge? These are important issues, particularly for young families and retired people who are trading down. Both these categories of householders are largely living in managed estates. Local authorities are washing their hands of many of these developments, leaving people with vast difficulties. In some cases only a small percentage of the apartments in a block are occupied, leaving many vacant units. In a block of 20 apartments, four may be occupied by their

owners, some may be empty, some retained by the builder with no one knowing what is happening to them and some may be rented to tenants. This is an impossible situation.

I ask the Minister to consider a difficulty which various commentators, such as Jack Fagan in *The Irish Times*, have written about. The Minister, the Green Party and the planners can tell us that people in Ireland want to live in eight, ten and 15 storey apartment blocks. Green Party planners are very good at doing this. I ask the Minister to consider areas such as Rathmines, Rathgar, parts of the Minister's constituency, Shandon in Phibsborough or the streets of houses built by the Dublin Artisan Dwelling Company, which were planned and built in the 19th century. Because of the row terraced pattern of building the housing density of those developments is extremely high. Nevertheless these are one, two and three storey houses. Even the tallest Georgian houses are no more than four or five storeys high. They are human in dimension and scale. People have their own hall doors or a manageable situation. Green Party planners in various local authorities want to inflict ten, 12 or 18 storey blocks on people. People do not want them. Nevertheless, in all our towns and cities, planners tell people like me, when yet another planning application for an apartment block is lodged, that they have been given these directions by the Department of the Environment, Heritage and Local Government.

The newly appointed Minister of State, Deputy Ciarán Cuffe, is to look after planning. What will his delegated functions be? I welcome Deputy Cuffe's involvement in planning. The Greens have contributed a lot to planning. I speak as one who has fought this fight for a long time.

People want houses, particularly in our suburbs, where they can bring up their families, where there is a small bit of green grass and where children can play football. We do not want our children imprisoned in a Green Party view of the future filled with tower blocks. We want sustainable houses with which children can identify. I see the Minister shaking his head. He must not have as much contact with green planners as I have in my travels around county councils.

In the past year 167,000 people lost their jobs. Of these, 66,000 are young people under 25 and two thirds of those are male. In Tralee, there are 6,000 unemployed, of whom 1,200 are under 25. Most of these are young men. If the Bill is to work it must promote sustainable development for communities. It must not be development led by Fianna Fáil for their friends in property development and Anglo Irish Bank. We must see an end to crony capitalism in the building industry. That, and the light touch regulation in the Minister's and other Departments, is what has ruined us.

Deputy Terence Flanagan: I welcome the opportunity to contribute to this debate. I welcome the introduction of the Planning and Development (Amendment) Bill. However, the Minister is locking the stable door after the horse has bolted. The Bill is 15 years too late and much damage has been done. I know that is not the Minister's problem. It is a legacy issue.

Deputy John Gormley: The Deputy should tell that to his colleagues in Dún Laoghaire, who are still at it. They are still at it.

Deputy Terence Flanagan: The problem is a legacy of the Fianna Fáil Government. Bad planning has scarred the country for the past ten years, with excessive rezoning of lands in many parts of the country. The evidence of this can be seen in towns and villages throughout rural Ireland.

The property bubble has burst with a bang. Most communities did not benefit from planning decisions. The real winners were the Government and developers, who used land speculation

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to enrich themselves and to fill their pockets. Much development was piecemeal and poorly put together with a lack of community facilities. Adamstown is an excellent example of good planning. However, it was built at the end of the Celtic tiger years and there is now a glut of unoccupied property there. This is disappointing.

Recent expert analysis in newspapers demonstrated how bad is the housing market. It is estimated that as many as 600 unfinished housing estates are scattered throughout the country, roughly equating to 300,000 empty properties. I know the Construction Industry Federation and academics in NUI Maynooth have differed as to the number of empty housing units in the country. There is certainly a large number of them, probably as many as 300,000. The vacant houses in these ghost estates are the legacy of Fianna Fáil and their bad planning policies.

What is the future for many of these empty and half-finished housing estates? In many cases the developer owes money and is not in a position to put things right. Bonds paid to local authorities were not sufficient. Who will pick up the tab and put things right for the home owners who live in these housing estates? Bonds were set at too low a level. A developer should never be allowed to half finish a housing estate and be given planning permission for a new one. It was not in a developer's interest to complete the current project before moving on to the next one because there is more money to be made in the next project than in the current one. Does the Bill provide that housing estates must be brought to completion before a developer can move on to the next project? Such provision is necessary to ensure that what happened in the past cannot happen again. Apart from the legislation dealing with rogue developers who have not adhered to the conditions attaching to the previous planning permission granted, is there provision in the Bill requiring that developers fully complete their current developments before they will be granted planning permission for their next developments?

Professor Kitchen, the director of the National Institute of Regional and Spatial Analysis, said that rural counties could be scarred for a decade. It could be even longer than that, depending on the future of ghost developments and whether a decision will be made to demolish some of these houses. It would be dreadful to have to do that but it might be a cheaper option in the long term as opposed to them being left empty, which leaves them open to vandalism, graffiti, young people hanging out in them and other problems. It would cost more long term to put right these housing estates as well as they being a scar on the countryside. The Minister might clarify that.

There is so much land rezoned in this country that it is estimated that in some areas there is land supply for housing for the next 30 years. That is incredible and it is an indictment of the Government and its policy that it allowed that to happen. Local authorities should refuse planning applications for housing in areas where there is an oversupply of housing. I do not mean to interfere in the housing market and the price of housing but we must be realistic and sensible about the future use of housing. We need to ensure the units that have been built are occupied before mass building takes place at any future date.

The Minister saw at first hand the result of the bad rezoning of land with the flooding of people's apartments and houses that were built on flood plains and on which there were no proper drainage. Local authority councillors in all parties who allowed such rezoning to take place must accept responsibility, but the decisions were made principally by planners in planning departments. Those planners who allowed this happen need to be brought to account. We need to ensure proper drainage systems are put in place to ensure no more flooding of houses occurs, particularly in estates that were badly built during the boom years. I am glad the Bill provides that the objective of a development will include the carrying out of a flood risk

assessment in areas where there is a risk of flooding. The Minister is to be commended in that regard.

The Fine Gael Party has an issue with the Minister seeking to centralise planning decisions and thereby taking many of those decisions out of the hands of local councillors. The Bill appears to support a system of planning based on the national spatial strategy, which was not voted on by any councillor or TD. The population targets in it are inaccurate and unrealistic. The Minister might comment on that.

The Bill gives the Minister enormous powers. Deputy Hogan mentioned that a future Minister for the Environment might not use those powers in the way they should be used and that could be potentially dangerous. Therefore, we need to ensure that the necessary checks and balances are put in place. Under the Bill, powers will be taken from councillors and given to Civil Servants and to the Minister in the Custom House. That is a concern. Who will police the Minister and his officials to ensure there will be no abuse of these new powers? The Minister will be micromanaging many decisions on the development plan, which means the process will not be as democratic as it should be.

An objective of the national spatial strategy appears to be to stop the growth of Dublin, which is probably the wrong way to proceed. Under that strategy more of the population is to be scattered throughout the country. That is not good from the point of view of CO₂ emissions. I am not in favour of the high rise, high density apartment building such as 10, 15 or 20 storey apartment complexes which Dublin City Council is seeking to develop. That is not conducive to sustainable living for families because of the lack of green space. Irish people in general are not used to apartment living and it does not suit them. Many apartment complexes have been a failure. It is incredible that there is still no regulation of property management companies. The Minister of State has an interest in this area and he is doing his best to progress through the Seanad the Multi-Unit Developments Bill. Progress on that Bill has been long awaited and the sooner it is introduced in this House the better. We consistently hear of scary stories about apartment management companies, agents and the level of extortion currently taking place with the increase in management company fees. Very often the owners are not even directors of the management company. Therefore, they have no real control as to how the money is being spent within the apartment complex. We have seen inflated figures and some of the contractors that management companies use through agents are not doing the work they are contracted to do. The position will be clearer and there will be a direct line of accountability when property management companies become regulated. There is nobody to whom an apartment owner can turn if he or she has a problem with a management company. All an apartment owner can do is contact a series of agencies such as the National Consumer Agency and the Director of Corporate Enforcement. A regulator is in place and that office has been open in Meath for the past three to four years. The people there have done considerable preparatory work but they need real power and real action. The sooner the management company Bill is brought forward the better.

The local area plan threshold is being increased to 5,000 people, which ignores the needs of small communities throughout Ireland and prioritises development to urban centres. We have a concern about that. That is not fair to small communities throughout Ireland who should have available to them local area plans. I am pleased that regional authorities will get new powers under this Bill. It will increase their accountability and transparency and they will have to engage in more public consultation on decisions that are made within the regional authority area. That is to be welcomed. There is often talk of a disconnect among councillors, elected

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officials and ordinary citizens. If this measure encourages citizens to become more involved in the process and to have more of a say through consultation it is welcome.

I take this opportunity to raise the pyrite issue, which is caused when moisture and rain comes in contact with the infill material in homes. This is a major issue for some homeowners. It is bad enough that some homeowners are in negative equity without them having to cope with cracks appearing in walls and floors. They are not impressed by the failure of the Government to address or to take seriously this issue. A case involving the developer in question and the quarry which provided the material is before the courts. The position, I understand, is that the material provided was probably substandard. Furthermore, proper regulations were not in place and proper checks were not made at each stage of the building process to ensure the correct material was being used in house construction. This is an ongoing problem which needs to be addressed. Light touch regulation, which was the order of the day in the banking industry, continues to apply in the building industry.

Unfortunately, as many as 20,000 homeowners have been affected by the use of pyrite in the construction of their homes. Deputy McEntee and I recently highlighted that some of this material may also have found its way into certain infrastructure projects, including the M3 in County Meath and Dublin Port tunnel. Given the safety implications, a full audit of Bay Lane quarry and all other quarries is required to ascertain whether the infill material in question was used in infrastructure projects. If such material has been used, we would have a timebomb. We should nip in the bud the current concerns in that regard.

The Canadian Government opted to bail out homeowners whose homes were not built to a sufficient standard. Ultimately, the Government here may have to help homeowners who find themselves in a similar position because developers, some of whom are surviving on a day-to-day basis, do not have the money to do so. Moreover, insurers such as Premier Insurance and Home Bond may not have sufficient funds in their accounts to pick up the tab and rectify the problems in many homes. This is a major issue which must be taken more seriously.

While we must await the outcome of the court proceedings, it is not sufficient for the Government to argue that the matter is one for homeowners and their insurance companies. The State also has a liability arising from the lax standards which were applied and the absence of proper building regulations. The Minister must ensure more inspectors are available to require that quality materials are used in the building of apartments and homes and homeowners have full comfort in that respect.

The Fine Gael Party welcomes the publication of this long overdue legislation. While it provides for some good powers, we are concerned that many decisions will be made centrally in the Customs House by unelected officials and further powers will be removed from local authorities. These are not necessarily positive developments. My party's spokesperson on the environment, heritage and local government, Deputy Phil Hogan, has published a policy document, "New Politics", which proposes to reform the political process and to place more power in the hands of local councillors. While we want decisions to be made responsibly, we do not want powers to revert to the Customs House.

Deputy Shane McEntee: I welcome the opportunity to speak to the Bill, to discuss what has happened in the past ten or 15 years and to try to take a positive view of what will happen in the next ten or 15 years.

I enjoyed meeting the Minister of State in recent days in my constituency of County Meath where house building has been a priority in recent years. When, after ten years of trying, I was

finally nominated to contest an election to the Dáil I thought it would be easy to get elected. I started my campaign on St. Stephen's Day when I visited Dunboyne, Dunshaughlin, Ratoath and Ashbourne with about 25 children to distribute leaflets. Every time I thought I had reached the end of a housing estate I found I had come upon the start of another. I realised also that only GAA people recognised me and I knew at once that I had a job to do.

I have been always pleased to see new housing. The building industry has a dirty name at present but it is fantastic that so many houses were built. Although some new houses may have problems, I hope those that have not been completed, whether in Longford, Roscommon, Nobber or elsewhere, will not be knocked. We fought for housing and population trends suggest this country will have 8 million people in 25 years. We should consolidate what we have and hold on to what has been built. Money invested in housing is always well spent.

Last weekend, I visited County Kerry, the only county I had not visited in the past five years. It is great to travel on good roads and much good work clearly has been done. Politicians have never had such responsibility for the housing sector because builders no longer have money. While most of those involved in the construction industry were good builders, some were caught out by purchasing lands and sites at excessive prices. Zoning was also excessive. This is a great time to consolidate.

We should have adopted the Australian approach whereby builders who build 500 houses, for example, are not allowed to hand over the keys until schools and infrastructure are in place. The Minister of State, Deputy Finneran, on his recent visit to County Meath, showed great interest in Dunboyne, Ratoath and Ashbourne. We must provide jobs in the countryside rather than in cities in order that people drive from urban centres to work rather than *vice versa*.

I will support any measure to secure houses or to provide infrastructure. It is a pity the banks are a dead duck and of no help to anyone. The longer we allow the current position to continue, the worse matters will become. Thousands of young people who are in a position to buy three or four bedroom houses for €150,000, €160,000 or €170,000, which is equivalent to approximately £130,000, cannot obtain the funds to do so. Given that the cost would be spread over 30 years, we must help young couples to buy homes, particularly when so many are lying idle. We should work together to address the problem.

As the Minister is attending a conference, there is no point asking him, on behalf of people in County Meath, to drop the ban on stag hunting. We are not hurting anybody.

Acting Chairman (Deputy Jack Wall): The Deputy has departed from the issue of planning.

Deputy Shane McEntee: There are many more important issues facing County Meath than banning stag hunting. If the Minister of State, Deputy Finneran, has any influence, I ask him to ensure we are left alone because stag hunting is the only fun we have.

To return to the issue raised by Deputy Terence Flanagan, I was involved in resolving a similar problem in Kentstown, County Meath, where two houses basically exploded. The problems associated with pyrite here are much more progressive than in Canada. The houses to which I refer were built by cowboy builders only two or three years previously. As a result of damp in the sub-filling, the walls of one house split, while the floors of the second house exploded.

Last summer, I travelled to Dublin on many occasions to deal with Home Bond on behalf of the affected families. We secured an agreement under which the foundations of the two houses are to be dug out and renewed. Once this work is completed, a ten year guarantee will be provided. Unfortunately, according to figures provided by Home Bond, 20,000 houses in

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counties Meath, Dublin, Kildare and Offaly are affected by the problem. I am not a fool and I know Home Bond is not in a position to resolve the issue as it no longer has sufficient revenue and will not be able to replicate what has been done in the two houses in County Meath elsewhere.

When I raised this issue with the Minister three or four weeks ago he indicated that the matter was one for the builder, owner and Home Bond. Unfortunately, owners have been left on their own because their building insurance will not cover the problem on the basis that the word “pyrite” did not feature in the contract. Home Bond does not have sufficient funds to meet its obligations. They cannot do what they are supposed to do because the money is not there. I was dealing with a family in County Kildare, from an estate of eight houses. The people there have been left high and dry, one with a bill for more than €200,000. They have been offered a final settlement of €38,000 by Homebond, which I know to be as much as the company can give. This problem will not go away, as Deputy Terence Flanagan remarked, but will become a much bigger problem than any the State has had. It will be up to the Government of the day to fix it because nobody else is left, just as in Canada.

As Deputy Flanagan said, rightly, the substance has also got into the infrastructure. On 7 April, the NRA is to appear before the Joint Committee on Transport to answer questions. In all my dealings with homeowners, whether from County Kildare or from Dublin, one fact was reported to me — not through malice although I may have been somewhat foolish regarding some of the advice I got. However, I have taken it all on board. The M3 is a fantastic project but the NRA must let it be known whether this material is being used in its construction. If I were a betting man, I would say it is and if that is the case I will ask for every bit of it to be removed before the M3 is opened. In England, the M5 had to be closed down because it exploded. I do not want anybody to tell me this is not our responsibility because such an event would occur 30 or 40 years from now.

I will do anything at this stage and will be ruthless in order to help these homeowners. It is incredible to go into estates and see houses whose walls are cracking. One can fill and paint the walls and put wallpaper down again and return six months later to find them as bad again. I got a reply letter from the Minister of State on this matter. We are discussing pyrite and the situation has progressed since 2007. Homebond has acknowledged that 20,000 houses are affected.

This is an awful strain on a family, husband, wife and children, and I have seen these people. There was a case in Kingston and I do not know how the family got through it. The man and his wife were in their house only three months when the door could not be opened and the tiles and the walls split. There were cracks in the walls large enough to put a fist through. That house was bought with a mortgage of €485,000.

Deputy Terence Flanagan: It is in negative equity.

Deputy Shane McEntee: It is cruel but is happening all over. It is happening in the Minister of State’s county. These are fantastic families whom I never met before. This is happening in Deputy Flanagan’s constituency and he knew about the problem a long time ago. A court case is due but that is for another day.

I ask the Minister to get to the bottom of this. No insurance companies will cover builders’ insurance and most builders have gone, in any event. They are bankrupt and it cannot be helped. At this stage, the Government must set up a combined body of Deputies to sit down and look at the situation and see what is the best way forward because it will land on our

doors, whether now or in two years' time, no matter who is in Government. It is a very serious problem and I would not like to be living in one of those houses.

Homebond has done its best and many good builders have tried to do their best but, unfortunately, the material is being used still. People can make excuses for it but it is being used as we speak. The NRA is to come to the committee on 7 April and it will have some explaining to do to convince me that pyrite is not being used.

As Deputy Flanagan noted about other buildings across north county Dublin, the substance is present. The situation is the same as in Canada and England. We must protect these houses which can be fixed. I have seen two houses that will still have a ten-year guarantee when Homebond walks out. The problem can be fixed but the only way to do this is to take out the faulty material, the pyrite. People think the fault is in the concrete or the blocks but the pyrite is in the filling that goes into the floor. This filling comes from certain quarries that have a high content of sulphur. When it hits the atmosphere, or moist material, it starts to explode. It will increase its size by up to 100 times and when it gets to a certain stage, it brings everything else with it. When it explodes, the sulphur within starts eating the concrete and over a period of a year will bring the concrete to dust. Unless one has seen this with one's own eyes, and read about it beforehand, one would not believe it.

I know the Minister of State has a fair amount on his plate but I ask him to listen to what Deputies from all these constituencies are saying. A person can have a lot of problems or be without a job but when he or she has no viable house after securing a €200,000 mortgage, it is terrible. One can go into such a house, sit down and look. It is a cruel house to go into but the people involved are great and the situation can be fixed. It is like everything else. I want to be positive in regard to these houses.

The Minister of State knows my constituency of Meath East. It was a funny spot for five or ten years and there were many planning decisions of which I would not be proud, but we have what we have and we must protect the houses. I ask the Minister of State not to allow anybody to knock down any half-built houses because we will need them in five or six years' time.

The Minister for the Environment, Heritage and Local Government, Deputy Gormley, was not in the Chamber when I made my last point but I shall repeat it now. It has nothing to do with planning. I enjoyed the day the Minister came down.

Acting Chairman: This is the last time this point will be mentioned.

Deputy Shane McEntee: It is the last time I shall mention it. There is a landfill down our way and we have an incinerator. The Minister knows I am very proud of the recycling plant he came to open. I know he is going to his conference and I do not say I am wasting my time but I ask him to please leave us alone with regard to the stag hunt. There are only a few of us left in that area and this is the only sport many of my friends have. I make no bones about that. They will tighten up; they will do whatever the Minister asks but I ask him to reconsider the entire matter and not bring trouble on everybody. We do not need to debate that matter in this House.

Acting Chairman: Is that all, Deputy?

Deputy Shane McEntee: That is all.

Acting Chairman: I thank the Deputy. As nobody else has offered to speak, I call on the Minister for the Environment, Heritage and Local Government, Deputy John Gormley.

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I thank the Acting Chairman, the many Deputies who made contributions on Second Stage of this Bill and Members in general for their attendance over the course of the debate. I note the matters raised, both today and during previous debates on the Bill and I shall reflect on contributions of Deputies in progressing the Bill on Committee Stage.

At the outset, I shall comment, briefly, on one contribution made by the Acting Chairman's colleague, Deputy Joan Burton. My Green Party colleagues soldiered with Deputy Burton in 1991 on Dublin County Council, at which time we had very similar views on planning. However, I am at a loss to know where she gets her information in respect of "Green Party planners", as she calls them. She spoke about 18-storey towerblocks and more. I do not know where she gets her information but it is not based on any form of reality. Perhaps at some stage she might give us evidence of these so-called Green Party planners coming up with such ideas. There is a difference between high rise and high density, a matter she herself highlighted. I await her reply on that issue and would like to debate further with her but her information is totally inaccurate.

It remains my intention to have this Bill enacted at the earliest opportunity and I hope we can work constructively through any issues that were raised. As I stated, the principal driving force behind the Planning and Development (Amendment) Bill is, and will continue to be, the need to strengthen the statutory provisions for the forward planning process. Planning is about people and a sound development plan is the key to ensuring good planning at local level. The more strategic approach to zoning and the accompanying checks and balances set out in this Bill will allow development to take place at the right time and in the right place. It will allow the State to plan for the provision of infrastructure with much greater certainty.

This is key to the economic renewal agenda. We must learn from, and not repeat, the mistakes of the past. Under this Bill all land zonings must be the subject of public consultation at the plan-making stage or in draft variation of a development plan. This is crucial from the point of view of ensuring public confidence in the zoning process.

I shall now refer to some of the matters raised by Deputies. Their contributions dealt with a wide range of issues and I shall endeavour to deal with as many of these as time permits. I shall deal first with the national spatial strategy. Although I welcome the positive comments made by Deputies in respect of the Bill, I note that Deputy Hogan, for example,

3 o'clock

and a number of his colleagues have reservations about the Bill especially with regard to the national spatial strategy and its significance to the planning system.

There appears to be a perception that the national spatial strategy is all about gateway cities and hubs and that this fundamentally works against the growth and development of rural areas. I can appreciate the Deputies' concern about this issue. However, I would like to knock that misconception on the head, once and for all. While I appreciate the Deputies' concern about this issue, I would like to knock on the head once and for all that misconception. The national spatial strategy was designed as a 20-year strategic document. It has been endorsed by the Government. It is not just about developing the gateways and hubs to the detriment of all other areas. It is about maximising the potential of all urban and rural areas to benefit their inhabitants and the country as a whole. It is also about sustaining and supporting rural communities. The national spatial strategy includes key policies and principles to enable rural areas to develop in a sustainable and balanced way. Rather than dismiss the strategy, we should ask how we can deliver better and more consistently on its objectives.

Deputy Clune mentioned a report recently produced by the National Competitiveness Council, which reinforced the internationally accepted analysis that strong cities make strong

regions. It is critical to have a vibrant, progressive and growing urban core if we are to support the economy of the wider region. In the absence of a strong regional and urban focus, surrounding rural areas will suffer lower economic activity and there will be less opportunity to develop sustainable rural initiatives. We cannot afford to let that happen as we try to get the nation back on its feet economically.

I do not suggest that growth cannot and should not happen in rural areas. This Bill intends to manage the significant pressures that have arisen in recent years. Unplanned and dispersed commuter-driven development does not provide a sustainable basis for rural towns and villages, or create vibrant communities. The new regional planning guidelines are being updated at present. Like my Department's updated outlook review of the national spatial strategy, the guidelines recognise the integral link between certain needs. We need to balance the need to develop large urban areas, which already have in place capacity and infrastructure, with the need to facilitate sustainable development in more rural areas.

The new regional planning guidelines will not say that growth should not happen outside gateways and hubs. They will assess and guide, on a regional and county-by-county basis, how we can best manage future growth within regions and across the country as a whole. I echo the sentiments of Deputies Bannon and Durkan and the Minister of State, Deputy Cuffe, who said that past planning mistakes, where large suburban-style estates were built on the fringes of small settlements and where long-distance commuting was facilitated, should not be allowed to happen again. We can all agree on that. We want to see more sustainable patterns of growth that will enhance rural communities and create successful and cohesive rural areas.

Before I finish talking about sustainable planning, I would like to speak about flood plains and related planning issues, which were raised during the debate by a number of speakers, including Deputies Tuffy and Ferris. I am determined to put an end to the type of needless suffering and hardship we witnessed last winter during the flooding crisis. This Bill will define what "flood risk management" means. I wish to ensure that detailed flood risk assessment is fully integrated into the planning process. The Bill amends the First Schedule to the Planning and Development Act 2000 to provide for the inclusion in development plans of an objective for flood risk assessments to be carried out as part of the control and regulation of development in areas that are at risk of flooding. This should ensure that flood risk assessment is fully integrated into the planning process, where appropriate. The proposed definitions of "flood risk management" and "flood risk assessment" will assist planning authorities in formulating their respective development plan objectives.

Deputy Michael P. Kitt queried whether development contributions could be spent on flood relief works. The Bill aims to reduce the impact of flooding nationwide, thereby giving planning authorities greater flexibility in distributing existing development contribution moneys. Planning authorities will be able to use some of the moneys, if necessary, on newer prioritised needs, such as flood relief works.

In tandem with the provisions of the Bill, and following a comprehensive public consultation process, the Department in association with the OPW published ministerial guidelines on the planning system and flood risk management on 30 November last. These guidelines will facilitate the provision of information to planning authorities and other stakeholders on the new mechanisms for incorporating flood risk assessment into the planning process. They explain in detail how to assess and manage flood risk at all stages of the process. They aim to ensure there is a more consistent, rigorous and systematic approach to the avoidance and minimisation of potential future flood risk. The new guidelines, which were prepared in response to the recommendations of the national flood policy review group, are aimed at ensuring that develop-

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ment which is vulnerable to flooding will be permitted by planning authorities in areas of high or moderate risk of flooding in exceptional circumstances only. Such a decision will have to be based on the clear and transparent criteria set out in the guidelines.

Furthermore, the guidelines contain a commitment to review the exempted development provisions in the current planning and development regulations, which allow for paving residential gardens, developing off-street parking and providing hard landscaping. The review will be conducted as part of the overall review of the regulations, which will follow the enactment of the Bill. It will examine ways of ensuring that future exemptions are applied only when such developments comply with sustainable drainage principles. Planning has a significant role to play with regard to flood risk management, particularly in ensuring that future development avoids or minimises future increases in flood risk. The planning process constitutes a parallel but interdependent process to that of flood risk management. We are delivering an holistic approach to the management of the water environment on a catchment basis through the preparation of river basin management plans.

As can be evidenced clearly by the widespread flooding suffered throughout the country last winter, the location, phasing and servicing of zoned lands have to be carefully considered in the context of our current economic and environmental circumstances. The Minister of State, Deputy Cuffe, referred to the impact on local areas and businesses of development outside town centres. This Bill will require tighter management of land zoning and will ensure that the location and quantum of land that is zoned for development is in line with regional and local targets for growth over the period of the plan.

Deputies Hogan, Tuffy and Creighton spoke about the centralisation of the planning process. I hope I am not doing Deputy Terence Flanagan a disservice when I say he also proposed some form of centralisation. He said this is the way we are going, but I am afraid that is not how we see it. In fact, the exact opposite is our intention in this Bill, which provides ministerial guidance to be implemented to ensure development is sustainable, properly planned and tailored towards the needs of people. Under this legislation, when planning authorities are preparing and making draft development plans, they will have to demonstrate by means of statements how they will be implemented. It will not suffice for the authorities to “have regard to” — that is a phrase that is often used — the policies and objectives of the Minister as set out in ministerial guidelines issued under section 28 of the Planning Acts.

The ministerial guidelines will have to be examined clearly and the authorities will have to take account of them. That is how it ought to be, if one wants to get consistency across the local authorities. Deputy Terence Flanagan’s colleague, Deputy Deenihan, made that point in his contribution. Equally, planning authorities must detail the reasons such policies and objectives are not implemented, as the case may be. This should help to ground national policy in the local context. It will help to minimise the number of instances in which the Minister is forced to intervene in the development plan process by using his or her powers of direction under section 31.

As I said to Deputy Terence Flanagan, the bad planning we have witnessed over such a long period is not over yet, unfortunately. I had to intervene in Dún Laoghaire when some of the Deputy’s colleagues behaved in a most misguided way. If he is interested in planning, I urge him to talk to his colleagues in Dún Laoghaire, not all of whom are behaving in a responsible manner.

Deputy Breen raised concerns about the timescale in which the public can make submissions on the draft ministerial directions to amend a development plan or local area plan. It must be

borne in mind that such directions are quite specific about the aspects of the plan they propose to amend. There is no question of members of the public having to familiarise themselves with the detail of the total plan. They may choose to concentrate on the specific issue or issues set out in the draft direction.

Deputies Breen, Ferris and Fitzpatrick expressed concerns about the increased population threshold for mandatory preparation of local area plans. Under this Bill, the population threshold for the mandatory preparation of local area plans will increase from 2,000 to 5,000 people. The clear intention in the 2000 Act was that local area plans should be prepared for those areas requiring regeneration or likely to be subject to large-scale development. Some planning authorities are coming under significant resource pressure to prepare local area plans for relatively small areas which meet neither of these criteria but for which a local area plan is required due to the scale of its population. I intend to review on Committee Stage the proposal regarding the mandatory population threshold in respect of the preparation of a local area plan. While I note the concerns of several Deputies regarding urbanisation, I stress that it will continue to be the case that a local area plan may be prepared in respect of any area which a planning authority considers suitable, in particular those areas that require economic, physical and social renewal outside of areas where a local area plan is mandatorily required.

Deputies Mary Upton and Peter Kelly, among others, questioned the impact that reducing the quorum at meetings of the board of An Bord Pleanála would have on the planning process. The Bill proposes to allow the board to reduce the quorum from three to two members, on the recommendation of the chairperson that such a reduction is necessary to ensure the efficient discharge of the business of the board. This amendment, which has several built-in safeguards, aims to improve the throughput of An Bord Pleanála and to secure higher compliance rates with the statutory objection period of 18 weeks for appeals.

The taking in charge of estates was raised by several Deputies. To clarify, the provisions of the Bill do not distinguish between types of developments and therefore owners of properties and developments managed by management companies could avail of the provisions included in the legislation. Deputy Damien English raised the role of development contributions in planning and Deputy Olivia Mitchell expressed her dissatisfaction at allowing local authorities to impose levies so that schools are provided. As I stated earlier, the Bill contains measures to provide local authorities with greater flexibility to effect a wider distribution of development contribution numbers.

Deputy Mitchell referred to trees in residential areas. Statutory provisions governing roadside trees and vegetation are contained in section 70 of the Roads Act 1993. These provisions oblige landowners and occupiers of land to take all necessary care to ensure trees, shrubs, hedges and other vegetation on their land are not and cannot become a danger to road users. Deputy Upton voiced concerns in regard to the penalties for offences under the planning Acts. To clarify, the amendments in the Bill provide for increased fines in accordance with the limits set out by the Office of the Parliamentary Counsel.

Deputy Michael D. Higgins spoke about the Aarhus Convention. I assure the Deputy that ratification of the convention in 2010 is a key priority for me and for my Department. I recently met with the Attorney General on the matter and we have agreed to ensure that the work needed to be carried out to enable the ratification to proceed is prioritised in my office.

The retention issue is very important for several reasons, not least that we must deal with infringement proceedings from the European Union. Deputy Costello also addressed this issue in his contribution. I propose, through this Bill, to remove the possibility of retention per-

[Deputy John Gormley.]

mission for unauthorised development that would otherwise be subject to environmental impact assessment other than in exceptional circumstances. There are no proposals to remove the retention provision in its entirety from the planning process as retention permission provides a mechanism for regularising development that is not contrary to the proper planning and sustainable development of an area. An application for a retention permission is required to be assessed by a planning authority in the same way as any other application, that is, the authority is required to consider the proper planning and sustainable development of the area. This includes having regard to the provisions of the plan, any submissions or observations received and relevant ministerial or Government policies including any guidelines issued by my Department. Planning authorities are not precluded from taking a prosecution in respect of an unauthorised development where an application to retain unauthorised developments is made. It is my intention to take the opportunity to use the necessary regulations that will follow on from the enactment of this Bill to increase substantially the fees associated with ordinary applications for retention permission. That acts as a barrier to those who wish to take shortcuts through the planning system.

I am greatly encouraged by the generally supportive and constructive contributions of Members opposite. I very much look forward to dealing with the detail of the Bill on Committee Stage where there are several substantial amendments to be included. We can tease those out in detail on Committee and Report Stages. This is groundbreaking legislation that will ensure that bad planning will not raise its ugly head again.

Question put and agreed to.

Planning and Development (Amendment) Bill 2009 [Seanad]: Referral to Select Committee.

Acting Chairman (Deputy Jack Wall): I move:

That the Bill be referred to the Select Committee on the Environment, Heritage and Local Government, in accordance with Standing Order 122(1) and paragraph 1(a)(i) of the Orders of Reference of that committee.

Question put and agreed to.

Sitting suspended at 3.15 p.m. and resumed at 3.30 p.m.

Ceisteanna — Questions.

Priority Questions.

Sexual Offences.

1. **Deputy Charles Flanagan** asked the Minister for Justice and Law Reform if an all-island sex offenders register has been established; and if he will make a statement on the matter.
[13235/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Sex Offenders Act 2001 contains a comprehensive series of provisions aimed at protecting children and other persons. The Act makes persons convicted of a range of sexual offences subject to notification

requirements in Part 2. These requirements also extend to any offenders convicted abroad of the same range of sexual offences who enter the State, including from Northern Ireland.

The Garda Síochána and the PSNI maintain close contact and exchange intelligence on convicted sex offenders. A memorandum of understanding was signed by the Irish and British Governments in 2006 on the sharing of information on sex offenders between the Garda Síochána and British police forces, including the PSNI. The Garda Síochána and the PSNI have subsequently signed an agreement on the sharing of personal data for the investigation of sexual offences and the monitoring of sex offenders. In addition, the probation service works in close collaboration with the Probation Board for Northern Ireland to ensure that effective communication is maintained about sex offenders who move between the two jurisdictions. Protocols to this effect have been in place since 2006 and are currently being reviewed.

Co-operation in this area has been the subject of regular discussions between myself and the Northern Ireland Security Minister, Mr. Paul Goggins. In fact, it has been on the agenda of every meeting we have had since I became Minister for Justice, Equality and Law Reform. We established a North-South sex offenders action group in January to investigate current arrangements for returning sex offenders who travel to another jurisdiction in breach of notification and other requirements, and to make recommendations for improvements where necessary. Representatives from my Department, the Northern Ireland Office and the relevant agencies North and South are members of the group. This level of co-operation will continue when responsibility for policing and justice is devolved to the North next month.

I am currently reviewing the operation of the 2001 Act, and I expect to be in a position to seek Government approval later this year for a series of amendments to the Act.

Deputy Charles Flanagan: I thank the Minister for his reply. Is it still his intention, and that of the Government, that there will be an all-island register? The Minister appears to be backtracking somewhat on commitments the Government made in this regard. What has happened since the report was published, on 27 January 2009, concerning sex offenders in the community? I am sure the Minister accepts that Ireland should not be regarded as a safe haven for any offenders, but in particular for sex offenders. I would remind him of the urgency involved, so perhaps the Minister could put a time-frame on the amending legislation that he now suggests is necessary to facilitate the important development of an all-island sex offenders register.

Deputy Dermot Ahern: As I said in my reply, both Governments signed a memorandum of understanding in 2006. In fact, I was the Minister for Foreign Affairs at the time. Together with the British Northern Secretary, Peter Hain, I signed that document to bring together the know-how and contacts between both jurisdictions. It is the desire of the Government, the British Government and the Northern Ireland Executive to have greater harmonisation of the law on both sides of the Border. It is therefore all the better that next month will see the devolution of policing and justice so that we can do it on a bilateral basis with the Northern Executive and the relevant minister. We operate in two different jurisdictions, however, and the legislation in both areas is somewhat different. Nonetheless, we must harmonise as much as possible not only the administrative arrangements but also the legislative ones. Work will continue in that respect and hopefully it will accelerate when devolution takes place.

Deputy Charles Flanagan: Would the Minister accept my contention that, in essence, post-prison supervision of sex offenders in this country is non-existent? There is no supervision once a sex offender has been released from prison. What is the current position regarding the Mini-

[Deputy Charles Flanagan.]

ster's own initiative — announced in a considerable blaze of publicity last year — to introduce electronic tagging of sex offenders? Where does that initiative stand now?

Deputy Dermot Ahern: I would not like it to go out from the House that there is no post-release supervision in this jurisdiction. There is very substantial supervision by the Garda under the terms of the sex offenders register. Section 10 requires certain notification aspects. In addition, the Garda Síochána operates a domestic violence and sexual assault unit which oversees the notification and investigation of sex offenders. Equally, 130 sex offenders are under constant supervision and monitoring by the probation service.

In due course, I hope to bring forward the legislation required to impose post-release electronic tagging of sex offenders. It is a complex area and, as the Deputy knows, we have existing legislation which would potentially allow tagging for sex offenders on temporary release. As Minister, I have been extremely reluctant to allow any sex offenders out on temporary release, whether tagged or not.

Referendum on Blasphemy.

2. **Deputy Pat Rabbitte** asked the Minister for Justice and Law Reform his views on whether there should be a constitutional referendum on blasphemy; his further views on whether such a referendum will be held in 2010; and if he will make a statement on the matter. [13237/10]

Deputy Dermot Ahern: My views on the question of a referendum on blasphemy are as stated in the House during the debate on 20 May 2009 on Committee Stage of the Defamation Bill 2006. I clearly stated that I hoped the matter could be addressed by referendum at a suitable opportunity in the near future. In debates on the Bill in this House, I explained the nature of the constitutional obligation imposed, not just on me but on Members of the Oireachtas generally, in Article 40.6.1o.i of the Constitution, in regard to blasphemous libel.

Section 13 of the Defamation Act 1961 provided for the offence of blasphemous libel, which was punishable by monetary and prison penalties. Up to two years' imprisonment was possible under that legislation. Successive Attorneys General had advised the Government that until the Constitution is amended by referendum, it is necessary that blasphemous libel remain a crime and that legislation must make provision for punishment of this crime. This presented a certain difficulty if we were to proceed to repeal the 1961 Defamation Act and bring to a conclusion the lengthy process of reforming our defamation legislation.

Having regard to the constitutional obligation, I was faced with essentially two choices — although, probably a third choice was that I could drop the Defamation Bill altogether. Of the other two choices, the first was to put on hold the reform of defamation legislation and seek the Government's approval to conduct a referendum to delete the provision on blasphemous libel from the Constitution. This choice would have involved considerable expense as a stand-alone referendum. I believe it would have been an unwarranted diversion and would have attracted significant criticism as such. I made clear at the time that I felt this was not a viable option, given the current circumstances.

The approach that I and my Government colleagues favoured mirrored that of the Joint Oireachtas Committee on the Constitution which, in its 2008 report, recommended that the specific reference to blasphemy in the Constitution should be deleted. They were of the view that if there was a need to protect against religious offence or incitement, it is more appropriate that this be dealt with by legislative intervention with due regard to freedom of expression. At that time, however, the committee saw no need — and, subsequently, neither did I — for a

constitutional amendment in the short term. Pragmatically, the committee was of the view that any appropriate opportunity should be availed of in the future. In other words, the matter was not of immediate importance.

The approach, which I felt had significant support, was to proceed with the reform of the defamation legislation and to make minimum provision in regard to blasphemous libel in the new Act. Section 36 of the Defamation Act 2009, therefore, removes the possibility of prison sentences from the old section 13 of the 1961 Act, and also removes the possibility of private prosecutions for blasphemous libel, as laid down in the 1961 Act. It also provides for a defence to a defendant who proves that a reasonable person would find genuine literary, artistic, political, scientific or academic value in the matter to which the offence relates. I commenced operation of the Act by order on 1 January 2010.

I remain of the view that on grounds of cost, a referendum on blasphemy on its own should not be held. It should possibly be run together with one or more other referenda. I would be happy to propose to the Government a referendum on blasphemy at the appropriate time when there will be a possibility of other referenda, in order to save costs.

Deputy Pat Rabbitte: I did not ask the Minister to explain what is in the Defamation Act, as I know what it contains. I do not want a justification of the Minister's seamless thinking on this issue because it took a hell of a hammering to get him to admit that he might contemplate a referendum. The question I asked him was whether he intended to hold a referendum and, if so, whether he intended to hold it this year. Could he answer that for a start?

Deputy Dermot Ahern: It is not for me to decide here on the floor of the House whether I should hold a referendum. That is a matter for Government to propose and for the Oireachtas to dispose of. The Government has no plans to hold a referendum on blasphemy in the immediate future. However, as the Deputy knows, the programme for Government did indicate the possibility of referendums on a number of issues being considered by the Joint Committee on the Constitutional Amendment on Children and these may very well take place in the near future; I do not know. In addition, the Government has indicated that at some stage between now and the end of the Government's term of office, we will hold a referendum on the setting up of a court of civil appeal. If we were to have a number of referendums on one day, it would be appropriate to put to the people a question on the section of the Constitution relating to blasphemous and seditious libel.

Deputy Pat Rabbitte: I am amazed at that answer. The Minister says he has no immediate plans to hold a referendum, but he told at least one Sunday newspaper that he had such plans.

Deputy Dermot Ahern: No, I did not.

Deputy Pat Rabbitte: The Taoiseach told me yesterday that he interpreted the Minister as saying he did intend to have such a referendum, the implication being that it would be held along with the referendum on the rights of the child. Is the Minister now resiling from the position that he intends to recommend to Cabinet that a referendum be held to excise this reference and that it be held this year along with the referendum on the rights of the child?

What exactly is going on here? If the referendum on the rights of the child were to proceed this year, the Government could not reasonably prevent the holding of three by-elections. I wonder whether the Government is teeing up a range of other putative constitutional referendums to be tacked on to the referendum on the rights of the child, thereby delaying it until

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2011. In the answer the Minister has given, he is backtracking on what I understood the position to be when I came into the House and on the answer the Taoiseach gave me yesterday.

Taking the Minister at his word that there will be a referendum some time within the lifetime of this Government, which is looking particularly rickety at the moment, I ask him to explain his intended proposition. He gave us a long justification of the re-installation of the section concerned in the Defamation Act, which relates to Article 40.6.1° of the Constitution. Is it his intention only to excise the word “blasphemous” from the article, or is it his intention, as recommended by the Constitution Review Group, to recast the entire article, which, at the moment, from the point of view of freedom of expression, reads more like something that might have been imported from a theocratic state in the Middle East?

Deputy Dermot Ahern: To answer the first part of the Deputy’s question, the last words of my original reply to the House were: “I would be happy to propose to the Government a referendum on blasphemy at the appropriate time.” I did say that, given the fact that the programme for Government indicated there would be two or three referendums in the lifetime of the Government, if memory serves, it may be appropriate to add to these a referendum on the article to which the Deputy refers.

Deputy Pat Rabbitte: Does that mean it may not be appropriate?

Deputy Dermot Ahern: I am sorry?

Deputy Pat Rabbitte: Does the Minister’s use of the phrase “may be appropriate” imply there is a possibility it may not be appropriate?

Deputy Dermot Ahern: No; I referred to the referendum taking place at the appropriate time.

Deputy Pat Rabbitte: Does he propose to add the referendum to the one on the rights of the child, or not?

Deputy Dermot Ahern: No decision has been made in that respect. As the Deputy knows, having been in Government for a short time——

Deputy Pat Rabbitte: Very short.

Deputy Dermot Ahern: ——a Minister cannot make such a decision in the House. It must be made by Government.

To come to the second part of the Deputy’s question about how we would deal with the article in the Constitution — whether to remove it altogether and say nothing on the subject, or go along with the recommendations of the Joint Committee on the Constitution — all of these things will be taken into account and, based on the advice of the Attorney General, the Government will make a decision.

On the general principle, as I said before, the Government had three choices: we could forget about the Defamation Bill altogether, amend the Defamation Bill — as I said many times before in the House, the Attorney General gave strong advice that it was imperative that Members of the Oireachtas, as well as the Government, not stay silent with regard to the original section 13 of the Defamation Act 1961, which made blasphemous libel an offence

punishable by law, as stated in the Constitution — or have a referendum. There were some suggestions. Deputy Flanagan actually agreed with me in the committee——

Deputy Charles Flanagan: No, I proposed it. The Minister did not agree with it at all; he said it was a waste of money.

Deputy Dermot Ahern: No, I am sorry——

An Ceann Comhairle: Let us not get bogged down.

Deputy Charles Flanagan: He said it was a waste of money.

Deputy Dermot Ahern: I just want to indicate what the Deputy said in the committee.

Deputy Charles Flanagan: The Minister flew a kite last week and now he cannot get it down. That is what is wrong.

Deputy Pat Rabbitte: He is filibustering again.

Deputy Dermot Ahern: I am not filibustering. Deputy Flanagan said on 25 May, on Committee Stage——

Deputy Pat Rabbitte: The Minister of State, Deputy Andrews, should watch this guy. He is a master of evasion.

Deputy Charles Flanagan: He flew a kite.

Deputy Dermot Ahern: I asked him a direct question about whether it is Fine Gael policy to have a referendum on blasphemy at the same time as the referendum on the Lisbon treaty and he said he was not saying that.

Deputy Pat Rabbitte: What has that got to do with it?

Deputy Dermot Ahern: I am just making the point that there was a suggestion, back at that time, that we would tack it on to the Lisbon treaty referendum. The wiser——

Deputy Charles Flanagan: It was not from the Minister.

Deputy Dermot Ahern: No, it was not from me — absolutely. The Deputy agreed with any suggestion——

Deputy Charles Flanagan: Now he wants a referendum, but he did not then.

An Ceann Comhairle: We must move on, as we have a number of other priority questions to deal with.

Deputy Dermot Ahern: That suggestion was out in the ether——

Deputy Charles Flanagan: The Minister flew a kite last week and now he cannot substantiate what he said.

Deputy Dermot Ahern: ——but the Government was absolutely adamant that we did not want a referendum to be tacked on to the Lisbon treaty referendum, and we were quite right. As I said, there may be an appropriate time at a later stage——

Deputy Pat Rabbitte: Or there may not.

Deputy Dermot Ahern: —between now and the end of this Government's term to hold such a referendum. I am more than willing to present a proposal to Government to have a referendum on that article. I do not know whether it will be held along with the referendum on the rights of the child, the one on the court of civil appeal, some other referendum, or perhaps in conjunction with all of these. We will wait and see.

Jury Intimidation.

3. **Deputy Charles Flanagan** asked the Minister for Justice and Law Reform the steps he proposes to take to deal with the intimidation of jurors; and if he will make a statement on the matter. [13236/10]

Deputy Dermot Ahern: Jury intimidation is a serious matter which goes to the heart of our criminal justice system. The Government is committed to ensuring the integrity of the jury system, and it was because of my concern about this matter that I introduced specific legislative measures to counteract this problem.

Section 41 of the Criminal Justice Act 1999 creates the offence of harming, threatening or menacing or in any other way intimidating or putting in fear a juror or potential juror, or a member of his or her family, with the intention of causing the course of justice to be obstructed, perverted or interfered with. It is important to note that potential jurors are included — that is, people who have been called for jury service but who have not been empanelled on a jury. I increased the penalty for this offence in the Criminal Justice (Amendment) Act 2009 so that it is now punishable on indictment by a fine or a term of imprisonment of up to 15 years, or both.

There are, however, elements in society who have a contemptuous disregard for the rule of law and who are prepared to take any measures, including the intimidation of jurors, and indeed whole communities, to subvert it. I refer in particular to terrorist groups and to organised criminal gangs. In facing up to threats from these sources, one of the essential mechanisms available to the State is the use of the Special Criminal Court, which hears trials for certain offences without juries where it is considered that the ordinary courts are inadequate to secure the effective administration of justice. This eliminates the possibility of jury intimidation in these cases while retaining the other important procedural guarantees of the judicial process. This option is available to the Director of Public Prosecutions under the Offences against the State Act 1939 and under the provisions of the Criminal Justice (Amendment) Act 2009, which provide for the use of the Special Criminal Court in cases related to organised crime.

If there is any need to consider the law again to ensure further protection of jurors, I will do so. In this regard, the Law Reform Commission has been examining the law on juries and is due to publish a consultation paper on the subject next week.

Deputy Charles Flanagan: Will the Minister outline the circumstances in which he believes it appropriate for names and addresses of jurors to be made available?

Deputy Dermot Ahern: The idea of availability of panels of jurors is governed by section 16 of the Juries Act 1976, which provides that every person is entitled to inspect a panel of jurors and that a party to any proceedings, criminal or civil, to be tried with a jury is entitled to a copy of the panel. My view on the intimidation of witnesses is clearly—

Deputy Charles Flanagan: No, I did not ask about intimidation.

Deputy Dermot Ahern: —dictated to by the way in which I heralded the amending legislation to the Criminal Justice Act through this House.

Deputy Charles Flanagan: No.

Deputy Dermot Ahern: The portent of this question is the intimidation of witnesses.

Deputy Charles Flanagan: It is not.

Deputy Dermot Ahern: I have indicated with regard to the Law Reform Commission report—

Deputy Charles Flanagan: I asked a simple question.

Deputy Dermot Ahern: The consultation paper is coming out next week.

Deputy Charles Flanagan: That is not what I asked about.

Deputy Dermot Ahern: If actions are required relating to the list of panels of jurors and the names and addresses, it will be considered.

Deputy Charles Flanagan: I find it most unsatisfactory that I asked the Minister a straightforward question and he made no attempt to provide me with an answer. I ask that section 16 of the Juries Act 1976 be amended. I invited the Minister to give me his views but he refused to do so. I cannot think of any circumstance in which the addresses of jurors should be made available to anybody.

I put it to the Minister that the Act, and section 16 to which he referred, deals with names of persons only. That is fair enough and it may be important that a person be identified by name when engaging in jury service. I see no circumstances where a person's address should be made available to anybody. Will the Minister ensure that persons serving on juries are safeguarded in a way that does not give rise to the type of scenario reported in newspapers recently?

The Minister's reply deals with issues after the event, penalties and sanctions. I am asking what preventative measures might be considered by the Minister, one being that the addresses not be made available to anybody. Why should a person's address or telephone number be made available like this? I cannot think of any circumstances when an address or phone details might be required to be made available. Addresses should not be made available to anybody other than the registrar, and I cannot see any circumstances in which the registrar might be required to give personal details such as a home address to anybody. I invite the Minister to agree with me on the issue.

Deputy Dermot Ahern: Telephone number details should not be given out. There could be circumstances where addresses could be given out. Deputy Rabbitte and others represent constituencies where there have been instances of intimidation of people going for jury service. Some of us in the House have been aware of instances where people have been intimidated. There may be circumstances where people defending a defendant may need to know that a neighbour or people living in the immediate vicinity of the defendant are not on a jury for good and valid reasons.

The type of detail and information which should be made available is being looked at very carefully by the Law Reform Commission and I will take whatever action is necessary on the

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matter. My understanding is there is an obligation to give a copy of the panel to the defendant or his or her representatives. It must be available for inspection so that challenges, including seven challenges without reason, can be made.

It is necessary to have some background knowledge on jurors but there is a very fine balance. The concept of a jury is that people should be representative of the wider public if somebody is to be convicted, or not, by a jury of peers. Although the Deputy might not be asking about intimidation, the intimidation is that intimidation is ongoing. That is in stark contrast to what was said to me when the House was considering criminal justice legislation and I was trying to take out the possibility of jury trials for certain offences because intimidation was a possibility. I know the Deputy does not want to hear this but people said I was only bringing in the measure for the sake of it. We were aware——

Deputy Charles Flanagan: The Minister has not been able to rebut the issue. There have been no cases.

Deputy Dermot Ahern: I was asked to produce evidence.

An Ceann Comhairle: We must move on.

Deputy Dermot Ahern: I was acting on the valid advice coming from An Garda Síochána and the courts with regard to what was going on.

Deputy Charles Flanagan: The Minister has done nothing to remedy the issue. There has not been one case in a non-jury court.

Prison Accommodation.

4. **Deputy Charles Flanagan** asked the Minister for Justice and Law Reform his views on prison overcrowding, particularly at Mountjoy Prison, Dublin; and the steps he proposes to take to address this issue. [13375/10]

Deputy Dermot Ahern: There has been a consistent increase in the total prisoner population over recent years. Thanks to the extra resources provided by this Government, the Garda Síochána has been increasingly successful in prosecuting criminals and extra court sittings have resulted in higher committal rates. There are over 1,000 more criminals in prison today than there were in 2006.

I am looking at non-custodial sanctions and taking legislative initiatives to reduce the number of committals to prison for less serious matters such as civil debt and non-payment of fines. However, approximately 80% of convicted prisoners in custody at any one time are in prison for relatively serious offences and are serving sentences of more than 12 months.

Overcrowding in prisons is an international problem and not unique to Ireland. The Irish Prison Service has been engaged in an ongoing extensive programme of investment in prisons infrastructure to modernise and expand our capacity. Since 1997 in excess of 1,670 new prison spaces have been provided. A further 250 spaces will be provided by means of a new block in Wheatfield Prison and the reopening of the separation unit in Mountjoy. Work is also expected to commence this year on a new accommodation block in the Portlaoise Midlands prison complex which will provide 300 prison spaces.

Turning to the issue of overcrowding at Mountjoy specifically, the Government reaffirmed its commitment to developing a new prison campus at Thornton Hall and also approved the

launch of a new tendering process for the construction of a more affordable and better value prison campus at Thornton. The aim is to provide good quality regime-focused prison accommodation with appropriate support and rehabilitative facilities for prisoners to prepare them for reintegration into society. The primary purpose of Thornton is to replace the Mountjoy complex, which currently holds over 1,100 prisoners in four institutions on a 20 acre site. Thornton will be a campus development with approximately 1,400 cells on a 130 acre site. The new prison facility will have operational flexibility to accommodate up to 2,200 in a range of security settings.

The tenders for the construction of the access road will be issued in the near future with a tender competition for the construction of the perimeter wall to follow later this year. Work on preparation for the invitation to tender for the construction of the main prison development is under way. Our focus is on replacing the outdated and outmoded accommodation in the Mountjoy complex by the Thornton project. However, that project will not be finalised for some years and in the interim we are providing additional facilities in our other prisons to help relieve the pressure on numbers in Mountjoy Prison.

Deputy Charles Flanagan: With reference to Mountjoy Prison, is the Minister aware that the capacity is exceeded on a regular basis? Currently, there is a weekly average of 660 inmates in Mountjoy. What are the Minister's views on his statement last year, in consultation with the director of the Irish Prison Service, when the intention was to keep the number at Mountjoy at 600? I remind the Minister of the report of the Inspector of Prisons, Judge Michael Reilly, which called for numbers to be kept at 540.

What steps are being taken to deal with the severe overcrowding in Mountjoy that has resulted in the civil courts recently granting damages in excess of €10,000 to persons because they witnessed a riot in Mountjoy? I put it to the Minister that it is completely unacceptable that persons are being awarded civil damages and compensation from the State in that amount as a result of overcrowding in the prison system. When does the Minister propose to deal with the situation in Mountjoy in a way that would be acceptable in the context of the national and international standards that apply in respect of prisons?

Deputy Dermot Ahern: It would be wrong to say that a riot in Mountjoy or any other prison occurred as a result of overcrowding. I have received strong information to the effect that as a result of the tightened security arrangements that apply in respect of those entering and leaving prisons, tensions have arisen among inmates because it is no longer possible to smuggle what used to be smuggled into prisons. The Government and the Prison Service should be complimented in respect of this matter.

The position in respect of Mountjoy is a cause of concern to the Government. That is the reason we have increased the number of spaces dramatically. As already stated, I am not satisfied to wait for the Thornton Hall project because I am of the view that it will take a couple of years to complete. It must be stated that our efforts in respect of the original project at Thornton Hall were opposed at every turn by those on the other side of the House. I would like the facility at Thornton Hall to come on stream sooner rather than later.

As I informed the staff of my Department and of the Prison Service, it is extremely important that we deal with this matter on a short and medium-term basis. It is for this reason that the Prison Service has been given authority to proceed with the provision, hopefully in the not too distant future, of 300 additional places at the Portlaoise midlands complex. In the short term, 200 additional places are expected to come on stream at Wheatfield Prison and at the separ-

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ation unit in Mountjoy. We will keep the situation under review. I am of the opinion that there must be an interim solution as well as the long-term solution that is Thornton Hall.

Deputy Charles Flanagan: I wish to ask the Minister a specific question and perhaps, for a change, he might provide a specific reply. What is the current timeframe, if any, in respect of the completion of the Thornton Hall project?

Deputy Dermot Ahern: I cannot provide an exact date in that regard. As already stated, however, if we had received some co-operation from those on the opposite side of the House and if they had not engaged in offering snide comments with regard to all sorts of alleged shenanigans on our part, the prison might perhaps have been completed some time ago.

Deputy Pat Rabbitte: How was the Opposition responsible for the delays relating to the Thornton Hall project?

Deputy Charles Flanagan: Exactly. We facilitated the passage of the relevant legislation.

Deputy Dermot Ahern: The Deputies and their parties opposed the project at every turn.

An Ceann Comhairle: We must proceed to the next question.

Deputy Dermot Ahern: All sorts of allegations were made to the effect that the Government paid too much for the site, etc.

Deputy Charles Flanagan: That which the Minister is uttering is a fairytale. We facilitated a late sitting in order that the legislation might be passed.

Private Security Authority.

5. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform his views on whether it is appropriate to review the operation of the Private Security Authority; and if he will make a statement on the matter. [13173/10]

Deputy Dermot Ahern: The private security sector was generally unregulated prior to the introduction of the Private Security Services Act 2004 and lack of regulation was an understandable source of public concern. Since its establishment, the Private Security Authority has driven a considerable and welcome transformation of the private security industry.

The 2004 Act provides that the authority shall be independent in the exercise of its functions. The authority comprises a practising barrister or solicitor of not less than five years standing, representatives of An Garda Síochána, private security employers and employees and relevant Government interests. Accordingly, under the legislation the decision on whether to grant a licence in a particular case is solely a matter for the authority. The composition of the authority ensures that a wide range of experience is available to it in making such decisions. There is, of course, close co-operation between the authority and An Garda Síochána and, as already stated, representatives from An Garda Síochána are on the authority.

The authority commenced licensing security contractors in 2006 and this was followed by the licensing of individuals employed in the industry in 2007. At present, almost 800 licensed contractors and over 23,000 licensed individuals are operating in the security industry here. It is important to recognise the positive sea change this has brought about, in the public interest, in the operation of the private security sector.

I accept that as the authority continues its work and expands its operations within the private security sector that lessons will be learned. However, given the short period for which it has been in existence, I am of the opinion that a fundamental review of its operation would be premature at this stage.

Deputy Charles Flanagan: I remind the Minister that the legislation establishing the Private Security Authority was introduced some years ago in order to bring to an end the practice whereby criminal gangsters and paramilitaries were actively involved in running the private security industry in this city and elsewhere. That legislation duly passed into law.

The Minister is correct when he states that the granting of licences is a matter for the authority. Does he agree that there is some disquiet regarding the criteria used by authority personnel in respect of the granting of licences? There is evidence to suggest that there are persons with criminal backgrounds and convictions — some of which are of a significant nature and which came about in the not too distant past — who have been granted licences and who are actively involved in the private security industry in this city. That is wrong. In light of his ongoing relationship with members of the authority, will the Minister indicate the criteria that apply in respect of persons with criminal records being granted licences?

Deputy Dermot Ahern: There are people who have criminal records who apply to the authority. The latter was given independence to exercise its functions on the basis of the criteria laid down in the legislation. I understand that the authority exercises discretion when deciding whether to issue a licence to a person with a criminal record. In doing so, it takes into account: the nature and seriousness of the offence involved; the length of time since completion of sentence; the overall interests of the public good; the relationship of the crime to the purpose of requiring a licence; the age of a person when the offence was committed; the conduct of person before and after offence; and evidence of rehabilitation.

As already stated, there are those with convictions who possess licences. The figures indicate that 50% of such convictions relate to motoring offences. Unless there is a particular reason people with convictions of that nature should not obtain licences, I do not believe they should be regarded as undesirables. However, that is a matter in respect of which the authority must make a decision.

I understand the authority has been investigating applications for licences made by individuals with convictions for more serious offences. I understand that the number of such applications is 386 and, to date, 112 of these have been refused. People are, therefore, being refused licences on the basis of their prior criminal records. Just because someone possesses a criminal record, however, he or she cannot be refused a licence *per se*. Obviously, the authority must decide each case on the basis of its merits.

Deputy Charles Flanagan: I again put it to the Minister that it is a matter of some public disquiet that over 250 people who have serious criminal records or who failed to disclose the existence of any convictions on the appropriate form were granted licences by the Private Security Authority. I ask that he review this matter.

On a separate but related issue, the fees relating to these licences are far too high, particularly in the current economic downturn. The current cost of a licence is €2,500. In the UK, a similar licence costs €400. These costs, particularly as they relate to small business interests, are far too high. That is another reason I am asking the Minister to review the operations of the authority. We cannot have a situation whereby gangsters are operating as bouncers or are

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providing private security to firms and other organisations in this city and elsewhere. In disagreeing with the Minister that a review is premature I ask him to change his mind on this issue.

Deputy Dermot Ahern: I do not accept that the fees are high. It is an authority which has a significant body of work in the investigation and checking of applicants with regard to whether a licence should be granted. It is right and proper that the Oireachtas has given the body its authority independently of us to make decisions. It is ironic that in the House I am always asked and criticised about issues on which the House has already decided and those on the other side of the House well know this.

Deputy Charles Flanagan: You just happen to be the Minister.

Deputy Charles Flanagan: Yes, but just because one is the Minister with responsibility for justice one cannot have one's cake and eat it. People in the Opposition try to have their cake and eat it but the fact of the matter is that the Minister does not control the day-to-day operation of an organisation——

Deputy Charles Flanagan: The Minister has the power to review.

Deputy Dermot Ahern: ——to which we ourselves gave independence and we resourced it——

Deputy Charles Flanagan: If it is not working one reviews it.

Deputy Dermot Ahern: ——with regard to making decisions.

Deputy Charles Flanagan: The Minister knows that better than anybody.

Deputy Dermot Ahern: To a certain extent, the Deputy is asking me to change the legislation to make it even more difficult for people to get a licence, and the Deputy may be correct on that. However, he is speaking out of both sides of his mouth in that——

Deputy Charles Flanagan: The Minister says that about everything I say.

Deputy Dermot Ahern: Fine Gael supported the Spent Convictions Bill which, to his credit the Minister of State, Deputy Andrews, is bringing forward. Fine Gael proposed reducing the rehabilitation period, the period without further conviction, to be observed. It was prepared to support a proposal from the Law Society——

Deputy Charles Flanagan: Not for paramilitaries.

Deputy Dermot Ahern: Fine Gael was prepared to support a proposal from the Law Society and others to extend the scope to all offenders. At present, it is only with regard to minor offences. Fine Gael wanted to strike to record of all offenders——

Deputy Charles Flanagan: Not for paramilitaries.

Deputy Dermot Ahern: That is the opposite of what Deputy Flanagan is trying to suggest with regard to giving licences to people. I accept there is anecdotal evidence about people in the security sector and that is the reason we introduced legislation to regulate it.

Deputy Charles Flanagan: That is what I said and you are not doing it.

Deputy Dermot Ahern: There may very well be anecdotal evidence on people who have licences and who should not have them but unfortunately we cannot go on anecdotal evidence. There may very well be circumstances in which people have substantial criminal records but because of the criteria and the discretion of the authority it may decide to grant a licence because they were convicted 30 or 40 years ago and have had no convictions since. It an area we must keep under constant review because, as Deputy Flanagan knows, the reason the Oireachtas responded to bring forward this legislation was because there was a significant underbelly of criminality in the area, or at least it was felt that was the case.

Other Questions.

Garda Deployment.

6. **Deputy James Bannon** asked the Minister for Justice and Law Reform the number of juvenile liaison officers that have been appointed to date; his plans to increase the number of JLOs; and if he will make a statement on the matter. [13128/10]

Deputy Barry Andrews: The Deputy will be aware that it is the responsibility of the Garda Commissioner to decide on the prioritisation and allocation of resources in the Garda Síochána. The Garda Commissioner has informed me that, at present, there are 116 juvenile liaison officer, JLO, posts approved within the Garda Síochána and 111 of these are filled on a full-time basis. Five of the posts are vacant and the selection process for the new JLOs is well under way. The Commissioner has approved the appointment of seven additional JLOs each year for the past three years and a further seven posts will be added in accordance with the targets set out in the Garda Youth and Children Strategy 2009 — 2011. This will bring the total number of approved JLO posts to 123.

It is important to note that while these officers are specifically dedicated to this service, a significant number of other gardaí are engaged in working with young people on a regular basis. This applies, in particular, to community gardaí. The Commissioner has also pointed out that Garda personnel assigned throughout the country, together with overall policing arrangements and operational strategy, are continually monitored and reviewed. Such monitoring ensures that optimum use is made of Garda resources, and the best possible Garda service is provided to the general public. Decisions with regard to the deployment of JLOs take account of a number of factors, including the number of children referred to the diversion programme over the past three years; the number of JLOs currently employed in each division; the social background of the location under consideration; the geographical size of the area to be covered by existing JLO and demographic trends.

I am sure the Deputy will agree that the diversion programme, as operated by JLOs and the Garda office for children and youth affairs, has proven to be highly successful in diverting young persons away from crime by offering guidance and support to them and their families. The latest annual report from 2008 on the effectiveness of the diversion programme is available on the websites of the Garda Síochána and the Irish Youth Justice Service.

Deputy Joe Carey: I thank the Minister of State for his reply. Will he agree there are far too few JLOs? I came across a parliamentary question from 1985 tabled by Deputy Alan Shatter to the then Minister for Justice, Deputy Michael Noonan. In his reply the then Minister stated there were 79 JLOs and that in 1982 they dealt with 4,743 offenders. We now have only 30

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more JLOs but their workload is three times more than what it was in the 1980s. There are far too few JLOs, with probably only one in every county. We need more JLOs given the amount of offenders we have.

Where stands the proposal to introduce a third level qualification for JLOs? The need to establish such a qualification was identified in 2004.

Deputy Barry Andrews: It is ironic that it goes back to 1985. What has changed is the overall number of gardaí, which has increased very rapidly. In my opening comments I made reference to the fact that community gardaí also play a significant role in this area and since 2007 their number has increased by 68%. They supplement and support the work of juvenile liaison officers. While we concentrate on the figures and the numbers, it is the outcome that is the crucial reference point. The number of children detained because of juvenile offending has decreased significantly over the past five years. It is the widespread view of commentators in this area that this is attributable to the success of the Garda diversion programme and the various Garda youth diversion projects throughout the country. It is a core principle of the Children Act that detention should be used as a last resort.

We must look at all of the resources available to divert young people from crime. That includes the youth work sector, juvenile liaison officers, community gardaí and the probation service, which deals with step down. The juvenile courts have been expanded significantly and judges with specific knowledge and experience in this area have a much closer case management role. This has also helped to reduce the numbers in detention and the JLOs are able to do a more effective job. It is worth noting that while there might have been 79 JLOs in 1985, there will be 123 when the current round is completed in 2010.

Deputy Pat Rabbitte: In so far as it relates to young offenders, what happened to the Spent Convictions Bill?

Deputy Barry Andrews: I have a number of draft amendments on my desk to which I am trying to get. It is very active. It has passed Second Stage and it is a matter of deciding what Government amendments will be proposed on Committee Stage. We are working very hard on trying to absorb some of the comments made by Deputies Rabbitte and Charles Flanagan on Second Stage and in particular we are considering the period of time during which the spent conviction period would apply, the category of offences to be caught and all of the safeguards that the Attorney General has examined. It came from a Law Reform Commission paper and it will require some amendment but it is being worked on actively at present.

Deputy Joe Carey: What about the third level qualification?

Deputy Barry Andrews: I cannot give that information at present and I will have to come back to the Deputy. I know many junior liaison officers are doing extra courses in places such as Maynooth outside of normal Garda training. I will get the Deputy specific figures and information on what developments have occurred with regard to the commitment made in 2004.

Gangland Killings.

7. **Deputy James Reilly** asked the Minister for Justice, Equality and Law Reform the number of gun murders that took place in 2007; the number of these that have resulted in prosecutions; the number of these that have resulted in convictions; and if he will make a statement on the matter. [13157/10]

8. **Deputy Michael Creed** asked the Minister for Justice, Equality and Law Reform the number of gun murders that took place in 2009; the number of these that have resulted in prosecutions; the number of these that have resulted in convictions; and if he will make a statement on the matter. [13149/10]

Deputy Dermot Ahern: I propose to take Questions Nos. 7 and 8 together.

I am informed by the Garda authorities that in 2007 there were 18 murders involving a firearm recorded, in respect of three of which proceedings commenced. In 2009 there were 23 such murders recorded, in respect of eight of which proceedings commenced. I might add that up to 21 March this year, nine such murders have been recorded, in respect of four of which persons have been charged. No convictions have yet been recorded in respect of these murders but no significance can be attributed to that given the time period in question and the length of time which inevitably is taken for the judicial process to be completed.

It is important to emphasise that all of the cases in which proceedings have not yet been taken remain under active investigation. The detection rate for murders by its nature increases over time as Garda investigations progress. It is expected that the number of convictions obtained will also increase as Garda investigations are concluded and proceedings commenced are finalised by the courts.

I am, of course, deeply concerned about the incidence of gun murders and I deplore all such killings. All killings, regardless of the circumstances involved, are the subject of rigorous investigation by the Garda Síochána and will continue to be so. In setting the policing priorities for the Garda Síochána in 2010, I have asked the Commissioner to continue the focus of the force on serious crime and on organised crime in particular. This priority also is reflected in the Garda policing plan for this year and specific initiatives, including under Operation Anvil, have been introduced.

While the Garda Síochána has made significant progress in the investigation of a number of killings, there can be considerable difficulties for it in obtaining evidence pertaining to shootings which are the result of gangland activities from associates of a victim of a gangland killing or from gangland figures, even when they themselves are the victims of violence. It was against this background that I introduced greatly strengthened legislation in the area of gangland crime, which is being fully utilised by the Garda Síochána.

I have also introduced further significant legislative proposals, which are currently before the House, including the Criminal Justice (Forensic Evidence and DNA Database System) Bill and the Criminal Procedure Bill and I will not hesitate to introduce further proposals if that becomes necessary.

Deputy Charles Flanagan: Perhaps more than any other topic, this subject is a feature of questions to the Minister for Justice, Equality and Law Reform. During the rushed passage through the Dáil last year of the Criminal Justice (Miscellaneous Provisions) Act, the Criminal Justice (Surveillance) Act and the Criminal Justice (Amendment) Act containing the anti-gangland measures, the Minister promised action. Regrettably however, as the Minister has admitted and accepted today, not a single person has been convicted by the criminal courts or by the non-jury courts because not a single case has been taken since last year. Whenever a gangland murder takes place, as it invariably does at weekends, the Minister's response is that he will meet the Garda Commissioner. The Minister should outline to the House, in so far as possible, what consequences arise from such meetings. Last year's response was legislation, which clearly has not worked because legislation of itself will not be sufficient. While the

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aforementioned legislation was going through the House, the Minister was warned that legislation of itself would not be sufficient to deal with this problem. How does he intend to deal with the regular occurrence of gangland cold-blooded gun murders in this city, eight of which already have taken place this year?

Deputy Dermot Ahern: The Deputy is incorrect regarding the legislation passed by the Oireachtas in July 2009. I understand from the Garda Síochána that both the Criminal Justice (Miscellaneous Provisions) Act, which pertained to the issue of gun culture and the licensing of guns and which also effected an increase in the penalties for knife crime and the Criminal Justice (Surveillance) Act are being actively used. As for the Criminal Justice (Amendment) Act, which was the major legislation pertaining to gangland crime, the Deputy may be aware, because it has entered the public domain, that a number of significant cases have come before the Director of Public Prosecutions who is independent and makes his decisions independently.

I note this law was contested as often as possible by outside interests. I acknowledge this was valid as people are entitled to make criticisms of legislation. In this case, a number of leading lawyers penned their name to a letter to make known their views on this legislation, albeit they were fewer in number than those lawyers who took the same action when the former Minister, Mr. McDowell, introduced a previous Bill in 2007. Obviously, the preparation of a Garda file in respect of such a matter takes a considerable amount of time. However, the Garda must be congratulated on its ability in this regard since the passage of this legislation. I know for a fact that in the run-up to the legislation, the Garda was well apprised of its possible implications and had done much preparatory work before the legislation was passed in anticipation of its passage. There were those in the House who stated that it should not pass before the summer but should be left over.

Deputy Charles Flanagan: It did not make any difference.

Deputy Dermot Ahern: Had it been left over, we would be far further from the use of that legislation.

Deputy Charles Flanagan: That is not true at all.

Deputy Dermot Ahern: This was the reason I sought its passage.

Deputy Charles Flanagan: Hundreds of arrests were to have taken place in August. However, that did not happen. There was supposed to be a swoop.

Deputy Dermot Ahern: Despite what Deputies Charles Flanagan or Rabbitte may have stated, at no stage did I or anyone on my behalf say anything of that same order.

Deputy Pat Rabbitte: The Minister and Willie were going to round them up personally.

Deputy Dermot Ahern: I always say that Deputy Rabbitte is something of a court jester in this House. However, if he is supposed to be a spokesperson on justice, he must at least try to understand that when one passes legislation, one cannot simply round people up thereafter. Even the Labour Party, which opposed the legislation tooth and nail, would not wish to have people rounded up immediately after the legislation was passed.

Deputy Charles Flanagan: It has not happened anyway.

Deputy Dermot Ahern: I criticise Deputy Flanagan because he is familiar with the procedure and what is the reality regarding the independence of the Garda Síochána in the prosecution of cases and the putting together of files. Once Members of the Oireachtas decide on policy and on legislation, it is up to the Garda Síochána and the Director of Public Prosecutions to implement it. The Oireachtas has given the Garda Síochána the power, in particular under the 2005 legislation, to act independently of the Minister or the Government. It is up to the force to bring forward files. Thankfully, I understand it has brought forward a number of significant files to the DPP, who I understand will make decisions in due course this regard. I can put it no further.

As for resources, the Government must be given some credit for having increased the budget for Operation Anvil and for the Criminal Assets Bureau this year, when every other heading in every other Department was decreased.

Deputy Charles Flanagan: I note that 800 gardaí retired last year, which is triple the number of the previous year. As the Minister referred to resources, how many of those 800 positions have been filled,?

Deputy Dermot Ahern: The number of gardaí is at a record high——

Deputy Charles Flanagan: That is not the question I asked. I did not ask the Minister that question.

Deputy Dermot Ahern: ——and stands at 14,000. Despite the retirement of a substantial number of gardaí, more gardaí are entering the force because of the Government's round of recruitment to the Garda Síochána.

Deputy James Reilly: Inexperienced new recruits.

Deputy Charles Flanagan: How many retirees have been replaced?

Deputy Dermot Ahern: The Deputy should give the Government at least some credit for increasing the level of gardaí to a record high. Similarly, the resources available to the Garda are at record high, despite the constrained financial circumstances in which the country finds itself.

Deputy Pat Rabbitte: The Minister has stated there were no convictions for the period he described. He cautioned Members not to read too much into that because the period is recent. However, according to the Minister's own figures, the number of gun murders for the decade subsequent to 1998 was 182, while the number of convictions was 23. Is this not a crisis in our criminal justice system that cannot be diverted by any talk of legislation or of what the Opposition did or did not do? Is it not a cause of concern that there have been 23 convictions and 182 gun murders?

Deputy Dermot Ahern: The Garda does its absolute best to try to put a file together to convict people, but we live in a democracy. I speak for my party when I say that people are entitled to their innocence until they are proven guilty. It is often difficult to prove offences, particularly the commission of murder. People who might have been involved in those crimes have been convicted of other crimes and not necessarily the actual pulling of triggers.

Of course, we would like a 100% prosecution rate, but in no society will one get that level. I have full confidence in the Garda Síochána in its investigation of crimes. I must be careful in

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what I say, but four people have been charged and are before the courts in respect of the nine murders committed to date this year. Obviously, they are innocent until proven guilty, but the Garda has been active.

Despite what has been stated in a tongue-in-cheek fashion by people like the Deputies on the far side of the House about the most recent legislation passed by the Dáil, the legislation has helped the Garda Síochána. I hope the fruits of the legislation, in particular the Criminal Justice (Amendment) Act, will be seen in the years to come.

Deputy Pat Rabbitte: It is not a question of anyone expecting a 100% success rate. There is not even a 20% success rate. The Minister referred to what people like myself and the Opposition say, but this Opposition has been remarkably temperate and moderate in this criminal justice environment. I am in the House long enough to remember what went on while the Minister's party was on this side of the House, a time when the situation was far less grave than it is now. Young gangsters are running around my part of Dublin shooting people because they do not like them. I accept the Minister's comments to the effect that the Garda has an extremely difficult task on hand, but it must be a matter of concern that we have secured 23 convictions over a decade in which there have been 182 gun murders.

The Minister tries to keep his fingerprints off stories planted in the media, but he and Deputy O'Dea were responsible for putting abroad the view that, if we only signed the July legislation, it would not be back from Áras an Uachtaráin before a number of leaders of the criminal fraternity would be arraigned before the juryless courts. We have not had a single such case. The Minister referred to July of this year, but he meant July of last year because we have not reached July of this year. The Act was passed last July and we are now at the end of March, but there has not been a single case. The Minister is jibing at the Opposition, but we have been remarkably responsible and temperate in our response, given what is occurring on the streets of this city, other cities and towns.

Deputy Dermot Ahern: As I stated originally, even the victims of these types of crime, particularly those emanating from gangland crime, are sometimes unprepared to co-operate. This makes the conviction of those involved in crime more difficult and is one of the reasons the Government acted swiftly. It became clear to us after a number of serious events that removing the possibility and, as we were aware, the fact of witness and juror intimidation was necessary. Deputy Rabbitte's party vehemently objected to this proposal. I disagreed with the Labour Party, which was entitled to object, but the provision was necessary.

As to the issue of people running around various estates, I was accused of introducing a rough gun regime. At no stage did I claim I was doing so to tackle gangland crime, although it was suggested that the legislation was a response to gangland crime. I introduced that regime on the basis of my firm belief that people did not desire widespread gun ownership, particularly hand gun ownership.

Deputy Charles Flanagan: It is the illegal guns.

Deputy Dermot Ahern: I was working on the basis of the strong advice I received from every garda with whom I spoke around the country, from ordinary gardaí in stations to the highest garda in the land, to the effect that going down the road of a legalised hand gun culture would be a slippery slope.

Deputy Charles Flanagan: That is a red herring.

Deputy Dermot Ahern: I decided that a dual response on the basis of——

Deputy Charles Flanagan: There have been no murders with legally certified guns. The Minister has made a complete hash of it.

An Ceann Comhairle: The Minister without interruption, please.

Deputy Charles Flanagan: Ask any superintendent about the firearms certificate application and he or she will tell one about how much of a shambles it is.

Deputy Dermot Ahern: I assure the Deputy that——

Deputy Charles Flanagan: We will discuss it next week.

An Ceann Comhairle: Allow the Minister to continue, please.

Deputy Dermot Ahern: It is not in a shambles.

Deputy Charles Flanagan: It is a complete shambles.

Deputy Dermot Ahern: There has been a substantial reduction in the level of gun ownership as a result. That was one response.

Deputy Charles Flanagan: Sporting guns are not involved in gangland killings and the Minister knows it.

Deputy Dermot Ahern: The other response related to gangland crime. Another element of the Criminal Justice (Amendment) Act was not only the targeting of the person who pulled the trigger, seeing as how some old eejit was sent out on the mission more times than not, but the targeting of those behind the trigger, those who put the eejit up to it. Of everything the Oireachtas could have done, we decided to take the organisers of the murders off the streets. They need not necessarily be anywhere near the commission of an offence. I did not get great support from either side of the House. Fine Gael supported the provision, but it wanted me to leave the legislation until after the summer. I believed correctly that it was important——

Deputy Charles Flanagan: It made no difference. Not one person was arrested during August or September.

Deputy Dermot Ahern: If we had waited to debate the Bill further during the summer and something had occurred——

Deputy Charles Flanagan: It is a complete misrepresentation.

Deputy Dermot Ahern: Had something occurred during the——

Deputy Charles Flanagan: Something is occurring all of the time and the Government is doing nothing about it.

Deputy Barry Andrews: The Deputy should control himself.

An Ceann Comhairle: The Minister without interruption.

Deputy Charles Flanagan: It is occurring every weekend.

Deputy Dermot Ahern: Let me answer. The Deputy is interrupting me.

Deputy Charles Flanagan: The Minister is talking rubbish. It is why I am interrupting. He is provoking me.

An Ceann Comhairle: Allow the Minister, please.

Deputy Dermot Ahern: Had something occurred during the summer and we had delayed with the legislation, the Deputy would be the very one criticising me and doing his weekly PR——

Deputy Charles Flanagan: There have been nine murders this year already. Do not mind last summer.

Deputy Dermot Ahern: The Deputy can put out as much PR as he likes, but I have the responsibility to act legally as regards the laws passed by this House.

Deputy Charles Flanagan: There have been poor results.

An Ceann Comhairle: We must move on to another Deputy. We have spent much time on this question.

Deputy James Reilly: The question is in my name and I allowed my colleague to speak, but the Ceann Comhairle is allowing the Minister to talk over him. The question is in my name and I allowed my spokesperson to go ahead.

An Ceann Comhairle: Yes, and I will allow the Deputy in.

Deputy James Reilly: The Minister has spoken at length. Some might interpret it as wittering on. In reality, there have been nine murders so far this year despite his legislation. Multiply that by four for the remainder of the year and we will end up with 36. Please God, that will not be the case. The Minister's comments *vis-à-vis* how leaving the legislation over the summer would not have prevented deaths are clearly not correct. The legislation has not resulted in anyone being arrested in the intervening period, as my colleague stated.

Deputy Charles Flanagan asked the Minister a direct question on the number of gardaí who have retired because of Government policy and their fear that their lump sums would be taxed. Experienced gardaí are leaving to be replaced by whom? How many of those vacancies have been filled? That was a direct question which the Minister should answer.

The people of Dublin North, in particular, are concerned by gun crime. Lead pipe bombs were found in Swords last week and there was recently a tiger kidnapping in Lusk. I had the unpleasant experience of having the body of an unfortunate victim of gangland activity being dumped on my land. People are concerned. They want to know what the Minister will do to aid the gardaí, who very often know who the culprits are but whose ability to prosecute is frustrated by the law.

As Deputy Rabbitte has said, our ability to prosecute successfully, at less than 20%, is appallingly low. Strengthening of legislation, which was supported by this side of the House, has had no effect. Murder levels have gone up.

Is the Minister saying that as a consequence of this legislation murders have, in fact, increased but gun ownership has gone down? That is not what the people of Ireland wanted. The people who enjoy their sporting guns, not one of which has been proved to have been involved in a

criminal act, have been deprived of their sporting activity on the basis that reduced ownership of safe licensed guns is a great thing. However, it has not had the effect the people are concerned about.

Deputy Dermot Ahern: If anyone is whittering on it is Deputy Reilly because he is merely repeating what was said a couple of minutes ago. I sponsored the Criminal Justice (Miscellaneous Provisions) Bill to ensure that we would not have a gun culture in this country. In such a culture guns would be available in houses where one might be used in haste in a domestic violence situation.

Deputy James Reilly: This is all ifs and ands.

Deputy Dermot Ahern: In my view it was the correct legislation.

Deputy James Reilly: Reality. Reality.

Deputy Dermot Ahern: I faced down the vested interests which Deputy Reilly and others are representing. Gun clubs and others want to have what they call practical shooting. This is, in effect, running around and shooting at moving targets. In my view and in the view of the Garda Síochána this is akin to replicating the incidents which are happening, unfortunately, in certain areas of the country where people are running around urban areas and shooting people.

Deputy Charles Flanagan: This is a red herring. It has nothing to do with the question.

Deputy James Reilly: A complete red herring.

Deputy Dermot Ahern: I decided to bring in two elements of legislation——

Deputy James Reilly: Has a single person holding a legally held firearm been involved in one of these incidents? The Minister wants to rephrase the question and go off on a tangent.

Deputy Dermot Ahern: ——to deal with the gun culture that I saw was about to happen.

Deputy James Reilly: That is his answer to the Irish people who are concerned about gun crime.

Deputy Dermot Ahern: A High Court judge clearly indicated that if the Oireachtas did not take some action in this regard we would have a gun culture. In view of Mr. Justice Peter Charlton's judgment in a seminal case that the matter should be looked at, I introduced the legislation.

Deputy Charles Flanagan: And the Minister made a complete hash of it. He should ask any superintendent of the Garda now.

Deputy Dermot Ahern: Despite the fact that Deputy Flanagan's posterior is sore from sitting on the fence on this issue, it is the right legislation.

Deputy Charles Flanagan: The legislation is inoperable now. The Minister's backbenchers will tell him that.

Deputy Dermot Ahern: That legislation had nothing to do with the response of the Government to gangland crime. That was a matter for the criminal justice legislation.

Deputy James Reilly: It had no effect either, according to the Minister's answers.

Deputy Dermot Ahern: Deputy Reilly is a doctor. I will not tell him how to do his job. He knows as little about the law as the chair in front of him.

Deputy James Reilly: The Minister knows as little about logic as the chair in front of him.

Deputy Dermot Ahern: The fact of the matter is that it takes a number of months for the Garda to put a case together.

Deputy James Reilly: It is very clear to me that we have had nine gun murders in the first quarter of this year despite his wonderful legislation.

Deputy Dermot Ahern: If Deputy Reilly does not know that he is stupid.

Deputy Charles Flanagan: Extraordinary arrogance of a type the House has not seen for many years.

Deputy Pat Rabbitte: The only one accusing the Minister of bringing in tough law is himself. No one on this side of the House is objecting to it.

Deputy Dermot Ahern: Deputy Rabbitte did.

Deputy Pat Rabbitte: We are just pointing out that he made mistakes. He has made mistakes and errors of judgment. He came in with Deputy Willie O'Dea, who sniped at me from under his moustache like a pet hamster in a bathroom squinting over the toilet brush. The Minister and Deputy O'Dea, between them, were going to round up these guys before the end of July.

The Minister asked what would have happened over the summer if he had not passed the legislation? Where was he during the summer? Did he see what happened during the summer anyway? Did he see the gangland murders that took place over the summer, autumn, winter and spring?

Deputy Charles Flanagan: Three in his own town.

Deputy Pat Rabbitte: For all this tough law we are not able to deal with gangland crime. What can the Minister do to ensure better enforcement and better equipment of the Garda Síochána to deal with a phenomenon that is causing widespread concern among ordinary law abiding citizens who are becoming enmeshed in what is going on in the drug dealing communities in this and other cities?

Deputy Dermot Ahern: Deputy Rabbitte is always good with his words but action is better than words. The actions the Government and I, as Minister, took was to increase the budget to deal with organised crime. Funding of Operation Anvil has increased from €20 million to €21 million per year. Resources for the Criminal Assets Bureau have gone up by 15% year on year, despite the fact that other Votes have gone down. The level of the Garda Síochána is at an all-time high at 14,500.

Deputy Charles Flanagan: The Minister did not even fill the vacancies and his results are a failure.

Deputy Dermot Ahern: The number of gardaí dedicated to fighting organised crime has gone up to a record high. We also have passed significant legislation. Deputy Rabbitte's party opposed that legislation.

Deputy Charles Flanagan: They are even gunning them down in the Minister's own town.

Deputy Dermot Ahern: The Deputy need not say I am criticising myself. He criticised me time and time again. Criminal legislation is not retrospective. If it had been left until September it could not have been applied to anything that happened over the summer. That is why we brought it in sooner rather than later. I am proud we did. I have no doubt in the coming months and years that the Criminal Justice (Amendment) Act will be used extensively by the Garda Síochána.

Written Answers follow Adjournment Debate.

Adjournment Debate.

Rural Environment Protection Scheme.

Deputy Jimmy Deenihan: I thank you, a Cheann Comhairle, for allowing me to raise this matter on the Adjournment. I congratulate Deputy Seán Connick on his elevation to the position of Minister of State. He will do an excellent job. This is his first challenge this evening as Minister of State.

Deputy Seán Connick: It is an easy enough one.

Deputy Jimmy Deenihan: For the past three or four weeks 400 REPS 3 and REPS 4 files are awaiting approval for payment by a district superintendent in the Tralee office for the north Kerry area. The average payment is €8,000 per file. Farmers need this money urgently just to keep going. Many are involved in dairy or beef farming or both. Income from these sectors has collapsed in the past year and most farmers are running their operations at a loss. Hence the importance of these REPS payments, which may be their only source of income for some time to come.

The acting district superintendent retired in 2009 and was not replaced. In November 2008, there were three permanent supervisory agricultural officers, SAOs, and permanent district superintendent based in the Tralee AES office processing and approving these payments. The district superintendent was transferred to Kildare. One SAO retired in November 2009 while the third SAO acted up as district superintendent until his retirement in December 2009. No replacement was appointed to fill these vacancies. One SAO now remains in the Tralee AES office, which is totally inadequate to service REPS for the farming community.

A similar situation exists in the AES office in Killarney where approximately 500 REPS 4 files await payment plus additional REPS 3 payment. The permanent district superintendent in Killarney was transferred to Cork on 5 January 2009 and was not replaced. Currently there is no district superintendent in County Kerry, an area that is heavily dependent on incomes from REPS.

The offer of REPS management for an SAO to upgrade to district superintendent for a number of weeks is not acceptable to the staff concerned. The offer should have been for a minimum of 12 months at least and have included the appointment of a replacement SAO to

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process the files for the same period if it was to be seriously considered. The current staffing situation in Kerry is a direct result of no effort having been made to fill vacant posts. It seems that Kerry has been ignored and neglected in this instance. The remaining staff are working under extreme pressure in dealing with the increased workload and the verbal complaints from irate and frustrated applicants who have not received payment to which they are entitled within the agreed protocol.

I call on the Minister of State to at least extend the offer of acting up to the current SAO in Tralee for 12 months. If he cannot do that, there is no reason his Department could not pay 75% of the outstanding moneys owed to the almost 1,000 farmers in County Kerry. At least that would carry them over for some period.

Minister of State at the Department of Agriculture, Fisheries and Food (Deputy Seán Connick): I thank the Deputy for raising this matter with me and for kind words. I look forward to working with him.

Payments for the 2009 REPS 4 scheme commenced on 18 December 2009 and continue to issue on a weekly basis. To date, out of 28,842 farmers who are due payments, 19,951 have been paid in full. Claims continue to be processed and a further 1,000 payments or so will issue very shortly. Queries have arisen on the remaining cases.

To meet the requirements of EU regulations, applications for REPS payments have to go through an extensive series of administrative checks before payment can be released. In a significant number of cases, those checks raise issues and queries which require further detailed examination. Department staff are working to resolve these as quickly as possible. Many of these cases will, however, require the applicants' planners to amend the farm plans that were submitted originally. The persons concerned have been made aware of the position and the applications will be further processed without delay on receipt of amended plans.

There has been a vacancy at district superintendent level in the Tralee office since December, 2009. The district superintendent has a key role in the approval of claims for payment. Due to the need to further control public expenditure and the number of public sector employees, the Government decided in March 2009 to introduce a moratorium on recruitment and promotion in the public service. This moratorium forms a central plank in the Government's programme to control public expenditure. As a result of that moratorium my Department has been unable to fill the vacant district superintendent post in Tralee. The Department is endeavouring to put alternative arrangements in place to ensure the prompt processing of claims. A total of 804 applications under the REPS 4 scheme were received in the Tralee office and 411 of those have been fully paid. The balance are files that are under query or awaiting to be confirmed for payment and the Minister remains committed to ensuring that payments issue as quickly as possible.

The current delays in a number of cases should not in any way detract from the merits of REPS. The scheme has been one of the most successfully operated by the Department since its launch in 1994. It has delivered multiple benefits to the environment in terms of water quality, biodiversity, conservation and landscape enhancement. It has also brought welcome income benefits to farmers, with more than €342 million paid out to REPS participants last year and a total of more than €2 billion paid since 1994. In fact, payments in 2009 reached their highest level ever. The original allocation for last year was just €330 million but additional funds were provided in December last and approved by Dáil Éireann by way of a Supplementary Estimate. Payments due to REPS farmers this year will continue at this high level.

Notwithstanding the Government's decision to close REPS to new entrants in July last year, which was unavoidable given the state of the public finances, those farmers who are already in REPS will see out their five-year contracts. This means that there will still be farmers in REPS right up to the end of 2014. By the time the scheme finally comes to an end, payments to farmers will have exceeded €3 billion. The Minister is also planning to launch a new scheme — the agri-environment options scheme — in the very near future.

Special Educational Needs.

Deputy Emmet Stagg: I wish to share my time with Deputy Durkan.

Acting Chairman (Deputy Joe Costello): Is that agreed? Agreed.

Deputy Emmet Stagg: I welcome the Minister of State, Deputy Connick, as he performs his first duty in the House and warn him that he will be burdened with reading scripts on behalf of many senior Ministers if he does not put his foot down pretty quickly. It is not fair to him nor to us when that happens.

I thank the Ceann Comhairle for allowing me to raise this vital issue concerning our special and most deserving young citizens. The Minister's decision will determine the quality of life they will enjoy for the rest of their lives. Great progress has been made in making provision for the education of special needs children generally, and I acknowledge that. While parents still have to fight step by step for services, the objective of the Government policy is that each special needs child would develop to the maximum of his or her potential.

The decision of the Government and the former Minister for Education and Science to remove 1,200 special needs assistants from the education system will be an unmitigated disaster for those who are special young citizens. The progress they have made will soon be reversed in the absence of or with the reduction of the SNAs.

In the specific case of the special needs school at St. Raphael's, St. John of God Brothers in Cellbridge it is proposed to withdraw 4.5 special needs posts from that special school. There are 47 pupils in this school and all of them have been assessed to be in the category of severe to profound. They are in classes of six and they have SNAs at the rate of two pupils to one SNA. If a child has to use the bathroom, gets a fit or becomes disturbed, two SNAs are required to manage that special child. That leaves only one SNA to manage or assist the other five children and that is not possible. If the current proposal goes ahead, that is what will occur with all the consequences for the educational development of the children and their physical safety.

I appeal to the new Minister, Deputy Coughlan, whom I know to a woman with a sympathetic understanding of children with special needs, to review the decision on SNAs generally and in particular to grant the appeal lodged with the SENO in the case of St. Raphael's special needs school. I know the Government is strapped for cash but surely some savings could be found elsewhere other than from the most needy and deserving children. I am depending on the Minister's humanity to correct this unacceptable decision.

Deputy Bernard Durkan: I thank my colleague, Deputy Stagg, for affording me time to join in supporting his matter on the Adjournment.

It goes without saying that every Member of this House must be acutely aware of the special situation that exists throughout the country in all schools in terms of the need for SNAs. The situation has been brought to our attention many times in the recent months by parents, teachers and those associated with children and young adults who have special needs. There is

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a fear among them that the degree to which the structures already in place and that need to be put in place in terms of SNAs is likely to be dismantled in a way that will set back the development and the opportunity available for children with special needs for many years.

We know as well as I am sure does the Minister of State of the huge workload undertaken by St. Raphael's in Cellbridge and the great job it has done for many years. I also point out the huge responsibility that remains. Somebody has to take responsibility for issues of this nature. While we are fully aware of the serious economic circumstances in the country, the most vulnerable in our society are the group of people who are most in need of protection. I fully support my colleague's call for everything to be done to ensure special needs requirements are met in full in all cases, including in the case of St. Raphael's special needs school in Celbridge. I invite the Minister of State to visit the school at any time to meet parents, teachers and special needs assistants to allow them to illustrate the important role they play.

Deputy Seán Connick: I am taking this Adjournment matter on behalf of my colleague, the Tánaiste and Minister for Education and Skills, Deputy Mary Coughlan. I thank Deputies Stagg and Durkan for raising this issue as it gives me an opportunity to clarify the position regarding the matter.

The education of children with special educational needs remains a key priority for the Government, which invests significant resources in schools to enable them to meet the needs of children with special educational needs. More than €1 billion was spent in the education system for this purpose alone last year. Students with disabilities will continue to receive support as they have for the past ten years.

I emphasise what is important in this context, namely, that schools which have enrolled children who qualify for support from a special needs assistant, SNA, will continue to be allocated SNA support. The National Council for Special Education, NCSE, continues to process applications from schools for SNA support. The SNA scheme has been a major factor in ensuring the successful integration of children with special educational needs into mainstream education and providing support to pupils enrolled in special schools and special classes. The scheme will continue to be supported.

The terms and criteria for the SNA scheme have not changed. Where the criteria are met, SNA posts are being allocated. I assure the Deputies that there is no question of posts being removed from schools where they meet the scheme's criteria. However, there is also no question of posts being left in schools indefinitely where they are deemed to be surplus to the care needs of the pupils or where the pupils have left the school.

Deputy Emmet Stagg: That is not what is happening.

Deputy Seán Connick: It is important to understand that in the SNA allocation process the allocation for any school and any adjustments to that allocation depend on a number of factors such as the number of pupils with care and medical needs leaving, the number of new pupils and the changing care needs of existing pupils in the school. SNA allocations are therefore not permanent but are increased or decreased as pupils who qualify for SNA support enrol or leave a school. They are also decreased where a child's care needs have diminished over time.

The Deputy will be aware that the NCSE, through its network of local special educational needs organisers, SENOs, is responsible for allocating resource teachers and SNAs to schools to support children with special educational needs. The NCSE operates within the criteria of

the Department of Education and Science in allocating such support. The NCSE is independent in the making and issuing of its decisions relating to the allocation of such supports.

The Department of Education and Science requested the NCSE to review all SNA posts because the Department had become aware that a number of SNA posts were in schools where the care needs of the pupils in the schools concerned did not justify such an allocation. Accordingly, the Department asked the NCSE to carry out a nationwide review of all schools to ensure SNA posts were allocated to schools in line with the care needs of pupils and any excess posts would be withdrawn.

The NCSE, through its network of SENOs, is carrying out a review of SNA allocations in all schools with a view to ensuring that the criteria governing the allocation of such posts are properly met. SENOs are communicating the outcome of the review directly to schools as the review progresses. It is expected that the NCSE will have completed the review by the end of this month.

The Deputies are fully aware that the Department of Education and Science has prioritised the provision of special education supports to schools. While this is a key Government policy, 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 public resources are deployed as effectively as possible. Resources left in an area that are not in accordance with criteria mean public resources are not available for another deserving area.

I am sure the Deputies share the Tánaiste's concern to ensure there is a consistent application of policy in the allocation of special needs supports across the country. This is all that is happening at the moment. I assure the Deputies that supports will continue to be made available to schools which have enrolled pupils who qualify for such support. I thank the Deputies again for raising this matter.

Deputy Emmet Stagg: On a point of order, the point I made has been clarified by the answer the Minister of State read out as it did not address the issue of St. Raphael's special school where all the children are either severely or profoundly handicapped. Whereas special needs are assessed at that level special needs assistants are being removed from the school on a quota basis. This is being done to achieve the previous Minister's target of reducing the number of special needs assistants by 1,200. That is what is being done. There is no new assessment.

Deputy Bernard J. Durkan: That is correct. We encourage the Minister or Minister of State to visit St. Raphael's special needs school.

Deputy Seán Connick: I will pass on the Deputy's invitation to the Minister.

National Drugs Strategy.

Deputy Aengus Ó Snodaigh: Gabhaim comhghairdeas leis an Aire Stáit as a phost nua ach is trua gur eisean atá anseo anois, mar is cáineadh ar an Rialtas é an méid atá le rá agam. Níl an Aire Stáit ach díreach tar éis a phost nua a ghlacadh. The national drugs strategy is in crisis and the Government, in particular the Department of Education and Science, has chosen to abandon the strategy and the thousands of families who are dependent on its full delivery, despite its shortfalls. By its actions, the Government is abandoning the national drugs strategy at a time of recession, despite the fact that historically recessions have led to increased drug use.

The Government is dumping the strategy at a time when drug crime is reaching unprecedented proportions and head shops and the so-called legal highs they supply are posing an

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increased threat to public health by enticing more people to use dangerous substances. There are more than 100 head shops in this State, meaning we have more such shops *per capita* than any other country in Europe and possibly the world. One of the functions of the Department of Education and Science should be to raise awareness among young people as to the dangers of so-called legal highs and illegal drugs, especially given the Government's failure to date to regulate or ban head shops.

The abandonment of the national drugs strategy is evidenced this week by the Taoiseach's decision not to appoint a junior or senior Minister with overall responsibility for the strategy. The national drugs strategy does not feature in the title of any Ministry. The Fianna Fáil-Green Party Government is playing a deadly game of political chess with the strategy. The Minister for Community, Equality and Gaeltacht Affairs, Deputy Pat Carey, once held a part-time role as Minister with responsibility for drugs but was bumped out of the way to the position of Chief Whip and replaced by the current Chief Whip, Deputy John Curran. Later, Deputy Curran was appointed Chief Whip, a position in which I hope he will do a good job. While the Minister for Community, Equality and Gaeltacht Affairs, Deputy Pat Carey, has responsibility for drugs, he also has a multitude of other briefs. Drugs is clearly not the priority brief as it does not feature in his title.

These changes have been made following the dismantling of the national drugs team on the premise that a super Ministry with responsibility for drugs would be established. What we have instead is another broken promise. The Department of Education and Science also cut funding recently, which indicates a policy decision to dump the prevention pillar of the national drugs strategy, probably the most important of all the strategy's pillars. We need to stop future generations becoming addicted to drugs. To do this, we must educate and support young people. It is the Government's responsibility to deliver and fund programmes and services rather than reduce or cut them.

I propose to highlight some of the effects of budget cuts. A budget cut of 33%, which is fatal to many projects, has been made to 38 young people at risk, mainstream programmes, many of which are located in my constituency. The 33% cut this year will be followed by a complete withdrawal of funding by the end of the year. The projects in question employ 64 people who are delivering vital services which target young people at risk from drugs, including diversionary activities, one-to-one supports and supports to remain in education. These projects have all been evaluated, proven effective and mainstreamed but are now being closed by Government without as much as a second thought.

In 2001, a child living in the inner city had a one in four chance of becoming addicted to drugs. Now that child's survival odds are ten times higher — or even more — a direct consequence of the work of these projects and projects like them. Implementing these cuts will set those projects and services and young people back years in those areas which are suffering from the recession and which never benefited in a major way from the Celtic tiger.

In my own area, Ballyfermot youth service peer education is being hit with the 33% cut now, followed by the loss of all funding at the end of the year. The same is to happen to Familiscope. The Ballyfermot advance after-school grants scheme has been abolished outright already. There are other such projects such as the BRU youth club, Dublin 12 Youth Service and CLAY youth project in Crumlin and Drimnagh and many others. Some of these are limited companies and in some ways are trading recklessly because of the cut.

There is much more to be said about the curriculum and the support projects in schools. I could continue and probably shall on future occasions because there is a great deal to be

concerned about arising from the Government's approach in recent times, especially after the Cabinet reshuffle which suggested it is to abandon the national drugs strategy.

Deputy Seán Connick: Go raibh maith agat, a Theachta. Ba mhaith liom cúpla focail a rá faoin cheist seo. I am taking this Adjournment matter on behalf of my colleague, the Tánaiste and Minister for Education and Skills, Deputy Mary Coughlan. I thank the Deputy for raising this matter as it gives me an opportunity to outline the Department's involvement with these projects and its ongoing contribution to the implementation of the national drugs strategy.

At present, the Department provides funding for over thirty projects in local drugs task force areas. These projects, through a variety of programmes and activities, seek, in the main, to encourage young people not to engage in drug-taking. The Department originally took on responsibility for funding these projects through a mainstreaming process, whereby projects on interim funding were assigned to a number of Departments and State agencies.

Most of the projects are administered by the three VECs — Dublin City, Dublin County and Dún Laoghaire — while the remaining three projects are funded directly by the Department. In the main, the projects provide for the employment of youth workers and project leaders, the delivery of peer education in a drug education context and initiatives aimed at retaining and supporting children in first and second level education and the prevention of early school leaving. In addition, a number of projects provide support for the delivery of the substance misuse module of the social, personal and health education curriculum in schools.

Arising from budget 2010, it was decided that funding for these projects was to be reduced from €3,643,000 in 2009 to €2,461,000 in 2010 and to cease from 2011. The Tánaiste acknowledges the difficulties that arise for projects and the Department is currently reviewing the implications of the budget decisions relating to funding allocations for all of these projects.

A key aspect of the review is to determine whether the Department is the appropriate location for these projects or whether funding could more appropriately be channelled through another Department or agency. In this regard, officials of the Department have held discussions with officials in the office of the Minister with responsibility for children and youth affairs to determine whether projects which involve a significant element of youth work might be more appropriate to that office. These discussions are ongoing. A number of the projects are being reviewed within the Department in the context of their work being similar to that of other departmental initiatives aimed at preventing early school leaving. The Department will submit recommendations for the Tánaiste's consideration based on the reviews which, it is anticipated, will be completed shortly.

The Tánaiste wishes to reassure the House that, within the resources at her disposal, she remains fully committed to implementing the national drugs strategy. In that regard, she wants to place on record the significant contribution her Department has made, and continues to make, in support of the prevention pillar of the strategy, through the introduction of a social, personal and health education, or SPHE, curriculum at primary level and at junior cycle in second-level; the initiatives under delivering quality of opportunity in schools, or DEIS action plan and the school support programme to prevent early school leaving and achieve better educational outcomes for students; and the guidelines on substance use policies issued to all schools.

I shall provide some additional detail for the House in regard to these measures. The SPHE programme is the foundation for developing awareness of drugs and alcohol issues in schools. It is a mandatory part of the curriculum at primary and junior cycle in second level. The substance use modules of SPHE are augmented by two support programmes, the "Walk Tall"

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programme at primary level and “On My Own Two Feet” at post-primary. The implementation of these programmes in schools is supported by support services at primary and second level, which provide professional development for teachers and advice and support to schools.

The DEIS action plan for educational inclusion is aimed at identifying and tackling levels of disadvantage and it provides the basis for school supports to, among others, schools located in local drugs taskforce areas. Supports targeting children most at risk of leaving school early are currently being enhanced through the integration of the relevant services, namely, the school completion programme, home-school-community liaison and the visiting teacher service for Travellers, under the National Educational Welfare Board.

Through the office of the Minister of State with responsibility for children and youth affairs, the Government continues to support initiatives for youth, such as the young people’s facilities and services fund, which aims to divert young people away from the dangers of substance abuse and the special projects for youth scheme, which supports out-of-school projects for disadvantaged young people.

Again, I acknowledge the difficulties for the projects in local drugs taskforce areas which are funded by the Department. In that regard, the Tánaiste anticipates that the examination of the projects and related discussions with the office of the Minister of State with responsibility for children and youth affairs will be completed shortly.

I again thank the Deputy again for raising this matter.

The Dáil adjourned at 5.20 p.m. until 2.30 p.m. on Tuesday, 30 March 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 8, inclusive, answered orally.

Detention Facilities.

9. **Deputy Liz McManus** 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 provisions 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; and if he will make a statement on the matter. [12999/10]

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. It is anticipated that the first phase will consist of 80 new places which will enable all children ordered to be detained by the Courts to be accommodated in children detention facilities only. The second phase is intended to provide 57 new places with the remaining 30 places being provided in existing facilities. The design stage is well advanced with both concept and sketch designs to deliver the 167 places 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. As committed to in the report of the Expert Group, the IYJS continues to keep the capacity requirement under review. The report can be viewed on the IYJS website at www.iyjs.ie.

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 Reserve.

10. **Deputy Kathleen Lynch** asked the Minister for Justice, Equality and Law Reform the number of members of the Garda Reserve recruited to date; if he will list the stations to which they have been allocated; the number of applicants for the reserve currently in training; if he is satisfied with the rate of recruitment; when he expects that the full complement of 1,500 will be in place; if any restrictions have been placed on recruitment to the reserve arising from budgetary restrictions; if he plans to undertake the review of the operation of the Garda Reserve as recommended in the report of the Garda Inspectorate on resource allocation; and if he will make a statement on the matter. [12997/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am pleased to say that there are now 562 attested Reserve Gardaí with an additional 101 student Reserves in training. Reserve members are allocated to Garda stations throughout the country, and I will write to the Deputy with the latest distribution details as soon as they are available.

The Agreed Programme for Government has set a target strength for the Reserve at 10% of the full time strength of the Force. As the Garda Reserve depends on volunteers who undertake their training and other duties during their free time, it is difficult to predict how many people will commence training in any particular period. However, I can assure the Deputy and the House that the Garda Commissioner is continuing to make every effort to reach the recruitment target. The moratorium on recruitment and appointments in the public service does not apply to the Garda Reserve, as members are volunteers and do not draw a salary.

Recruitment is ongoing and the Public Appointments Service has received over 1,700 expressions of interest to join the Reserve in the past year. The Government is strongly committed to the development of the Reserve. It has been a very successful initiative and I am confident that it will continue to flourish into the future.

The Garda Commissioner is responsible for determining the range of powers and duties of Reserve members, and I am sure that he will keep these under review in line with the recommendation of the Inspectorate.

Garda Strength.

11. **Deputy Joe McHugh** asked the Minister for Justice, Equality and Law Reform if the positions vacated by retiring gardaí at assistant commissioner, chief superintendent and superintendent level in 2009 have been filled; and if he will make a statement on the matter. [13190/10]

35. **Deputy Brian O'Shea** asked the Minister for Justice, Equality and Law Reform the number of applications received during 2009 for applications for early retirement from members of the gardaí, broken down by rank; the way this compares with each year from 2002; the number of applications received in 2010 to date; his views on reports that a significant number of senior gardaí are planning to take early retirement; the implications of such retirements for policing; and if he will make a statement on the matter. [13002/10]

50. **Deputy Brian O'Shea** asked the Minister for Justice, Equality and Law Reform the number of the 170 Garda promotions, for which Cabinet approval has been given to fill vacancies arising from the many retirements now being experienced by the force, have now been made; when he expects this process to be completed; and if he will make a statement on the matter. [13001/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I propose to take Questions Nos. 11, 35 and 50 together.

While the moratorium on appointments and promotions applies generally to the Garda Síochána, last year I obtained the sanction of the Minister for Finance for a number of senior positions, namely the appointment of 3 Chief Superintendents and 10 Superintendents. In addition, I recently obtained the sanction of the Minister for approximately 170 promotions, covering 9 at the rank of Chief Superintendent, 12 at the rank of Superintendent, 28 at the rank of Inspector and 120 at the rank of Sergeant.

The Commissioner has recently filled a significant number of the posts at the ranks of Sergeant and Inspector and interviews are taking place for filling the vacancies at the higher ranks. As soon as those interviews are complete I will be taking a memorandum to Government to allow appointments to be made.

I will write to the Deputy with details on the latest retirement statistics as soon as they are available.

Garda Equipment.

12. **Deputy Ulick Burke** asked the Minister for Justice, Equality and Law Reform if he is satisfied that correct procedures were followed when a 13 year old Eurocopter AS355N helicopter was sold by the Garda Síochána to a private company for €400,000 in January 2010; and if he will make a statement on the matter. [13135/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The management and disposal of Garda resources, including Garda aircraft, is a matter for the Garda Commissioner.

I am advised by the Commissioner that the sale of the AS355N Squirrel helicopter was undertaken in line with the relevant financial requirements and following the advertising of the helicopter for sale. The process which was pursued by the Commissioner was not restricted in any way and it was open to interested parties to bid for the aircraft.

I might mention that the Commissioner has informed me that only two bids were received for the helicopter. The higher bid was originally for €365,000 and it was subsequently negotiated upwards to €400,000.

Crime Prevention.

13. **Deputy Enda Kenny** asked the Minister for Justice, Equality and Law Reform the budget of the organised crime unit for 2010; the budget for 2009; and if he will make a statement on the matter. [13181/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The organised crime unit was established on a permanent basis in January 2008 to tackle criminal gangs, including those involved in drug trafficking. Since then, the unit has proactively targeted criminal gangs engaged in diverse types of criminality which transcend the traditional Garda unit boundaries. The main functions of the organised crime unit are: to identify organised crime groups that operate within the State through increased profiling, intelligence gathering, overt and covert surveillance and threat assessments; to develop intelligence on highly organised and professional groups of criminals involved in serious crime and whose operations transcend district/divisional and regional boundaries; to develop intelligence and information supplied by confidential sources on major targeted criminals; and, to liaise with other specialist Garda Units in developing intelligence and information from all sources in relation to serious and organised criminal groups.

[Deputy Dermot Ahern.]

I am informed by the Garda authorities that, for operational reasons, it is not appropriate to release the specific budget for the Organised Crime Unit. In any event, to release the budget for this one unit may be misleading in that a very considerable amount of the Garda allocation of €1.389 Billion for 2010 is allocated to the fight against organised crime. Operation Anvil alone has an allocation of €21 million euro this year.

As the Deputy will be aware, the Organised Crime Unit is but one entity of National Support Services which targets organised crime groups. There are seven other specialist Garda Units within National Support Services including the Criminal Assets Bureau, the Garda National Drug Unit, the Garda Bureau of Fraud Investigation, the National Bureau of Criminal Investigation and the Technical Bureau that work operationally with the Organised Crime Unit in tackling the emerging threat from any organised crime groups. Also, targeted intelligence-led operations such as Operation Anvil continue to result in significant seizures of firearms and property related to criminal activity and have led to the arrests and prosecutions of those involved.

Very significant efforts and resources continue to be directed on an ongoing basis in tackling organised crime and gangland culture and the State will be relentless in its approach in bringing those involved in such activities to justice.

Proposed Legislation.

14. **Deputy Kieran O'Donnell** asked the Minister for Justice, Equality and Law Reform his plans to further reform on law on blasphemy; and if he will make a statement on the matter. [13198/10]

42. **Deputy Olivia Mitchell** asked the Minister for Justice, Equality and Law Reform his plans to propose a referendum on blasphemy; and if he will make a statement on the matter. [13192/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I propose to take Questions Nos. 14 and 42 together.

My views on the question of a referendum on blasphemy are as stated in the House during the debate on 20 May 2009 of Committee Stage of the Defamation Bill 2006. I clearly stated that I hoped that the matter could be addressed by referendum at a suitable opportunity in the near future.

In debates on the Bill in this House I explained the nature of the constitutional obligation imposed on me — in Article 40.6.1. i of the Constitution — in regard to blasphemous libel. The Defamation Act 1961, in section 13, provided for the offence of blasphemous libel which was punishable by monetary and prison penalties (up to 2 years imprisonment was possible). Successive Attorneys General had advised the Government that until the Constitution is amended, by referendum, it is necessary that blasphemous libel remain a crime and that legislation must make provision for punishment of this crime. This presented a certain difficulty if we were to proceed to repeal the 1961 Act and bring to a conclusion the lengthy process of reforming our defamation legislation.

Having regard to the constitutional obligation, I was faced with essentially two choices. The first was to put on hold the reform of defamation legislation and to seek the approval of the Government to conduct a referendum to delete the provision on blasphemous libel from the Constitution. This choice would have involved considerable expense as a “stand alone” referendum and would I believe have been an unwarranted diversion and would have attracted

significant criticism as such. I made clear at the time that I felt that this was not a viable option given the current circumstances.

The approach I favoured mirrored that of the Joint Oireachtas Committee on the Constitution, which in its Report in 2008, recommended that the specific reference to blasphemy in the Constitution should be deleted. They were of the view that if there is a need to protect against religious offence or incitement, it is more appropriate that this be dealt with by legislative intervention with due regard to freedom of expression. However, the Committee saw no need, nor did I, for a Constitutional amendment in the short term and, pragmatically, were of the view that any appropriate opportunity should be availed of in the future. The matter, in other words, was not of immediate importance.

The approach, therefore, which I felt had significant support, was to proceed with the reform of our defamation legislation, and to make minimum provision in regard to blasphemous libel in the new Act. Section 36 of the Defamation Act 2009, therefore, removes the possibility of prison sentences and private prosecutions for blasphemous libel. It also provides for a defence to a defendant who proves that a reasonable person would find genuine literary, artistic, political, scientific, or academic value in the matter to which the offence relates. I commenced operation of the Act by Order on 1 January, 2010.

I remain of the view that on grounds of cost, a referendum on its own on blasphemy should not be held and that it should instead run together with one or more other referendums. I would be happy to propose to the Government a referendum on blasphemy at the appropriate time.

Private Security Services.

15. **Deputy Catherine Byrne** asked the Minister for Justice, Equality and Law Reform the criteria used by the Private Security Authority when awarding licences; and if he will make a statement on the matter. [13138/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Private Security Authority, established under the Private Security Services Act 2004 is the regulatory body with responsibility for regulating and licensing the private security industry in the State. The Authority is an independent body under the aegis of the Department of Justice, Equality and Law Reform. My Department has no role, therefore, in the issuing of private security licences. The Authority commenced licensing security contractors in 2006 and this was followed by the licensing of individuals employed in the industry in 2007. There are currently almost 800 licensed contractors and over 23,000 licensed individuals operating in the security industry in Ireland.

I am informed by the Authority that the criteria used by the Authority depends on whether a contractor or individual licence is required. Contractor Licences are required by companies, partnerships and sole traders providing security services in the Republic of Ireland. Those seeking a contractors licence are required to provide a valid tax clearance certificate, evidence of having obtained a standard endorsed by the National Standards Authority of Ireland and a certificate of incorporation, if applicable. In addition all sole traders, partners, company directors and shareholders with a holding of 20% or more are vetted by An Garda Síochána before a licence issues.

Individual Licences are required by all those working in the security sector within the state whether employed by a licensed contractor or directly by a business as in-house security personnel. Individual Licences are backed by a recognised qualification which ensures that all those working in the industry have been trained to a high standard. Once again, all individual applicants are vetted with An Garda Síochána before any licence is issued.

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I understand from the Authority that, both contractors and individuals who have resided outside of Ireland for a period of six months or more are also required to provide the Authority with a criminal record certificate from the relevant jurisdiction.

Prison Committals.

16. **Deputy Jim O’Keeffe** asked the Minister for Justice, Equality and Law Reform the number of persons committed to prison for non-payment of fines and non payment of debt in 2009; if he will provide comparative figures for the previous three years; and if he will make a statement on the matter. [13020/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The latest available figures for the number of persons committed to prison for the non-payment of fines in the past four years is contained in the table.

Year	Number of Persons
2006	1,089
2007	1,335
2008	2,154
2009 (to 31/10/2009)	3,366

The latest available statistics pertaining to those imprisoned for civil debt related matters are as follows.

Year	Number of Persons
2006	194
2007	201
2008	276
2009	186 (to June 2009)

In response to a High Court Decision in 2009, I introduced the Enforcement of Court Orders (Amendment) Act, 2009. The Act ensures that a debtor cannot be imprisoned if he is unable to pay the debt. The debtor must be present at proceedings, he or she is entitled to seek legal aid, the court must be satisfied that the failure to pay is wilful refusal and that there are no goods that could be seized to satisfy the debt. The court can request the debtor and creditor to seek resolution by mediation. Imprisonment is to be used as a final resort, only where the debtor can afford to pay the debt but refuses to obey a court order to do so and only where the alternative of seizing goods to meet the debt is not available.

I also wish to advise the Deputy that the number of such persons held in custody at any one time is a minute fraction of the overall prisoner population. Indeed, I am confident that the number of committals for non-payment of fines will fall substantially once the Fines Bill 2009 has been enacted and brought into force in the near future. As the Deputy is aware the Bill recently completed Report and Final Stage in Dáil Éireann on 3 March 2010. It is now awaiting Second Stage in the Seanad.

I want to take this opportunity to clarify the position regarding the number of committals to prison in 2009 for non payment of fines. The correct figure to end October, 2009 of 3,366 committals for non payments of fines was given in a reply to the Deputy on the 19th January, 2010 (PQ1936/10 refers). However, in reply to a question from the Deputy on the 2nd March,

2010 (PQ10326/10) seeking the same detail as sought in this Question a figure of 62 was given for those committed to prison in 2009 for non payment of fines. This was in fact the figure for committals for the non-payment of fines arising from breaches of the Broadcasting and Wireless Telegraphy Act, 1988 only. I want to avail of this opportunity to correct that error and confirm that the total figure as at 31 October, 2009 (the latest available) should have read 3,366. My Department only became aware of the incomplete answer in recent days. I apologise for the incomplete response given earlier this month.

Garda Investigations.

17. **Deputy Eamon Gilmore** asked the Minister for Justice, Equality and Law Reform the progress of the Garda investigation into the leak of correspondence between a Member of Dáil Éireann (details supplied) and a member of the gardaí; when he expects the investigation to be completed and the report published; and if he will make a statement on the matter. [12991/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): As the matter referred to by the Deputy is currently the subject of investigation by An Garda Síochána it would not be appropriate for me to comment on it at this time.

Rent Levels.

18. **Deputy Martin Ferris** asked the Minister for Justice, Equality and Law Reform if he will bring forward the date by which the working group on commercial rents must report to him in view of the fact that the existing situation is crippling small businesses many of which simply cannot afford to wait until summer 2010 for action. [13063/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Working Group I have established “to consider the operation of the current system for determining the rent payable on foot of a rent review clause, with particular emphasis on the arbitration process and the adequacy of the information available to all parties and, if necessary, to make such recommendations for change as may seem appropriate” will, it is envisaged, report by 30 June, 2010. A reasonable timescale is necessary to ensure that the group can properly examine and report on the issues.

Crime Levels.

19. **Deputy Olwyn Enright** asked the Minister for Justice, Equality and Law Reform the number of gun murders that took place in 2005; the number of these that have resulted in prosecutions; the number that have resulted in convictions; and if he will make a statement on the matter. [13164/10]

23. **Deputy Andrew Doyle** asked the Minister for Justice and Law Reform the number of gun murders that took place in 2006; the number of these that have resulted in prosecutions; the number that have resulted in convictions; and if he will make a statement on the matter. [13160/10]

24. **Deputy Noel J. Coonan** asked the Minister for Justice and Law Reform the number of gun murders that have taken place to date in 2010; the number of these that have resulted in prosecutions; the number that have resulted in convictions; and if he will make a statement on the matter. [13145/10]

41. **Deputy Jimmy Deenihan** asked the Minister for Justice and Law Reform the number of gun murders that took place in 2008; the number of these that have resulted in prosecutions;

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the number of these that have resulted in convictions; and if he will make a statement on the matter. [13155/10]

51. **Deputy Charles Flanagan** asked the Minister for Justice and Law Reform the number of gun murders that took place in 2004; the number of these that have resulted in prosecutions; the number that have resulted in convictions; and if he will make a statement on the matter. [13169/10]

71. **Deputy Emmet Stagg** asked the Minister for Justice and Law Reform the number of cases of murder in which firearms were used from 1998 to date in 2010; the number of such cases in which prosecutions for murder were initiated; the number of such cases in which convictions were secured; if he has satisfied himself with the level of detection and conviction in such cases; and if he will make a statement on the matter. [13014/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I propose to take Questions Nos. 19, 23, 24, 41, 51 and 71 together.

It is important to emphasise that all of the cases where proceedings have not yet been taken remain under active investigation. The detection rate for murders by its nature increases over time as Garda investigations progress. It is expected that the number of convictions obtained will increase as Garda investigations are concluded and proceedings commenced are finalised by the courts. This applies particularly to murders committed in the most recent years. In addition, directions may be received from the Law Officers to charge persons arrested in connection with such incidents with offences other than murder, for example firearms offences. Furthermore such persons charged and brought before the courts may be convicted of offences other than murder.

Against that background, I am informed by the Garda authorities that during the period 1998 to 2010 (to 21 March) 193 murders involving a firearm were recorded, and to date proceedings were commenced in 57 in these cases and 23 convictions secured.

I am, of course, deeply concerned about the incidence of gun murders and I deplore all such killings. All killings, regardless of the circumstances involved, are the subject of rigorous investigation by An Garda Síochána and will continue to be so. In setting the policing priorities for An Garda Síochána in 2010, I have asked the Commissioner to continue the focus of the force on serious crime, in particular organised crime. This priority is also reflected in the Garda policing plan for this year, and specific initiatives, including under Operation Anvil, have been introduced.

While An Garda Síochána have made significant progress in the investigation of a number of killings, the reality is that there can be considerable difficulties for them in obtaining evidence in shootings which are the result of gangland activities from associates of a victim of a gangland killing or indeed from gangland figures even when they themselves are the victims of violence. It has also to be accepted that there is often no connection or personal association between the victim and the perpetrator, which makes it very difficult for An Garda Síochána in their investigation of such a murder. Witnesses may also be subject to high levels of intimidation not to come forward, and it is to assist such witnesses that the Witness Protection Programme is in place.

It was against that background that I introduced greatly strengthened legislation in the area of gangland crime which is being fully utilised by An Garda Síochána. I have also introduced further significant legislative proposals, which are currently before the House, including the Criminal Justice (Forensic Evidence and DNA Database System) and Criminal Procedure Bills,

and I will not hesitate to introduce further proposals if that becomes necessary. In addition, I have secured Government approval to commence work on a new Bail Bill to consolidate and update bail law with a view to presenting a clear, accessible and modern statement of the law.

Garda Operations.

20. **Deputy Emmet Stagg** asked the Minister for Justice, Equality and Law Reform when arrangements will be made to instruct members of the Garda Síochána that it is not necessary to take a longhand note of interviews with persons in custody when such interviews are being electronically recorded; and if he will make a statement on the matter. [13012/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): My Department and the Garda Síochána, in consultation with the Office of the Director of Public Prosecutions and the Office of the Attorney General, are considering proposals for a new system which would allow the taking of contemporaneous written notes to cease where interviews are electronically recorded.

There is however a complex range of training, technological and legal issues to be addressed before any changeover to a new system could take place, and of course the financial implications would have to be carefully assessed.

The Garda Síochána are at an advanced stage in developing proposals for the operational aspects of a new system. Because of the complexities involved, it is likely that any new system would initially be introduced on a pilot basis to allow all the operational and legal aspects to be fully tested and evaluated.

Taxi Regulation.

21. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform his views on the current multi-agency checkpoints and operations aimed at ensuring compliance by taxi drivers with taxi regulations and tax obligations, in which the Garda Síochána participate, are insufficient to address issues of illegal taxi driving, tax evasion and welfare fraud; if the number of these operations will be increased; and if other steps will be taken by gardaí. [13056/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am not in a position to respond to the Deputy at this time, but will do so as soon as the relevant information is available.

Departmental Agencies.

22. **Deputy Jim O’Keeffe** asked the Minister for Justice, Equality and Law Reform the steps he has taken to ensure that the 28 agencies and bodies operating under the aegis of his Department perform in the most efficient and cost effective manner possible and that they provide value for money for the tax payer; and if he will make a statement on the matter. [13019/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): All agencies operating under the aegis of my Department are subject to the normal Department of Finance rules and Procedures governing the cost effective expenditure of monies provided from public funds. Moreover a number of agencies are selected each year for detailed VFM review. Reports relating to these reviews are available to the Deputy from the Oireachtas Library.

Questions Nos. 23 and 24 answered with Question No. 19.

Disability Strategy .

25. **Deputy Martin Ferris** asked the Minister for Justice, Equality and Law Reform the reason for the six month delay in publishing the National Disability Strategy recession implementation plan promised by the renewed programme for Government 2009; and the responsibilities of his Department that the plan is likely to include. [13062/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The key elements of the National Disability Strategy are: the Disability Act 2005; the Citizen's Information Act, 2007; the Education for Persons with Special Educational Needs Act, 2004; Sectoral Plans and a multi-annual investment programme that was targeted at high-priority disability support services. The Strategy is, in large measure, being implemented.

The Deputy will be aware that all six Government Departments recently completed reports on the progress of their sectoral plans over the three year period 2006-2009 as provided for under the Disability Act 2005. While the serious Exchequer situation, in so far as its impact on delivery of disability programmes is concerned, is primarily a matter for the Departments which have sectoral plans, the overall situation continues to be reviewed by the Senior Officials Group on Disability as well as the National Disability Strategy Stakeholder Monitoring Group. Implementation of the various legislative measures also continues to be reviewed by the relevant Departments and by the Senior Officials and Monitoring Groups.

The question of an overall strategy will be assessed further in the light of the detailed examination by each of the relevant Departments of their own responsibilities and of the budgetary situation. My own Department does not have direct responsibility for sectoral plans or for implementation of the various legislative measures.

Departmental Schemes.

26. **Deputy Arthur Morgan** asked the Minister for Justice, Equality and Law Reform his views on whether that the system of community services orders is under used; and the steps he will take to promote its use as the default sanction for less serious offences in view of its proven cost-effectiveness when compared to penal sanction. [13060/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I published a Value for Money and Policy Review of the operation of the Community Service Scheme last October. This independent review found that the Scheme was not being used to the extent that it had been in the past. Furthermore, it found that the Community Service Supervisors then employed, operating at full capacity, could provide supervision services to three times as many offenders as were then on Community Service Orders.

Based on this, and other recommendations contained in the review, the Probation Service of my Department is leading the drive to substantially increase the number of persons that could potentially be placed on Community Service. The Probation Service has restructured the delivery of Community Service nationally under the governance of a dedicated Community Service Unit and has designed a new model of Community Service. The implementation of the new model is being piloted in the Dublin area. The pilot is intended to trial and refine the efficiency of operation.

At present the most common non-custodial sanction used by the Courts, who are independent in the exercise of their functions, is the imposition of a fine. As the Deputy will be aware the new Fines Bill is awaiting Second Stage in the Seanad. The Bill makes provision for the use of non-custodial options for the non-payment of fines such as Community Service. This

new legislative provision will provide an extension to the use the Courts can make of the Community Service sanction in less serious offence cases.

I should also add that the most recently published Discussion Document of the White Paper on Crime series, 'Criminal Sanctions', will include an examination of the use of non-custodial sanctions generally, such as Community Service. Submissions on this Document have been invited before the end of May and the opinions received will inform future plans.

Garda Strength.

27. **Deputy Mary Upton** asked the Minister for Justice, Equality and Law Reform the strength of the Garda Síochána at the latest date for which figures are available broken down by full members, the number who have attested but not yet concluded their training and the number in training; the expected number that will be recruited during 2010; the anticipated numbers at each of the categories referred to at the end of 2010; the number of members of the force who are expected to retire during 2010; the number who will be recruited in the first half of 2010; and if he will make a statement on the matter. [13016/10]

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.

Garda Training.

28. **Deputy Michael D. Higgins** asked the Minister for Justice, Equality and Law Reform the main findings of the recent report on training and development in the Garda Síochána; the steps that are being taken to deal with the skill training gaps identified in the report; and if he will make a statement on the matter. [12993/10]

45. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Justice, Equality and Law Reform his views on and response to the recent report commissioned by the Garda Commissioner which found that gardaí are not properly trained for key duties. [13058/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I propose to take Questions Nos. 28 and 45 together.

In February 2008 the Garda Commissioner established a group to review training and development for garda and civilian staff in the Garda Síochána.

The review group, chaired by Mr Pat McLoughlin, formerly of the Health Service Executive, carried out an extensive analysis of the training needs of the organisation and consulted widely with staff across all ranks and grades. Consultations were also held with relevant bodies such as the Garda Síochána Inspectorate, the Garda Síochána Ombudsman Commission, the Higher Education and Training Awards Council and police forces internationally.

The report found significant strengths in the wide diversity of training provided in the Garda Síochána, both to student Gardaí and to serving members and civilian staff. However, it also identified areas where the organisation, management and delivery of training could be further enhanced, with considerable benefits for the Garda Síochána and the public it serves. I am setting out the key recommendations in a note which I am circulating with this reply.

The Commissioner will over the coming months progressively implement these very significant and wide-ranging improvements in Garda training, and he will have my full backing and support in that process.

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Key recommendations of the Training and Development Review Group Report

- There should be a new training and development model put in place, with an Assistant Commissioner given sole responsibility for overseeing and implementing this;
- The training sections in the Garda College should be restructured;
- There should be a better training support structure across all garda operational divisions, with divisional training managers;
- There should be a standardised process within Garda Divisions that objectively prioritises training opportunities based on developing the right knowledge and skills;
- The student/probationer training programme should be radically restructured into 3 phases instead of the current 5. Phase I would be for 32 weeks at the Garda College, at the end of which successful students would be attested (i.e. become members of the Garda Síochána with full police powers). Currently students are attested after 58 weeks. Phase II would be for 65 weeks based in Garda stations, and Phase III would consist of 7 weeks of exam preparation, exams and assessments;
- Student training at the Garda College should be more scenario-based and less classroom-based, so as to prepare students better for the policing challenges they will face;
- There should be better support for students who, after attestation, are assigned to Garda stations, with new field-training tutors playing a key role;
- Driver training should be provided within the student/probationer training programme;
- A lifelong learning philosophy should be instilled in the Garda Síochána, with a suite of mandatory and elective courses made available;
- A learning management system should be introduced in the Garda Síochána, to manage the administration and oversight of training;
- Specialist training facilities, such as firearms ranges, driver training areas and a mock urban structure, should be developed on the grounds of Dromard House in Tipperary, already purchased for this purpose, as soon as possible;
- Training for civilian staff in the Garda Síochána should be integrated into the general training structure for members.

The full report is available on the Garda website (www.garda.ie).

Garda Investigations.

29. **Deputy Seymour Crawford** asked the Minister for Justice, Equality and Law Reform the position regarding the case of a person (details supplied); if he will confirm that work is still ongoing on this case between the gardaí and the PSNI; and if he will make a statement on the matter. [13021/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The death of the individual concerned remains the subject of an active investigation. I can confirm to the Deputy that liaison is maintained with the Police Service of Northern Ireland in this regard. I can also assure the Deputy that the Family Liaison Officer appointed in this investigation and a member

of the Investigation Team are liaising with the family and keeping them apprised of developments in relation to the ongoing investigation.

Garda Deployment.

30. **Deputy Shane McEntee** asked the Minister for Justice, Equality and Law Reform the number of gardaí that are allocated to the organised crime unit; the number of gardaí that were assigned to the unit in 2009; and if he will make a statement on the matter. [13187/10]

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.

Garda Operations.

31. **Deputy Thomas P. Broughan** asked the Minister for Justice, Equality and Law Reform if industrial action across the public service is impacting on the operational effectiveness of the Garda Síochána; and if he will make a statement on the matter. [12988/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Deputy will be aware of the long-standing legal constraints on the taking of industrial action by members of the Garda Síochána. The limited action announced by the GRA, relating to matters such as the use of personal phones and computers, is expected to have minimal impact. The Deputy will also be aware that talks are presently underway on a wide range of issues, including pay, in the public sector and the Garda Associations are involved in this process.

Proposed Legislation.

32. **Deputy Pat Breen** asked the Minister for Justice, Equality and Law Reform the progress that has been made in the review of legislation dealing with anti-social behaviour sanctions; and if he will make a statement on the matter. [13132/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): Part 11 of the Criminal Justice Act 2006, which provides for civil proceedings in relation to anti-social behaviour by adults, was commenced on 1 January, 2007. Part 13 of the Act, which relates to anti-social behaviour by children, was commenced on 1 March, 2007. These provisions set out an incremental procedure for addressing anti-social behaviour by adults and children. With regard to children, these range from a warning from a member of An Garda Síochána, to a good behaviour contract involving the child and his or her parents or guardian, to referral to the Garda Juvenile Diversion Programme and finally to the making of a behaviour order by the Children Court. With regard to adults, they include a warning and the making of a civil order by the court.

I am informed by the Garda authorities that, up to 28 February, 2010, 1,501 behaviour warnings were issued to adults and 1,140 to children. Thirteen good behaviour contracts were issued to children. In addition, three civil orders (in respect of adults) and three behaviour orders (in respect of children) have been issued by the courts.

In setting up the regime the intention was that these interventions would address the problem behaviour. If they succeed, there will be no need to apply to the courts for an order. It is only if they fail to lead to a behaviour adjustment by the person in question, that a court order will be applied for.

My Department is examining, in consultation with the Department of the Environment, Heritage and Local Government and An Garda Síochána, possible approaches to dealing with

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and preventing anti-social behaviour at the local level, taking into account the financial and personnel resources available to local and national agencies in the current economic environment, and the desirability of using, to the greatest extent possible, existing structures. In addition to this examination, the review of the legislative provisions currently in place is continuing.

Garda Ombudsman.

33. **Deputy Paul Kehoe** asked the Minister for Justice, Equality and Law Reform the changes he proposes in respect of the Garda Síochána Ombudsman Commission; and if he will make a statement on the matter. [13179/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Garda Síochána Act 2005 sets out the role of the Garda Síochána Ombudsman Commission. The Act establishes the Ombudsman Commission as a key element of the policing framework.

Some amendments have already been made to the relevant provisions of the Garda Síochána Act 2005 within the Criminal Justice Act 2007. The Ombudsman Commission has also outlined further possible legislative amendments in two reports which were laid before the Houses of the Oireachtas on 1 May 2008. The aim is to promote greater effectiveness in the use of the Commission's resources in the light of its experience to date.

Discussions on the issues involved are ongoing with the Ombudsman Commission, and I will bring any emerging proposals for change to Government.

Garda Investigations.

34. **Deputy Ciarán Lynch** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to a recent newspaper report (details supplied) which reported that estate agents were claiming that they could use the gardaí to illegally access Garda intelligence systems to conduct background checks on potential tenants; if any investigation is planned into these reports; and if he will make a statement on the matter. [12996/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed that the matters raised in the newspaper report referred to by the Deputy have been investigated by the Office of the Data Protection Commissioner, which has no plans to investigate them further.

An Garda Síochána has in place a code of practice for data protection. The code, which was drawn up in close consultation with the Office of the Data Protection Commissioner and approved by that Office, contains safeguards to prevent the improper disclosure of data.

Question No. 35 answered with Question No. 11.

Criminal Prosecutions.

36. **Deputy Jack Wall** asked the Minister for Justice, Equality and Law Reform if all section of the Criminal Justice (Amendment) Act 2009 have now been brought into operation; the number of occasions on which the powers contained in this Act have been used since its enactment and in particular the number of prosecutions transferred to the Special Criminal Court under the provisions of section 8 of the Act; the number of charges that have proffered under the powers contained in this act; and if he will make a statement on the matter. [13018/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Criminal Justice (Amendment) Act 2009 came into force in its entirety on its signature by the President on 23 July 2009.

The Act enables all organised crime offences to be tried in the Special Criminal Court unless the Director of Public Prosecutions directs otherwise. A new offence of directing or controlling a criminal organisation has been created, which carries a maximum sentence of life imprisonment. The maximum penalty for the offence of participation or involvement in organised crime has been increased from 5 years to 15 years imprisonment. Expert Garda opinion evidence on the existence and operations of criminal gangs is now admissible in evidence. Furthermore, there are significant new provisions relating to bail, sentencing, drawing of inferences by the courts, intimidation of witnesses and jurors and a simplification of the procedures relating to the extension of time for questioning.

I have consistently made it clear that inevitably it will take time for the full effects of the Act and other anti-gangland legislation to become clear. I have been assured by the Garda Commissioner that An Garda Síochána has been making full use of the legislation since it has been enacted to build up criminal cases against gangland figures. They are painstakingly working to gather evidence that will be sufficient to enable the DPP to initiate prosecutions of people in relation to gangland activities. A number of Garda investigation files have already been submitted to the DPP. I am confident that, as the evidence accumulates against individuals, successful prosecutions will be taken.

Legal Aid Service.

37. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the cost in each of the past five years to date in 2010 of free legal aid in criminal cases; the number of cases that received such aid in the past 12 months to date in 2010; his plans to review this issue; and if he will make a statement on the matter. [13204/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The cost of Criminal Legal Aid in each of the last five years and to date in 2010 is set out in tabular form. The table also gives the number of legal aid certificates granted by the courts in each of those years. It should be noted that expenditure may relate to certificates granted in previous years.

As the Deputy will be aware I have already indicated my commitment to strengthening the provisions in the Criminal Legal Aid Scheme through changes in the administration of the Scheme and initiatives in the area of means testing. Changes are required to the primary legislation and a Bill is currently under preparation to achieve this.

Year	Expenditure	Legal Aid Certificates Granted
	€ ('000)	
2005	40,170	36,423
2006	42,034	41,582
2007	46,279	46,620
2008	55,172	55,265
2009	60,354	55,664
2010*	7,430	8,741

*To end February 2010.

Prison Building Programme.

38. **Deputy Willie Penrose** asked the Minister for Justice, Equality and Law Reform the

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progress made over recent months on the Thornton Hall project, County Dublin; if any consideration has been given to rethinking the project in favour of a more feasible smaller institution; and if he will make a statement on the matter. [13006/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Government re-affirmed its commitment to developing a new prison campus at Thornton Hall, Kilsallaghan, County Dublin and also approved the launch of a new tendering process for the construction of a more affordable and better value prison campus at Thornton. The aim is to provide good quality, regime focussed prison accommodation with appropriate support and rehabilitative facilities for prisoners to prepare them for re-integration back into society. The new prison facility will provide accommodation for 1,400 prisoners with operational flexibility to accommodate up to 2,200 in a range of security settings.

The development is now proceeding on a phased basis with phase one comprising essential enabling works required for the development including the construction of the dedicated access road, perimeter wall and off-site services. Tenders for the construction of the access road will be issued in the near future. A tender competition for the construction of the perimeter wall of the prison will issue mid-Summer.

An EU wide tender competition for the appointment of technical advisors to the Irish Prison Service is already in progress. The Irish Prison Service is being assisted in this process by the National Development Finance Agency. This will lead to an invitation to tender for the construction of the main prison development at a later stage.

There are no indications that smaller institutions are more feasible. The primary purpose of Thornton is to replace the Mountjoy complex which currently holds over 1,000 prisoners in four institutions on a 20 acre site. Thornton will be a campus development with approximately 1,400 cells on a 130 acre site.

Budgetary Policy.

39. **Deputy Pat Rabbitte** asked the Minister for Justice, Equality and Law Reform the recommendations of the special group report on public service numbers and expenditure that he plans to implement during 2010; and if he will make a statement on the matter. [12984/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The recommendations in the Special Group Report (McCarthy) have been taken into account in the budget negotiations for 2010 for the Justice Sector. The proposed savings in the Report in respect of the Justice Sector were €136.4 million. In monetary terms a significant proportion of the recommendations (€84 million) related to reductions in payroll costs on items such as allowances payable to members of the Garda Síochána and the Prisons Service.

In common with all Departments, there are significant reductions in payroll related provisions in 2010 to take account of the reductions in payroll rates and other factors. The overall reduction in gross payroll budgets for the Justice Sector compared with the 2009 estimate is in the region of €126 million.

In addition to these payroll reductions, the budgets in a number of programme subheads have also been reduced to deliver the level of savings required by Government. A number of these reductions are also in line with the recommendations of the McCarthy Report.

These amount to reductions of €6.92 million across a range of programme subheads which include Gender Mainstreaming, Graffiti Removal Operations, Equality Monitoring Consulta-

tive Committees, European Refugee Fund and Refugee Integration. The McCarthy Report recommended a total reduction of some €5 million in respect of these particular items.

A number of recommendations were made by the McCarthy Group on structural reform and rationalisation across the Justice and Equality Sector. Decisions in respect of many of these recommendations will be a matter for decision by Government in due course and expenditure reductions that may arise will be included in the budget for the Sector in future years.

While it was never the intention that the full €134 million reduction recommended in the McCarthy report would be delivered in 2010, significant progress in this regard has been made. This is through a combination of the recommendation in the report and other measures being taken as part of the Government's budgetary policy.

Crime Levels.

40. **Deputy Michael D. Higgins** asked the Minister for Justice, Equality and Law Reform the number of recorded cases of tiger robberies in which staff or relations of staff of financial institutions were taken hostage in each year from 2005 to date in 2010; the amount of money taken in such robberies; the discussions he has had with the financial institutions about these robberies; and if he will make a statement on the matter. [12994/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): To date in 2010 one so-called 'tiger' kidnapping has taken place and the following table shows the number of similar incidents recorded in the period 2005 -2009. It is the policy of An Garda Síochána not to disclose the amount of money taken during such crimes.

Year	No. of incidents recorded
2010	1
2009	6
2008	1
2007	3
2006	2
2005	1

The Deputy will be aware that the Garda Commissioner and I jointly met with the Chief Executives of various financial institutions late last year to discuss this issue and to outline our concerns in this regard. Regular meetings are held between An Garda Síochána and financial institutions to discuss bank security issues and in particular tiger kidnapping prevention and response protocols. An Garda Síochána does not, for obvious security reasons, disclose information relating to the nature of security measures. The response procedures in place for dealing with such incidents typically include the establishment of Crisis Management teams and agreed protocols designed primarily to ensure the safe return of those persons held captive during such incidents and thereafter aimed at securing the arrest and prosecution of the culprits involved. Advice on personal security for staff members and on systems and processes in place for the conveyance, storage and dispersal of cash are provided on an ongoing basis and are the subject of regular review.

Question No. 41 answered with Question No. 19.

Question No. 42 answered with Question No. 14.

Equality Issues.

43. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if he will provide additional funding to the Equality Authority and to the free legal advice centres in response to the evidence that an increasing number of employers are using the current economic climate as an excuse to discriminate against women who are pregnant, on maternity leave or returning to work after having a baby. [13057/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): It is not proposed to increase the grant in aid provision of €3.2m for the Equality Authority for 2010, which has been maintained close to the 2009 level of €3.329m.

In addition, the State has successfully obtained EU funding of €266,000 for 2010, through the Progress programme, towards a multi-agency project led by the Equality Authority entitled “Promoting equality for all in a time of change: addressing the new challenges of an economic downturn” and which includes a strong focus on public education initiatives on employment rights.

The amount which I have made available in funding to FLAC in 2010 is €98,000. This is the same amount that I made available to FLAC in 2009 and it is a reasonable allocation in circumstances where both my Department and other agencies under my remit have seen significant reductions in their allocations. I am therefore not in a position to provide increased funding to FLAC.

EU Directives.

44. **Deputy Joanna Tuffy** asked the Minister for Justice, Equality and Law Reform the number of EU directives for which his Department has responsibility that remain to be implemented; if he will list the directives that are now overdue; and if he will make a statement on the matter. [13015/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): My Department has responsibility for six EU Directives which have to be implemented. There are four Directives which are currently overdue as follows:

Council Directive 2005/85/EC on 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status.

The minimum standards on procedures required by this Directive are operated by the State in its national provisions and procedures, and therefore, the State is substantially in compliance with the Directive in law and practice. The Immigration, Residence and Protection Bill 2008, which is currently before the Oireachtas, includes provisions to revise the law on refugee and other protection procedures and this revision will be in compliance with the terms of the Directive.

Directive 2006/24/EC of the European Parliament and of the Council of 15 March 2006 on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks and amending Directive 2002/58/EC.

Part of this Directive is covered by Part 7 of the Criminal Justice (Terrorist Offences) Act 2005. The remainder of it is to be transposed by the Communications (Retention of Data) Bill 2009 which was published on 9 July 2009. The Bill completed all stages in Dáil Éireann on 24 February 2010 and is awaiting Second Stage in Seanad Éireann.

Directive 2005/60/EC of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purposes of money laundering and terrorist financing; and Commission Directive 2006/70/EC of 1 August 2006 laying down implementing measures for Directive 2005/60/EC of the European Parliament and of the Council as regards the definition of politically exposed person and the technical criteria for simplified customer due diligence procedures and for exemption on grounds of a financial activity conducted on an occasional or very limited basis.

The Criminal Justice (Money Laundering and Terrorist Financing) Bill 2009, which will transpose both of these Directives, was published on 28 July 2009. The Bill has completed all stages in Dáil Éireann and is currently before Seanad Éireann. There are two Directives which remain to be implemented but are not overdue.

They are:

Directive 2008/51/EC of the European Parliament and of the Council of 21 May 2008 amending Council Directive 91/477/EEC on control of the acquisition and possession of weapons; and Directive 2008/52/EC of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters.

Question No. 45 answered with Question No. 28.

Code of Ethics.

46. **Deputy Deirdre Clune** asked the Minister for Justice, Equality and Law Reform if a Garda Síochána code of ethics, as provided for the section 17 of the Garda Síochána Act 2005, has been completed; and if he will make a statement on the matter. [13141/10]

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.

Proposed Legislation.

47. **Deputy Fergus O'Dowd** asked the Minister for Justice, Equality and Law Reform his plans to augment fathers' rights; and if he will make a statement on the matter. [13200/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): Under the law as it stands — section 6A of the Guardianship of Infants Act 1964, as inserted by section 12 of the Status of Children Act 1987 — an unmarried father may apply to the court to be appointed a guardian of his child. Alternatively, where there is agreement between the parents, they can make a statutory declaration under section 2(4) of the Guardianship of Infants Act, as inserted by section 4 of the Children Act 1997, conferring on the father the status of guardian. Under section 11 of the 1964 Act, a guardian may apply to the court for its direction on any question affecting the welfare of the child, including directions as to custody and access. In addition, the section provides that the unmarried father of a child, even if he is not a guardian, may apply to the court for orders on custody and access. Section 3 of the Act provides that, in deciding on an application relating to the custody, guardianship or upbringing of a child, the court shall regard the welfare of the child as the first and paramount consideration.

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Where appropriate and practicable, the court will also take into account the child's wishes in the matter having regard to the age and understanding of the child. In addition, the law now places an emphasis in terms of recognising the rights of the child to the society of both his or her father and mother: Section 11D of the 1964 Act (inserted by the Children Act 1997) obliges the court in proceedings relating to the welfare of a child to consider whether the child's best interests would be served by maintaining personal relations and direct contact with both his or her father and mother on a regular basis.

These legislative provisions are comprehensive. They permit the court in cases of disagreement to decide on arrangements for the child's care and upbringing having regard to the child's best interests.

As part of its Third Programme of Law Reform 2008-2014, the Law Reform Commission published in September 2009 a consultation paper 'Legal Aspects of Family Relationships', in which it makes provisional recommendations on the rights and duties of fathers in relation to guardianship, custody and access to their children. The Commission has invited submissions on its provisional recommendations as part of the consultation process. The Commission's final report and recommendations, expected to be published later this year, will help to inform debate on the issues in advance of the formulation of any proposals for reform of the law in this area.

Detention Facilities.

48. **Deputy Eamon Gilmore** asked the Minister for Justice, Equality and Law Reform the reason for the proposed closure of a detention centre (details supplied) at Finglas, Dublin 11; his views on whether this decision to take effect from 31 March 2010 is in the interests of children from a child welfare point of view; the staffing implications of this decision in respect of Oberstown; if staff redundancies are anticipated; and if he will make a statement on the matter. [12992/10]

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. 262 on 10th November, 2009. I have also of course dealt with this matter in previous replies to a number of Parliamentary Questions.

The Deputy will be aware that the Government approved proposals in March, 2008 to develop national children detention facilities to be located on the existing State-owned Oberstown campus near Lusk, Co. Dublin. The Government also approved the establishment of a cross-Departmental Working Group to consider the possible future role for Finglas Child and Adolescent Centre (FCAC), the only children detention school not currently located on the Oberstown campus.

The Working Group presented its report in August 2009 (available at www.iyjs.ie) and I have accepted its recommendations. This decision which has been noted by Government will involve the closure of the Centre which will be completed by the end of March 2010, and the transfer in the meantime of all children, staff and services from FCAC to the Oberstown campus. Preparations are well under way in this regard.

The Irish Youth Justice Service (IYJS), an executive office of the Department of Justice, Equality and Law Reform and part of my Office, is responsible for managing the four Children Detention Schools. Working with the Directors and senior management of all four Schools, the IYJS is now planning for the development of an integrated unified detention school service based in Oberstown. This is in line with the Government decision to build new children deten-

tion facilities there which will provide the full range of remand, assessment and detention services for all young offenders remanded or detained by the courts. It will provide all of the services currently provided by the FCAC which will ensure that the interests of children from a child welfare point of view will continue to be met.

I can also confirm that discussions, facilitated by the Labour Relations Commission, are ongoing with the Unions since September, 2009 on all aspects of the closure, the arrangements to be made, and the transfer of staff and services to positions in Oberstown. This includes arrangements for the redeployment of permanent staff from Finglas to Oberstown and the non-renewal of a number of fixed term contracts in both Centres (in accordance with the terms of their contracts). I am also informed that it was agreed to refer certain matters to the Labour Court for determination, with a hearing scheduled for later this week.

Ministerial Appointments.

49. **Deputy Ruairí Quinn** asked the Minister for Justice, Equality and Law Reform when he plans to appoint a Legal Services Ombudsman; and if he will make a statement on the matter. [13005/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I intend to announce details of the arrangements for appointment of the Legal Services Ombudsman as soon as possible. This will happen when my Department completes its dialogue with the Department of Finance about the matter and when the Minister for Finance is in a position to approve the terms and conditions of the office holder including the staffing structure of that Office.

Question No. 50 answered with Question No. 11.

Question No. 51 answered with Question No. 19.

Crime Levels .

52. **Deputy Pat Rabbitte** asked the Minister for Justice, Equality and Law Reform his views on the recent figures from the Central Statistics Office showing increases in 12 of the 16 main recorded offence groups between 2004 and 2008; the steps he is taking to counter this upward trend in crime; and if he will make a statement on the matter. [12983/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): While the CSO publication Garda Recorded Crime Statistics 2004 — 2008 referred to by the Deputy indicates increases in a number of crime categories over the four year period, I am pleased to note that there were decreases of 20% in sexual offences, 15% in robbery, extortion and hijacking offences, 9% in homicide offences and 1% in burglary and related offences. Increases in a number of categories, such as public order and controlled drug offences, can be attributed to the effect of increased Garda enforcement activity.

CSO recorded crime statistics for 2009, the most recent available, show a decrease in nine of the 14 crime groups for which statistics are given, compared with 2008. This indicates that the work of An Garda Síochána and other justice agencies is providing a robust and consistent response to the threat posed by criminal elements. Significant decreases in the numbers of cases of manslaughter and dangerous driving leading to death contributed to a fall in homicide offences of 10.1% during 2009. There were also welcome decreases in public order offences, which were down 7.8% during 2009, and controlled drug offences, which were down 6.3%.

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While the number of cases of murder and manslaughter taken together (55 in total) showed no increase between 2008 and 2009, I continue, nevertheless, to be concerned about the levels of such crimes. The Gardaí face severe challenges in dealing with gangland murders. It was partly against that background that last year I introduced two ground breaking pieces of legislation: the Criminal Justice (Surveillance) Act and the Criminal Justice (Amendment) Act. Since the legislation was enacted, the Gardaí have been utilising it fully to build up cases against those involved in gangland crime. Some files are with the Director of Public Prosecutions, and more are being prepared for submission to him.

I am concerned by the 2.2% increase in property theft shown in the most recent CSO figures. Everyone will be conscious of the fears of elderly people, many of whom live alone. We have seen a number of cases where elderly people have been subject to bogus callers to their homes. While people should be vigilant, we must do what we can to protect elderly and vulnerable people. I have met the Attorney General about the issue of mandatory sentencing for such crimes, and he has requested the Law Reform Commission to examine the issue. I will consider whether any further measures are required in the context of the examination by the Law Reform Commission and advice from the Attorney General.

The Criminal Procedure Bill 2009, currently before the House, gives effect to the measures contained in the Justice for Victims Initiative. The Bill proposes to end the ban on retrying persons who have been acquitted in specified circumstances and provides for reform of the law on victim impact statements.

I have recently introduced the Criminal Justice (Forensic Evidence and DNA Database System) Bill 2010, which will see the establishment, for the first time, of a national DNA database in Ireland. This represents a major step forward in the fight against serious crime. It will give the Gardaí access to intelligence on a scale and of a quality that has never before been available in this country. When the Bill becomes law, everyone who is arrested for a serious offence can be required to give a sample. Everyone serving a sentence for a serious offence when this law comes into force will also be required to give a sample. Analysis of this material will produce hits that may indicate a link between the person and other offences where that person was previously involved, but no link had previously come to light.

The budgetary allocation for An Garda Síochána in 2010, set against a difficult economic backdrop, amounts to €1.5 billion and gives me the scope to continue to prioritise resources in dealing with crime. Despite the increased Garda retirements in 2009, the force numbered just over 14,500 members at the end of 2009, compared with 14,412 at the end of 2008 and 13,755 at the end of 2007. I recently received sanction for a significant number of promotions in An Garda Síochána, notwithstanding the current moratorium on promotions in the public service. I welcome the recent publication of a Garda Inspectorate report on resource allocation in An Garda Síochána and recommendations which aim to improve the service to the public and the working conditions of frontline Gardaí. The Commissioner is preparing to implement a range of improvements to resource allocation systems. I will work with the Commissioner and all concerned to deliver an even better policing service for communities countrywide.

In addition to the significant capital investment in prisons in recent years additional resources are also being provided for capital works in 2010.

Garda Deployment.

53. **Deputy Kathleen Lynch** asked the Minister for Justice, Equality and Law Reform the reason the creation of 900 civilian posts within the Garda has resulted in the release of only 144 Garda personnel for frontline policing duties, as highlighted in the report of the Comptrol-

ler and Auditor General; the steps he will take to ensure greater use of civilian personnel, as recommended in the recent report of the Garda Inspectorate on resource allocation; and if he will make a statement on the matter. [12998/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): Increased civilian support for the Garda Síochána does not and never was intended to exclusively take the form of one for one replacement of individual Gardaí with civilians. Suggestions to the contrary are based on a fundamental misunderstanding of the purpose of civilianisation. In some instances, civilianisation does indeed enable the direct replacement of sworn members, who are engaged in exclusively clerical, administrative or technical duties, with civilian staff. In most cases, however, it allows sworn members who would otherwise have to devote a very substantial part of their working day to performing administrative duties to focus exclusively on front-line policing duties. Civilian staff may also be recruited to perform new or expanded administrative, managerial and professional support roles in the Garda Síochána, for example as crime analysts or IT specialists.

On this account, and because of the significant restructuring of roles, functions and business areas that has taken place at all levels of the Garda Síochána in recent years, it is difficult to quantify the exact number of posts which were occupied by sworn members but which today are held by civilians. I can however confirm that since 2003 the number of civilians in the Garda Síochána has risen to approximately 2,115 whole time equivalents. While this is still a lower proportion compared to some similar police services in other jurisdictions, the Commissioner is committed to increasing this number further as resources allow.

Civilian staff are now involved in the provision of vital support services in a wide range of administrative, professional, technical and industrial areas, including Human Resources, Training & Development, IT and Telecommunications, Finance and Procurement, Internal Audit, Communications, research and analysis, accommodation and fleet management, scene-of-crime support and medical services. In addition, a number of essential operational support areas are now wholly or largely staffed by civilian staff, such as the Central Vetting Unit and the Fixed Charge Processing Office in Thurles and the Garda Information Services Centre which is based in Castlebar. The Garda Síochána Analysis Service, to which I referred earlier, is staffed by qualified and highly trained civilian analysts. Civilian Telecommunications Technicians also provide front-line support to the whole of the Garda organisation across a range of technologies and services. The augmented civilian element in the Garda organisation which has been deployed by the Garda Commissioner in recent years has made a significant contribution to the effectiveness of law enforcement in this State.

The recommendations in the recent report of the Inspectorate on resource allocation are being carefully examined so that the potential for maximising the use of civilians and in turn releasing members of An Garda Síochána for frontline policing can be realised.

Drugs in Prisons.

54. **Deputy Jan O'Sullivan** asked the Minister for Justice, Equality and Law Reform the number of drug seizures made in prisons here during 2009; the way this compares with each year from 2005; the number of seizures made to date in 2010; his views on the continuing extensive presence of drugs in our prisons; the steps he is taking to deal with this situation; and if he will make a statement on the matter. [13003/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): Prior to May 2008 seizure of drugs was recorded under the generic description “prohibited articles” and a detailed breakdown is not readily available. From May (when new security initiatives were first

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introduced) to 31 December 2008, there were 351 drug seizures within the Irish prison system and up to and including 13 September 2009, the date for which the most recent figures are available, there were 696 drug seizures within the Irish prison system in that year. Final statistics for 2009 are currently being compiled and along with figures that are available for 2010, will be forwarded to the Deputy as soon as possible.

It is acknowledged that drugs present a major challenge to the Irish Prison Service and in this context, the Irish Prison Service Drugs Policy & Strategy, entitled *Keeping Drugs out of Prison* was launched in May 2006. The implementation of this Policy & Strategy has seen an intensification of efforts in the prison system to eliminate the availability of illicit drugs within prisons. The measures include:

- Tighter control and monitoring of prisoner visits in all closed prisons
- New visiting arrangements in most closed prisons, with visitors required to be pre-approved by the Governor and required to provide identification on each visit.
- Greater use of screened visits.
- Greater vigilance in examining mail by prison censors and searching of other items entering the prison.
- Increased random searching of cells and their occupants.
- Stricter searching of all persons committed to custody and prisoners returning from court, temporary release, after visits or on receipt of intelligence.
- Use of modern cameras and probe systems which assist in searching previously difficult areas such as hollow chair or bed legs, under floor boards and other cavities.
- Installation of nets over exercise yards to prevent access to contraband items, including mobile phones and drugs. Use of phone detectors and phased installation of telephone blocking technology.

In addition, a number of new security initiatives have been introduced in all closed prisons including:

- The introduction of enhanced security screening for all persons (visitors and staff) entering our prisons.
- The establishment of a drug detection dog service within the Irish Prison Service involving approximately 30 handling teams.
- The establishment of Operational Support Units dedicated to and developing expertise in searching and gathering intelligence on illicit material being hidden inside our prisons; they will be available in addition to the normal prison staff and can target specific security problem areas.
- The Body Orifice Security Scanner (BOSS) chair was introduced by the Irish Prison Service in early 2008 and to date eight chairs have been installed.
- The new security screening at prison entrances and the measures introduced have had considerable success in preventing the flow of and assisting in the capture of contraband such as illicit drugs. The battle will be an ongoing one in which I am determined to take

whatever practical measures are possible to thwart illegal activity. There will be no easing off in relation to the security measures already in place and enhancements and improvements will continue to take place in the future.

There is regular contact between the Prison Service and An Garda Síochána to discuss security issues and the Gardaí will be contacted whenever any suspected criminal offence has taken place.

The Irish Prison Service continues to strive to implement its Drugs Policy and Strategy. Part of the implementation of the Strategy includes continued significant investment in services within prisons to reduce the demand for illicit drugs in the prisoner population as well as meeting prisoners' treatment and rehabilitative needs.

Illegal Immigrants.

55. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the number of persons illegally resident here in breach of immigration law. [13024/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): A foreign national who remains present in the State without permission or in contravention of the terms of a permission is in breach of Irish immigration law. In general, such persons may have entered the State either through covert means or through the use of false documentation at a port of entry or they may have entered lawfully but remained beyond the duration of a permission given or have breached the conditions attaching to their permission.

With regard to the number of such persons present in the State, I would refer the Deputy to my answer to Parliamentary Question No. 568 of 19th January, 2010. As I indicated in that response, it is internationally accepted that it is very difficult to estimate with any accuracy the number of illegal migrants in any jurisdiction at a particular time. This is due to the clandestine and covert nature of the activity. Having regard to the difficulty in gathering reliable statistics of this nature, there is little to be gained from my providing what would amount to a guess at the relevant figure for Ireland.

At EU level an overall estimate in the ranges 4.5 to 8 million persons has been made. A person who is illegally present in Ireland and who wishes to regularise his or her position is expected to leave the State voluntarily and may then seek to return through the legal channels. Of course, it is open to a person who is illegally present in the State to bring their case to the attention of the immigration authorities at any time.

Garda Investigations.

56. **Deputy Róisín Shortall** asked the Minister for Justice, Equality and Law Reform if arising from comments made by the Garda Commissioner in Templemore, County Tipperary, on 29 October 2009, he will outline the investigations that are underway into allegations that a small number of gardaí may have been providing information to criminal gangs thus potentially jeopardising investigations and putting other members of the force at risk; and if he will make a statement on the matter. [13010/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I refer the Deputy to my response to Parliamentary Question No. 42 of 4 February 2010. The position remains unchanged.

Legal Aid Service.

57. **Deputy Ciarán Lynch** asked the Minister for Justice, Equality and Law Reform if his

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attention has been drawn to the recent report from free legal advice centre which was critical of the direct provision system for asylum seekers; if he has plans to review the system in view of the FLAC report's findings; if, in particular, he will consider some increase in the weekly financial allowance which has not been increased for more than ten years; and if he will make a statement on the matter. [12995/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): This question relates to a publication issued recently by the Free Legal Advice Centre (FLAC) on the Government's direct provision system, the means by which the State discharges its obligations to provide accommodation and sustenance to asylum seekers while their applications are considered. My general response to this publication was given in my reply to Dáil Questions 217, 218 and 219 on 10 March, 2010.

The Reception and Integration Agency (RIA) is responsible for the accommodation of asylum seekers through the policy of direct provision. For the most part, this represents a cashless system with the State assuming responsibility for providing suitable accommodation and certain other services on a full board basis. The direct provision allowance, which is the specific focus of this question, seeks to reflect the value of the above-mentioned services to the asylum seeker and I have no plans to alter the amount currently being paid. The allowance was introduced some years ago and is paid by Community Welfare Officers (operating under the aegis of the Department of Social and Family Affairs) who also have the discretion to make once-off exceptional needs payments in special situations.

I am satisfied that the level of service and support provided to asylum seekers by the State through the direct provision structure caters for all needs and is a generous system which compares very favourably with other similar services provided throughout the EU. The policy and practice of direct provision are effective and ensure that the State can meet its obligations towards asylum seekers.

Prison Committals.

58. **Deputy Seán Sherlock** asked the Minister for Justice, Equality and Law Reform the number of prisoners in jails at the latest date for which figures are available; the number of occasions during the past five years on which the prison population has exceeded 4,000; the steps that are being taken to deal with prison overcrowding; and if he will make a statement on the matter. [13009/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am advised that the prison population stood at 4,228 on the 18th March 2010 and that the first time the number of prisoners in custody exceeded 4,000 was in October 2009.

As the Deputy and the House will be aware, the Irish Prison Service has been proactively engaged in an ongoing extensive programme of investment in prisons infrastructure which has involved both the modernisation of the existing estate and the provision of extra prison spaces. Since 1997 in excess of 1,670 new prison spaces have been provided. In addition, current projects will see a further 250 spaces provided by means of a new block in Wheatfield Prison which will accommodate approximately 200 prisoners and the re-opening of the Separation Unit in Mountjoy which will provide an additional 50 spaces. In addition, work is expected to commence soon on a new accommodation block in the Portlaoise /Midlands prison complex which will provide further prison spaces.

The Deputy will also be aware that the Government re-affirmed its commitment to developing a new prison campus at Thornton Hall, Kilsallaghan, County Dublin and also

approved the launch of a new tendering process for the construction of a more affordable and better value prison campus at Thornton. The aim is to provide good quality, regime focussed prison accommodation with appropriate support and rehabilitative facilities for prisoners to prepare them for re-integration back into society. The new prison facility will provide 1,400 cells with operational flexibility to accommodate up to 2,200 prisoners in a range of security settings.

The development is now proceeding on a phased basis with phase one comprising essential enabling works required for the development including the construction of the dedicated access road, perimeter wall and off-site services. Tenders for the construction of the access road will be issued in the near future. A tender competition for the construction of the perimeter wall of the prison will issue mid-Summer.

An EU wide tender competition for the appointment of technical advisors to the Irish Prison Service is already in progress. The Irish Prison Service is being assisted in this process by the National Development Finance Agency.

This extensive prison building programme shows this Government's continued commitment to improving our prisons and to continued prudent investment.

Drug Seizures.

59. **Deputy Joanna Tuffy** asked the Minister for Justice, Equality and Law Reform the quantity and values of seizures of heroin, cocaine, cannabis and other drugs during 2007, 2008, 2009 and to date in 2010; the proportion of the overall flow of drugs into the country that is believed to be represented by these seizures; the new initiatives he is planning to control the flow of illegal drugs into this country; and if he will make a statement on the matter. [13013/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am circulating with my reply a tabular statement giving the latest available information in relation to drug seizures for 2007, 2008 and 2009. Seizure data in respect of 2010 is not available as yet from An Garda Síochána. Due to the covert nature of the activity, it is not possible to give a reliable estimate of the proportion of drugs coming into the country that these figures represent. Through ongoing specific initiatives and intelligence-led operations An Garda Síochána continues to seize substantial quantities of illegal drugs destined for the streets in this jurisdiction and disrupting those criminals involved in the importation, distribution, sale and supply of illegal drugs in Ireland.

Drugs and organised crime are being prioritised by An Garda Síochána as a core focus for 2010, through the Commissioner's Policing Plan, 2010, which reflects Government strategies contained in the National Drug Strategy. Drugs units are in place in every Garda division and work in partnership with the Garda National Drugs Unit in tackling and targeting drug-related crime. Divisional and District Policing Plans also reflect the focus of the national Policing Plan in terms of drugs enforcement. As part of a co-ordinated approach, An Garda Síochána makes full use of the international Garda Liaison Network, District and Divisional Drug Units, the Garda National Drugs Unit, the Organised Crime Unit and the Criminal Assets Bureau, as well as other specialist units and uniformed and plain-clothes personnel nationwide, in targeting drug supply reduction.

An Garda Síochána also has in place a number of strategic partnerships at national and international level to address drug trafficking. Recent and ongoing initiatives include:

- The operation of the Organised Crime Unit on a permanent capacity,
- Ongoing Irish involvement in the work of the Maritime Analysis and Operations Centre in Lisbon,

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- The ongoing development and support by CAB of the Divisional Asset Profiler's Programme.

Furthermore, as the Deputy will know, I have in recent times introduced an extensive suite of criminal justice legislation targeted at those engaged in serious crime (including drug trafficking) including the Criminal Justice (Amendment) Act, the Criminal Justice (Surveillance) Act and the Criminal Justice (Miscellaneous Provisions) Act.

However, it is clear that we cannot tackle the problem of drug misuse through law enforcement measures alone. As set out in the Government's new interim National Drugs Strategy for the period 2009 to 2016, it is vital to address the problem in a co-ordinated way across the pillars of supply reduction, prevention, treatment, rehabilitation and research. In this context, I can assure the House that my Department, and all the agencies under its aegis, remain fully committed to this approach and to the implementation of the Strategy.

The Garda authorities advise that the following tables show the quantities of drugs seized in 2007, 2008 and 2009 on the basis of cases reported to the Forensic Science Laboratory (valid as at 29 January 2010). Statistics provided for 2009 are operational, provisional and liable to change.

2009

Drug Type	Quantity	Estimated Street Value
		€
Cannabis	572,333 gms	6,867,996
Cannabis Resin	1,538,226 gms	9,229,356
Heroin	78,668 gms	11,800,200
Cocaine	118,259 gms	8,278,130
Ecstasy	18,711 tabs & 3,288.496 gms	257,979
Amphetamine	36,508.358 gms & 6 tablets	547,625
BZP	4,371 gms; 309,236.5 tablets; 2,360 capsules	1,776,532
Total Value		38,787,818

2008*

Drug Type	Quantity	Estimated Street Value
		€
Cannabis	1,018,594 gms	2,037,188
Cannabis Resin	5,371,426 gms	37,599,982
Heroin	212,619 gms	42,523,800
Cocaine	1,691,387 gms	118,397,090
Ecstasy	119,413 tablets & 1,199.5 gms	1,254,080
Amphetamine	11,794.7 gms, 1698 tablets	202,391
Total Value		202,014,531

2007

Drug Type	Quantity	Estimated Street Value
		€
Cannabis	779,310.871 gms	1,558,622
Cannabis Resin	1,279,759.1 gms	8,957,883
Heroin	148,520 gms	29,704,000
Cocaine	1,769,027 gms	123,831,890
Ecstasy	285,017 tablets, 17,375.362 gms	3,718,920
Amphetamine	58,223 gms, 10,471 tablets	1,030,410
Total Value		168,739,218

Organised Crime.

60. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the extent to which the legislation produced specifically to target organised crime gangs has become operational to date, with particular reference to all such legislation passed in 2009; the number of persons arrested, charged, released or given prison sentences arising directly from this legislation; the extent to which the *modus operandi* of criminal gangs has been affected by the implementation of this legislation; the number of special court sittings arising; the number of prison sentences imposed; and if he will make a statement on the matter. [13205/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): As the Deputy is aware the Criminal Justice Surveillance Act 2009, the Criminal Justice (Miscellaneous Provisions) Act 2009 and the Criminal Justice (Amendment) Act 2009 entered into force in July last year. The legislation in question represents additional legislative resources that the Oireachtas has made available to An Garda Síochána to facilitate them in their fight against serious and organised crime. Given the serious nature of the offences dealt with under the legislation in question a full and thorough investigation of individuals and their activities is necessary and must be conducted before charges can be brought against them.

Where there is justification and a legal basis, those suspected of involvement in criminal activity are arrested, detained and questioned in relation to specific crimes. I am advised that as a result of investigations focussing on organised crime a number of Garda investigation files have been submitted to the Director of Public Prosecutions for direction. Relevant statistics in relation to the utilisation of the Criminal Justice (Amendment) Act 2009 will be compiled in the context of seeking the renewal of certain of its provisions later this year.

I can assure this House that members of An Garda Síochána will continue to utilise all resources available to them in order to combat the activities of those engaged in criminality of all forms. As Minister, I remain fully committed to supporting them in their ongoing efforts and will ensure that the necessary resources are made available as and when they may be required.

Legal Services Regulation.

61. **Deputy Arthur Morgan** asked the Minister for Justice, Equality and Law Reform his views on the observations of the Competition Authority that the new Legal Services Ombudsman will not introduce independent regulation to the industry. [13061/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): What the independent Office of the Legal Services Ombudsman primarily provides for is better regulation of the system under which the complaints of clients of barristers and solicitors are investigated. This

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is the policy as contained in the Legal Services Ombudsman Act 2009. The overall systems under which the legal professions are regulated continue to be reviewed in my Department.

Proposed Legislation.

62. **Deputy Joan Burton** asked the Minister for Justice, Equality and Law Reform his plans to legislate to restore the offence of misprision of felony; and if he will make a statement on the matter. [12986/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): There is a number of offences on the statute book which address the question of withholding information about serious offences, but let me first of all clarify what is meant by misprision of felony. As the Deputy may be aware, misprision of felony was a misdemeanour under the common law. It was committed by a person who knew that a felony had been committed and who could give information which might lead to the felon's arrest, but refrained from reporting it to the relevant authorities. Some exceptions were recognised, for example, where the information became available within the context of a privileged relationship, such as between lawyer and client, doctor and patient, clergyman and parishioner.

The Criminal Law Act 1997 abolished the categorisation of offences as felonies and misdemeanours, with effect from the commencement of that Act. The 1997 Act also introduced new offences of acting in a way that impedes the prosecution of persons who had committed an arrestable offence (section 7(2)) or of concealing an arrestable offence committed by another person in return for consideration (section 8). I also draw the Deputy's attention to two other provisions. Section 17 of the Offences Against the State Act 1939 makes it an offence to administer an oath that requires a person to abstain from disclosing or giving information on the commission of any crime. Section 9 of the Offences Against the State (Amendment) Act 1998 makes it an offence to withhold information concerning serious offences (whether being planned or already committed). The definition of serious offence for the purposes of the Offences Against the State (Amendment) Act 1998 does not include offences of a sexual nature. Section 176 of the Criminal Justice Act 2006 deals with a more specific situation. It creates an offence of reckless endangerment of a child. The offence arises where a person is in a position of authority in respect of a child or in respect of a person who is, within the meaning of the section, an 'abuser' and where that person knows that a child is at risk of harm or abuse but fails to take reasonable steps to protect a child from that risk.

Having regard to the statutory provisions already in place, I have no immediate plans for legislation in this area

Restorative Justice Provisions.

63. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Justice, Equality and Law Reform if he plans to implement the recommendations of the National Commission on Restorative Justice; and if so, the expected timeframe for same. [13059/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The comprehensive report on Restorative Justice provided to me by the National Commission continues to be examined by my Department. I will bring my proposals to Government in due course once we have looked at all the issues, including the resource implications. Our focus is to encourage the use, to the greatest extent possible, of the menu of non-custodial options available to the courts. The restorative justice concept has a place in that range of available options. Indeed,

my Department, through the Probation Service, already funds two restorative projects — one in Nenagh and a second in Tallaght.

Proposed Legislation.

64. **Deputy Seán Sherlock** asked the Minister for Justice, Equality and Law Reform when he plans to bring forward legislative proposals to change the law on debt enforcement arising from his speech to a Law Reform Commission conference on debt on 18 November 2009; and if he will make a statement on the matter. [13008/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): My speech to the Annual Conference of the Law Reform Commission on 18 November, 2009 was significantly influenced by the Consultation Paper on Personal Debt Management and Debt Enforcement, which the Commission had just published in September 2009. The Consultation Paper contains a very extensive list of provisional recommendations for reform of the law on personal debt. The Commission is aiming to have its Final Report available by the end of August 2010.

At my suggestion, the Commission agreed to focus, where possible, on proposals for publication at an earlier stage than the Final Report. A Working Group under the aegis of the Commission, consisting of a number of policy stakeholders, including my own Department and the Courts Service, is on course to produce an early report on such proposals by the end of April 2010. I can assure the Deputy that the Government intends that early action be taken by the relevant Departments, including my Department, on the reports of the Commission.

Community Policing.

65. **Deputy Thomas P. Broughan** asked the Minister for Justice, Equality and Law Reform if he is satisfied with the operation of the local policing committees; the numbers of such committees established to date; and if he will make a statement on the matter. [12987/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): Joint Policing Committees are provided for in the Garda Síochána Act 2005. Their purpose is to provide a forum where An Garda Síochána and the local authority — the two organisations which make the most significant contribution to preventing and tackling crime in a specific area — can come together, with the participation of members of the Oireachtas and community and voluntary interests, on matters affecting their area.

On 24 September, 2008, I launched, with my colleague the Minister for the Environment, Heritage and Local Government, guidelines for the Committees, which took into account the experience gained during a pilot phase and provided for the establishment of Committees in all 114 local authority areas by the relevant local authorities and the Garda Commissioner. I am informed by the Garda authorities that as of 4 February, 99 Committees had been established. The operation of the Committees is kept under ongoing review by my Department and the Department of the Environment, Heritage and Local Government. Each Committee is required to submit an annual report of its activities, and these reports inform the ongoing consideration of the operation of the Committees.

Garda Deployment.

66. **Deputy Róisín Shortall** asked the Minister for Justice, Equality and Law Reform the number of Garda personnel engaged in providing driver and security services to members of the Government, members of the Judiciary; former taoisigh or former Ministers; if he has plans to review the numbers involved with a view to transferring some of these Garda officers to front-line duties fighting crime; and if he will make a statement on the matter. [13011/10]

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.

Commercial Rent Reviews.

67. **Deputy Joe Costello** asked the Minister for Justice, Equality and Law Reform the membership and terms of reference of the working group to look at the issue of commercial rent reviews; when he expects this group to report; and if he will make a statement on the matter. [12990/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The proposed terms of reference of the Working Group to address the issue of transparency in the area of commercial rent reviews are as follows:

“To consider the operation of the current system for determining the rent payable on foot of a rent review clause, with particular emphasis on the arbitration process and the adequacy of the information available to all parties and, if necessary, to make such recommendations for change as may seem appropriate.”

It is envisaged that the Group will report by 30 June, 2010.

The membership of the Group is as follows:

Michael Durack SC (Chairman)

Martin O'Reilly (The Irish Association of Investment Managers)

David Potter (Irish Auctioneers and Valuers Institute)

Niall Gaffney (Irish Association of Pension Funds)

Barry Smyth (Society of Chartered Surveyors)

Stephen Mackarel (Retail Excellence Ireland)

Gavin Ralston SC Torlach Denihan (Irish Business and Employers Confederation)

Avine McNally (Small Firms Association)

Mark Fielding (Irish Small and Medium Enterprises Association)

Grainne O'Carroll (Department of Enterprise, Trade & Employment)

Jonathan Buttimore (Office of the Attorney General)

Regina Terry (Department of Justice, Equality and Law Reform)

Mary Joy (Secretary to the Working Group)

Criminal Prosecutions.

68. **Deputy Liz McManus** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the report of the Rape Crisis Network Ireland, Rape and Justice in Ireland, which found that just 7% of rapes reported to the Garda resulted in convictions; his proposals to deal with this situation; and if he will make a statement on the matter. [13000/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): As I indicated in my response to Parliamentary Question No. 5591/10 of 4 February, 2010, I am aware of the

report on the study commissioned by Rape Crisis Network Ireland entitled *Rape and Justice in Ireland*. The study relates to attrition in rape cases, that is, the lack of progress on to completion of criminal cases and, more specifically, to the stages at which cases drop out from the criminal justice system, that is, from the initial report stage to the final stage of court proceedings. It should be noted that cases may not be progressed through the system due, for example, to insufficiency of evidence.

Earlier in the year Cosc — the National Office for the Prevention of Domestic, Sexual and Gender-based Violence — completed its priority work on the development of a National Strategy on Domestic, Sexual and Gender-based Violence for the five-year period from 2010 to 2014. The national strategy was approved by Government on 9 February, 2010 and was published on 9 March, 2010. A particular action under the strategy relates to minimising attrition in domestic and sexual violence cases, where this is appropriate. The report to which the Deputy refers will, along with other pertinent research, inform work in relation to that action. The National Strategy can be downloaded from the Cosc website (www.cosc.ie).

Proposed Legislation.

69. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform his plans to revise our prostitution laws. [13023/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The laws governing prostitution provide a robust regime aimed at protecting society from the more intrusive aspects of prostitution while also protecting prostitutes from exploitation. The Criminal Law (Sexual Offences) Act 1993 makes it an offence to solicit or importune another person on a street or public place for the purpose of prostitution. The offence can be committed by the prostitute, client or third party. The Act also provides for offences such as organising prostitution, coercing or compelling a person to be a prostitute, knowingly living on the earnings of a prostitute or keeping or managing a brothel. In addition, the Criminal Law (Human Trafficking) Act 2008 makes it an offence to knowingly solicit or importune a trafficked person in any place, public or private, for the purpose of prostitution.

The present legislation does not distinguish between adult and child prostitution. I am considering providing for specific offences concerning child prostitution which would involve a more severe penalty regime than that provided for in current legislation. When proposals in this area are finalised, I intend including them in a comprehensive sexual offences Bill for which I will be seeking Government approval.

The law on prostitution is kept under continuing review in my Department. Suggestions are made from time to time for amendments to the legislation but, before effecting any changes in this area, apart from those at present under active consideration, I would have to be satisfied that they would be in the interests of the vulnerable people concerned and would not leave them open to greater exploitation.

International Agreements.

70. **Deputy Olivia Mitchell** asked the Minister for Justice, Equality and Law Reform if discussions have taken place with the British authorities regarding the removal of barriers to access for tourists to markets both here and in the UK. [8120/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The UK and Ireland operate separate visa regimes and it is the case, therefore, that a person who obtains a visa to enter Ireland may also require a separate visa to enter the United Kingdom. While there could be tourism benefits from operating, for instance, a common visa policy, the issue

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is not as simple as it might appear. Comparisons are sometimes made with the Schengen area. It should be noted, however, that the operation of the Schengen area is underpinned by years of work on common codes, border control evaluations and IT systems. This does not mean that the two countries cannot explore ways of enhancing their systems to mutual benefit and enhanced cooperation on visa matters is an ongoing discussion item between the UK and Ireland.

Question No. 71 answered with Question No. 19.

Garda Deployment.

72. **Deputy Seymour Crawford** asked the Minister for Justice, Equality and Law Reform the number of gardaí stationed in counties Louth, Monaghan, Cavan, Leitrim, Sligo and Donegal; the number provided in the same counties ten years ago; his views on whether there is a threat of violence in the Border region and that it is vital that sufficient personnel are available to ensure the safety of our nation and our people; and if he will make a statement on the matter. [13022/10]

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.

Departmental Bodies.

73. **Deputy Joan Burton** asked the Minister for Justice, Equality and Law Reform if he will list the boards, agencies or other groups operating under the aegis of his Department which he plans to merge or eliminate during 2010; and if he will make a statement on the matter. [12985/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I wish to refer the Deputy to my reply to Question No. 188 of 21 January, 2010.

Garda Deployment.

74. **Deputy Joe Costello** asked the Minister for Justice, Equality and Law Reform the recommendations contained in the latest report of the Garda Inspectorate on resource allocation that will be implemented during 2010; and if he will make a statement on the matter. [12989/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The latest report of the Inspectorate concerns the allocation of Garda resources and contains a range of positive recommendations on how the fluctuating demand for policing services can be better measured and how Garda resources can be efficiently deployed to meet that demand. Key to this will be the use of technology, such as command and control, computer aided dispatch, and HR systems, and the introduction of new and more effective roster systems. The aim is to maximise the number of front line Gardaí in the right place at the right time, building on the huge investment there has been recently in Garda technology and resources.

These are important and welcome recommendations which should be of significant assistance to the Commissioner and his team as they build on recent progress in making maximum use of resources. Indeed, Garda management already have well developed proposals for many of the key initiatives envisaged in the report, such as a new command and control system, a new computer aided despatch system and a new human resource management system. This ambitious programme builds on the recent and unprecedented investment in Garda technology

which has seen the new national digital radio service being rolled out across the force, a new automated finger print and ballistics identification system, a new automated number plate recognition system and significant enhancements to the pulse system. In all, investment in Garda ICT programmes is currently running at approximately €70 million per year.

I will fully support the Garda Commissioner as he continues to implement and expand a wide-ranging programme of reform which effectively addresses the issues identified in the report.

Garda Operations.

75. **Deputy Mary Upton** asked the Minister for Justice, Equality and Law Reform the number of occasions in 2007, 2008, 2009 and to date in 2010 in which grenades, bombs or improvised explosive devices have been used; the number of occasions in each year when the gardaí called on the assistance of the Army ordnance unit to deal with such devices; the number of prosecutions initiated as a result of the discovery of such devices; his views on the increased use of such devices by criminal elements; the steps that are being taken to curb the use of such devices, particularly having regard to the danger that they pose to the public; and if he will make a statement on the matter. [13017/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed by the Garda authorities that the number of times the Garda Síochána called on the assistance of the Army’s Explosive Ordnance Disposal team for the years 2007 to 2010 (to 19 March) are as set out in the following table.

2007	2008	2009	2010
98	180	196	34

I am further informed by the Garda authorities that the figures for the number of detections, proceedings commenced and convictions for the offences of making explosives, possessing explosives and causing an explosion for the years 2007 to 2010 are as set out in the following table.

	2007	2008	2009	2010*
Detections	10	18	14	3
Proceedings commenced	4	8	4	1
Convictions	1	1	0	0

*The figures for 2010 are to 21 March 2010 and are provisional.

Garda strategies in counteracting such activities are firmly focused on disrupting organised criminal groups and where sufficient evidence is adduced, proffering charges and bringing persons before the Courts. One of the priorities I have set for the Garda Síochána in 2010 is combating serious crime, in particular organised crime.

Operation Anvil is an important nationwide operation to deal with serious crime, including murder and other violent crime. The primary focus of this Operation is to target active criminals and their associates involved in serious crime by preventing and disrupting their criminal activity through extensive additional overt patrolling and static checkpoints by uniform, mobile and foot patrols, supported by armed plain clothes patrols.

Gambling Laws.

76. **Deputy Ruairí Quinn** asked the Minister for Justice, Equality and Law Reform the progress made on the review of gambling announced by him in May 2009, when he expects this process to be concluded; and if he will make a statement on the matter. [13007/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I have already indicated, in reply to recent Questions on this matter, that I hope to be in a position to seek Government approval of policy proposals for a new gambling architecture in the State. The policy proposals, which I would intend to publish, will be based on an examination of the 70 submissions received to date as part of the review process as well as the recommendations contained in the Report of the Casino Committee, *Regulating Gaming in Ireland*.

My Department is now finalising an examination of the 70 submissions in question. Following the settling of policy in relation to a new gambling architecture for the State, the Deputy can expect the publication of legislative proposals in the normal course.

Departmental Property.

77. **Deputy Ciarán Lynch** asked the Minister for Enterprise, Trade and Employment the number of properties that his Department is currently leasing to commercial business along with the location of same; the number of these lease agreements that contain upward only rent review clauses; the income derived from these rents; the efforts that are being made by his Department to ensure that these rents are operating at a sustainable level in the current business and economic environment; and if he will make a statement on the matter. [13430/10]

Minister for Enterprise, Trade and Employment (Deputy Batt O’Keeffe): Neither my Department nor the 8 Offices of my Department are currently leasing any properties to commercial businesses and, therefore, the provision of the information requested by the Deputy does not arise.

Job Creation.

78. **Deputy Joe Behan** asked the Minister for Enterprise, Trade and Employment the supports that are available to a company (details supplied) proposing to employ staff from a firm that is closing down; and if he will make a statement on the matter. [13466/10]

Minister for Enterprise, Trade and Employment (Deputy Batt O’Keeffe): The Department does not provide direct funding to business or start-ups, rather it provides funding to the enterprise agencies. Assistance for small businesses and services in Ireland is delivered by a number of bodies, including the County and City Enterprise Boards (CEBs) and Enterprise Ireland (EI). If the company in question is seeking to expand and requires the assistance of state supports in order to do so it may wish, in the first instance, to approach EI or its local CEB in order to ascertain if its business proposals qualify it for financial assistance.

Departmental Agencies.

79. **Deputy Leo Varadkar** asked the Minister for Enterprise, Trade and Employment his plans for the structure of the merged competition and consumer agency; its proposed board, executive committee and the division of responsibility between the two; and if he will make a statement on the matter. [13480/10]

80. **Deputy Leo Varadkar** asked the Minister for Enterprise, Trade and Employment the correspondence between his Department and the Competition Authority and the National Consumer Agency regarding the proposed merger of the two bodies; and if he will make a statement on the matter. [13481/10]

Minister for Enterprise, Trade and Employment (Deputy Batt O’Keeffe): I propose to take Questions Nos. 79 and 80 together.

Work on the general scheme of the legislation to merge the Competition Authority and the National Consumer Agency is at an advanced stage. My Department is liaising closely with both bodies in relation to the preparation of the legislation. I expect to bring the general scheme of the Bill before Government for its approval in the coming weeks and to publish the legislation itself later this year. The Oireachtas, as part of its consideration of the legislation, will ultimately decide on the corporate structure of the merged body.

Consultancy Contracts.

81. **Deputy Noel Ahern** asked the Minister for Enterprise, Trade and Employment the website or other source of data that are available for contracts awarded, contracts submitted and under consideration for Departments, agencies and so on; the location at which subcontractors, workers and so on can see the work projects that are likely to commence; and if he will make a statement on the matter. [13494/10]

Minister for Enterprise, Trade and Employment (Deputy Batt O’Keeffe): The Government website for invitations to tender for Public Sector contracts is www.etenders.gov.ie. This is the official website for Public Service contracts and this site can be accessed to view all invitations to tender as well as contracts under consideration and contracts awarded. In line with Department of Finance guidelines all Public Service contracts over €50,000 are advertised on this website and many contracts below this threshold are also advertised on the site.

FÁS Training Programmes.

82. **Deputy Ciarán Lynch** asked the Minister for Enterprise, Trade and Innovation his views on changing the practice of paying part-time FÁS trainers only at the end of the contract period in view of the fact that this precludes them from receiving unemployment benefit or assistance for the days they are not working with FÁS and can lead to severe hardship; his further views on the introduction of staged payments as the contract progresses; and if he will make a statement on the matter. [13509/10]

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary): The question of the conditions of employment of FÁS Instructors is a day-to-day staffing matter for FÁS under its functions as provided for in the Labour Services Act, 1987. I have therefore asked FÁS to contact the Deputy directly in the matter.

Companies Registration Office.

83. **Deputy Jim O’Keeffe** asked the Minister for Enterprise, Trade and Innovation the length of time it takes to register a new start up company in the Companies Registration Office; his plans to ensure that the processing time is reduced to a same day situation as applies in the UK; and if he will make a statement on the matter. [13534/10]

Minister for Enterprise, Trade and Innovation (Deputy Batt O’Keeffe): The Companies Registration Office processed over 380,000 statutorily required documents in 2009 of which 13,320 were new company registrations. The customer service target deadlines of five, ten and fifteen working days for the three company incorporation schemes operated by the Office were consistently met and regularly exceeded during 2009. I can assure the Deputy that every effort is being made within current resource constraints to ensure that all customers of the Companies Registration Office receive the best possible service.

Departmental Property.

84. **Deputy Ciarán Lynch** asked the Minister for Enterprise, Trade and Employment the number of properties that his Department is currently leasing from property landlords along with the location of same; the number of these lease agreements that contain upward only rent review clauses; the cost arising from these rents; the efforts that are being made by his Department to ensure that these rents are operating at a sustainable level in the current business and economic environment; and if he will make a statement on the matter. [13560/10]

Minister for Enterprise, Trade and Employment (Deputy Batt O’Keeffe): My Department and the 8 Offices of my Department do not currently rent or lease any properties from property landlords. All the properties occupied by the Department and its Offices are provided by the Office of Public Works (OPW) without any cost to the Department or the Offices concerned. In many of those cases, the properties are rented or leased by the OPW from property landlords and the information requested by the Deputy, in relation to the number of lease agreements that contain upward rent review clauses etc. could, therefore, only be supplied by the Office of Public Works.

Tax Code.

85. **Deputy Joe McHugh** asked the Minister for Finance the reason it is mandatory to put cars through a national car test before scrapping them under the new car scrappage scheme; and if he will make a statement on the matter. [13477/10]

Minister for Finance (Deputy Brian Lenihan): I am advised by the Revenue Commissioners that under the terms of the scrappage scheme, as provided for in section 107 of the Finance Bill 2010, as passed by Dail Eireann, a number of conditions must be satisfied in order for a person to qualify for relief from vehicle registration tax (VRT) when a new passenger car with CO₂ emissions of not more than 140g/km (i.e. CO₂ band A or B) is purchased and registered and another passenger car, over ten years old, is scrapped.

The principle rationale behind the scrappage scheme was to take older, less environmentally friendly, and less safe cars off the roads. Consequently, many of the qualifying conditions were included to ensure that the cars qualifying for the scrappage scheme were actually in use on the road up to the time of scrappage, as opposed to being vehicles that essentially had already been taken off road and which, for example, were simply being stored in “scrap yards” and other locations.

To this end, one of the conditions to be satisfied for qualification for the scrappage scheme is that the vehicle for scrapping must have a current valid national car test (NCT), or one that has expired no more than 90 days immediately before the date of scrappage. Alternatively, in order to cater for cases where a vehicle may have recently failed an NCT test, the vehicle must have been presented for and failed the NCT in the previous 6 months.

The “NCT requirement” for the scrappage scheme, therefore, is simply a provision to ensure that the vehicles being scrapped as part of the scheme comply with the underlying principle that only vehicles that are genuinely taken off the road are eligible for the scrappage repayment.

Economic Growth.

86. **Deputy Joe Costello** asked the Minister for Finance the percentage change in GNP for each year between 2000 and 2010; the percentage change in GDP between 2000 and 2010; and if he will make a statement on the matter. [13385/10]

Minister for Finance (Deputy Brian Lenihan): The annual percentage change in the volume of GDP and GNP each year between 2000 and 2010 is shown in the table. The figures for this year are the projections which underpin the 2010 Budget. The cumulative increase in the level of GDP between 2000 and 2010 is estimated at 30 per cent; the equivalent figure for GNP is 17 per cent. The latest indications are that economic activity is stabilising and most commentators expect a return to positive annual growth in the second half of this year.

	GDP	GNP
2000	9.4	9.8
2001	5.7	3.8
2002	6.5	2.9
2003	4.4	5.7
2004	4.6	4.3
2005	6.2	5.6
2006	5.4	6.3
2007	6.0	4.4
2008	-3.0	-2.8
2009	-7.1	-11.3
2010 (f)	-1.3	-1.7

Flood Relief.

87. **Deputy Joe Behan** asked the Minister for Finance if he will respond to correspondence (details supplied) to protect the homes of citizens from future flood damage; and if he will make a statement on the matter. [13411/10]

Minister of State at the Department of Finance (Deputy Martin Mansergh): The OPW is very aware of the importance of being prepared for a flood event, and of putting in place appropriate measures to mitigate, at a household level, the worst effects and damages. With this in mind, a website, information leaflet and communications campaign entitled PLAN PREPARE PROTECT was initiated in 2005. There is valuable information for members of the public, householders and businesses contained therein. The Office of Public Works will, in the next 12 months, undertake a review of the content and presentation of the website.

National Asset Management Agency.

88. **Deputy Mary Upton** asked the Minister for Finance his views on whether banks are supporting non viable hotels in order to keep them open until such time as the assets can be transferred to the National Asset Management Agency; his further views on the impact that this is having on the entire hotel industry; the action that he proposes to take to address this issue; and if he will make a statement on the matter. [13419/10]

Minister for Finance (Deputy Brian Lenihan): The National Asset Management Agency (NAMA) is being established to remove the portfolios of risky assets from the balance sheets of relevant institutions. The loans to be purchased will be the land and development loans of these institutions and certain associated loans. Loans secured on hotels will be eligible only if they fall within these categories.

I would emphasise that, once a borrower's loans are transferred to it, NAMA will engage in a rigorous and extensive assessment of that borrower's viability. This will include an evaluation of the commercial viability of the assets on which the borrower's loans are secured. In terms of supporting or developing assets, NAMA must necessarily target those assets which have the best long-term prospects. It would not be in line with NAMA's commercial remit to support assets which are not viable. Overcapacity in the hotel sector is complex and ideally requires a market response over time. The process of adjustment will gain further momentum over the coming months as more banks seek to clean up their balance sheets and dispose of under-performing loans. These market-led adjustments are necessary in order to restore some level of equilibrium in the hotel market.

With regard to the transfer of loans to NAMA, Section 66 (1) (a) of the NAMA Act provides that applicant institutions must continue to administer, service and deal with all of its loans that are eligible for transfer in the same manner as a prudent lender would do.

Departmental Property.

89. **Deputy Ciarán Lynch** asked the Minister for Finance the number of properties that his Department is currently leasing to commercial business along with the location of same; the number of these lease agreements that contain upward only rent review clauses; the income derived from these rents; the efforts that are being made by his Department to ensure that these rents are operating at a sustainable level in the current business and economic environment; and if he will make a statement on the matter. [13456/10]

92. **Deputy Ciarán Lynch** asked the Minister for Finance the number of properties that his Department is currently leasing from property landlords along with the location of same; the number of these lease agreements that contain upward only rent review clauses; the cost arising from these rents; the efforts that are being made by his Department to ensure that these rents are operating at a sustainable level in the current business and economic environment; and if he will make a statement on the matter. [13562/10]

Minister for Finance (Deputy Brian Lenihan): I propose to take Questions Nos. 89 and 92 together.

My Department has no properties which are being leased to commercial businesses.

I have been informed by the Office of Public Works that in the time available they are unable to provide the information requested by the Deputy. As soon as this information is to hand it will be forwarded directly to the Deputy.

Tax Code.

90. **Deputy Seán Fleming** asked the Minister for Finance if he will investigate the case of a person (details supplied) in County Laois that they are in receipt of the correct amount of tax relief at source in respect of their mortgage interest payment; and if he will make a statement on the matter. [13462/10]

Minister for Finance (Deputy Brian Lenihan): I am advised by the Revenue Commissioners that, regrettably, due to industrial action by some staff, it is not possible to ascertain the specific details of this case in the time available.

Departmental Contracts.

91. **Deputy Noel Ahern** asked the Minister for Finance the website or other source of data that is available for contracts awarded, contracts submitted and under consideration for Government Departments, Government Agencies and so on; the location at which subcontractors, workers and so on can see the work projects that are likely to commence; and if he will make a statement on the matter. [13493/10]

Minister for Finance (Deputy Brian Lenihan): The public procurement website www.etenders.gov.ie is the national reference point for all matters relating to public procurement in Ireland. Notices of significant contracts to be awarded by public bodies (normally those of €50,000 and upwards but in many cases as low as €10,000) are published on the website. Many contracting authorities publish advance notice of intended purchases (prior information notices) to alert interested suppliers of upcoming opportunities. Information on contracts awarded, mainly those for contracts above value thresholds requiring publication in the Official Journal of the European Union (approximately €5 million for works contracts and €200,000 for supplies and service contracts of most contracting authorities) are also published on the website. In addition, many public bodies provide general information on their procurement requirements on their own websites.

Question No. 92 answered with Question No. 89.

Health Levy.

93. **Deputy Arthur Morgan** asked the Minister for Health and Children if her attention has been drawn to the fact that a person earning €26,000 per annum who receives a pay rise can, as a result, have less take home pay in view of the fact that when one pay exceeds €26,000 per annum they must pay a 4% health levy on all income; his plans to remove this anomaly; and if she will make a statement on the matter. [13472/10]

Minister for Health and Children (Deputy Mary Harney): I regret that due to industrial action I am not in a position to provide a substantive response to your Parliamentary Question. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

I regret that due to industrial action I am not in a position to provide a substantive response to your Parliamentary Question. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

Health Services.

94. **Deputy Michael McGrath** asked the Minister for Health and Children the position regarding the provision of appropriate intervention services to a child (details supplied) in County Cork by a service provider. [13396/10]

Minister of State at the Department of Health and Children (Deputy John Moloney): I regret that due to industrial action I am not in a position to provide a substantive response to your Parliamentary Question. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

Hospital Services.

95. **Deputy Paul Kehoe** asked the Minister for Health and Children when a bed will be provided for an operation in the case of a person (details supplied). [13398/10]

Minister for Health and Children (Deputy Mary Harney): I regret that due to industrial action I am not in a position to provide a substantive response to your Parliamentary Question. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

Health Services.

96. **Deputy Billy Timmins** asked the Minister for Health and Children the position regarding the case of a person (details supplied) in County Wicklow; and if she will make a statement on the matter. [13405/10]

Minister for Health and Children (Deputy Mary Harney): I regret that due to industrial action I am not in a position to provide a substantive response to your Parliamentary Question. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

Hospital Accommodation.

97. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children if she will guarantee the people of Erris that all 40 beds in Belmullet Hospital, County Mayo will remain open and will be staffed sufficiently to adhere to health and safety regulations. [13408/10]

Minister of State at the Department of the Health and Children (Deputy Áine Brady): I regret that due to industrial action I am not in a position to provide a substantive response to your Parliamentary Question. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

Hospital Staff.

98. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children the reason that Belmullet Hospital, County Mayo has not been able to recruit temporary staff to cover annual and sick leave, when other hospitals in the county have been able to bring in temporary staff to cover such leave. [13409/10]

Minister for Health and Children (Deputy Mary Harney): I regret that due to industrial action I am not in a position to provide a substantive response to your Parliamentary Question. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

99. **Deputy Paul Connaughton** asked the Minister for Health and Children the number of employees across all grades and across all levels who are employed in the Portiuncula Hospital, Ballinasloe, County Galway for the years 2007, 2008, 2009 and up to 1 March 2010; and if she will make a statement on the matter. [13431/10]

Minister for Health and Children (Deputy Mary Harney): The number of employees (in wholetime equivalents) at Portiuncula Hospital, Ballinasloe by grade category is shown as follows.

Portiuncula Hospital	31/12/2007	31/12/2008	31/12/2009	31/01/2010
General Support Staff	82.78	90.83	88.82	88.82
Health & Social Care Professionals	67.63	68.23	62.59	62.59
Management/Administration	108.87	116.09	111.99	111.99
Medical/ Dental	78.58	77.53	76.51	76.51
Nursing	281.28	283.52	279.16	279.16
Other Patient & Client Care	61.72	58.55	58.2	58.2
Total	680.86	694.75	677.27	677.27

The latest data available on the HSE's health service personnel census is for January 2010. However, due to the industrial action, the HSE has advised that some data on the census for January 2010 is incomplete and, in such cases, data for December 2009 has been rolled forward.

100. **Deputy Michael Creed** asked the Minister for Health and Children if she will expedite a surgical appointment in respect of a person (details supplied) in County Cork; and if she will make a statement on the matter. [13442/10]

Minister for Health and Children (Deputy Mary Harney): I regret that due to industrial action I am not in a position to provide a substantive response to your Parliamentary Question. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

Hospital Funding.

101. **Deputy Seán Sherlock** asked the Minister for Health and Children if direct funding from the Exchequer will be guaranteed for a hospital (details supplied) in County Cork for 2010 and 2011; the nature of the funding; the amount of funding that will be allocated; and if she will make a statement on the matter. [13443/10]

Minister of State at the Department of the Health and Children (Deputy Áine Brady): I regret that due to industrial action I am not in a position to provide a substantive response to your Parliamentary Question. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

National Treatment Purchase Fund.

102. **Deputy Seán Sherlock** asked the Minister for Health and Children the amount of money to be allocated to a hospital (details supplied) in County Cork through the National Treatment Purchase Fund; and if she will make a statement on the matter. [13445/10]

Minister for Health and Children (Deputy Mary Harney): I regret that due to industrial action I am not in a position to provide a substantive response to your Parliamentary Question. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

Hospitals Building Programme.

103. **Deputy Seán Sherlock** asked the Minister for Health and Children the amount of money spent on maintenance and upgrade of the interior of a hospital (details supplied) in County Cork; and if she will make a statement on the matter. [13453/10]

Minister of State at the Department of the Health and Children (Deputy Áine Brady): I regret that due to industrial action I am not in a position to provide a substantive response to your Parliamentary Question. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

Departmental Property.

104. **Deputy Ciarán Lynch** asked the Minister for Health and Children the number of properties that her Department is currently leasing to commercial businesses along with the location of same; the number of these lease agreements that contain upward-only rent review clauses; the income derived from these rents; the efforts that are being made by her Department to ensure these rents are operating at a sustainable level in the current business and economic environment; and if she will make a statement on the matter. [13458/10]

Minister for Health and Children (Deputy Mary Harney): I regret that due to industrial action I am not in a position to provide a substantive response to your Parliamentary Question. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

Private Rented Accommodation.

105. **Deputy Seán Fleming** asked the Minister for Health and Children whether there are instructions to community welfare officers to check whether properties are registered with the Private Residential Tenancies Board, which can be done through the published register on the Internet, before persons are approved for rent supplement; the number of rent supplements being provided to tenants who are in properties that are not registered with the PRTB, and the value of same; and if she will make a statement on the matter. [13464/10]

Minister for Health and Children (Deputy Mary Harney): I regret that due to industrial action I am not in a position to provide a substantive response to your Parliamentary Question. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

Health Services.

106. **Deputy Pat Breen** asked the Minister for Health and Children when a person (details supplied) in County Clare will be facilitated; and if she will make a statement on the matter. [13471/10]

Minister for Health and Children (Deputy Mary Harney): I regret that due to industrial action I am not in a position to provide a substantive response to your Parliamentary Question. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

Community Care.

107. **Deputy Aengus Ó Snodaigh** asked the Minister for Health and Children the reason a person (details supplied) in Dublin 8 was refused payment by the Community Welfare Office. [13474/10]

Minister for Health and Children (Deputy Mary Harney): I regret that due to industrial action I am not in a position to provide a substantive response to your Parliamentary Question.

If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

Long-term Illnesses.

108. **Deputy Joe McHugh** asked the Minister for Health and Children if she will respond to recent changes to the Health Research Board criteria by progressing efforts to support sufferers of Duchenne Muscular Dystrophy; and if she will make a statement on the matter. [13478/10]

Minister of State at the Department of Health and Children (Deputy John Moloney): I regret that due to industrial action I am not in a position to provide a substantive response to your Parliamentary Question. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

Cancer Prevention.

109. **Deputy Noel Ahern** asked the Minister for Health and Children if the HPV vaccination programme for girls currently in first year will start before summer 2010 or afterwards; if it applies to girls currently in first year; if it will be administered to girls now in first year who will be in second year this autumn and who may only be reached after the summer; and when the programme will progress to the next stage. [13502/10]

Minister for Health and Children (Deputy Mary Harney): I regret that due to industrial action I am not in a position to provide a substantive response to your Parliamentary Question. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

Medical Cards.

110. **Deputy Noel Ahern** asked the Minister for Health and Children the position regarding the processing of medical card applications in respect of a person (details supplied) in Dublin 9; if existing cards are still valid until the renewal process, including appeals, is completed; the reason applications are refused to persons on basic social welfare payments; if basic reasoning has been lost in the new system; and the further reason a renewal application from this person has been refused. [13503/10]

Minister for Health and Children (Deputy Mary Harney): I regret that due to industrial action I am not in a position to provide a substantive response to your Parliamentary Question. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

Hospital Staff.

111. **Deputy Noel Ahern** asked the Minister for Health and Children the number of ear, nose and throat consultants that are attached to Temple Street Children's Hospital; if her attention has been drawn to the fact that there is a 12-month delay for ENT outpatient appointments; if she will prioritise the case of a person (details supplied) in Dublin 9; and if she will make a statement on the matter. [13504/10]

Minister for Health and Children (Deputy Mary Harney): I regret that due to industrial action I am not in a position to provide a substantive response to your Parliamentary Question.

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If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

Hospital Services.

112. **Deputy Willie Penrose** asked the Minister for Health and Children if she will take steps to have a person (details supplied) in County Westmeath admitted for a knee replacement; or, alternatively, if they will be placed on the list for the National Treatment Purchase Fund to have the procedure expedited; and if she will make a statement on the matter. [13538/10]

Minister for Health and Children (Deputy Mary Harney): I regret that due to industrial action I am not in a position to provide a substantive response to your Parliamentary Question. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

Child Care Services.

113. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children, further to Parliamentary Question No. 256 of 16 February 2010, when a reply will issue from the Health Service Executive. [13544/10]

Minister of State at the Department of Health and Children (Deputy Barry Andrews): I regret that due to industrial action I am not in a position to provide a substantive response to your Parliamentary Question. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

Health Service Staff.

114. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children, further to Parliamentary Question No. 260, of 16 February 2010 when a reply will issue from the Health Service Executive. [13545/10]

Minister for Health and Children (Deputy Mary Harney): I regret that due to industrial action I am not in a position to provide a substantive response to your Parliamentary Question. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

Foster Care.

115. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children, further to Parliamentary Question No. 261 of 16 February 2010, when a reply will issue from the Health Service Executive. [13546/10]

Minister of State at the Department of Health and Children (Deputy Barry Andrews): I regret that due to industrial action I am not in a position to provide a substantive response to your Parliamentary Question. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

Health Service Staff.

116. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children, further to

Parliamentary Question No. 262 of 16 February 2010, when a reply will issue from the Health Service Executive. [13547/10]

Minister of State at the Department of Health and Children (Deputy Barry Andrews): I regret that due to industrial action I am not in a position to provide a substantive response to your Parliamentary Question. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

Hospital Services.

117. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children, further to Parliamentary Question No. 82 of 18 February 2010, when a reply will issue from the Health Service Executive. [13548/10]

Minister for Health and Children (Deputy Mary Harney): I regret that due to industrial action I am not in a position to provide a substantive response to your Parliamentary Question. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

118. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children, further to Parliamentary Question No. 83 of 18 February 2010, when a reply will issue from the Health Service Executive. [13549/10]

Minister for Health and Children (Deputy Mary Harney): I regret that due to industrial action I am not in a position to provide a substantive response to your Parliamentary Question. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

Departmental Property.

119. **Deputy Ciarán Lynch** asked the Minister for Health and Children the number of properties that her Department is currently leasing from property landlords along with the location of same; the number of these lease agreements that contain upward only rent review clauses; the cost arising from these rents; the efforts that are being made by her Department to ensure that these rents are operating at a sustainable level in the current business and economic environment; and if she will make a statement on the matter. [13564/10]

Minister for Health and Children (Deputy Mary Harney): I regret that due to industrial action I am not in a position to provide a substantive response to your Parliamentary Question. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

Road Network.

120. **Deputy Seán Sherlock** asked the Minister for Transport if supplementary funding will be provided to Cork County Council for necessary roads repair works arising from the recent weather conditions in view of the fact that the northern division of the county council has suspended its planned roads restoration programme in view of the emergency maintenance. [13384/10]

Minister for Transport (Deputy Noel Dempsey): When deciding on the allocation of over €412 million in Exchequer regional and local road grants for 2010 my priority was to protect

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the existing investment in the roads network and to carefully target resources to address, on a priority basis, the most urgently required repairs resulting from the extensive damage caused by the recent severe weather. With that in mind, I simplified the grants structure and gave more flexibility to local authorities to direct funding to these priorities.

These grants, which supplement expenditure by local authorities from their own resources, represent a very significant investment at a time when public finances are under severe pressure. They bring the total Exchequer investment in regional and local roads since 1997 to over €6 billion. There is no additional Exchequer funding available to me to supplement the €42.38 million provided to Cork County Council.

Departmental Property.

121. **Deputy Ciarán Lynch** asked the Minister for Transport the number of properties that his Department is currently leasing to commercial business along with the location of same; the number of these lease agreements that contain upward only rent review clauses; the income derived from these rents; the efforts that are being made by his Department to ensure that these rents are operating at a sustainable level in the current business and economic environment; and if he will make a statement on the matter. [13461/10]

Minister for Transport (Deputy Noel Dempsey): The Department of Transport has no such leasing arrangements with commercial businesses.

Public Transport.

122. **Deputy Michael McGrath** asked the Minister for Transport the position regarding funding for the further implementation of a green route (details supplied) in County Cork in 2010. [13467/10]

Minister for Transport (Deputy Noel Dempsey): Yesterday I announced €14 million in grants for bus priority and park and ride in Cork, Galway, Limerick and Waterford. This included an allocation of €5.33 million for Cork City Council which manages the Green Route programme in both city and county. The bulk of this funding is for the Ballincollig Green Route which will have significant bus priority. It was not possible to provide funding this year for the Carrigaline Green Route but it can be re-submitted for future funding.

Rail Network.

123. **Deputy Leo Varadkar** asked the Minister for Transport when the new train station (details supplied) will be opened at Hansfield on the new Dunboyne spur; the reason the developer has not been given notice to provide a road to the station; and if he will make a statement on the matter. [13479/10]

Minister for Transport (Deputy Noel Dempsey): The opening of new train stations is a matter for Iarnród Éireann, which has been asked to respond directly to you regarding this matter.

Rural Transport Services.

124. **Deputy Brian O'Shea** asked the Minister for Transport the future direction he sees for the rural transport programme in relation to international best practice on the concept for all; and if he will make a statement on the matter. [13505/10]

125. **Deputy Brian O'Shea** asked the Minister for Transport if he will confirm that the rural transport programme will continue beyond 2010; and if he will make a statement on the matter. [13506/10]

Minister for Transport (Deputy Noel Dempsey): I propose to take Questions Nos. 124 and 125 together.

I refer the Deputy to my reply to Dáil Question No 71 on 24th March 2010.

126. **Deputy Brian O'Shea** asked the Minister for Transport if, in view of the reduction of services in rural areas by Bus Éireann, he proposes that the public service obligations funding involved will be diverted from Bus Éireann to the rural transport programme in order that alternative services will be provided; and if he will make a statement on the matter. [13507/10]

Minister for Transport (Deputy Noel Dempsey): Since 1st December 2009, the imposition of public service obligations in the provision of bus services is a matter which comes under the remit of the National Transport Authority (NTA). The Oireachtas Liaison Officer for the NTA is Mr. Matt Benville, The National Transport Authority, 59 Dawson St., Dublin 2. Regarding funding for rural transport, the provision for the Rural Transport Programme in 2010 is being maintained at €11million, reflecting the Government's continued commitment to the programme, which plays an important role in combating social exclusion in rural Ireland.

Public Transport.

127. **Deputy Brian O'Shea** asked the Minister for Transport if his attention has been drawn to the launch of a report on Transport and Access to Social Services by the Department of Social and Family Affairs; the steps that he proposes to take regarding the present situation where State funding is being provided for a range of parallel and fragmented transport mobility supports frequently operating independently of each other and unlikely to be the best use of resources; and if he will make a statement on the matter. [13508/10]

Minister for Transport (Deputy Noel Dempsey): I refer to the Deputy to my reply of Dáil Question No. 244 of 2 March 2010 on the matter.

Departmental Property.

128. **Deputy Ciarán Lynch** asked the Minister for Transport the number of properties that his Department is currently leasing from property landlords along with the location of same; the number of these lease agreements that contain upward only rent review clauses; the cost arising from these rents; the efforts that are being made by his Department to ensure that these rents are operating at a sustainable level in the current business and economic environment; and if he will make a statement on the matter. [13567/10]

Minister for Transport (Deputy Noel Dempsey): The arrangement of property leases, the applicable terms and rental levels etc. in respect of leased buildings used by the Department of Transport is made by the Office of Public Works. I am advised that the information sought by the Deputy will be provided by the Minister for Finance in his reply to this question.

Crime Levels.

129. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform

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the number of criminal gang members charged with offences in each of the past three years to date in 2010; and if he will make a statement on the matter. [13361/10]

130. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the number of members of criminal gangs on trial at any time during the past three years and to date in 2010; and if he will make a statement on the matter. [13362/10]

132. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the number of crimes committed by known members of criminal gangs while on trial in each of the past five years to date in 2010 in tabular form; and if he will make a statement on the matter. [13363/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I propose to take Questions Nos. 129, 130 and 132 together.

I am advised by the Garda Authorities that it is not possible to provide the information requested by the Deputy. Due to the fluid nature of the membership of criminal gangs it is not always possible to ascribe specific crimes to the activities of members of those gangs.

An Garda Síochána continue to utilise all available legislative provisions available to them in their pursuit of those involved in criminal gangs. The additional legislative provisions introduced by the Oireachtas in 2007 and 2009 which amend the Criminal Justice Act 2006 will greatly assist Gardaí in relation to the problem of organised crime and will help them to further develop and implement strategies to dismantle and disrupt criminal networks through the use of advanced analytical and intelligence methods. The use of targeted intelligence led operations will facilitate the early intervention of Gardaí and help prevent such crimes.

Where there is justification and a legal basis, those suspected of involvement in criminal activity are arrested, detained and questioned in relation to specific crime. A member of An Garda Síochána must, at all times, have reasonable grounds to believe that an individual has been involved in criminal activity before they can arrest and question any person in relation to criminality.

There are currently a number of initiatives underway targeting the activities of Organised Crime Groups, the focus of which is to gather evidence on which it is envisaged that charges under the recently enacted legislation may be directed by the Law Officers. A number of these initiatives are at an advanced stage and investigation files have been submitted to the Law Officers for direction. In other cases, files are being prepared for submission to the Law Officers.

Prisoner Releases.

131. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the procedure for the granting of special day accompanied, unaccompanied or other form of prisoner release or early release; the number approved in the past two years to date in 2010; if any such releasee absconded during release; the action taken to prevent recurrence; and if he will make a statement on the matter. [13366/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): All temporary releases granted to prisoners, whether it be for a few hours or a more extended period, are governed by the detailed provisions set out in the Criminal Justice (Temporary Release of Prisoners) Act 2003. The statistical information sought by the Deputy is not readily available

and could only be compiled by the use of a disproportionate and inordinate amount of staff time and effort. This could not be justified where there are other significant demands on resources within the Irish Prison Service.

Question No. 132 answered with Question No. 129.

Prison Accommodation.

133. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the number of prisoners incarcerated in each of the past two years to date in 2010 in tabular form; the number of prison cells accommodating one prisoner only; the number with more than one; the cell or cells recording the highest number of prisoners in the period in question; and if he will make a statement on the matter. [13367/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Irish Prison Service Annual Report for 2008 indicates that there were 13,557 committals to prison involving 10,928 persons for that year. The Report was published on the 14th August 2008 and is available on the website of the Irish Prison Service at www.irishprisons.ie. Final statistics for 2009 are in the process of being prepared and will be published in the Annual Report for that year in the near future. The other information sought by the Deputy is not readily available.

Temporary Release of Prisoners.

134. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality Law Reform the number of prisoners that have absconded while on special day or other release in the past five years and to date in 2010; if crimes were committed while on such release; and if he will make a statement on the matter. [13364/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The information sought by the Deputy is not readily available and could only be compiled by the use of a disproportionate and inordinate amount of staff time and effort. This could not be justified where there are other significant demands on resources within the Irish Prison Service. Statistics in relation to convictions by the Courts, which are the only definitive indicator of crimes committed by particular individuals, are a matter for the Courts Service, which under the Courts Service Act 1998 is independent in the performance of its functions.

Garda Strength.

135. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the total Garda strength at present; the degree to which this has fluctuated in each of the past two years to date in 2010; and if he will make a statement on the matter. [13368/10]

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.

136. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform his plans to augment the Garda JLO service; and if he will make a statement on the matter. [13369/10]

Minister of State at the Department of Justice, Equality and Law Reform (Deputy Barry Andrews): I wish to refer the Deputy to my answer earlier today to Question No. 6.

Crime Levels.

137. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the latest crime figures by category; and if he will make a statement on the matter. [13370/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Garda Síochána Act 2005 makes provision for the compilation and publication of crime statistics by the Central Statistics Office, as the national statistical agency, and the CSO has established a dedicated unit for this purpose. The CSO publishes recorded crime statistics on a quarterly basis, which are available on the CSO website www.cso.ie.

The CSO statistics for 2009 indicate that there was a decrease in nine of the 14 crime groups for which statistics are given, compared with 2008. This indicates that the work of An Garda Síochána and other justice agencies is providing a robust and consistent response to the threat posed by criminal elements.

In 2009 there were significant decreases in the numbers of cases of manslaughter and dangerous driving leading to death. This contributed to a fall in homicide offences of 10.1% during 2009, compared with 2008. There were also welcome decreases in public order offences, which were down 7.8%, and controlled drug offences, which were down 6.3%.

I am concerned by the 2.2% increase in property theft during the year. Everyone will be conscious of the fears of elderly people, many of whom live alone. We have seen a number of cases where elderly people have been subject to bogus callers to their homes. While people should be vigilant, we must do what we can to protect elderly and vulnerable people. I have met the Attorney General about the issue of mandatory sentencing for such crimes, and he has requested the Law Reform Commission to examine the issue. I will consider whether any further measures are required in the context of the examination by the Law Reform Commission and advice from the Attorney General.

While the number of cases of murder and manslaughter taken together (55 in total) showed no increase between 2008 and 2009, I continue, nevertheless, to be concerned about the levels of such crimes. An Garda Síochána faces severe challenges in dealing with gangland murders. In some cases persons who have been identified by An Garda Síochána as being at risk not only do not cooperate with Gardaí but instead seek to thwart the Gardaí at every turn so they can get on with their gangland activities. It was partly against the background of the difficulties in obtaining evidence in such cases that last year I introduced two ground-breaking pieces of legislation: the Criminal Justice (Surveillance) Act and the Criminal Justice (Amendment) Act. Since the legislation was enacted, the Gardaí have been utilising it fully to build up cases against those involved in gangland crime. Some files are with the Director of Public Prosecutions, and more are being prepared for submission to him.

Sentencing Policy.

138. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the number of occasions on which known members of criminal gangs were granted bail in each of the past five years and to date in 2010; and if he will make a statement on the matter. [13371/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am not in a position to respond to the Deputy at this time, but will do so as soon as the relevant information is available.

Drugs in Prisons.

139. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the number of occasions which the introduction of illegal drugs has been detected in each prison, detention or correction centre throughout the country in each of the past five years and to date in 2010; the action taken to combat the issue; and if he will make a statement on the matter. [13365/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): Prior to May 2008 seizure of drugs was recorded under the generic description “prohibited articles” and a detailed breakdown in the manner requested by the Deputy is not available. From May (when new security initiatives were first introduced) to 31 December 2008, there were 351 drug seizures within the Irish prison system and up to and including 13 September 2009, the date for which the most recent figures are available, there have been 696 drug seizures within the Irish prison system in that year. Final statistics for 2009 are currently being compiled and will be forwarded to the Deputy along with any available for this year to date as soon as possible.

The Irish Prison Service Drugs Policy & Strategy, entitled Keeping Drugs out of Prison was launched in May 2006 to deal with the challenge posed by drugs getting into prisons. The implementation of this Policy & Strategy has seen an intensification of efforts in the prison system to eliminate the availability of illicit drugs within prisons. The measures taken reflect the many and varied ways in which attempts are made to bring drugs into prisons and include:

- Tighter control and monitoring of prisoner visits in all closed prisons.
- New visiting arrangements in most closed prisons, with visitors required to be pre-approved by the Governor and required to provide identification on each visit.
- Greater use of screened visits.
- Greater vigilance in examining mail by prison censors and searching of other items entering the prison.
- Increased random searching of cells and their occupants.
- Stricter searching of all persons committed to custody and prisoners returning from court, temporary release, after visits or on receipt of intelligence.
- Use of modern cameras and probe systems which assist in searching previously difficult areas such as hollow chair or bed legs, under floor boards and other cavities.
- Installation of nets over exercise yards to prevent access to contraband items, including mobile phones and drugs. Use of phone detectors and phased installation of telephone blocking technology.

In addition, a number of new security initiatives have been introduced in all closed prisons including:

- The introduction of enhanced security screening for all persons (visitors and staff) entering our prisons.

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- The establishment of a drug detection dog service within the Irish Prison Service involving approximately 30 handling teams.
- The establishment of Operational Support Units dedicated to and developing expertise in searching and gathering intelligence on illicit material being hidden inside our prisons; they will be available in addition to the normal prison staff and can target specific security problem areas.
- The Body Orifice Security Scanner (BOSS) chair was introduced by the Irish Prison Service in early 2008 and to date eight chairs have been installed.
- The new security screening at prison entrances and the measures introduced have had considerable success in preventing the flow of and assisting in the capture of contraband such as illicit drugs. The battle will be an ongoing one in which I am determined to take whatever practical measures are possible to thwart illegal activity. There will be no easing off in relation to the security measures already in place and enhancements and improvements will continue to take place in the future.

There is regular contact between the Prison Service and An Garda Síochána to discuss security issues and the Gardaí will be continue to be contacted whenever any suspected criminal offence has taken place. The Irish Prison Service continues to work to implement its Drugs Policy and Strategy, which also includes continued significant investment in services within prisons to reduce the demand for illicit drugs in the prisoner population as well as meeting prisoners' treatment and rehabilitative needs.

Criminal Prosecutions.

140. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the number of crimes by category committed and reported in County Kildare in each of the past five years and to date in 2010; the number of prosecutions arising therefrom; the success or other wise of such prosecutions; the extent of property recovered thereafter; and if he will make a statement on the matter. [13372/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Garda Síochána Act 2005 makes provision for the compilation and publication of crime statistics by the Central Statistics Office, as the national statistical agency, and the CSO has established a dedicated unit for this purpose. I will make arrangements, as soon as possible, to forward the Deputy's request to the CSO for direct reply. I draw the Deputy's attention to the publication Garda Recorded Crime Statistics 2004 — 2008, available on the website of the Central Statistics Office www.cso.ie, which includes a detailed breakdown of offences by Garda Division.

Garda Stations.

141. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the opening hours of each Garda station in County Kildare; the extent to which this has fluctuated over the past five years; and if he will make a statement on the matter. [13373/10]

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.

Prisoner Numbers.

142. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the number of drug dealers now in prison or due for release; and if he will make a statement on the matter. [13374/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): There are currently 1,079 individuals serving sentences for drugs related offences. The majority of these are sentences arising from prosecution for possession of drugs where the court formed the view that there was an intent to supply. In the case of 777 of these individuals, the drugs related offence represents the only or most serious of the prison sentence(s) they are serving. A further 302 are serving sentences for more serious offences in addition to the drugs offence. All convicted prisoners, other than those sentenced to life imprisonment, are due for release as soon as their sentence expires.

Child Abuse.

143. **Deputy Pat Rabbitte** asked the Minister for Justice, Equality and Law Reform his views on extending the remit of the Commission of Investigation into the Catholic Archdiocese of Dublin to cover other dioceses in the country; the position regarding the Garda investigation into matters arising from the Report of the Commission of Investigation into the Catholic Archdiocese of Dublin; and if he will make a statement on the matter. [13238/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): As the Deputy will be aware, the Commission's report on the Catholic Archdiocese of Dublin was published last November. The Commission is at present examining the Diocese of Cloyne, and the Government extended the Commission's term to June to allow this work to be completed.

I am informed by my colleague the Minister for Children and Youth Affairs that the Health Service Executive (HSE) is currently in the process of completing its audit of Catholic dioceses to ensure that it, as the statutorily responsible body, is fully aware of all cases of clerical child sex abuse known to the Church. It is expected that the HSE will submit a comprehensive report to the Minister for Children and Youth Affairs by the end of April for his consideration.

The Assistant Commissioner appointed by the Garda Commissioner to examine the findings of the Dublin Archdiocese report relating to the handling of complaints and investigations by both Church and State authorities is carrying out such investigations and inquiries as he deems appropriate. When he reports to the Commissioner with his recommendations, the Commissioner will consult with the DPP as to what issues arise in the context of criminal liability. I am informed by the Garda authorities that the Commissioner has directed that the investigation be concluded as early as possible.

Consideration of the results of these investigations will include consideration of what further actions require to be taken, including a possible extension of the Commission's remit. Bringing the perpetrators to justice, whenever and wherever the abuse occurred, must be the absolute priority. I repeat my call for any person, including members of the clergy, who has knowledge of such abuse to contact An Garda Síochána. I am sure all members of the House will support that call.

Departmental Matters.

144. **Deputy Dan Neville** asked the Minister for Justice, Equality and Law Reform the posi-

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tion regarding the case of a person (details supplied); and if he will make a statement on the matter. [13383/10]

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.

Departmental Property.

145. **Deputy Ciarán Lynch** asked the Minister for Justice, Equality and Law Reform the number of properties that his Department is currently leasing to commercial business along with the location of same; the number of these lease agreements that contain upward only rent review clauses; the income derived from these rents; the efforts that are being made by his Department to ensure that these rents are operating at a sustainable level in the current business and economic environment; and if he will make a statement on the matter. [13459/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am not in a position to provide the information sought by the Deputy at this time, but will do so as soon as the information is available.

Residency Permits.

146. **Deputy Jack Wall** asked the Minister for Justice, Equality and Law Reform the position regarding an application to remain in the State in respect of a person (details supplied) in Dublin 7; and if he will make a statement on the matter. [13484/10]

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.

Visa Applications.

147. **Deputy Noel Ahern** asked the Minister for Justice, Equality and Law Reform if he will extend a visa in respect of a person (details supplied) by six weeks in accordance with a medical letter as submitted to his Department. [13490/10]

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.

Citizenship Applications.

148. **Deputy Noel Ahern** asked the Minister for Justice, Equality and Law Reform the position regarding an application for a certificate of naturalisation in respect of a person (details supplied). [13492/10]

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.

Higher Education Grants.

149. **Deputy Noel Ahern** asked the Minister for Justice, Equality and Law Reform the person

who sets the nationality requirements of the higher education grants scheme; if they are set here or by the EU; the reason those who have refugee status qualify but those given permission to stay due to the fact they had an Irish born child and may have got refugee status are denied the rights of the scheme for themselves and their children; if an application for naturalisation will be fast-tracked to allow an 18 year old to get their entitlement for a college (details supplied); and if he will make a statement on the matter. [13495/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The eligibility criteria for higher education grants does not fall within the remit of my Department. Matters relating to the higher education grants scheme are the responsibility of the Minister for Education and Science.

In the absence of more detailed information relating to a specific case, the Deputy will appreciate that I am unable to provide a definitive response. However, I can advise of the position generally.

Applications for a certificate of naturalisation are dealt with in chronological order as this is deemed to be the fairest to all applicants. Additional resources were allocated to the Citizenship Division of my Department to enable certain categories of applicant to be dealt with more expeditiously. These include refugees, spouses of Irish citizens and minors.

The average processing time from application to decision is 26 months. More complicated cases can at times take more than the current average while an element of straightforward cases are now being dealt with in less than that time scale. 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 the status of Irish citizenship which is an honour and a privilege is not undervalued or debased and is only given to persons who genuinely satisfy the necessary qualifying criteria.

Citizenship Applications.

150. **Deputy Noel Ahern** asked the Minister for Justice, Equality and Law Reform the position regarding an application for a certificate of naturalisation in respect of a person (details supplied) in Dublin 5; and when it will be processed and approved. [13499/10]

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.

Garda Strength.

151. **Deputy Joanna Tuffy** asked the Minister for Justice, Equality and Law Reform the numbers of members of the Garda Reserve in each of the Garda stations in Cork south west; and if he will make a statement on the matter. [13511/10]

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.

152. **Deputy Joanna Tuffy** asked the Minister for Justice, Equality and Law Reform the numbers of community gardaí in each of the Garda stations in Cork south west; and if he will make a statement on the matter. [13512/10]

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.

Garda Vetting Unit.

153. **Deputy Jim O’Keeffe** asked the Minister for Justice and Law Reform the average time it takes to process applications for Garda clearance; if his attention has been drawn to the difficulties in relation to employment arising from delays; and if he will provide adequate resources to the Garda Vetting Office to ensure that such delays are eliminated. [13535/10]

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 positions where they would have substantial, unsupervised access to children and/or vulnerable adults.

The GCVU has managed a substantial increase over recent years in the numbers of vetting applications it receives — 187,864 in 2007; 218,404 in 2008 and 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, for example, when the person in question has lived and worked abroad. There will always be a reasonably significant time period required to process a vetting application. However, the Gardaí 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 periods of lower demand to up to 12 weeks at times when demand is particularly high.

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.

Circumvention of Legislation.

154. **Deputy Ciarán Lynch** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to efforts by landlords to circumvent the prohibition on upward only rent reviews such as ensuring that only the landlord may trigger the rent review; the steps he will take to ensure that the intent of the new Act is not frustrated; and if he will make a statement on the matter. [13539/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Deputy will be aware that the effect of Section 132 of the Land and Conveyancing Law Reform Act 2009 is that future rent review clauses will be construed as providing that the rent can go up, down or remain the same by reference to the rent payable immediately prior to the review date. This provision applies even where the future lease has a provision which specifies upward only rent

reviews. The provision does not have retrospective effect and will not apply to business leases (or agreements for such leases) which have been entered into prior to 28 February 2010.

My Department has received no representations on the matter adverted to by the Deputy. In any event, I would point out that the question as to who should initiate the rent review process is a matter which has to be settled by all parties to the lease and cannot be determined unilaterally.

Departmental Property.

155. **Deputy Ciarán Lynch** asked the Minister for Justice, Equality and Law Reform the number of properties that his Department is currently leasing from property landlords along with the location of same; the number of these lease agreements that contain upward only rent review clauses; the cost arising from these rents; the efforts that are being made by his Department to ensure that these rents are operating at a sustainable level in the current business and economic environment; and if he will make a statement on the matter. [13565/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am not in a position to provide the information sought by the Deputy at this time, but will do so as soon as the information is available.

Departmental Investigations.

156. **Deputy Chris Andrews** asked the Minister for Foreign Affairs the progress that has been made on a matter (details supplied); and if he will make a statement on the matter. [13382/10]

Minister for Foreign Affairs (Deputy Micheál Martin): The examination of this issue is at a very early stage and we are working in consultation with other Government Departments. It should be noted that in the UK case, consideration of the issues and consultation of interested parties took two years.

Passport Applications.

157. **Deputy Billy Timmins** asked the Minister for Foreign Affairs the position regarding an application in respect of a person (details supplied); if this will be processed as a matter of urgency; and if he will make a statement on the matter. [13406/10]

Minister for Foreign Affairs (Deputy Micheál Martin): The passport for the person in question will be ready for collection at the Molesworth Street Office on Friday March 26.

Departmental Property.

158. **Deputy Ciarán Lynch** asked the Minister for Foreign Affairs the number of properties that his Department is currently leasing to commercial business along with the location of same; the number of these lease agreements that contain upward only rent review clauses; the income derived from these rents; the efforts that are being made by his Department to ensure that these rents are operating at a sustainable level in the current business and economic environment; and if he will make a statement on the matter. [13457/10]

Minister for Foreign Affairs (Deputy Micheál Martin): My Department has no such properties.

Passport Applications.

159. **Deputy Róisín Shortall** asked the Minister for Foreign Affairs the steps he has taken to ensure that person who apply for a passport through the passport express service receive their passports on time. [13516/10]

Minister for Foreign Affairs (Deputy Micheál Martin): As the Deputy is aware customers have been experiencing disruption to passport services as a result of ongoing industrial action in the public service. Unfortunately, this has led to a significant backlog of passport applications leading to significant delays in processing passport applications in the Department of Foreign Affairs. The Department has been advising the public of the extent of these problems through media channels, newspaper advertisements and via the Department's website.

On 4 March last the problems being experienced reached a point where the Passport Service had to withdraw the guarantee of turnaround times for all passport applications.

On 16 March last accommodation and equipment in the Passport Office in Molesworth Street were badly damaged as a result of a water leak which occurred through the night before. It was therefore necessary to shut the Molesworth Street operation on that day and services were temporarily provided from some of the Department's other offices in the vicinity. Work on restoring the office is almost complete and over recent days the level of disruption has been kept to a minimum as a result of the contingency arrangements which were put in place.

The Department has contingency measures in place to minimise the disruption to the Passport Service. These include the operation of two production facilities, the primary site based in Balbriggan and a series of passport system redundancy and resilience measures. Additionally the office was able to quickly move staff to work from space in the Department's offices in the city centre.

The industrial action has led to a backlog of nearly 50,000 passport applications in the system and application turnaround time is up to 20 working days. As a result the Department advises that it is not possible to fast-track any application other than in a case of genuine family emergency, in which case proof will be required that travel is necessitated by the death, illness or welfare of a family member. The issuing of passports in such emergencies is not affected by the industrial dispute. Furthermore the public counters and out of hours services should only be used by those who have a necessity to travel for reasons of family emergency. The CPSU have been repeatedly asked to suspend their industrial action by myself and the two main opposition parties.

On Tuesday of this week the CPSU announced their intention to extend the definition of emergency travel to include applications for immediate travel. Unfortunately, the CPSU proposal was not matched by a commitment to suspend or even relax the ongoing industrial action measures so as to allow acceleration in passport production.

Any attempt to implement such arrangements in the absence of a willingness to deal with the causes of the current backlog — the refusal of the unions to allow the deployment of temporary seasonal staff and their ban on working overtime, would result only in the arbitrary prioritisation of some applications at the expense of others and to an increased number of callers at the public office.

Customers are advised to check the expiry dates of passports before making any overseas travel plans and to apply in sufficient time that the new passport can be received before the intended date of travel. In response to the action the Department has temporarily suspended the requirement that applicants submit their existing passport with their application for a new

passport. Where the current passport has not yet fully expired customers may include a photocopy of the personal details pages of the current passport with their application for a new passport.

Any member of the public who wants an update on their passport application should use the tracking system on www.passport.ie before attending any passport office.

The Department has also considered the feasibility of automatically extending the period of validity of existing passports. However, international standards on the validity of travel documents prevent this possibility.

The dispute is having major impact on the travelling public. There are very many Irish citizens whose trips abroad have had to be cancelled and holiday and work plans severely disrupted. The resolution of this dispute will occur through the talks processes underway and I call upon the public service unions to defer their action while these talks continue.

Departmental Property.

160. **Deputy Ciarán Lynch** asked the Minister for Foreign Affairs the number of properties that his Department is currently leasing from property landlords along with the location of same; the number of these lease agreements that contain upward only rent review clauses; the cost arising from these rents; the efforts that are being made by his Department to ensure that these rents are operating at a sustainable level in the current business and economic environment; and if he will make a statement on the matter. [13563/10]

Minister for Foreign Affairs (Deputy Micheál Martin): My Department pays the rent on office space in two buildings in Dublin:

Ground floor of Hospitality House, Cumberland Street, Dublin 2. This property is leased directly by my Department. The 20 year lease contains a provision for upward only rent reviews at 5 year intervals. The annual rental cost is currently €144,900. However, the lease on these premises is being terminated this year.

Ground floor of Findlater House, 27 -31 Upper O'Connell Street, Dublin 1. This property is leased by the Office of Public Works (OPW) on behalf of my Department. Consequently, all matters in relation to the lease are negotiated by the OPW. The annual rental cost is currently €417,450.

All other rent commitments relating to properties in the State occupied by the Department of Foreign Affairs are discharged by the Office of Public Works.

In addition, 109 properties are rented by my Department outside the State for use primarily as offices and official residences.

Rental agreements vary from country to country in accordance with local law and practice. Leases are usually for a fixed period and many include rent review clauses. Rent increases on renewal of leases are generally in line with the Consumer Price Index (CPI) of the particular country.

Rent levels abroad are reviewed each year. In addition, in the current economic climate, all our Missions are routinely instructed to explore the scope for negotiated reductions, having regard to local market conditions.

161. **Deputy Ciarán Lynch** asked the Minister for Arts, Sports and Tourism the number of properties that her Department is currently leasing to commercial business along with the

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location of same; the number of these lease agreements that contain upward only rent review clauses; the income derived from these rents; the efforts that are being made by her Department to ensure that these rents are operating at a sustainable level in the current business and economic environment; and if she will make a statement on the matter. [13425/10]

162. **Deputy Ciarán Lynch** asked the Minister for Arts, Sports and Tourism the number of properties that her Department is currently leasing from property landlords along with the location of same; the number of these lease agreements that contain upward only rent review clauses; the cost arising from these rents; the efforts that are being made by her Department to ensure that these rents are operating at a sustainable level in the current business and economic environment; and if she will make a statement on the matter. [13555/10]

Minister for Arts, Sports and Tourism (Deputy Mary Hanafin): I propose to take Questions Nos. 161 and 162 together.

My Department is not currently leasing any properties from property landlords or to business.

163. **Deputy Ciarán Lynch** asked the Minister for Community, Rural and Gaeltacht Affairs the number of properties that his Department is currently leasing to commercial business along with the location of same; the number of these lease agreements that contain upward only rent review clauses; the income derived from these rents; the efforts that are being made by his Department to ensure that these rents are operating at a sustainable level in the current business and economic environment; and if he will make a statement on the matter. [13427/10]

164. **Deputy Ciarán Lynch** asked the Minister for Community, Rural and Gaeltacht Affairs the number of properties that his Department is currently leasing from property landlords along with the location of same; the number of these lease agreements that contain upward only rent review clauses; the cost arising from these rents; the efforts that are being made by his Department to ensure that these rents are operating at a sustainable level in the current business and economic environment; and if he will make a statement on the matter. [13557/10]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Pat Carey): I propose to take Questions Nos. 163 and 164 together.

I can confirm to the Deputy that my Department does not lease any properties to commercial businesses, nor does my Department pay rent in respect of properties occupied by its staff. That function, and all matters relating to the acquisition and leasing of property, including rent reviews are the responsibility of the Office of Public Works (OPW).

However, I can confirm to the Deputy that 7 properties are being leased on my Department's behalf by the OPW. These comprise:

- my Department's headquarters building in Dublin;
- two properties in Tubbercurry, Co Sligo, in which staff relocated under the Decentralisation Programme are being accommodated on an interim basis;
- two local offices in Gaoth Dobhair, Co Donegal, and Acaill, Co Mayo from Údarás na Gaeltachta; and
- two warehousing facilities in Finglas, Dublin, and Tullamore, Co Offaly.

Social Welfare Benefits.

165. **Deputy Emmet Stagg** asked the Minister for Social and Family Affairs the reason for the delay in processing a rent allowance application under the supplementary welfare allowance scheme in respect of persons (details supplied) in County Kildare. [13436/10]

Minister for Social and Family Affairs (Deputy Éamon Ó Cuív): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

Social Welfare Code.

166. **Deputy Jack Wall** asked the Minister for Social and Family Affairs if the Health Service Executive has authority to determine the location at which a couple should reside in view of the fact that such a determination has been given to a couple who sought rent subsidy and were refused on the grounds that the couple should reside in the home of the parents of one of the applicants; and if he will make a statement on the matter. [13446/10]

Minister for Social and Family Affairs (Deputy Éamon Ó Cuív): Rent supplement is administered on behalf of the Department by the Community Welfare Service Division of the Health Service Executive as part of the supplementary welfare allowance scheme. The purpose of the rent supplement is to provide short-term support, to eligible people living in private rented accommodation whose means are insufficient to meet their accommodation costs and who do not have accommodation available to them from any other source.

A person (or couple) may be eligible for rent supplement if the accommodation is suitable to their needs, the rent is below the maximum rent level set for their county and the person (or couple) has been:

- assessed in the last 12 months by a local authority as being eligible for and in need of social housing, or;
- living in accommodation for homeless people for 6 months (183 days) out of the last 12 months, or;
- living in private rented accommodation for 6 months (183 days) out of the last 12 months, or;
- a tenant of accommodation provided under one of the Social Housing Schemes.

And the applicant(s) satisfies:

- a habitual residence test, and
- a means test.

Applications for rent supplement are made to the appropriate local community welfare officers who will review the applicant(s) entitlement based on his, her or their personal circumstances. Community Welfare Officers review each case based on the circumstances presented, eligibility to rent supplement are based on the above criteria.

Social Welfare Benefits.

167. **Deputy Jack Wall** asked the Minister for Social and Family Affairs the position regard-

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ing an application for rent allowance in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [13376/10]

Minister for Social and Family Affairs (Deputy Éamon Ó Cuív): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

168. **Deputy Phil Hogan** asked the Minister for Social and Family Affairs when an application for carer's allowance will be processed in respect of a person (details supplied) in County Kilkenny; and if he will make a statement on the matter. [13378/10]

Minister for Social and Family Affairs (Deputy Éamon Ó Cuív): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

169. **Deputy Phil Hogan** asked the Minister for Social and Family Affairs when a decision will be made on an application for jobseeker's allowance in respect of a person (details supplied) in County Kilkenny; and if he will make a statement on the matter. [13379/10]

Minister for Social and Family Affairs (Deputy Éamon Ó Cuív): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

Industrial Disputes.

170. **Deputy James Bannon** asked the Minister for Social and Family Affairs the control he has over his Department, as persons who are unemployed through no fault of their own are being refused assistance due to industrial action by his officials, which amounts to dereliction of their duty and his; and if he will make a statement on the matter. [13387/10]

171. **Deputy James Bannon** asked the Minister for Social and Family Affairs if he is prepared to offer his resignation due to his inability to assist those persons who have been driven to despair and in some cases suicide by the lack of essential support from his Department; and if he will make a statement on the matter. [13388/10]

172. **Deputy James Bannon** asked the Minister for Social and Family Affairs if he will resign due to his inability to run his Department efficiently, with essential assistance being delayed to an untenable level due to industrial action which has left his powerless and paralysed; and if he will make a statement on the matter. [13389/10]

Minister for Social and Family Affairs (Deputy Éamon Ó Cuív): I propose to take Questions Nos. 170 to 172, inclusive, together.

Staff represented by the CPSE, PSEU and IMPACT have been engaged in industrial action in my Department since January 2010. The main purpose of the Department is to provide income maintenance services to the public and consequently, the Department's staff are engaged in work that either directly delivers services to the public or that supports the delivery of those services. Given the nature of the Department's work, it is simply not possible to ensure that services to the public are not affected by the current work to rule and related actions.

The action taken to date has mainly been in the form of not answering phones, not dealing with the public at certain times during the normal working day, not covering for certain staff absences or where there are vacancies and not responding to queries from public representatives by way of telephone or through Parliamentary Questions. The CPSU has, additionally,

instituted a ban on overtime working with effect from 15 March 2010. Staff are continuing to take and process claims and while the industrial action is having an increasingly negative effect on service delivery, the impact to date has been relatively limited. The initial impact of the CPSU ban on overtime working has been a 1 day delay in some 22,500 payments, mainly to recipients of Jobseeker and Illness payments.

The overall management response to the industrial action is being managed centrally by the Department of Finance with input from all Government Departments, including my Department, and other public service sectors. It is completely unacceptable to me that people should experience delays in receiving their social welfare entitlements because of industrial action. However, the industrial action is being closely monitored in my Department on a daily basis and the Department's management is maintaining contacts with the unions concerned to ensure, insofar as possible, that the negative impact on the Department's customers is minimised. In the meantime, in circumstances where customers of the Department are experiencing hardship through delayed Social Welfare payments it is open to them to apply for assistance under the Supplementary Welfare Allowance scheme.

Social Welfare Benefits.

173. **Deputy Seán Sherlock** asked the Minister for Social and Family Affairs the position regarding an appeal for disability allowance in respect of a person (details supplied) in County Cork; and if he will make a statement on the matter. [13390/10]

176. **Deputy Seán Sherlock** asked the Minister for Social and Family Affairs the position regarding an appeal for disability allowance in respect of a person (details supplied) in County Cork; and if he will make a statement on the matter. [13395/10]

178. **Deputy Seán Sherlock** asked the Minister for Social and Family Affairs the position regarding an appeal for disability allowance in respect of a person (details supplied) in County Cork; and if he will make a statement on the matter. [13407/10]

183. **Deputy Seán Sherlock** asked the Minister for Social and Family Affairs the position regarding an appeal for disability allowance in respect of a person (details supplied) in County Cork; and if he will make a statement on the matter. [13434/10]

185. **Deputy Seán Sherlock** asked the Minister for Social and Family Affairs the reason a file on an appeal for illness benefit in respect of a person (details supplied) in County Cork has been closed; and if he will make a statement on the matter. [13439/10]

Minister for Social and Family Affairs (Deputy Éamon Ó Cuív): I propose to take Questions Nos. 173, 176, 178, 183, and 185 together.

Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

174. **Deputy Seán Sherlock** asked the Minister for Social and Family Affairs the position regarding an application for disability allowance in respect of a person (details supplied) in County Cork; and if he will make a statement on the matter. [13392/10]

175. **Deputy Seán Sherlock** asked the Minister for Social and Family Affairs the position regarding an application for disability allowance in respect of a person (details supplied) in County Cork; and if he will make a statement on the matter. [13394/10]

Minister for Social and Family Affairs (Deputy Éamon Ó Cuív): I propose to take Questions Nos. 174 and 174 together.

Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

Question No. 176 answered with Question No. 173.

177. **Deputy Phil Hogan** asked the Minister for Social and Family Affairs when an application for illness benefit will be processed in respect of a person (details supplied) in County Carlow; and if he will make a statement on the matter. [13404/10]

Minister for Social and Family Affairs (Deputy Éamon Ó Cuív): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

Question No. 178 answered with Question No. 173.

Pension Provisions.

179. **Deputy Seán Sherlock** asked the Minister for Social and Family Affairs the position regarding an application for a non-contributory State pension in respect of a person (details supplied) in County Cork; and if he will make a statement on the matter. [13410/10]

Minister for Social and Family Affairs (Deputy Éamon Ó Cuív): Due to staff action currently being taken, I regret I am unable to provide the information sought by the deputy.

Social Welfare Appeals.

180. **Deputy Michael Creed** asked the Minister for Social and Family Affairs if he has received an appeal on a disability allowance claim in respect of a person (details supplied) in County Cork; if, in view of the medical circumstances involved he will look favourably on the appeal; and if he will make a statement on the matter. [13416/10]

Minister for Social and Family Affairs (Deputy Éamon Ó Cuív): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

Social Welfare Code.

181. **Deputy Paul Kehoe** asked the Minister for Social and Family Affairs the reason a person (details supplied) is not entitled to social welfare. [13418/10]

Minister for Social and Family Affairs (Deputy Éamon Ó Cuív): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

Social Welfare Benefits.

182. **Deputy Seán Sherlock** asked the Minister for Social and Family Affairs the position regarding an application for carer's allowance in respect of a person (details supplied) in County Cork; and if he will make a statement on the matter. [13432/10]

Minister for Social and Family Affairs (Deputy Éamon Ó Cuív): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

Question No. 183 answered with Question No. 173.

Pension Provisions.

184. **Deputy Phil Hogan** asked the Minister for Social and Family Affairs when a decision will be made on a contributory widows pension in respect of a person (details supplied) in County Carlow; and if he will make a statement on the matter. [13438/10]

Minister for Social and Family Affairs (Deputy Éamon Ó Cuív): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

Question No. 185 answered with Question No. 173.

Social Welfare Benefits.

186. **Deputy Michael Creed** asked the Minister for Social and Family Affairs when a person (details supplied) in County Cork will have renewal of a family income supplement confirmed; and if he will make a statement on the matter. [13440/10]

Minister for Social and Family Affairs (Deputy Éamon Ó Cuív): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

187. **Deputy Paul Connaughton** asked the Minister for Social and Family Affairs the position regarding an application for the family income supplement in respect of a person (details supplied) in County Galway; and if he will make a statement on the matter. [13447/10]

Minister for Social and Family Affairs (Deputy Éamon Ó Cuív): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

188. **Deputy Paul Connaughton** asked the Minister for Social and Family Affairs the reason carer's allowance was not awarded in respect of a person (details supplied) in County Galway; if his attention has been drawn to the fact that the person being cared for lives with the applicant; and if he will make a statement on the matter. [13449/10]

Minister for Social and Family Affairs (Deputy Éamon Ó Cuív): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

189. **Deputy Seán Sherlock** asked the Minister for Social and Family Affairs the position regarding a child benefit application in respect of a person (details supplied) in County Cork; and if he will make a statement on the matter. [13452/10]

Minister for Social and Family Affairs (Deputy Éamon Ó Cuív): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

Social Welfare Appeals.

190. **Deputy Joe Costello** asked the Minister for Social and Family Affairs if he will reconsider his decision to refuse jobseeker's allowance in respect of a person (details supplied) in Dublin 1; and if he will make a statement on the matter. [13454/10]

Minister for Social and Family Affairs (Deputy Éamon Ó Cuív): Due to the staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

Departmental Property.

191. **Deputy Ciarán Lynch** asked the Minister for Social and Family Affairs the number of properties that his Department is currently leasing to commercial business along with the location of same; the number of these lease agreements that contain upward only rent review clauses; the income derived from these rents; the efforts that are being made by his Department to ensure that these rents are operating at a sustainable level in the current business and economic environment; and if he will make a statement on the matter. [13460/10]

Minister for Social and Family Affairs (Deputy Éamon Ó Cuív): The Department is not involved in the leasing of any properties to commercial business.

Social Welfare Benefits.

192. **Deputy Seán Fleming** asked the Minister for Social and Family Affairs the instructions to community welfare officers regarding checking if properties are registered with the Private Residential Tenancies Board, which is available on the published register on the Internet, before they approve a person for rental supplement; the number of rental supplements and the value of same to tenants who are in properties that are not registered with the PRTB; and if he will make a statement on the matter. [13463/10]

Minister for Social and Family Affairs (Deputy Éamon Ó Cuív): Under the Residential Tenancies Act 2004, landlords are legally obliged to register tenancies with the Private Residential Tenancies Board (PRTB). The Act excludes the following types of tenancies:

1. Business premises, even where partly residential
2. A dwelling to which Part II of the Housing (Private Rented Dwellings) Act 1982 applies (i.e. formerly rent controlled dwelling occupied by the “original tenant” or his/her spouse) or to which Part II of the Landlord and Tenant (Amendment) Act 1980 applies (i.e. long occupation equity lease tenancies);
3. A dwelling let by a local authority or voluntary housing body;
4. A dwelling occupied under a shared ownership lease;
5. A holiday let;
6. A dwelling in which the landlord is also resident;
7. A dwelling in which the spouse, parent or child of the landlord is resident and there is no written lease or tenancy agreement;
8. A dwelling that is occupied rent free.

The Department is working with the PRTB to ensure that all tenancies where rent supplement is in payment, and are not excluded by the Residential Tenancies Act 2004, are registered with the PRTB. To that end, the Department provides details of rent supplement payments to the PRTB to enable them identify tenancies that are not registered and to take any follow-up action necessary.

Landlords are legally obliged to register any new tenancies, barring the exemptions listed above, with the PRTB within one month from the start date of a tenancy or at a later date on payment of an increased fee. Due to this time lag, that Landlords can legally register months

after the tenancy comes into effect, it is not practicable for the Department to insist that a tenancy must be registered with the PRTB before payment of rent supplement is approved.

There are a number of tenancy types, e.g. renting a room, sharing a house with an owner occupier, that do attract rent supplement but are not required to be registered with the PRTB.

It is also possible that a tenancy may not yet legally exist (the person concerned has still not paid any rent or moved into the dwelling) when the decision to grant rent supplement has been made by the CWO.

Rent supplemented tenancies which are liable for registration with the PRTB, should be so registered. In that regard, the close working arrangements which the Department has with the PRTB should ensure that over time, all tenancies that come with the area of rent supplementation comply with the statutory system of tenancy regulation and safeguards. The Department, based on the above reasons, does not track tenancies where rent supplement is paid and are not registered with the PRTB.

Social Welfare Benefits.

193. **Deputy Pat Breen** asked the Minister for Social and Family Affairs the reason persons (details supplied) in County Clare have not been facilitated with payment; and if he will make a statement on the matter. [13470/10]

Minister for Social and Family Affairs (Deputy Éamon Ó Cuív): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

194. **Deputy Aengus Ó Snodaigh** asked the Minister for Social and Family Affairs the position regarding a jobseeker's allowance application in respect of a person (details supplied); the date by which a decision is expected; and if they have been refused, the reason for the refusal. [13473/10]

Minister for Social and Family Affairs (Deputy Éamon Ó Cuív): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

195. **Deputy Frank Feighan** asked the Minister for Social and Family Affairs the position regarding the case of a person (details supplied). [13476/10]

Minister for Social and Family Affairs (Deputy Éamon Ó Cuív): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

196. **Deputy Ciarán Lynch** asked the Minister for Social and Family Affairs when an application for social welfare and family income supplement will be determined in respect of a person (details supplied) in County Cork; and if he will make a statement on the matter. [13485/10]

Minister for Social and Family Affairs (Deputy Éamon Ó Cuív): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

Question No. 197 withdrawn.

198. **Deputy Noel Ahern** asked the Minister for Social and Family Affairs the position regarding the case of a person (details supplied) in Dublin 1; the type of social payment they have been awarded as this person believes they are currently on non-contributory; if they would

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benefit on their own contributions as their spouse in on qualified adult allowance; if this person is on double respite care allowance for acting as carers to persons; the reason they are not also on 50% carers allowance; if this person and their spouse have all other entitlements for example household benefit scheme. [13489/10]

Minister for Social and Family Affairs (Deputy Éamon Ó Cuív): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

Pension Provisions.

199. **Deputy Noel Ahern** asked the Minister for Social and Family Affairs the position regarding an application for non-contributory pension in respect of persons (details supplied) in Dublin 11; if decisions have been finalised; if details of same will be provided. [13491/10]

Minister for Social and Family Affairs (Deputy Éamon Ó Cuív): Due to staff action currently being taken, I regret I am unable to provide the information sought by the deputy.

Social Welfare Code.

200. **Deputy Noel Ahern** asked the Minister for Social and Family Affairs if an application to transfer to invalidity pension from disability sickness in respect of a person (details supplied) in Dublin 9 is under consideration; and if not, if this process will commence. [13497/10]

Minister for Social and Family Affairs (Deputy Éamon Ó Cuív): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

Social Welfare Benefits.

201. **Deputy Noel Ahern** 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 Dublin 11; the reason for the delay in making a decision; the average national delay for jobseeker's allowance; and the average delay on Dublin's north side. [13498/10]

Minister for Social and Family Affairs (Deputy Éamon Ó Cuív): Due to the staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

Social Welfare Code.

202. **Deputy Willie Penrose** asked the Minister for Social and Family Affairs if a person (details supplied) in County Westmeath is entitled to a companion travel pass; and if he will make a statement on the matter. [13537/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

Departmental Agencies.

203. **Deputy Róisín Shortall** asked the Minister for Social and Family Affairs further to his discussion to close the Combat Poverty Agency, if his attention has been drawn to the lease agreement in place for the Combat Poverty Agency offices prior to this decision; and the reason he did not disclose these details to Dáil Éireann; and if he will provide the details of the landlord of these premises. [13540/10]

Minister for Social and Family Affairs (Deputy Éamon Ó Cuív): With effect from 1st July 2009 (in line with the Government Decision announced in Budget 2009), the Combat Poverty Agency and the Office for Social Inclusion were integrated to form the Social Inclusion Division within the Department of Social and Family Affairs. The Social Inclusion Division combines the experience and expertise of the staff of both bodies. The Government's decision was informed by the findings of a review of the Agency which was undertaken on foot of a Government decision of the 6th June 2007.

The primary reason for the integration of the Combat Poverty Agency with the Office for Social Inclusion was not to achieve short-term savings, but rather to ensure that the strongest possible mechanisms are in place to tackle poverty and social exclusion as recommended in the review of the Combat Poverty Agency.

Savings as a result of the integration include savings that arise in respect of board members' fees, accommodation and savings that arise as a result of the integration of support services such as combined personnel, payroll and ancillary services. Savings also arise on account of the non-filling of a number of short-term temporary staff positions that ended in June 2009 and as a result of the redeployment of a small number of administrative and HR support staff. It was envisaged that the extent and timing of the savings would be identified and dealt with as part of the implementation process with measures that could be advanced quickly to achieve administrative efficiencies and cost savings prioritised.

In accordance with the terms of the lease in place for the offices of the former Combat Poverty Agency, the Department will exercise its rights to break out of the lease in March 2011. There will be no penalty for exercising this option. The Department will use the space for its own Departmental purposes in the meantime.

Pension Provisions.

204. **Deputy Michael Creed** asked the Minister for Social and Family Affairs if a person (details supplied) in County Meath has sufficient contributions made to be entitled to a contributory State pension; and if he will make a statement on the matter. [13543/10]

Minister for Social and Family Affairs (Deputy Éamon Ó Cuív): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

Social Welfare Benefits.

205. **Deputy Paul Connaughton** asked the Minister for Social and Family Affairs the reason a person (details supplied) in County Galway is not in receipt of a higher rate of jobseeker's assistance; and if he will make a statement on the matter. [13550/10]

Minister for Social and Family Affairs (Deputy Éamon Ó Cuív): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

206. **Deputy Paul Connaughton** asked the Minister for Social and Family Affairs when a decision will be made on an application for jobseeker's assistance in respect of a person (details supplied) in County Galway; and if he will make a statement on the matter. [13552/10]

Minister for Social and Family Affairs (Deputy Éamon Ó Cuív): Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy.

Departmental Property.

207. **Deputy Ciarán Lynch** asked the Minister for Social and Family Affairs the number of properties that his Department is currently leasing from property landlords along with the location of same; the number of these lease agreements that contain upward only rent review clauses; the cost arising from these rents; the efforts that are being made by his Department to ensure that these rents are operating at a sustainable level in the current business and economic environment; and if he will make a statement on the matter. [13566/10]

Minister for Social and Family Affairs (Deputy Éamon Ó Cuív): The Office of Public Works is responsible for most rented properties occupied by the Department. In the case of three properties, however, the Department is directly responsible for the rental arrangements but due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy at this time.

208. **Deputy Ciarán Lynch** asked the Minister for Defence the number of properties that his Department is currently leasing to commercial business along with the location of same; the number of these lease agreements that contain upward only rent review clauses; the income derived from these rents; the efforts that are being made by his Department to ensure that these rents are operating at a sustainable level in the current business and economic environment; and if he will make a statement on the matter. [13428/10]

Minister for Defence (Deputy Tony Killeen): The Department is currently leasing 30 properties, mainly in the Curragh, Co. Kildare, to a variety of individuals and organizations.

Only 5 of these leases can be regarded as being to business ventures. The terms of these leases vary from year to year to a term of 99 years from 1952. The terms of these leases and the charges associated with them reflect the nature of the businesses and the level of support they provide to the military community in the Curragh. The charges range from €466 to €5,000 per annum. All of these charges are subject to periodic review.

The current charges are not an impediment to the businesses concerned.

209. **Deputy Ciarán Lynch** asked the Minister for Defence the number of properties that his Department is currently leasing from property landlords along with the location of same; the number of these lease agreements that contain upward only rent review clauses; the cost arising from these rents; the efforts that are being made by his Department to ensure that these rents are operating at a sustainable level in the current business and economic environment; and if he will make a statement on the matter. [13558/10]

Minister for Defence (Deputy Tony Killeen): The Department is currently renting 51 properties, 4 on a full-time basis and 47 on a part-time basis, for use by the Reserve Defence Force. 49 of these premises are rented from local authorities, community groups, sports organisations or private individuals.

Two, in Tullamore and Sligo, are rented from commercial entities. The charge for the Tullamore property is reviewed by reference to movement in the CPI while that for the Sligo property is due for review early next year. The total cost of these leases is about €20,000 per annum.

Housing Statistics.

210. **Deputy Joe Costello** asked the Minister for the Environment, Heritage and Local

Government the number of housing units constructed for each year between 2000 and 2010; and if he will make a statement on the matter. [13386/10]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): Data on the number of houses built by type of dwelling for each year from 2000 to 2008 are published in the Annual Housing Statistics Bulletins, which are available in the Oireachtas Library or on my Department's website at www.environ.ie. Data for 2009 are currently being compiled, and will be made available on the Department's website once finalised.

Departmental Property.

211. **Deputy Ciarán Lynch** asked the Minister for the Environment, Heritage and Local Government the number of properties that his Department is currently leasing to commercial business along with the location of same; the number of these lease agreements that contain upward only rent review clauses; the income derived from these rents; the efforts that are being made by his Department to ensure that these rents are operating at a sustainable level in the current business and economic environment; and if he will make a statement on the matter. [13455/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The Department is not currently leasing any property to commercial businesses.

Housing Policy.

212. **Deputy Dan Neville** asked the Minister for the Environment, Heritage and Local Government his plans to bring forward a housing strategy for people with disabilities; if he will ensure that the strategy is published without delay and that the provisions for mental health remain intact and are not watered down; if he will include comprehensive guidelines relating to persons with mental health problems which would include clarifying the agency responsible for providing housing supports for people with mental health problems as well as the way these supports will be delivered; and if he will make a statement on the matter. [13517/10]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): I refer to the reply to Question No. 240 of 3 March 2010. The position is unchanged.

Private Rented Accommodation.

213. **Deputy Ciarán Lynch** asked the Minister for the Environment, Heritage and Local Government if he will confirm that Meath County Council have increased rent contributions under the rental accommodation scheme by 93%; if similar increases have occurred elsewhere; the reason for the increase; and if he will make a statement on the matter. [13518/10]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): The level of contributions paid by tenants under the Rental Accommodation Scheme is based on the differential rents scheme for local authority dwellings as set by housing authorities. My Department does not hold information on the contribution levels in each authority. Variations in rent contributions, upwards and downwards, will normally be a consequence of changes in individual household circumstances.

Departmental Property.

214. **Deputy Ciarán Lynch** asked the Minister for the Environment, Heritage and Local Government the number of properties that his Department is currently leasing from property landlords along with the location of same; the number of these lease agreements that contain upward only rent review clauses; the cost arising from these rents; the efforts that are being made by his Department to ensure that these rents are operating at a sustainable level in the current business and economic environment; and if he will make a statement on the matter.

[13561/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Rental costs on properties occupied by my Department are, in general, met by the Office of Public Works. However, the following are rented directly by the Department:

Location	Property type	Cost
Galway	Storage Unit	€2,642 per annum
Cork	Storage Unit	€21,870 per annum
Met Éireann, Dublin Airport	Offices	€73,720 per annum, including service charges
Met Éireann, Shannon Airport	Offices	€150,637.03 per annum, including service charges

At the end of 2009, my Department also entered into an arrangement whereby its National Monuments Service will occupy a proportion of an archival and storage facility as a sub-lessee of the National Museum of Ireland.

Arrangements relating to the above do not contain upward-only rent review clauses. Rents are kept under regular review.

215. **Deputy Ciarán Lynch** asked the Minister for Communications, Energy and Natural Resources the number of properties that his Department is currently leasing to commercial business along with the location of same; the number of these lease agreements that contain upward only rent review clauses; the income derived from these rents; the efforts that are being made by his Department to ensure that these rents are operating at a sustainable level in the current business and economic environment; and if he will make a statement on the matter.

[13426/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): My Department has no properties that are leased to commercial interests.

216. **Deputy Ciarán Lynch** asked the Minister for Communications, Energy and Natural Resources the number of properties that his Department is currently leasing from property landlords along with the location of same; the number of these lease agreements that contain upward only rent review clauses; the cost arising from these rents; the efforts that are being made by his Department to ensure that these rents are operating at a sustainable level in the current business and economic environment; and if he will make a statement on the matter.

[13556/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): My Department occupies or partly occupies a number of leased buildings. They are as follows:

Department HQ, 29/31 Adelaide Road, Dublin 2;

Core Store, Sandyford Industrial Estate, Sandyford, County Dublin;

Elm House, Earlsvale Road, Cavan (partly occupies).

All details in relation to the leases are dealt with by the Office of Public Works.

217. **Deputy Ciarán Lynch** asked the Minister for Agriculture, Fisheries and Food the number of properties that his Department is currently leasing to commercial business along with the location of same; the number of these lease agreements that contain upward only rent review clauses; the income derived from these rents; the efforts that are being made by his Department to ensure that these rents are operating at a sustainable level in the current business and economic environment; and if he will make a statement on the matter. [13424/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Under the 1968 Fishery Harbour Centres Act (as amended) my Department is responsible for the development and management of six Fishery Harbour Centres which are located at Killybegs, Ros a Mhíl, An Daingan, Castletownbere, Dunmore East and Howth. Available properties within the Fishery Harbour Centres are offered for lease, in accordance with the Act and public procurement guidelines. On entering into an agreement with a customer a legally binding lease document is signed by the leaseholder and on my behalf. This document sets out the terms and conditions that apply to the specific lease, including the rent review mechanisms. The most recent audited accounts available for the Fishery Harbour Centre Fund are for 2006. The value for rental income for that year was €1,249,109.

Fisheries Protection.

218. **Deputy Liz McManus** asked the Minister for Agriculture, Fisheries and Food his views on the commercial ban on bass fishing; the position regarding bass fishing; if he has received correspondence from angling clubs in relation to concerns over bass fishing; his further views on same; the way he proposes to ensure that bass is not over-fished here; and if he will make a statement on the matter. [13433/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The Federation of Irish Fishermen (FIF) has made a proposal to my Department regarding the possibility of a limited offshore Sea Bass fishery.

The proposal is being given careful consideration taking account of the advice of the Marine Institute and the Sea Fisheries Protection Authority and being particularly conscious of the necessity to maintain the existing protection afforded to the inshore Sea Bass fishery. This factor is also recognised in the FIF proposal which gives assurances that the inshore Sea Bass fishery around our coast would not be targeted for commercial fishing. Under the FIF proposal, vessels would be permitted to land Sea Bass caught south of (51.30'N) in area VII. This area is approx 50 KM off the SE coast of Ireland.

In order to take account of the views of all stakeholders, including anglers, Minister Killeen wrote to Minister Lenihan in the Department of Energy, Communications and Natural Resources, who has responsibility for inland fisheries, seeking his views on this proposal before making any final decision in the matter. Minister Lenihan's response will be taken into account in the matter.

Grant Payments.

219. **Deputy Finian McGrath** asked the Minister for Agriculture, Fisheries and Food the

[Deputy Finian McGrath.]

position regarding the case of a person (details supplied) in County Clare with regard to admission to the early retirement scheme. [13435/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Due to industrial action by staff in my Department, I am not in a position to provide a reply to this question.

220. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Cork will be approved for benefit under the early retirement scheme; and if he will make a statement on the matter. [13441/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Due to industrial action by staff in my Department, I am not in a position to provide a reply to this question.

221. **Deputy Paul Connaughton** asked the Minister for Agriculture, Fisheries and Food the reason a person (details supplied) in County Galway has not been awarded their single farm payment for 2009; if his attention has been drawn to the fact that legal documents have been sent from their solicitor on their behalf to the entitlements section transferring entitlements over to him; and if he will make a statement on the matter. [13448/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): An application was received on 25 February 2010 requesting the transfer of 38.06 Single Payment entitlements from the late father of the person named to the mother of the person named under the 2009 Single Payment Scheme.

From correspondence and documentation received, it seems the intention is to transfer the entitlements to the person named above.

While the Transfer of Entitlements section has received documentation regarding the transfer of land and entitlements to the person named from his mother, a copy of Will and Probate for the late father of the person named has not been received. Upon receipt of these the requested transfer of entitlements will be processed without delay.

222. **Deputy Paul Connaughton** asked the Minister for Agriculture, Fisheries and Food when the 2009 cow welfare scheme will be awarded in respect of a person (details supplied); and if he will make a statement on the matter. [13450/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Due to industrial action by staff in my Department, I am not in a position to provide a reply to this question.

223. **Deputy Paul Connaughton** asked the Minister for Agriculture, Fisheries and Food if entitlements are still available in respect of a person (details supplied) in County Galway; and if he will make a statement on the matter. [13451/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The position regarding the 2009 Single Farm Payment of the person named has recently been resolved, following which, the payment in question will shortly issue, directly to the nominated bank account of the person named.

Fishing Fleet Modernisation.

224. **Deputy Joanna Tuffy** asked the Minister for Agriculture, Fisheries and Food the amount approved and-or paid out under the fishing boat commissioning scheme to date in 2010; the

total capacity that has been commissioned; the number of boats and owners affected; and if he will make a statement on the matter. [13510/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Due to Industrial Action by staff in my Department, I am not in a position to provide a reply to this question.

Grant Payments.

225. **Deputy Pat Breen** asked the Minister for Agriculture, Fisheries and Food when a decision will be made on an application in respect of a person (details supplied) in County Clare; and if he will make a statement on the matter. [13536/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): An appeal from the person named was recently received in my Department and is currently under consideration. The person named will be notified, in writing, immediately a decision is reached.

226. **Deputy Paul Connaughton** asked the Minister for Agriculture, Fisheries and Food the reason a person (details supplied) in County Galway has not received €9,950 single farm payment in 2008 and 2009 as they received this in 2007; and if he will make a statement on the matter. [13551/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): My Department's records show that payments under the 2008 Single Payment Scheme and the 2009 Single Payment Scheme issued directly to the nominated bank account of the person named; the 2008 advance payment issued on 16 October 2008 and the balancing payment on 1 December 2008, while the full payment under the 2009 Scheme issued on 1 December 2009.

Fishing Quotas.

227. **Deputy Joe McHugh** asked the Minister for Agriculture, Fisheries and Food if he will grant a derogation or some quota to boats under 15 metres in length for spurdog fishing in 2010; his views on whether the cancellation of spurdog quota for 2010 is putting a small but important group of fishermen out of business; his further views on whether that small boats do not seriously affect fish stocks; if he will respond with a constructive accommodation; and if he will make a statement on the matter. [13553/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Due to Industrial Action by staff in my Department, I am not in a position to provide a reply to this question.

Departmental Property.

228. **Deputy Ciarán Lynch** asked the Minister for Agriculture, Fisheries and Food the number of properties that his Department is currently leasing from property landlords along with the location of same; the number of these lease agreements that contain upward only rent review clauses; the cost arising from these rents; the efforts that are being made by his Department to ensure that these rents are operating at a sustainable level in the current business and economic environment; and if he will make a statement on the matter. [13554/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The leasing arrangements and rental costs of properties for my Department's use are a matter for the Office of Public Works.

Schools Refurbishment.

229. **Deputy Seán Sherlock** asked the Tánaiste and Minister for Education and Science if an application for the summer works scheme by a school (details supplied) in County Cork will be considered; and if she will make a statement on the matter. [13377/10]

Tánaiste and Minister for Education and Science (Deputy Mary Coughlan): Due to industrial action on the part of some staff in the Department of Education and Science, I am not in a position to give full details of the project for the school referred to by the Deputy.

The timetable for the Summer Works Scheme 2010 has been published as part of the governing Circular Letter for the Scheme. This Circular Letter (0057/2009) is available on the Department's website *www.education.ie*.

Following an assessment process, projects will be selected for funding from all valid and approved applications on a top down basis in accordance with the prioritisation criteria published with the Scheme.

In accordance with the timetable, it is my intention to publish a list of successful SWS applicants later this month.

230. **Deputy Seán Sherlock** asked the Tánaiste and Minister for Education and Science if a summer works scheme application by a school (details supplied) in County Cork will be considered; and if she will make a statement on the matter. [13380/10]

Tánaiste and Minister for Education and Science (Deputy Mary Coughlan): Due to industrial action on the part of some staff in the Department of Education and Science, I am not in a position to give full details of the project for the school referred to by the Deputy.

The timetable for the Summer Works Scheme 2010 has been published as part of the governing Circular Letter for the Scheme. This Circular Letter (0057/2009) is available on the Department's website *www.education.ie*.

Following an assessment process, projects will be selected for funding from all valid and approved applications on a top down basis in accordance with the prioritisation criteria published with the Scheme.

In accordance with the timetable, it is my intention to publish a list of successful SWS applicants later this month.

Special Educational Needs.

231. **Deputy Michael McGrath** asked the Tánaiste and Minister for Education and Science the position regarding the number of special needs assistants approved for a school (details supplied) in County Cork for the 2010-11 school year; and if she will make a statement on the matter. [13381/10]

Tánaiste and Minister for Education and Science (Deputy Mary Coughlan): My Department is very supportive of the SNA scheme. It has been a key factor in both ensuring the successful integration of children with special educational needs into mainstream education and providing support to pupils enrolled in special schools and special classes.

The Deputy will be aware that the National Council for Special Education (NCSE), through its network of local Special Educational Needs Organisers (SENOS), is at present carrying out a review of SNA allocations in all schools with a view to ensuring that the criteria governing

the allocation of such posts are properly met. This exercise may result in the identification of 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. At the same time the NCSE is allocating additional posts where the criteria are met.

There is no question of SNA posts being removed from schools where they continue to meet the scheme's criteria. However, there is also no question of posts being left in schools where they are deemed to be surplus to pupils' care needs. 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.

The NCSE is carrying out this review and the SENO will be advising each school, including the school in question, on the outcome of the review.

232. **Deputy Phil Hogan** asked the Tánaiste and Minister for Education and Science the staffing arrangements for the following categories in special needs schools as per the SERC Report — emotional behaviour disturbance, severe emotional behaviour disturbance, autism and moderate learning disability; and if she will make a statement on the matter. [13397/10]

Tánaiste and Minister for Education and Science (Deputy Mary Coughlan): The Deputy is referring to the in the Report of the Special Education Review Committee, 1993, also known as the SERC Report. The Deputy will be aware that the staffing of special classes is determined by reference to the recommendations outlined in the report. In accordance with SERC the minimum staffing ratios for the classes in the disability categories in question are as follows:

Moderate General Learning Disability:

- Pupil/Teacher Ratio 8:1;
- Class Group / SNA ratio 2:1

Emotionally Disturbed:

- Pupil / Teacher Ratio 8:1;
- Class Group / SNA Ratio 4:1

Severely Emotionally Disturbed

- Pupil / Teacher Ratio 6:1;
- Class Group / SNA Ratio 1:1

It should be noted that prior to 1998 children with autism were included in the disability category of severe emotional disturbance. The pupil /teacher ratio for autism is 6:1 and the class group / SNA ratio is 1:2.

The Deputy will be aware that the National Council Special Education (NCSE) is responsible, through its network of local Special Educational Needs Organisers (SENOs), for allocating resource teachers and special needs assistants to schools to support children with special needs. The NCSE operates within my Department's criteria in allocating such support and has the flexibility to allocate additional teaching and SNA support if required.

Pension Provisions.

233. **Deputy Andrew Doyle** asked the Tánaiste and Minister for Education and Science if she will provide clarification on salary arrears for the period between 1996 and 2007 and pension increments arrears for the period from February 2004 to 2009 in respect of a person (details supplied) in County Wicklow; the reason these pension arrears were not awarded; and the further reason salary increases were not awarded for those ten years in question. [13412/10]

235. **Deputy Andrew Doyle** asked the Tánaiste and Minister for Education and Science the reason the issue of abatement liability has risen in respect of a person (details supplied) in County Wicklow in relation to the pensions arrears due to them for the period from February 2004 to February 2009. [13414/10]

Tánaiste and Minister for Education and Science (Deputy Mary Coughlan): I propose to take Questions Nos. 233 and 235 together.

The person in question retired with a public service pension from a post with a College of Education in 1995. She subsequently took up pensionable employment as a primary teacher and has since retired with a separate pension in respect of that service. In 2007, following a request for incremental progression in respect of her service with the College of Education, the person's salary as a primary teacher was reviewed and salary arrears were paid.

During her pensionable primary teaching service she continued to receive payment of her pension in respect of her earlier employment with the College of Education. The rate of that pension was retrospectively revised by the College to take account of a number of appropriate pension increases. The amount of the arrears were determined but not paid. The College, having become aware of the subsequent pensionable employment, has applied the abatement rules since the aggregate of the rate of pay as a primary teacher together with the rate of pension, had for certain periods, exceeded the old rate of pay on which that pension was based, adjusted to current rates.

The matter is now the subject of an appeal to my Department and is under active consideration at the moment. It is expected that a formal determination will issue to the person concerned within the next four weeks. The determination will address the pension issues including the issue of abatement. In addition the question of salary arrears that were paid will also be addressed.

I should add that if the person is not satisfied with the outcome of the determination, when issued, she may refer the matter to the Pensions Ombudsman.

234. **Deputy Andrew Doyle** asked the Tánaiste and Minister for Education and Science the rules regarding the abatement process in the context of pension arrears relating to post-primary teachers. [13413/10]

Tánaiste and Minister for Education and Science (Deputy Mary Coughlan): Abatement of pension applies in the case of public servants who, following retirement with a pension, take up public service employment in the same public service sector from which they have retired. This is a standard feature of public service pension schemes generally. Abatement is the mechanism used to ensure that the combined earnings (pension plus pay) do not exceed the pay on which the pension is based, adjusted to current rates.

Under the abatement rules for post primary teachers, pension will be continued provided the aggregate of the rate of pay (for the new employment) and the pension in payment do not exceed the old rate of pay on which the pension was based, adjusted to current rates.

Where the new rate of pay exceeds the old rate of pay, pension is not payable. Where the new rate of pay is less than the old rate of pay but the aggregate of new pay and pension exceeds the old rate of pay, the pension payment is correspondingly reduced.

In the event that pension arrears become payable, in respect of the pension awarded on initial retirement, to a teacher who has resumes employment, the amount of arrears to be paid would fall to be adjusted in line with the application of the abatement provisions

I should also add that, in the case of teachers who availed of the now suspended three-stranded Early Retirement Scheme, pension ceases if the retired teacher takes up employment in any capacity in any area of the public service. The ceased pension will not resume until the later of the date the teacher ceases employment or reaches preserved pension age (age 60, or age 65 in the case of persons categorised as new entrant public servants). Added years previously awarded will not be reckoned in the calculation of the resumed pension. Exceptionally teachers who retired under Strand 3 of the Scheme may undertake substitute or part-time teaching provided it is on a very casual or intermittent basis.

Question No. 235 answered with Question No. 233.

Question No. 236 withdrawn.

Schools Building Projects.

237. **Deputy Andrew Doyle** asked the Tánaiste and Minister for Education and Science the criteria by which schools are being selected as recipients of the school building projects for 2010; when a school (details supplied) in County Wicklow will receive approval to build their new school; and if he will make a statement on the matter. [13421/10]

Tánaiste and Minister for Education and Science (Deputy Mary Coughlan): A range of factors are considered before making a final selection of projects to progress to tender and construction as part of the school building programme.

Priority is established primarily on the basis of a project's band rating in accordance with the Criteria for Prioritising Large Scale Projects, details of which are published on my Department's website. However, there is a range of other factors taken into account in the selection of projects.

These factors include:

- the need to achieve an appropriate balance of capital expenditure on a multi-annual basis between primary and post-primary building projects
- the need to ensure that contractual commitments are not entered into in any particular year which might not be capable of being met in future years
- the need to ensure adequate funding is available for the purchase of sites for key projects
- the need to provide additional school places in rapidly developing areas to meet increasing demand while at the same time balancing this with the need to maintain investment in the improvement of existing school buildings.

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- the stage of progression through the architectural design process, that is whether or not the project is technically ready to proceed to tender and construction

All of these factors have to be considered before making a final selection of projects for the purposes of developing a school building programme.

The Deputy will be aware that in February, the Minister made an announcement regarding projects to enter architectural planning and to proceed to tender and construction. Unfortunately, it was not possible to include the school referred to by the Deputy in this announcement.

Due to industrial action on the part of some staff in the Department of Education and Science, I am not in a position to give full details of the project for the school referred to by the Deputy.

The progression of all large scale building projects, including the project for the school in question, from initial design stage through to construction will be considered in the context of the school building and modernisation programme. However, in view of the level of demand on the Department's capital budget, it is not possible to give an indicative timeframe for the progression of the project at this time.

State Examinations.

238. **Deputy Michael McGrath** asked the Tánaiste and Minister for Education and Science the position regarding the provision of reasonable accommodations for a student (details supplied) in County Cork to sit their leaving certificate examination. [13422/10]

Tánaiste and Minister for Education and Science (Deputy Mary Coughlan): The State Examinations Commission has statutory responsibility for operational matters relating to the certificate examinations including organising the holding of examinations and determining procedures in places where examinations are conducted including the supervision of examinations.

I can inform the Deputy that the Commission operates a scheme of Reasonable Accommodations in the Certificate examinations. Applications for such accommodations are submitted by schools on behalf of their students.

In view of this I have forwarded your query to the State Examinations Commission for direct reply to you.

Departmental Property.

239. **Deputy Ciarán Lynch** asked the Tánaiste and Minister for Education and Science the number of properties her Department is currently leasing to commercial business along with the location of same; the number of these lease agreements that contain upward only rent review clauses; the income derived from these rents; the efforts that are being made by her Department to ensure that these rents are operating at a sustainable level in the current business and economic environment; and if she will make a statement on the matter. [13429/10]

Tánaiste and Minister for Education and Science (Deputy Mary Coughlan): It is my Department's understanding that such practices do not generally occur on sites under Ministerial ownership. In any event, a central list is not maintained of such agreements. My Department is aware however of a long standing agreement whereby it approved by way of letter of 22 February 1991 the use of a classroom to be used by a Montessori School which operates in the original Scoil Iosagain Building, Greendale Road, Kilbarrack, Dublin 5. No rent is being

charged in this case. It is the Department's intention to formalise the necessary legal agreements regarding this case in the coming months

Schools Building Projects.

240. **Deputy Brian Hayes** asked the Tánaiste and Minister for Education and Science further to Parliamentary Question Nos 531 of 23 February 2010 and 153 of 4 March 2010, if she will name the 31 projects currently at tender stage; and if it is her intention that once these projects have passed the tender stage, in view of the fact that they already have planning permission, that the projects will proceed automatically to the construction phase. [13468/10]

241. **Deputy Brian Hayes** asked the Tánaiste and Minister for Education and Science the number of projects in the school building programme that have planning permission, completed the tender stage and that are awaiting permission to proceed to construction; if she will name the projects; and if she will provide the date when the tender stage was completed. [13469/10]

Minister of State at the Department of Education and Science (Deputy Conor Lenihan): I propose to take Questions Nos. 240 and 241 together.

There are currently 35 schools with major building projects, including those to which the Deputy refers, at tender stage. Of the 35 projects, 32 have planning permission and 3 are awaiting planning permission.

None of the projects that have planning permission in the attached list are awaiting permission to proceed to construction as they have yet to complete the tender stage.

Subject to the necessary statutory approvals and no issues arising it is intended that projects will progress to construction as soon as possible following completion of the tender process.

Roll Number	School Name	Planning Y/N
18363M	SN Muire gan Smal, Green Lane	Y
06998Q	SN Tulach a Mhile, Corlough	Y
16746S	Ballygarvan NS	N (tendered as design and build)
71240U	Stranorlar Vocational School (Finn Valley College)	Y
91409A	Pobalscoil Ghaoth Dobhair, Derrybeg, Letterkenny	Y
16964F	Scoil Mhuire Ogh 1, Loreto College, Crumlin Rd, Dublin 12	Y
20139T	Inchicore NS, Sarsfield Road, Dublin 10	Y
19898K	Gaelscoil an Duinnigh, Feltrim, Swords	Y
20095C	Gaelscoil Bhrian Boroimhe	Y
20145O	Swords Educate Together NS	Y
60010P	Loreto Secondary School, Balbriggan	Y
76104O	Donabate Community College	N (tendered as design and build)
70030E	Senior College, Dun Laoghaire	Y
62970K	Coláiste Iognáid SJ Bothar na Mara	Y
20196I	Ballybunion NS	Y
11976K	Scoil Choca Naofa, Kilcock, Co. Kildare	Y
17662R	Scoil Bhríde Kill NS	Y
20058T	Sc Uí Fhiach, Maynooth	Y
15160G	Marymount N.S., The Rower, Inistioge	Y
13026P	Kilfinane National School	Y
71690F	Ballymahon Vocational School	Y

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Roll Number	School Name	Planning Y/N
18069M	Naomh Seosamh, Mell, Drogheda	Y
20205G	St Mary's Parish School, Drogheda	Y
20046M	Gaelscoil Na Cruaiche, Cathair na Mart, Co. Mayo	Y
19253K	Scoil Naomh Barra, Wilkinstown	Y
20180Q	Scoil Eoin National School, Navan	Y
76103M	Colaiste Na hInse, Laytown	N (tendered as design and build)
18028V	Corr a Chrainn NS, Corr a Chrainn	Y
65610S	Colaiste Choilm, O'Moore Street, Tullamore, Co Offaly	Y
65100S	Scoil Mhuire, Strokestown, Co Roscommon	Y
15696B	Silvermines National School	Y
19629G	Holy Cross School, Ballycarnane, Tramore	Y
20076V	Bunscoil Bhothar na Naomh, Lismore	Y
20050D	Gaelscoil na Deise, Grace Dieu Road, Waterford	Y
20160K	Waterford Educate Together NS	Y

School Curriculum.

242. **Deputy Ruairí Quinn** asked the Tánaiste and Minister for Education and Skills the position regarding the project maths pilot programme; her plans to roll out the project to all schools in 2010; if she will confirm that the syllabus will be finalised ahead of the new course being rolled out to all schools; if she will confirm if reports that the October 2009 trial exam resulted in grade inflation of up to 150% when compared to the current maths syllabus; and if she will make a statement on the matter. [13475/10]

Tánaiste and Minister for Education and Science (Deputy Mary Coughlan): The Project Maths initiative is designed to encourage better understanding of Maths, to reinforce the practical relevance of maths to everyday life, and to ensure better continuity between primary and second level, and junior and senior cycle. The initiative started in 2008 and is being piloted in 24 schools. The experience in the project schools is informing the national mainstreaming of the initiative. The curriculum changes will be phased in over three years and mainstreaming is beginning in 2010/11 in all schools. A national programme of professional development for all teachers began in 2009, and will continue to at least 2013.

The NCCA website www.ncca.ie sets out the draft syllabus for Strands 1, 2, 3 and 4 at junior and senior cycle, a draft common Mathematics course for the first year in junior cycle, and a Geometry course. The website www.ProjectMaths.ie sets out additional supports in the form of teaching and learning plans, a forum for teachers, and additional resources. These resources will expand over time. Overall, the changes will be implemented in 5 strands of mathematics over a 3 year period.

Project Maths is being supported by intensive investment in professional development for teachers, with some €5m being invested in this area in 2010.

Strands 1 and 2 will begin in all schools in September 2010 for first examination in 2012 at Leaving Certificate and 2013 at junior certificate. Strands 3 and 4 will begin in 2011. The syllabuses for Strands 1 and 2, already available in draft form, will be finalised in the light of experience in the 24 project schools, and will issue to all schools this summer. The remaining strands will follow in sequence, informed by the experience in the 24 project schools.

In October 2009 the State Examinations Commission undertook a trialling exercise on the draft Leaving Certificate sample papers for Phase 1 of Project Maths in the twenty-four initial schools involved in the project. The purpose of the trialling process was to measure the effectiveness of the draft sample papers and the marking schemes, rather than to test current levels of candidate achievement. As a result of the trialling process and feedback received from relevant parties, the SEC prepared a report, which is available on its website www.examinations.ie, and amendments were made to the drafts. The finalised versions of the sample papers were subsequently issued to the twenty four schools along with the report on the trialling exercise. The marked scripts of the candidates involved in the trialling exercise have also been returned to these schools. There is no evidence of any grade inflation in the marks awarded to the students involved in the trialling exercise.

Schools Amalgamation.

243. **Deputy Bobby Aylward** asked the Tánaiste and Minister for Education and Science further to Parliamentary Question No. 531 of 2 March 2010 regarding the amalgamation of two schools (details supplied) in County Kilkenny and her Department's letter to one of the schools in July 2007, the progress that has been made since. [13483/10]

Tánaiste and Minister for Education and Science (Deputy Mary Coughlan): Due to industrial action on the part of some staff in the Department of Education and Science, I am not in a position to give the full details sought by the Deputy.

However, I can clarify that there is a standard procedure in relation to applications for the amalgamation of schools. To comply with this procedure, an application to amalgamate schools must be made by the Patron/s or Trustees of the schools concerned. It is necessary for this application to confirm that a consultation process has been carried out by the Patron/s or Trustees among the Boards of Management, parents and teachers. It must also indicate that these parties are in agreement to the amalgamation and that the Patron/s or Trustees consent to it. Correspondence from an individual school would not comply with this procedure and would not, therefore, be considered to be an application.

Schools Refurbishment.

244. **Deputy Olwyn Enright** asked the Tánaiste and Minister for Education and Science further to Parliamentary Question No. 1064 of 19 January 2010, when a decision will be made on an application for capital grant aid under the summer works scheme 2010 by a school (details supplied) in County Offaly; and if she will make a statement on the matter. [13486/10]

Tánaiste and Minister for Education and Science (Deputy Mary Coughlan): Due to industrial action on the part of some staff in the Department of Education and Science, I am not in a position to give full details of the project for the school referred to by the Deputy.

The timetable for the Summer Works Scheme 2010 has been published as part of the governing Circular Letter for the Scheme. This Circular Letter (0057/2009) is available on the Department's website www.education.ie.

Following an assessment process, projects will be selected for funding from all valid and approved applications on a top down basis in accordance with the prioritisation criteria published with the Scheme.

In accordance with the timetable, it is my intention to publish a list of successful SWS applicants later this month.

Schools Building Projects.

245. **Deputy Billy Timmins** asked the Tánaiste and Minister for Education and Science the position regarding a school (details supplied) in County Wicklow; if approval will be granted; and if she will make a statement on the matter. [13487/10]

Tánaiste and Minister for Education and Science (Deputy Mary Coughlan): A range of factors are considered before making a final selection of projects to progress to tender and construction as part of the school building programme.

Priority is established primarily on the basis of a project's band rating in accordance with the Criteria for Prioritising Large Scale Projects, details of which are published on my Department's website. However, there is a range of other factors taken into account in the selection of projects. These factors include: the need to achieve an appropriate balance of capital expenditure on a multi-annual basis between primary and post-primary building projects; the need to ensure that contractual commitments are not entered into in any particular year which might not be capable of being met in future years; the need to ensure adequate funding is available for the purchase of sites for key projects; the need to provide additional school places in rapidly developing areas to meet increasing demand while at the same time balancing this with the need to maintain investment in the improvement of existing school buildings; the stage of progression through the architectural design process, that is whether or not the project is technically ready to proceed to tender and construction

All of these factors have to be considered before making a final selection of projects for the purposes of developing a school building programme.

The Deputy will be aware that in February, the Minister made an announcement regarding projects to enter architectural planning and to proceed to tender and construction. Unfortunately, it was not possible to include the school referred to by the Deputy in this announcement.

Due to industrial action on the part of some staff in the Department of Education and Science, I am not in a position to give full details of the project for the school referred to by the Deputy. The progression of all large scale building projects, including the project for the school in question, from initial design stage through to construction will be considered in the context of the school building and modernisation programme. However, in view of the level of demand on the Department's capital budget, it is not possible to give an indicative timeframe for the progression of the project at this time.

Higher Education Grants.

246. **Deputy Noel Ahern** asked the Tánaiste and Minister for Education and Science the person who sets the nationality requirements of the higher education grants scheme; if these are set here or by the EU; the reason those who have refugee status qualify but those given permission to stay due to the fact they had an Irish born child and may have got refugee status are denied the rights of the scheme for themselves and their children; if an application for naturalisation will be fast-tracked to allow an 18 year old to get their entitlement for a college (details supplied); and if she will make a statement on the matter.. [13496/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): The eligibility requirements for student grants, including those relating to nationality, are set out annually in the relevant grant schemes drawn up by my Department.

Under the terms of the Higher Education Grant Scheme, grant assistance is awarded to students who meet the prescribed conditions of funding, including those which relate to nationality, residency, means and previous academic attainment.

The nationality requirement as set out in clause 4.5 of the 2009 scheme states that candidates must: — be a national of an EU Member State, a state which is a contracting state to the EEA Agreement, the Swiss Confederation or — a refugee or other person entitled for the time being to the rights and privileges specified in section 3 of the Refugee Act 1996; or — be a person, pursuant to the European Communities (Eligibility for Protection) Regulations 2006 (S.I. No. 518 of 2006) who the Minister for Justice, Equality and Law Reform has determined is eligible for the time being for subsidiary protection pursuant to Regulation 4 of those regulations, or to whom the Minister for Justice, Equality and Law Reform has granted permission for the time being in writing to enter and reside in the State pursuant to Regulation 16 of those Regulations; or — have permission to remain in the State by virtue of marriage to a national of another EU Member State who is residing in the State and who is or has been employed, or self-employed, in the State, or be the child of such a person, not having EU nationality; or — have permission to remain in the State by virtue of marriage to an Irish national residing in the State, or be the child of such person, not having EU nationality; or- have been granted Humanitarian Leave to Remain in the State (prior to the Immigration Act 1999); or — be a person in respect of whom the Minister for Justice, Equality and Law Reform has granted permission to remain following a determination not to make a deportation order under section 3 of the Immigration Act 1999

A non-EU national who has been granted permission to remain in the State on the basis of parentage of an Irish born child does not comply with these conditions and is ineligible for grant assistance under the nationality requirements of the scheme. Persons granted leave to remain in the State on the basis of parentage of an Irish born child do not have all of the same rights as persons granted refugee status. Any extension to the scope of the maintenance grants schemes can be considered only in the light of available resources and in the context of competing demands within the education sector.

Any issue in relation to the processing of an application for naturalisation is a matter for my colleague, the Minister for Justice, Equality and Law Reform.

Special Educational Needs.

247. **Deputy Noel Ahern** asked the Tánaiste and Minister for Education and Science her views on the pilot school (details supplied); if her Department or an agency under her remit monitors the individual progress of children there; and if she will arrange to examine, report on and make recommendations on the case of a person. [13500/10]

Tánaiste and Minister for Education and Science (Deputy Mary Coughlan): The centre referred to by the Deputy is in the Applied Behavioural Analysis (ABA) pilot scheme funded by my Department which funds 13 stand-alone autism centres.

The Deputy will be aware of my commitment to ensuring that all children including those with autism can have access to an education appropriate to their needs preferably in school settings through the primary and post primary school network. This facilitates access to individualised education programmes, fully qualified professional teachers who may draw from a range of autism-specific interventions, including ABA, special needs assistants, and the appropriate school curriculum with the option where possible of full/partial integration and interaction with other pupils.

As each child with autism is unique it is important that children have access to a range of interventions so their broader needs can be met. In this context local Special Education Needs Organisers (SENOs) can assist parents with regard to their child's special educational needs and placement options. While my Department promotes quality at system level through recog-

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tion of schools, investment in teacher education and whole school evaluation my Department does not monitor the progress of individual children. Supports for individual children are provided at school level as well as through agencies such as the National Council for Special Education (NCSE), the National Educational Welfare Board (NEWB) and where appropriate through the National Educational Psychological Service.

If the parents in this case wish to obtain assistance from the relevant SENO they can access details from the NCSE's website *www.ncse.ie*.

School Staffing.

248. **Deputy Noel Ahern** asked the Tánaiste and Minister for Education and Science the position regarding the decision on the teacher supply panel; if it will cause significant problems for children in our most deprived areas; if the panel provides consistency of learning in such areas; if teacher absenteeism is higher in deprived areas; if it has historically proved more difficult to get substitute teachers in such areas; if abolishing the panel may result in unqualified substitute teachers being employed without Garda vetting approval; the discussions she has had with teacher unions; the result of same; the number of teachers that are selected; if a substitute can pick and choose; the number of substitutes that are on the available panel; and if she will make a statement on the matter. [13501/10]

Tánaiste and Minister for Education and Science (Deputy Mary Coughlan): The supply teacher scheme was initially set up at primary level over 15 years ago at a time when schools had difficulty getting substitute teachers. The supply scheme operates on the basis of an additional full-time teacher being allocated to a school to cover certified sick leave absences in that school and a cluster of neighbouring schools. If the teacher is not required on a given day to cover sick leave absences they generally assist with other work in their school such as administrative duties. There are 60 posts allocated to the scheme.

A value for money review of the Supply Teacher Scheme was published in July 2006. The review found that approximately 60% of these teachers' time was used to cover sick leave absences with the balance on various other school duties. This reflects the unpredictable nature of sick leave absences.

In relation to the Supply Teacher Scheme, while there are benefits for schools in having these full-time teachers it is considered more cost effective to use the normal substitution arrangements that apply to all other schools to cover sick leave absences instead of having a cohort of full-time teachers "on call" all the time in these schools to cover sick leave absences that may or may not arise.

The employment and appointment of all teachers is a matter for each individual school board of management. The arrangements for vetting of teaching and non-teaching staff are set out in Department Circular 0094/2006 which issued to all schools in June 2006. The Circular is available on my Department's website.

There has been ongoing engagement and discussion with the relevant education partners involving my predecessor and/or my senior officials concerning general education matters and specific budgetary matters.

The supply teacher scheme will cease from the start of the 2010/11 school year. The teachers concerned will be redeployed in accordance with the existing redeployment arrangements to other schools that have vacancies.

Due to industrial action on the part of some staff in the Department of Education and Science, I am not in a position to give the full details sought by the Deputy.

Schools Building Projects.

249. **Deputy Joanna Tuffy** asked the Tánaiste and Minister for Education and Science the stage of each application for a new school building or school extension in the constituency of Cork south west; and if she will make a statement on the matter. [13513/10]

Tánaiste and Minister for Education and Science (Deputy Mary Coughlan): Due to industrial action on the part of some staff in the Department of Education and Science, I am not in a position to give full details of the projects referred to by the Deputy.

However, all applications for major capital funding are listed on my Department's website in county order. Projects in architectural planning or at tender stage are listed separately on the website.

Vocational Education Committees.

250. **Deputy Joanna Tuffy** asked the Tánaiste and Minister for Education and Science the position regarding reports that decisions and notifications of decisions regarding the management of post primary schools by vocational education committees are to be withdrawn by her Department; the schools and the VECs that will be affected; if same is happening in relation to VEC schools only or if other schools are affected; if the planning for the site acquisition and planning and building of these schools will be put on hold in the period; when the management of these schools will be reviewed; if these schools will remain in State ownership; if the VECs affected have been formally notified of this process; the reason and the basis on which this process is being carried out; and if she will make a statement on the matter. [13514/10]

Tánaiste and Minister for Education and Science (Deputy Mary Coughlan): The second-level school at Clonburris in Lucan is the only such school where a VEC has already been informed about patronage. It was anticipated in 2008 that 2 new second level schools would be required in the general Clonburris area in Lucan . However, given the demographics in relation to the area and the nature of the planning, design and building process, no building has commenced yet and it is likely that only a single school will be needed in the area in the medium term.

The consideration of this new framework is not delaying the site acquisition, planning, design and building of second-level schools in any way.

School Accommodation.

251. **Deputy Dan Neville** asked the Tánaiste and Minister for Education and Science if she will provide the necessary funding in 2010 for the provision of the new classrooms required by a school (details supplied) in County Kerry; and if she will make a statement on the matter. [13541/10]

Tánaiste and Minister for Education and Science (Deputy Mary Coughlan): Due to industrial action on the part of some staff in the Department of Education and Science, I am not in a position to give full details of the project for the school referred to by the Deputy.

It is open to the school to make an application to the Department should they have additional accommodation requirements. The relevant application forms are available on the Department's website and all such applications will be processed by my Department.

School Transport.

252. **Deputy Frank Feighan** asked the Tánaiste and Minister for Education and Science

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when a decision will issue to representations in respect of persons (details supplied) in County Roscommon who are in need of school transport. [13542/10]

Minister of State at the Department of Education and Science (Deputy Seán Haughey): Due to industrial action on the part of some staff in the Department of Education and Science, I am not in a position to give the full details sought by the Deputy.

Departmental Property.

253. **Deputy Ciarán Lynch** asked the Tánaiste and Minister for Education and Science the number of properties that her Department is currently leasing from property landlords along with the location of same; the number of these lease agreements that contain upward only rent review clauses; the cost arising from these rents; the efforts that are being made by her Department to ensure that these rents are operating at a sustainable level in the current business and economic environment; and if she will make a statement on the matter. [13559/10]

Tánaiste and Minister for Education and Science (Deputy Mary Coughlan): Due to industrial action on the part of some staff in the Department of Education and Science, I am not in a position to give the full details sought by the Deputy.

However, the cost of renting office property for my Department is the responsibility of Property Management Services in the Office of Public Works, who act on behalf of Government Departments in relation to the rental/lease of office accommodation. The terms of the leases are a matter for OPW.

In relation to schools, my Department generally grant aids Boards of Management to rent temporary school accommodation, where the need arises. The terms of leases are a matter for the Boards of Management of these schools.