

DÁIL ÉIREANN

TU AIRISC OIFIGIÚIL—*Neamhcheartaithe*
(OFFICIAL REPORT—*Unrevised*)

[illegible]

DÁIL ÉIREANN

Déardaoin, 22 Aibreán 2010.
Thursday, 22 April 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. I call on Deputy Terence Flanagan.

Deputy Terence Flanagan: I seek the adjournment of the Dáil under Standing Order 32 to raise a matter of national importance, namely, the need for the Minister for the Environment, Heritage and Local Government to immediately set up a working group in his Department to ascertain the extent of the problem of the defective pyrite present in the foundations of new homes throughout the State. It is estimated that there are up to 20,000 newly built homes, some of which are in my constituency of Dublin North East, which may be affected by this defect. The sooner the Government faces up to its responsibilities and helps home owners with this problem, the better. This issue has been dragging on for almost two years.

Deputy James Bannon: I seek the adjournment of the Dáil under Standing Order 32 to raise a matter of national importance, namely, the claim by doctors that patients referred by them to the Midland Regional Hospital are being refused important scans and X-rays. These doctors are experiencing very serious difficulties in regard to the treatment of patients who they refer to this hospital. They are being forced to refer patients privately to Dublin hospitals where scans are carried out within one week. There is the possibility that this situation is being repeated throughout the country to the detriment of patient safety. This Fianna Fáil-led Government closed down the facilities in Longford-Westmeath.

(Interruptions).

Deputy James Bannon: It is on the front of the newspaper.

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

Deputy Frank Feighan: I seek the adjournment of the Dáil under Standing Order 32 to raise a matter of national importance, namely, the behaviour of banks that are not under the Government guarantee scheme and, in particular, their total disregard to customer service and the people of this State. I call on the Minister for Finance to immediately meet these banks to discuss their attitude to the way they do business in the State. Unless they comply with customer service charters, their licences to trade should be reviewed.

An Ceann Comhairle: Having considered the matters raised, they are not in order under Standing Order 32. I call on the Tánaiste to announce the Order of Business.

Order of Business.

The Tánaiste: It is proposed to take No. *a11*, motion re ministerial rota for parliamentary questions; No. 3, Central Bank Reform Bill 2010 — Second Stage (resumed), to adjourn at 1 p.m. today, if not previously concluded; and No. 1, Energy (Biofuel Obligation and Miscellaneous Provisions) Bill 2010 [*Seanad*] — Second Stage. It is proposed, notwithstanding anything in Standing Orders, that No. *a11* shall be decided without debate.

An Ceann Comhairle: There is one proposal to put the House. Is the proposal to deal with *a11*, motion re ministerial rota for parliamentary questions without debate agreed to?

Deputy Enda Kenny: It is not agreed. I object to the Order of Business not only because of No. *a11* being taken without debate but due to the fact that at long last, there is some semblance of recognition at Government level and within senior financial banking circles of the depth of anger at the culture of this Government supporting a situation where grossly over-the-top bonuses and payments were made to incompetent people.

I oppose this Order of Business because I want the Government to bring forward legislation which will ensure this cannot happen again and which can be applied retrospectively where gross incompetence was rewarded by endorsement by Government of over-the-top bonuses and excessive payments.

Deputy Eamon Gilmore: On behalf of the Labour Party, I join with Deputy Kenny in opposing this Order of Business. This is a business as usual and a politics as usual Order of Business. We cannot have business as usual and politics as usual while we have a crisis in banking and in our economy.

I welcome yesterday's decision by the chief executive of Bank of Ireland to forego his pension top-up but we have yet to hear what is happening to the €1 million bonus Mr. Fingleton took and which was supposed to be paid back. There is no sign of that and we have not heard anything from Government to date that it will require him to pay it back. Meanwhile, the Government intends to put thousands of millions of taxpayers' money into banks which engaged in bad lending practices that caused the crisis in banking and in the economy and which is resulting in people losing their jobs and their businesses going to the wall.

The Labour Party will not agree to this kind of routine business as usual and the notion that the Easter recess is over so let us get on with some humdrum parliamentary business and forget the crisis people outside this House are experiencing in their daily lives and in their business. As long as Fianna Fáil continues to mismanage this economy, the Labour Party will not agree to business as usual in this House and will oppose the Order of Business.

Deputy Caoimhghín Ó Caoláin: It is obvious that the Government is not managing the current crisis in the financial sector. What we have here is a whisper in the ear or a word on the side all leading to that type of reactive politics and overall management. The decision of Mr. Boucher of Bank of Ireland to forego the €1.5 million top-up of his pension arrangements is clearly an example of that and shows that the way things have been done in the past is the way things are still being done today. This is further exemplified in the fact that the code of conduct on fitness and probity arising from the Central Bank Reform Bill, which is before the House as of yesterday, has not yet been published. We do not even have a draft of the code, yet it is emphasised in the structure of the Bill as a core requirement. We have not yet had any indication as to what the code will contain and no indication as to whether Opposition voices in the

House will be listened to. We have been proven right time after time by the Government being forced, at a later stage, to take decisions it failed to take at the appropriate time. Here we are, once again, going through the motions of dealing with the Central Bank Reform Bill when one of its key and core elements has not yet been published. This is outrageous and demonstrates that the Government has learned nothing.

The Tánaiste: I remind the Opposition that this Government introduced a cap on the remuneration of the CEO of the bank in question.

Deputy Enda Kenny: Irish Nationwide.

Deputy Joan Burton: The cap was set at €500,000 a year. That is the sacrifice the banks are making.

The Tánaiste: The Taoiseach did not endorse what was said by the Bank of Ireland and as Deputies know, in his discussions here, he alluded to the situation——

Deputy Enda Kenny: The Government defended Mr. Boucher's payment.

The Tánaiste: ——and asked that the Bank of Ireland chief executive reflect on the public utterances of the Government, public representatives and the general public.

A Deputy: It is business as usual.

The Tánaiste: It is not business as usual. We have been looking for reform in the Central Bank.

Deputy Joan Burton: Get the bonus money back.

An Ceann Comhairle: Deputy Burton should allow the Tánaiste to continue without interruption.

The Tánaiste: We are now introducing legislation and the Opposition is now deciding it is business as usual and this is not good enough. The Government is introducing regulatory reform and reform of the Central Bank. On that basis, I move the motion.

An Ceann Comhairle: I will put the question.

Question put: "That the proposal for dealing with No. *a*11 be agreed to."

The Dáil divided: Tá, 68; Níl, 61.

Tá

Ahern, Bertie.
Ahern, Dermot.
Ahern, Michael.
Ahern, Noel.
Andrews, Barry.
Andrews, Chris.
Aylward, Bobby.
Behan, Joe.
Brady, Áine.
Brady, Cyprian.
Brady, Johnny.
Browne, John.
Byrne, Thomas.
Calleary, Dara.
Carey, Pat.

Conlon, Margaret.
Connick, Seán.
Coughlan, Mary.
Cregan, John.
Cuffe, Ciarán.
Curran, John.
Dempsey, Noel.
Devins, Jimmy.
Dooley, Timmy.
Fahey, Frank.
Fitzpatrick, Michael.
Fleming, Seán.
Flynn, Beverley.
Gogarty, Paul.
Gormley, John.

Tá—*continued*

Grealish, Noel.
 Hanafin, Mary.
 Haughey, Seán.
 Healy-Rae, Jackie.
 Hoctor, Máire.
 Kelleher, Billy.
 Kelly, Peter.
 Kenneally, Brendan.
 Kennedy, Michael.
 Killeen, Tony.
 Kitt, Michael P.
 Kitt, Tom.
 McEllistram, Thomas.
 McGrath, Mattie.
 McGrath, Michael.
 Mansergh, Martin.
 Moloney, John.
 Moynihan, Michael.
 Mulcahy, Michael.

Nolan, M. J.
 Ó Cuív, Éamon.
 Ó Fearghaíl, Seán.
 O'Connor, Charlie.
 O'Dea, Willie.
 O'Flynn, Noel.
 O'Hanlon, Rory.
 O'Keeffe, Batt.
 O'Keeffe, Edward.
 O'Rourke, Mary.
 O'Sullivan, Christy.
 Power, Seán.
 Roche, Dick.
 Ryan, Eamon.
 Sargent, Trevor.
 Smith, Brendan.
 Wallace, Mary.
 White, Mary Alexandra.
 Woods, Michael.

Níl

Bannon, James.
 Breen, Pat.
 Bruton, Richard.
 Burke, Ulick.
 Burton, Joan.
 Byrne, Catherine.
 Carey, Joe.
 Connaughton, Paul.
 Coonan, Noel J.
 Coveney, Simon.
 Crawford, Seymour.
 Creed, Michael.
 Creighton, Lucinda.
 Deasy, John.
 Deenihan, Jimmy.
 Doyle, Andrew.
 Durkan, Bernard J.
 English, Damien.
 Enright, Olwyn.
 Feighan, Frank.
 Ferris, Martin.
 Flanagan, Charles.
 Flanagan, Terence.
 Gilmore, Eamon.
 Hayes, Brian.
 Hayes, Tom.
 Higgins, Michael D.
 Hogan, Phil.
 Kehoe, Paul.
 Kenny, Enda.
 Lynch, Ciarán.

Lynch, Kathleen.
 McGinley, Dinny.
 McHugh, Joe.
 McManus, Liz.
 Naughten, Denis.
 Neville, Dan.
 Noonan, Michael.
 Ó Caoláin, Caoimhghín.
 Ó Snodaigh, Aengus.
 O'Donnell, Kieran.
 O'Dowd, Fergus.
 O'Mahony, John.
 O'Shea, Brian.
 O'Sullivan, Jan.
 Penrose, Willie.
 Perry, John.
 Quinn, Ruairí.
 Rabbitte, Pat.
 Ring, Michael.
 Sheahan, Tom.
 Sheehan, P. J.
 Sherlock, Seán.
 Shortall, Róisín.
 Stagg, Emmet.
 Stanton, David.
 Timmins, Billy.
 Tuffy, Joanna.
 Upton, Mary.
 Varadkar, Leo.
 Wall, Jack.

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

Question declared carried.

Deputy Enda Kenny: I welcome the fact that the chief executive of the Bank of Ireland has made the decision that he made in respect of his top-up pension. That is no thanks to the Government, which defended the position by stating that it was powerless to intervene until moral, political and public pressure brought about this decision.

I was reminded by Deputy Flanagan that in the Taoiseach's constituency, a majority of Dáil Members are of the view that Anglo Irish Bank should be wound up in an orderly fashion. I must assume that Deputy Fleming was speaking on behalf of the Government when he made his comments yesterday on the Central Bank Reform Bill 2010. Is the Government now of the view that Anglo Irish Bank should be wound up in an orderly fashion?

Following on from Mr. Boucher's decision, Deputy O'Donnell pointed out to me that section 48 of the Credit (Financial Institutions) Support Scheme states quite clearly that "Where the Minister considers, on the advice of CIROC, that the covered institution has not complied with the requirements of this paragraph, he or she may direct the covered institution to amend the remuneration plan so that compliance is achieved". The remuneration of the former chief executive of Irish Nationwide, Mr. Michael Fingleton, was in excess of the recommendation and the advice of CIROC, or the covered institutions remuneration oversight committee. The Tánaiste is aware of that. The recommendation was to pay him €360,000 per annum. He was paid €221,000 for the four months before he resigned in April 2009, which is an annual equivalent of €663,000. This was grossly in excess of the recommendation given by CIROC. The Taoiseach said yesterday that the Government would pursue this in every respect. Do those words mean that the Government is now calling in the public interest directors and preparing legislation to deal with this?

Does the Tánaiste consider the bonus and pension of the former Governor of the Central Bank, Mr. Hurley, and the former Financial Regulator, Mr. Neary, were appropriate in view of the mismanagement of their responsibilities? An Oireachtas committee was told by Mr. Neary that banks in this country were very well capitalised and well able to withstand any pressure. Does the Government intend to introduce legislation to do something about the extent of bonuses and pensions paid to persons who were clearly grossly incompetent in their duties?

An Ceann Comhairle: Before calling the Tánaiste, I must draw the attention of the House to the fact that we have no provision for Leaders' Questions on a Thursday morning. It is hugely problematical.

Deputy Enda Kenny: I thank you for that, a Cheann Comhairle, but I am asking about legislation and the need for it.

An Ceann Comhairle: I accept that but I would ask Members to respect the situation. I am prepared to allow some latitude on these matters, particularly if they relate to promised or possible legislation. I need to draw the attention of the Chamber to the fact that we do not have provision for Leaders' Questions on a Thursday morning.

Deputy Enda Kenny: This is not Leaders' Questions, it is a question about legislation. I have asked the Tánaiste two questions about Anglo Irish Bank and bonus payments.

The Tánaiste: The policy of the Government on Anglo Irish Bank is as enunciated by the Minister for Finance in the House. There has been no change.

Deputy Enda Kenny: So Deputy Fleming is out of order.

The Tánaiste: On the issue of remuneration and section 48 of the Act, it is important to reiterate that the remuneration of chief executives has changed on the basis of what was introduced by this Government.

Deputy Paul Kehoe: Deputy Ned O'Keeffe should come down and give his views.

The Tánaiste: I am not aware of any further legislation that may be introduced in this regard. I am on the record since last year, as are many of my colleagues, as saying that Mr. Fingleton should return the €1 million. The chief executive of Irish Nationwide has indicated publicly that he has tried to ensure that will happen. I support the Taoiseach's view that everything that can be done will be done to ensure that repayment takes place. It should happen.

Deputy Paul Connaughton: How far will the Government go to restore that?

Deputy Noel Dempsey: It is not Question Time.

Deputy Phil Hogan: The Minister, Deputy Dempsey, is not the Ceann Comhairle.

Deputy Enda Kenny: The Tánaiste has said that she is not aware, and that is exactly the problem with this Government. It is not aware because it is immune to the reality of what is happening around this country, including the unfairness and inequity that is now evident in so many areas.

Deputy Noel Dempsey: This is totally out of order.

Deputy Enda Kenny: I remind the Tánaiste that yesterday the Taoiseach said, in respect of Mr. Fingleton, the former chief executive of the Irish Nationwide Building Society, that this matter would be pursued in every respect. Mr. Fingleton said he would return the €1 million given to him.

Deputy Emmet Stagg: He did not really mean it though.

An Ceann Comhairle: We need to pursue this in a different way. Strictly speaking, the Order of Business concerns questions relating to promised legislation and promised business. This is not promised business.

Deputy Enda Kenny: This is one of the reasons that people are so angry in this country. If the Ceann Comhairle thinks that by talking about some regulation or having business as usual here, we will not raise these matters, then I am sorry. The Tánaiste's point about the committee on remuneration is valid because it made a recommendation in respect of the Irish Nationwide Building Society. It is set out in the report of 27 February 2009.

Deputy Noel Dempsey: The Deputy is out of order.

Deputy Phil Hogan: The Minister is not the Ceann Comhairle.

Deputy Enda Kenny: Section 48 of the Act——

Deputy Noel Dempsey: What legislation?

Deputy Enda Kenny: The legislation is the Credit (Financial Institutions Support) Act.

Deputy James Bannon: The Minister, Deputy Dempsey, should have stayed on holiday.

Deputy Enda Kenny: This is about the implementation of that.

Deputy Noel Dempsey: It has already been passed. We are on the Order of Business.

Deputy Richard Bruton: The Minister is auditioning for a new job.

An Ceann Comhairle: We cannot have a breakdown of order. Can Deputy Kenny relate this to promised legislation?

Deputy Noel Dempsey: The Deputy is out of order.

Deputy Enda Kenny: I am very much in order. I want to remind the Minister for Transport of section 48 of that Act, arising from what the Tánaiste said. There was a remuneration recommendation but section 48 of the Act states that the Minister may direct the covered institution to amend the remuneration plan so that compliance is achieved. I want to know from the Tánaiste if the Government and the Minister for Finance intend to direct the covered institution — that is the Irish Nationwide Building Society — to amend the remuneration plan, which was grossly in excess of what CIROC recommended in the case of Mr. Fingleton.

Deputy Noel Dempsey: That is a very good question for the Minister for Finance at Question Time.

Deputy Enda Kenny: If the Minister, Deputy Dempsey, wants to keep interrupting with his remarks, that is typical.

(Interruptions).

An Ceann Comhairle: Deputy Kenny without interruption, please.

Deputy Noel Dempsey: The Deputy is out of order. If he can be, so can I. We are not going to have any rules.

Deputy Enda Kenny: The Minister is the man who said that €62 million out of €100 million was small change.

An Ceann Comhairle: We need to relate this to promised legislation, Deputy.

Deputy Enda Kenny: It may be small change to him, but not to the thousands of mortgage payers out there who cannot meet their repayments.

Deputy Noel Dempsey: The Deputy is telling lies again.

An Ceann Comhairle: Please, Minister Dempsey.

Deputy Enda Kenny: I want to come back to something else the Tánaiste said.

Deputy Noel Dempsey: That is not a question on legislation.

Deputy Phil Hogan: The Ceann Comhairle will decide that.

Deputy Seymour Crawford: Throw him out.

Deputy Enda Kenny: The Tánaiste said the Government has a plan in respect of Anglo Irish Bank. Am I to take it, therefore, that Deputy Fleming, from the Taoiseach's own constituency, is grossly out of order in respect of the legislation planned by the Government? I also asked another question, which the Tánaiste did not answer. In view of the incompetence of Mr. Neary, the former regulator, does she consider that his remuneration, pension and bonus were appropriate? Is it her intention to introduce legislation to do something about that after due process of examination?

An Ceann Comhairle: Do we have promised business in this area?

The Tánaiste: There is no promised legislation on this issue.

Deputy Phil Hogan: That is from the deputy head of Government.

An Ceann Comhairle: Could we have An Tánaiste without interruption, please?

The Tánaiste: The situation is that there is no legislation promised as per the question put. I am not going to come into this House and say that there may or may not be legislation when, in fact, at this moment in time there are no proposals to introduce legislation.

An Ceann Comhairle: Okay, that is what we need to know.

Deputy Enda Kenny: The Taoiseach said “in every respect” and I assumed that included legislation.

The Tánaiste: One cannot make assumptions on anything that is said in this House. We have to deal with issues of fact. The Opposition can deal with nuances and interpretations, but we do not have that privilege. We must deal with the facts and work within the law and the realms of the legislation as set down by this House. As I have reiterated today, it is clearly our view that Mr. Fingleton should return that money. He has indicated publicly that he will. The current chief executive has tried to pursue that matter but that has not manifested itself in the return of that money. The Taoiseach has indicated that this matter will be pursued in every respect.

Deputy Tom Hayes: Why does he not introduce legislation?

The Tánaiste: The methods by which this will be pursued are a matter for the Government.

Deputy Paul Kehoe: When the Taoiseach is in for dinner.

An Ceann Comhairle: I call Deputy Eamon Gilmore.

Deputy Enda Kenny: May I make a final comment on this?

The Tánaiste: Deputy Kenny has had a very good innings.

Deputy Enda Kenny: I am glad the Tánaiste said that we cannot assume what the Taoiseach says is the truth.

An Ceann Comhairle: Deputy Kenny will have to withdraw that remark.

The Tánaiste: That is a scurrilous remark that I will not accept on this side of the House.

An Ceann Comhairle: If an allegation is to be levelled against any Member of the House there is a procedure for doing that.

Deputy Enda Kenny: What is the allegation, a Cheann Comhairle?

An Ceann Comhairle: That one cannot believe what the Taoiseach says.

Deputy Emmet Stagg: That is not an allegation, it is a fact.

An Ceann Comhairle: That is the allegation I heard.

Deputy Enda Kenny: The deputy head of Government said it.

An Ceann Comhairle: I would ask the Deputy to reconsider the remark, please.

Deputy James Bannon: The people of Ireland do not believe him.

An Ceann Comhairle: If Deputy Kenny wishes to level an allegation against any other Member of the House, there is a process for doing it.

Deputy Enda Kenny: I understand the process, a Cheann Comhairle. I happen to have been here just a few years longer than yourself. However, the Tánaiste said to me that I cannot assume that what the Taoiseach says is going to happen. He said he was going to pursue this matter in every respect. I asked her if that meant legislation. I am now to take from her reply that I cannot assume that legislation will be drafted by the Government.

Deputy Noel Dempsey: That is not what he said.

The Tánaiste: I have known Mayo men for a long time, and I know that one cannot leave a Mayo man to take something by interpretation.

Deputy Charles Flanagan: The country is in safe hands.

The Tánaiste: There are a few of them here, by the way. The Ballindine people will still be there. Let us not twist the words. The Taoiseach has indicated that every effort will be made in every respect. That is not necessarily to say that it will be legislation. It is not necessarily to say that it will be one thing or another. It will be within every respect.

Deputy Pat Rabbitte: Will she send in the “Viper” to collect it?

An Ceann Comhairle: An Tánaiste without interruption.

The Tánaiste: As I indicated when asked in the House about legislation that is being prepared for this session, there are no proposals for legislation in this regard. It is the Government’s view, and mine, which I reiterated last year when this matter arose, that Mr. Fingleton should return that money. Every effort should be made to ensure that it happens.

Deputy Fergus O’Dowd: He is shaking in his boots.

Deputy Bernard J. Durkan: How will he get the hint?

An Ceann Comhairle: Deputy Gilmore, without interruption, please.

Deputy Michael D. Higgins: He will have to go to Lough Derg.

An Ceann Comhairle: Could we have some order in the House? I call Deputy Gilmore.

Deputy Eamon Gilmore: Many business people in the country who are in difficulty with the Revenue Commissioners would love to be sent some nice soothing message from the Government asking them to pay the money and stating it would do everything it can to recover the money. Unfortunately, what happens in these cases is that the Revenue Commissioners go after them like mad and they end up dealing with the sheriff, being taken to court and being put out of business. The same thing happens where someone gets overpaid on social welfare. There is not much mercy around in these cases nor are there many nice, pleasant remarks from the Taoiseach and the Tánaiste suggesting it would be nice if these people voluntarily returned the money. There seems to be an entirely different set of rules for Mr. Fingleton in that the Tánaiste says it would be nice if he returned the money and that she notes he said he would do so voluntarily. What is the Government doing to get the money back? The taxpayer owns this building society now and as Deputy Kenny said, it is clear the amount Mr. Fingleton paid

[Deputy Eamon Gilmore.]

himself in the early part of the year — €55,000 a month — was considerably in excess of what the CIROC committee determined he should be paid and on top of that he received a bonus. Has the Government done anything to require that this money be paid back, rather than issue soothing remarks regarding Mr. Fingleton?

In respect of the Government's overall strategy on the banks, which has been the subject of debate in the House, it is clear the Government no longer appears to have a majority in the House for its bank strategy. We heard what Deputy Fleming said yesterday. Deputy Joan Burton, who sat here throughout the debate on the Central Bank Reform Bill yesterday told me about a number of contributions from individual Deputies on the Government side. She drew my attention to the remarkable consistency in the arguments being made by some of them. All of them were distancing themselves from what the Taoiseach, the Tánaiste and the Minister for Finance say is Government policy in respect of the banks.

An Ceann Comhairle: The debate on the Bill is ongoing and we will resume on it shortly.

Deputy Eamon Gilmore: They all seem to be in the same place, which is that Anglo Irish Bank should be wound down, and many of them questioned whether it or Irish Nationwide should have been included in the Government guarantee. Therefore, the Government no longer appears to have a majority in the House for its banking strategy. It will be interesting to see what happens when it is put to the test when we eventually get to have a vote on the Central Bank Reform Bill.

I wish to raise two other matters. The issue of special needs assistants which was debated in the House is now part of the Tánaiste's responsibility as Minister. Many parents——

An Ceann Comhairle: A parliamentary question to the line Minister will elicit this information. The Deputy should formally submit the parliamentary question. We have no provision now for Leaders' Questions.

Deputy Eamon Gilmore: The Tánaiste is the line Minister and it is a matter that has been debated in the House. What I am following up on is a commitment which was given in that debate that there would be a review of the position on special needs assistants. Many parents are concerned about this, as are many of the special needs assistants who have been put under notice. I want to know when the Tánaiste, in her capacity as Minister for Education and Skills, will make a further statement to the House to clarify the position on special needs assistants.

In mid-February, the Minister for the Environment, Heritage and Local Government promised he would publish the report on the Dublin Docklands Authority within weeks. When will that report be laid before the House?

The Tánaiste: The vote on NAMA and the recapitalisation of the banks has taken place and the Government was supported on it. That is the situation. The review on special needs assistants is ongoing. In the context of any appeals of those reviews, the resources remain until such time as the reviews have been completed. I have published the interim review and when the final review has been completed, it will be published. Progress is being made with the Dublin Docklands Authority report and the Minister is anxious to bring it as quickly as possible to the House.

Deputy Caoimhghín Ó Caoláin: What line management applies with regard to the publicly accountable oversight directors in Anglo Irish Bank, Messrs Daly and Dukes? Is line management in place to whom they report and from whom they take their steer or do they operate in

a vacuum of their own suitability? It is important we have clarity as to any line management that might apply to their particular role——

An Ceann Comhairle: This is ideal material for a parliamentary question to the Minister for Finance.

Deputy Caoimhghín Ó Caoláin: It is appropriate, in the context of what has been discussed. My second question relates to the commitment given to me here three weeks ago by the Minister for Finance, Deputy Brian Lenihan, that the conduct of certain audit and accounting firms — specifically Ernst & Young and KPMG with regard to their relationship with Anglo Irish Bank and Irish Nationwide Building Society — would be included under the terms of investigation. What progress has been made to commence that process? Can the Tánaiste indicate whether the investigation into the role of these audit and accounting firms and their relationship with those particular financial institutions has commenced? Given these firms have a direct role in the business of NAMA, there are serious questions with regard to them.

An Ceann Comhairle: Is there promised business in this area?

The Tánaiste: I will have to revert to the Deputy on the basis this concerns an interaction on the floor of the House between the Deputy and the Minister.

Deputy Caoimhghín Ó Caoláin: I beg the Tánaiste's pardon.

The Tánaiste: I will have to revert to the Deputy, because this relates to a discussion that took place between him and the Minister for Finance. I am not *au fait* with all of the details. I will ask him to revert to the Deputy.

Deputy Caoimhghín Ó Caoláin: What about the line management regarding Mr. Daly and Mr. Dukes?

An Ceann Comhairle: That is a matter for a parliamentary question.

The Tánaiste: That is not a matter for legislation.

Deputy Caoimhghín Ó Caoláin: Surely, the Tánaiste, who is deputising for the Taoiseach——

An Ceann Comhairle: It is difficult to expect the Tánaiste to come in with detailed information about other Departments.

Deputy Caoimhghín Ó Caoláin: This matter is not only a matter of concern to me. It is something of which every Deputy and Senator is conscious and anxious to hear a response.

An Ceann Comhairle: I do not dispute that. However, by submitting a parliamentary question to the line Minister, the Deputy will get the information. It is very unreasonable to expect the information to be available.

Deputy Caoimhghín Ó Caoláin: Surely the Tánaiste, the deputy Prime Minister, would at least know the situation applying in this case. To whom are these people accountable? Are they accountable to the Cabinet? Is the Tánaiste not a member of the Cabinet.

An Ceann Comhairle: The Deputy will have to put a parliamentary question or use some other device such as the Adjournment to elicit the information.

Deputy Leo Varadkar: My question is on promised legislation relating to FÁS. At the time of the reshuffle, it was announced that the Department of Enterprise, Trade and Employment would cease to have any responsibility for the agency and that the responsibility would be transferred to the Departments with responsibility for social protection and education and skills. Last week I submitted a series of parliamentary questions on this issue and the responses revealed that full responsibility for FÁS remains, for the time being, with the Department of Enterprise, Trade and Employment and that it has not yet been transferred to either of the new Departments.

An Ceann Comhairle: We do not need elaboration, just the inquiry on the legislation.

Deputy Leo Varadkar: This is the important point. I have been advised that a ministerial order will be required to do that, but the order is not prepared. Yesterday, I read the Labour Services Act 1987. That Act clearly states that ministerial responsibility for FÁS lies with the Minister with responsibility for labour and that this Minister is the line Minister in the Department of Enterprise, Trade and Employment. Therefore, it seems primary legislation will be required to make real the changes announced in the reshuffle. The question is simple. Does the Tánaiste know when the order will be prepared and is she sure an order is adequate? Is it not the case that we need primary legislation to amend the Labour Services Act 1987 to bring into effect the announcement made in the reshuffle a month ago?

An Ceann Comhairle: The Deputy is bringing far too much information into the question.

The Tánaiste: Legal advice is being taken on this matter. The transfer of functions order will be up next week and all of these matters are being taken into consideration. The Department for Enterprise, Trade and Employment will continue to be the line ministry until then.

Deputy Denis Naughten: On secondary legislation under the Misuse of Drugs Act, earlier this week the Minister for Justice, Equality and Law Reform announced that he asked the Attorney General to examine the regulation of all psychotropic drugs, I presume along the lines of the regulation and legislation introduced a number of years ago on animal medicines and the control of chemicals such as clenbuterol. It is probably the way to deal with the issue of head shops. This morning, the newspapers quote the Minister for Community, Rural and Gaeltacht Affairs, Deputy Carey, speaking about the difficulties with the Government's current and continuing approach of banning individual products. Will the Tánaiste find out which approach will the Government take? Will it take the approach of banning individual products or banning the chemicals that have a particular impact on the brain?

In the context of the draft secondary legislation that has now gone to Brussels——

An Ceann Comhairle: We do not need the elaboration. We will see what is happening on the secondary legislation.

Deputy Denis Naughten: Last week, under secondary legislation the UK Government banned a second series of chemicals being sold in head shops. We are still waiting for the first set of chemicals to be banned. They will not be banned until July. Included in that is methadone. Already in the UK——

An Ceann Comhairle: Too much information is being imparted altogether.

Deputy Denis Naughten: ——a replacement chemical is being sold on the market called sub coca dragon. These chemicals have not yet been banned in this country and alternatives are

already on sale. When will the legislation be signed into law? The British Government can do it overnight and has done so on two separate occasions——

An Ceann Comhairle: Deputy, please. Some respect for the Chair would be in order.

Deputy Denis Naughten: ——and we are still waiting for the EU to give us permission to sign the order. Will the order be signed and ensure the chemicals are banned immediately?

Deputy Jan O'Sullivan: On the same issue——

An Ceann Comhairle: Very briefly.

Deputy Jan O'Sullivan: Will the Government consult with the EU to see whether we can change this sooner than three months? It is being reported in the media today that illegal drug-dealers are buying up these products to sell them when they are banned and that is subverting the course of justice.

An Ceann Comhairle: It is not necessary to impart all of this information. We will inquire about the secondary legislation.

Deputy Jan O'Sullivan: It is, because it is an argument the Government can take to Europe and ask to be allowed do this sooner than three months because the law is being subverted by illegal drug dealers. It is logical to argue for the introduction of secondary legislation to ban these products now.

The Tánaiste: The Government will introduce the banning of individual products and chemical derivatives. The British Government, under emergency measures, notified the European Commission of the banning of certain drugs. The only difficulty that has arisen is that one must formally make a notification, which takes three months. The Government has been in touch with the European Commission with regard to the use of the emergency procedures and whether they would stand up. We are doing everything we can to expedite the Commission's sanction so we can proceed with the banning of these drugs. It is also important to state that although we will proceed with these issues as is, there are other issues which must be addressed in the context of other Departments. They are working together to ensure that the final decisions made can deal with the actual needs of our citizens and the concerns expressed by parents.

Deputy Jan O'Sullivan: Have we any indication when the EU will respond to the Government on the timing?

The Tánaiste: Not at this stage, but we are using diplomatic opportunities through our ambassador to the EU to ensure it is expedited.

Deputy Jan O'Sullivan: We urge it as soon as possible.

Deputy Fergus O'Dowd: I wish to raise a point of order with regard to parliamentary questions. In his earlier comments, the Minister for Transport, Deputy Dempsey, made much play about tabling parliamentary questions. Parliamentary questions put through the Ceann Comhairle's office have been refused——

Deputy Bernard J. Durkan: Every day.

Deputy Fergus O'Dowd: ——by the Minister who states categorically that he has no responsibility for the motorway service areas in the country. Facts obtained under freedom of infor-

[Deputy Fergus O'Dowd.]

mation legislation show that the Minister instructed the National Roads Authority not to spend any money on them.

Deputy Bernard J. Durkan: Precisely.

Deputy Fergus O'Dowd: The Minister states he is not responsible for them but he instructs the National Roads Authority not to spend any money on them.

Deputy Noel Dempsey: They were not getting any money.

Deputy Fergus O'Dowd: The key point is that he will not debate in the House the very important issues of safety and facilitating travellers, where he should debate it. What will the Minister do about it?

Deputy Noel Dempsey: I have already done it.

Deputy Bernard J. Durkan: Unfortunately.

Deputy Fergus O'Dowd: What will the Minister do about the thousands of consumers who used airlines recently and because of the crisis have been told they will not receive refunds from the air carriers?

An Ceann Comhairle: A parliamentary question is the way to pursue this.

Deputy Fergus O'Dowd: What will the Minister do about this, and specifically——

An Ceann Comhairle: The Deputy will have to put down a parliamentary question on the matter.

Deputy Fergus O'Dowd: ——will the consumer and competition Bill apply?

Deputy Noel Dempsey: Mr. O'Leary has withdrawn his——

Deputy Fergus O'Dowd: Very good.

I have one more question, which is very important. I have been asked by the family of the late Peter McKenna, who died tragically in Leas Cross——

An Ceann Comhairle: I hope it is related to promised legislation.

Deputy Fergus O'Dowd: Yes. The Minister for Health and Children instituted a non-statutory inquiry under Conor Dignam into the——

An Ceann Comhairle: The Deputy will have to pursue this with the line Minister.

Deputy Fergus O'Dowd: I already pursued it with the Minister, who is refusing to answer questions on this issue. She instituted the inquiry into the transfer of the late Peter McKenna to Leas Cross from St. Michael's House and his death.

An Ceann Comhairle: The Deputy will have to put down a parliamentary question to get that information.

Deputy Fergus O'Dowd: The HSE is putting a block on the family seeing that report unless and until they state they will not release it to anybody else. There are very serious issues at stake here——

An Ceann Comhairle: The Deputy will have to submit a parliamentary question.

Deputy Fergus O'Dowd: Clearly, the Ministers could not care less about it and nor could the Government.

An Ceann Comhairle: The Deputy is abusing my latitude on the Order of Business.

Deputy Fergus O'Dowd: Under the health information Bill, will taxpayers' money, which is expended on reports such as that into the tragic death of Peter McKenna, who was a Down's syndrome sufferer and also suffered from Alzheimer's disease, and who was transferred inappropriately from St. Michael's House——

An Ceann Comhairle: Tánaiste, do we have promised legislation?

The Tánaiste: Later this year.

Deputy Fergus O'Dowd: Will it be put before the House?

An Ceann Comhairle: Later this year.

Deputy Fergus O'Dowd: Will the report be put before the House? That is the question.

An Ceann Comhairle: The Deputy will be able to raise these matters when the legislation is introduced.

Deputy Fergus O'Dowd: I have raised them already. The Minister is ignoring the reality that the report must be laid before the House.

Deputy Tom Sheahan: With regard to No. 60, the financial services regulation Bill, is the Tánaiste aware that the Financial Regulator has instructed some credit unions not to lend and has instructed other credit unions not to lend to business?

An Ceann Comhairle: The Deputy will have to pursue this through a parliamentary question to the Minister for Finance. It is totally——

Deputy Bernard J. Durkan: It is on promised legislation.

Deputy Tom Sheahan: Without interruption please, a Cheann Comhairle,

An Ceann Comhairle: The Deputy is seeking detailed information, which he is entitled to seek but through a parliamentary question to the line Minister, in this case the Minister for Finance.

Deputy Tom Sheahan: Under the financial services regulation Bill——

An Ceann Comhairle: It is totally unrealistic to expect an answer to that on the Order of Business.

Deputy Tom Sheahan: The answer I am looking for is on when the Bill will be brought forward. That type of instruction from the regulator is choking business and choking small businesses throughout the country.

Deputy Bernard J. Durkan: Hear, hear.

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

The Tánaiste: With regard to the financial services regulation Bill, an advisory forum has been established. We do not have a date as yet on when that legislation will be published.

Deputy Tom Sheahan: Will the Tánaiste advise me what soothing words could be used——

An Ceann Comhairle: Deputy——

Deputy Tom Sheahan: ——to get the Government to pay the REPS 3 payment due to farmers in south Kerry?

Deputy P. J. Sheehan: Hear, hear.

An Ceann Comhairle: A parliamentary question to the Minister for Agriculture, Fisheries and Food.

Deputy Tom Sheahan: What soothing words can one give to the farmers of south Kerry who cannot get their payments?

Deputy Bernard J. Durkan: Hear, hear.

An Ceann Comhairle: The Deputy is abusing the Order of Business. That is a parliamentary question to the Minister for Agriculture, Fisheries and Food.

Deputy Tom Sheahan: I was only taking from what the Tánaiste said earlier. I would like to know what soothing way she hopes to give the money back——

An Ceann Comhairle: The Tánaiste cannot be expected to have that information on the Order of Business. It is a parliamentary question.

Deputy Tom Sheahan: What soothing measures can I use on the Tánaiste to get the money for the farmers in south Kerry?

The Tánaiste: I am not the Minister for Agriculture, Fisheries and Food any more.

Deputy Bernard J. Durkan: Speaking of soothing, I am a little confused and I am seeking the assistance of the Ceann Comhairle, not for the first time. In the previous session, No. 39 was the electricity (transfer of transmission assets) Bill, which seems to have disappeared and re-emerged in a new life. It is now No. 38 and named the electricity (transmission on assets) Bill. It has different terms of reference. Is it intended to introduce the Bill with its original intentions or has it changed and gone forever and do we have a whole new ball game?

The Tánaiste: The electricity (transmission on assets) Bill is to allow for the unbundling of the electricity transmission system's assets and to establish EirGrid in primary legislation. That was also the case with the previous legislation. Consultants have been appointed to carry out an independent analysis and are expected to report by the end of the summer with a view to progressing into legislation.

Deputy Bernard J. Durkan: Am I to conclude that it is now a different Bill and that a U-turn has been done somewhere along the line?

The Tánaiste: No, the Deputy cannot.

Deputy Bernard J. Durkan: I do not want to be disruptive. The purpose of the Bill as originally listed is not in concert with the purpose as now set out. There is a vast difference between the unbundling and the transfer of ownership of the electricity, which is a different story.

An Ceann Comhairle: The Deputy is going into detail.

Deputy Bernard J. Durkan: No. This is promised legislation.

An Ceann Comhairle: We need to know when it is coming. It is not possible to have all that detail at this point.

Deputy Bernard J. Durkan: I will finish with this one so. Does it mean what I thought it was or does it mean what the Tánaiste thought it was?

The Tánaiste: Does the Deputy know what we will do? We will get the Minister to tell the Deputy.

Deputy Bernard J. Durkan: If the Tánaiste can bring him into the House to shed some light on this, it would be very helpful.

An Ceann Comhairle: I have a long list of Members who wish to raise items on the Order of Business.

Deputy Bernard J. Durkan: I appreciate the Ceann Comhairle's indulgence. I am trying to encourage the Minister into the House to clarify it.

An Ceann Comhairle: I know. I ask the Deputy to resume his seat for the time being.

Deputy Bernard J. Durkan: I have a final question on promised legislation. Legal costs are likely to become a very serious issue in the very near future with particular reference to tribunals. Is it intended to bring the legal costs Bill before the House at an early date in anticipation of the very heavy legal bill likely to——

The Tánaiste: It will be next year.

Deputy Bernard J. Durkan: Will it wait until next year? Can we afford to wait?

The Tánaiste: The way we are going we will get no legislation done today.

Deputy Billy Timmins: On the same issue that Deputy Durkan raised, would the Tánaiste agree that if the general public were informed that the banking inquiry would not report until 2023 there would be outrage? I recently heard a comment that children making their confirmation——

An Ceann Comhairle: Does the Deputy have an inquiry about promised legislation?

Deputy Billy Timmins: —— were not born when the tribunals were set up.

An Ceann Comhairle: This is the Order of Business and there is no provision for Leaders' Questions.

Deputy Billy Timmins: In the light of recent reports on the Moriarty and Flood-Mahon tribunals and particularly in view of the comments from the Supreme Court yesterday, where are the two tribunals going?

An Ceann Comhairle: Could we re-establish some order on the Order of Business?

Deputy Billy Timmins: I have tried to speak on the Order of Business for the past two days and this is the only way I can get to raise the issue. Can the Tánaiste give an indication of where the tribunals are going?

An Ceann Comhairle: The purpose of the Order of Business is to take questions on promised legislation and business. That is it. Have we promised business in this area?

The Tánaiste: No. We have already done it.

Deputy Billy Timmins: The banking inquiry would not be complete until 2023 if we are to project forward. Children making their confirmation were not born——

Deputy Noel Dempsey: That is why we are not doing it that way.

Deputy Billy Timmins: Is there any indication of what is happening with the two tribunals at the moment? It is turning into a joke. Could the Tánaiste arrange for statements in the House on it?

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

Deputy Seymour Crawford: My first question is related to the tribunals. Many years ago the then Minister for Finance guaranteed us that the Government would introduce a legal costs Bill to curtail the costs of personnel in tribunals and elsewhere.

An Ceann Comhairle: When is that promised?

The Tánaiste: Next year.

Deputy Seymour Crawford: It had been promised for spring of this year. It has now gone back by a year.

An Ceann Comhairle: We have an indication that it will be next year.

Deputy Seymour Crawford: As I have that information, I will not follow it up. However, it has again been put back. Eligibility for health has also been put back for another year. The mental health (amendment) Bill has been put back for a year and the HSE is closing the mental hospital in Monaghan. We will have no chance to discuss it at all.

Last and not least, the jobs of 5,500 people are in jeopardy.

An Ceann Comhairle: Is this about promised legislation?

Deputy Seymour Crawford: Very much so. They can see €22.5 billion being handed over to the non-workable defunct bank.

An Ceann Comhairle: The Deputy will need to pursue this matter another way and not on the Order of Business.

Deputy Seymour Crawford: Can a regulation or amendment be introduced——

An Ceann Comhairle: This is totally inappropriate.

Deputy Seymour Crawford: ——to underwrite the insurance situation for a few months until administrators——

An Ceann Comhairle: I seek the Deputy's co-operation. He should pursue the matter through a parliamentary question, the Adjournment or some other way.

Deputy Seymour Crawford: It is vital to the survival of at least 5,500 jobs and deserves some answer.

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

The Tánaiste: Not on that matter. The other legislation is all next year.

Deputy Liz McManus: The climate change Bill was due to be introduced in 2010. It had been expected to be published by June. That was the commitment in last term's legislative programme. This term's legislative programme states it is not possible to indicate at this stage publication of the Bill at all. Environmental groups are being informed that the heads of the Bill have been drawn up and are due to go to Government. What is the situation? Many people would have voted for the Green Party on the basis that it would tackle climate change. However, the legislative programme no longer even indicates a year for publication. What is going on? Is the information these groups are being given inaccurate or is the information we, in this Parliament, are being given inaccurate? Which is the truth?

An Ceann Comhairle: Do we have promised legislation?

The Tánaiste: Yes. We have promised legislation, the climate change Bill. In December the Government approved a framework for that legislation. The heads of the Bill are being worked on at present. We are not in a position to give an exact date, but work on the legislation is ongoing.

Deputy Liz McManus: I do not want to labour the point, but the Government is not even able to indicate a year. Why is that? When going through the legislative programme it is most unusual to find that kind of long-term arrangement. Before the Copenhagen summit it was quite clear that we were to have legislation this year. What is going on?

Deputy Pat Rabbitte: They will pay a big price for their one Minister.

Deputy Paul Connaughton: As the Ceann Comhairle is probably aware the price of a gallon of petrol was never higher than it is at the pumps this morning. As we speak thousands of bog-cutters are being run off their bogs this very week.

An Ceann Comhairle: Before the Deputy proceeds much further, I suggest he submits a parliamentary question.

Deputy Paul Connaughton: I ask the Government to stop this daft scheme proceeding across the bogs of Ireland as we speak today. The Tánaiste knows all about it — or at least she should.

An Ceann Comhairle: As a long-time Member of this House, the Deputy knows how to get the information he needs.

Deputy Paul Connaughton: There was never a more anti-rural Minister than the Minister, Deputy John Gormley.

An Ceann Comhairle: This is the Order of Business. The Deputy should submit an item for the Adjournment and we will consider it, or submit a parliamentary question.

Deputy Paul Connaughton: What is going on is an absolute disgrace at a time when all those people want to do is to get their own supplies of turf——

An Ceann Comhairle: The Deputy has made his point.

Deputy Paul Connaughton: ——from their own bogs in their own way as they have been doing for generations. The Government is ensuring that they are being bulldozed off the bogs this week.

An Ceann Comhairle: I call Deputy Higgins.

Deputy Paul Connaughton: I do not believe you are taking this matter seriously, a Cheann Comhairle.

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

Deputy Paul Connaughton: Where does the Ceann Comhairle believe it would be appropriate?

An Ceann Comhairle: The Deputy could submit a parliamentary question. There are many other ways.

Deputy Paul Connaughton: I want to put it directly to the Tánaiste. Does she have anything to say about it?

The Tánaiste: There is no legislation.

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

Deputy Paul Connaughton: Does the Minister beside her or anybody have anything to say?

An Ceann Comhairle: The Deputy can seek the information in other ways.

Deputy Paul Connaughton: We have been seeking it for years.

An Ceann Comhairle: Deputy, please.

Deputy Paul Connaughton: The people are being criminalised this week for something they have been doing for generations. It is outrageous.

An Ceann Comhairle: Deputy, please.

Deputy Paul Connaughton: Of course the Tánaiste has no interest in it either.

An Ceann Comhairle: I call Deputy Higgins.

Deputy Paul Connaughton: She forgot where she came from very quickly.

Deputy Michael D. Higgins: An féidir liom ceist a chur faoi reachtaíocht atá geallta — Uimh. 43 i Cuid C den chlár reachtaíochta — a bhaineann le feidhmeanna agus cumhachtaí Údarás na Gaeltachta? Bhí an reachtaíocht seo ar an liosta cheana, ach tá sí imithe anois. Níl sé soiléir cathain a bheidh sí os ár gcomhair. Tá práinn ag baint leis an reachtaíocht toisc go bhfuil daoine sa Cheathrú Rua i gContae na Gaillimhe ag déanamh iarracht forbairt agus fostaíocht a chur ar fáil. Níl siad in ann é a dhéanamh os rud é go bhfuil sé ráite nach bhfuil cead ag an údarás, ó thaobh an dlí de, taobhú leis na moltaí atá curtha os a chomhair an údaráis. Baineann an reachtaíocht seo, atá ar Cuid C den liosta faoi láthair, le soiléiriú agus leathnú feidhmeanna

agus cumhachtaí Údarás na Gaeltachta. Tá práinn ag baint leis an reachtaíocht, mar a bhí i gcónaí. Tá sé athruithe sa chlár reachtaíochta don seisiún seo. Cathain a bheidh an reachtaíocht seo againn? Más rud é nach mbeidh sé againn, an mbeidh soiléiriú ar fáil dóibh siúd atá ag iarraidh forbairt agus fostaíocht a chur ar fáil sa Cheathrú Rua?

The Tánaiste: Tá a fhios ag an Teachta go bhfuil staidéir ar bhealach sa Ghaeltacht ag an bhomaite. Bhí deis ag an Comhchoiste um Ghnóthaí Ealaíon, Spóirt, Turasóireachta, Pobail, Tuaithe agus Gaeltachta an straitéis 20 bliain a phlé le muintir na Gaeltachta. Ag an am céanna, táimid ag smaoineamh ar chumhachtaí Údarás na Gaeltachta a leathnú agus, ag éirí as sin, chumhachtaí Údarás na Gaeilge a leathnú freisin. Tá an díospóireacht ar rudaí mar sin idir lámha ag an bhomaite — níl sí críochnaithe go fóill. Dá bhrí sin, níl sé socrúithe cathain a bheidh an Bille úr os comhair na Dála. Caithfidh an Aire nua athbhreathnú a dhéanamh ar an obair atá idir lámha againn. Is é sin an fáth nach bhfuil mé ábalta freagra iomlán a thabhairt. Tá scrúdú á dhéanamh ag an Aire más cheart an straitéis 20 bliain agus an plan nua bheith mar pháirt den Bhille seo, nó gur cheart dúinn an Bille a athrú. B'fhéidir gur chóir dom labhairt leis an Aire, an Teachta Pat Carey, ag éirí as seo. Nuair atá athbhreathnú déanta ar na moltaí agus ar an straitéis, beimid in ann an am ina mbeidh Bille úr againn a fhógairt.

Deputy Michael D. Higgins: Is í an práinn atá ag baint leis an mBille ná go bhfuil tionóntaí agus gnóthaí beaga faighte ag muintir an Cheathrú Rua don suíomh seo. Bhí sé intuigthe go mbeadh an chumhacht acu léasanna a chur ar fáil dóibh siúd atá i gceist. Go tobann, fuairadar litir ón údarás ag rá go raibh iniúchadh á dhéanamh ó thaobh an dlí de. Ní rabhadar ag súil leis an litir sin. Beidh na comhlachtaí i mbaol agus beidh an fostaíocht caillte. Ní féidir linn fanacht go dtí go mbeidh an díospóireacht leathan faoin straitéis críochnaithe. D'fhreastal mé ar na cruinnithe sa Ghaeltacht nuair a bhí mé ag cabhrú le gné eile den ábhar seo.

The Tánaiste: Is rud speisialta é seo i gceantar an Teachta Higgins. Beidh mé ag caint leis an Aire, an Teachta Pat Carey, ag éirí as an díospóireacht seo.

Deputy Phil Hogan: I wish to clarify when the Wildlife (Amendment) Bill will be before the House.

The Tánaiste: It was published on Tuesday. Second Stage will be a matter for the Whips but we will try to facilitate it this session.

Deputy Andrew Doyle: The Adoption Bill 2009 is awaiting the Order for Report Stage. The Minister of State, Deputy Barry Andrews, indicated this Bill would be completely through the House by the end of April, which is next week. What is the hold-up? Is it proposed to finalise it next week? Many children are waiting for this Bill to be completed and there is no reason it should not be.

The foreshore licensing Bill was presented by the Joint Committee on Climate Change and Energy Security. While there is no longer a Department which refers to the marine, the Bill was submitted to both the Department of Communications, Energy and Natural Resources and the Department of the Environment, Heritage and Local Government. Does the Government propose to introduce it and put it on the Order Paper?

The Tánaiste: I will have to revert to the Deputy with regard to the second Bill. The Adoption Bill is awaiting Report Stage. The amendments are being worked on and we hope to have it this session.

Deputy Ulick Burke: In the immediate aftermath of the serious flooding last November and December, the Minister of State with responsibility for the OPW, Deputy Mansergh, visited the areas seriously flooded. He also attended——

An Ceann Comhairle: We are shaping towards being out of order.

Deputy Ulick Burke: The Ceann Comhairle has not got my point. The Minister of State clearly indicated to the meetings and to all of the agencies and partners involved that he would introduce urgent legislation which would give the OPW the lead role with regard to flood relief in the country at large. Despite numerous efforts by the interested parties to date to find out if any effort has been made to progress this legislation——

An Ceann Comhairle: Could we have an inquiry on promised legislation?

Deputy Ulick Burke: ——on the legislative list issued by the Chief Whip only last week, it is not even listed among the heads of Bills yet to be approved by Government. Will the Tánaiste indicate whether it is being taken as a matter of urgency? Insurance companies are refusing——

An Ceann Comhairle: Deputy, please. There are a number of other Members offering.

Deputy Ulick Burke: ——to renew policies with many householders, who are living in fear. I ask the Tánaiste——

An Ceann Comhairle: I call the Tánaiste on promised legislation.

The Tánaiste: We will get a copy of the letter from the Minister of State, Deputy Mansergh, for Deputy Burke. Arising from SI No. 122 of 2010, the commissioners of the Office of Public Works are appointed as the competent authority under the EU floods directive and, on that basis, responsibility within the State is a matter for the OPW.

Deputy Ulick Burke: So there will be no legislation as such.

The Tánaiste: It will not be as necessary given that the statutory instrument has been signed. We will get a copy of the letter for the Deputy.

Deputy Ulick Burke: On a separate issue, at the end of December, the CEO of the country enterprise board in Galway retired. Next week, his assistant, who was carrying on in the meantime, is retiring.

An Ceann Comhairle: The Deputy will have to submit a parliamentary question to the line Minister on this matter.

Deputy Ulick Burke: When that person leaves, it is effectively closing the door on the county enterprise board in County Galway. Will the Government lift the embargo to make these special appointments given the interests——

An Ceann Comhairle: The Deputy should submit a parliamentary question.

Deputy Ulick Burke: The Tánaiste, as a former Minister for Enterprise, Trade and Employment, realises the importance of the enterprise boards to providing jobs to many small enterprises.

An Ceann Comhairle: The Deputy should submit a parliamentary question. I call Deputy Bruton.

Deputy Richard Bruton: In view of the ruling by EUROSTAT today that the provision of €4 billion for Anglo Irish Bank must be treated as part of Government debt and funded from the day-to-day budget, will there now be need for a Supplementary Estimate or a revised budget? This leaves Ireland with the highest borrowing of any State throughout the EU, which is clearly a reversal for Government——

An Ceann Comhairle: A question to the Minister for Finance would be appropriate.

Deputy Richard Bruton: Perhaps the Tánaiste would know whether a Supplementary Estimate or budget will be presented to the Dáil for debate on foot of this decision.

The Tánaiste: The Deputy is referring to a technical reclassification. There are no additional borrowing requirements and our fiscal targets for this year have not changed as a consequence of the statistical information that has been made available by EUROSTAT.

Deputy Joe Carey: I want to establish when the Criminal Justice (Public Order) Bill 2010 and the Dog Breeding Establishments Bill 2009 will come before the House.

The Tánaiste: The Dog Breeding Establishments Bill 2009 is in the Seanad. When it is completed, it will come to this House. The Criminal Justice Public Order Bill 2010 is awaiting Second Stage in the House. It will be for the Whips to arrange the details.

Financial Emergency Measures in the Public Interest Bill 2010: First Stage.

Deputy Leo Varadkar: I move:

That leave be granted to introduce a Bill entitled an Act to provide in the public interest for the reporting to Dáil Éireann by all Government Ministers on proposals to reduce charges applied by Government Departments and agencies to consumers and businesses; to provide for the direction by Ministers to key regulatory authorities to publish proposals to cut charges applied by such authorities to consumers and businesses and to make provision for connected matters.

An Ceann Comhairle: Is the Bill opposed?

The Tánaiste: No.

Question put and agreed to.

An Ceann Comhairle: Since this is a Private Members' Bill, Second Stage must, under Standing Orders, be taken in Private Members' time.

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

Question put and agreed to.

Ministerial Rota for Parliamentary Questions: Motion.

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

That, notwithstanding anything in Standing Orders or in the Resolution of the Dáil of 14th June, 2007, setting out the rota in which Questions to members of the Government are to be asked, or in the Resolution of the Dáil of 20th April, 2010, Questions for oral answer, following those next set down to the Minister for Finance, shall be set down to Ministers in the following temporary sequence:

[Deputy John Curran.]

Minister for Transport

Tánaiste and Minister for Education and Science

Minister for Health and Children

Minister for Enterprise, Trade and Employment

whereupon the sequence established by the Resolution of 14th June, 2007, shall continue with Questions to the Minister for Justice, Equality and Law Reform.

Question put and agreed to.

Central Bank Reform Bill 2010: Second Stage (Resumed).

The following motion was moved by the Minister for Finance, Deputy Brian Lenihan, on Tuesday, 20 April 2010:

That the Bill be now read a Second Time.

Debate resumed on amendment No. 1:

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

“Dáil Éireann declines to give the Central Bank Reform Bill 2010 a second reading because:

I. It has not been rooted in any proper investigation of what has gone wrong, nor any serious attempt to make key players accountable for the errors committed, both of which are necessary to determine whether this Bill is an appropriate response.

II. It infers that the most urgent reform is to change the architecture of the existing regulatory bodies, when there is no verifiable evidence that such architecture was in any significant way responsible for the shortcomings of the regulatory system.

III. It preserves the system of appointment of Directors to the new Central Bank Commission exclusively to Government with no proper scrutiny by the Oireachtas or any other external body.

IV. It does not give the new Commission the necessary ‘bank resolution’ powers needed to put failed banks safely into a managed administration when that is the most appropriate policy outcome.”.

—(Deputy Richard Bruton.)

Deputy Pat Rabbitte: I listened yesterday to a number of speeches on this matter and I am a bit reluctant to break the pattern and address myself to the Bill. However, given the background against which this Bill is being introduced, it is inevitable that events happening outside of the House in the banking world, the impact those issues have on the real economy, their impact on real people and, indeed, their impact on industrial relations should have large in the minds of contributors. It was nonetheless remarkable that such little attention was devoted to the Bill. To some extent, this is because very few Deputies on either side of the House are persuaded that the Bill is the solution, or even part of the solution, to the problems that have arisen. It is a case of the Minister shooting first and asking questions afterwards. After the bitter lessons of recent years, I acknowledge that everyone is in favour of effective bank regu-

lation, and we all agree with the Minister for Finance when he put it in his opening speech that “the previous regulatory system failed spectacularly.”

We do not know, however, why it failed. Did it fail because the regulator did not have sufficient powers or did it fail because he, for whatever reason, turned a blind eye? The Minister asserts that he knows the answers and that this Bill is a main part of his solution but he is putting the cart before the horse.

The purpose of the Private Members’ Bill that I introduced on behalf of the Labour Party was to permit a public bank inquiry that would answer those and other questions. That public bank inquiry should have got underway as early as the start of 2009 but the Government blocked it. Now the Minister for Finance advocates a new regulatory architecture without establishing, in public at least, what precisely were the defects of the system that allowed the near collapse of the entire banking system. I support a number of measures in this Bill in terms of tidying up the hybrid system in place until now but I cannot do so with any confidence because we have never seen an evidence-based analysis of what went wrong. It is impossible, therefore, to avoid the conclusion that when things went so disastrously wrong, the natural instinct of those responsible is to distract from what ought to be the real focus. There is no better way of doing so than by redesigning the architecture and talking tough.

Is the Minister saying the previous regulator did not do his job because of defects in the architecture of regulation? That is the logic of introducing a Bill to change the architecture. Did regulation fail because of inadequate powers? If not, why did it fail? Why should the regulator have decided to turn a blind eye? Did he believe that in turning a blind eye he was in tune with the temper of the times? Did he believe that blind-eye regulation was exactly the way his political masters wanted it? If he had been operating within the framework of this new Bill, would it have made a blind bit of difference? Is there any evidence that the former regulator felt spancelled because he did not have the necessary statutory powers? If he had available to him, for example, the powers envisaged in Part 3 for “a fitness and probity” regime, would he have used them?

The truth is we are flying blind; we are enacting new law now and afterwards we will have the inquiry. It is a peculiarly Irish solution to an Irish problem. The Minister asserts that this Bill is the solution so we must go with it and later we can work out the precise nature of the problem. To put it mildly, up to now the Minister’s assertions about the unfolding banking collapse have not proved very reliable. The result is that every week the mountain to climb gets higher.

In the past 18 months, Parliament should have been doing what Parliament is expected to be doing by the people: we should have been teasing through all of this in a structured way, establishing what went wrong and why and then coming up with solutions, but the Government would not permit it. Instead we rush to change around the deckchairs and hope that nobody will notice we are avoiding the elephant in the room.

All of this is reminiscent of what happened when the existing architecture was put in place. Members will recall that the public anger and the fall-out from different scandals led to a hybrid architecture of regulation being put in place. There was the report of the DIRT inquiry into tax evasion and inadequate provision for consumer protection. Then there was the McCracken report, which highlighted that the Central Bank was responsible for the prudential suspension of Guinness Mahon. Exchange controls were still in place at the time yet huge deposits had fled to the Cayman Islands. There were also the irregularities at National Irish Bank.

The Tánaiste of the day, Deputy Harney, wanted a regulator on a greenfield site separate from the Central Bank. The then Minister for Finance, Mr. McCreevy, favoured the Central

[Deputy Pat Rabbitte.]

Bank. Enter Michael McDowell, then, as now, in political exile, to make peace between the ideological soul-mates Harney and McCreevy. In his report, “The Establishment of a Single Authority for the Financial Services Sector”, a minority group recommended a hybrid compromise where a financial regulator would be quasi-attached to the Central Bank and so the Central Bank and Financial Services Authority of Ireland was born. If a camel is a horse designed by a committee, the Central Bank and Financial Services Authority of Ireland was the product of the dispute in Cabinet.

For all of the confusion reposed in this clumsy architecture, it does not explain why it failed so comprehensively. The proposition that it failed because of defects in the structure is doubtful. I also disagree that the architecture now proposed is radically different. If Mr. Honohan and Mr.

12 o'clock Elderfield had been in post between 2004 and 2008, this structure would not have impeded them from doing their jobs effectively. What else went wrong? Is anyone in the House saying that if Patrick Honohan had been Governor of the Central Bank and Matthew Elderfield had been Financial Regulator, the previous architecture would have stopped them from taking the steps that ought to have been taken to preserve our banking system? I do not believe so but to an extent we have embarked on creating an entirely new architecture without the Minister showing that was the problem that caused the collapse we have endured.

The new architecture is even more confusing when it comes to the consumer dimension. The Minister stated, “Consumer function will be integral to the bank itself,” but the Bill transfers responsibility for consumer information and education to the National Consumer Agency, along with associated staff. This is a confusing distinction and, more fundamentally, it ignores the modern literature that consumer protection ought not be the responsibility of the body responsible for prudential supervision.

At the time that Bill was introduced in 2002 I said that development and regulation of the financial services sector ought to be distinct from the consumer protection dimension because inevitably there would be compromises if the developmental role were, in any way, confused with the consumer protection role. Deputy Bruton made similar points in his contribution. If I remember correctly, he quoted Professor Ray Kinsella, who explained in some detail why it is not a good idea to marry consumer protection with prudential supervision. Nonetheless the Minister, while hiving off a number of staff to education and information functions, maintains the consumer protection role under the bank.

When I brought in the Consumer Credit Act in 1995, I transferred responsibility for bank charges from the Central Bank to the Director of Consumer Affairs. I still think that approach has great merit. For the same reason I welcome the decision in the Bill to remove the bank’s role in helping to promote the financial services sector. It is apparent why a role in promoting Ireland as a centre for the financial services sector might not be consistent with a role in the prudential supervision of that same sector.

I ask the Minister to help me because I am not sure I understand the new structure as proposed. I am not sure I understand the difference between financial regulation and prudential supervision. Who is the prudential supervisor? Is it the regulator? Is that not the task of the governor? If, for example, the banks are found to be putting too much money into property, is that a matter for the governor? If a particular bank is found to be putting too much money into property development, is that a matter for the regulator? I ask the question in the context of the provision of the twin heads of functions in the Bill — the head of financial regulation and the post of head of central banking. I ask the Minister to explain to me what exactly are the responsibilities of the head of central banking? Obviously, both persons will report to the governor but I note that unusual care has been taken in the legislation to guarantee the position

of the head of central banking. I understand the opinion of the ECB, to which the Minister made reference — he said he would make this available before Committee Stage — draws attention to the unusual provision in this regard.

I do not know who is the head of central banking and I do not wish to reflect on any individual, but it must be asked whether he was there when the house of cards came down. If he was, is it not unusual that we should go to extraordinary steps to protect him in the legislation? The more one looks at the business of the clean up — or clean out — in the banks, as promised by the Minister for Finance, the more one must acknowledge that it did not actually happen. For example, on the last day the House sat before the Easter break I asked the Minister to let me know the position of the chairpersons of the internal audit and risk management committees in the banks. Are they still *in situ*? These were the critical people. Chairmen of internal audit and compliance and risk management committees are critical posts. If a person goes into Allied Irish Banks to look for a loan of up to €5 million, the request goes to the chairman of the risk management committee. If it is for more than that sum it might go to the board. I asked this of the Minister who undertook that day to let me know whether these same persons are still in their posts. I would be greatly obliged if he did so and I am glad to have the opportunity to remind the Minister that he promised to come back to me on this. I hope he will.

I welcome the proposals in respect of the credit unions. When I brought the Credit Union Act through the Dáil in 1997 I resisted credit unions being transferred from the Registrar of Friendly Societies. Given everything that has happened since, I agree that the Registrar now should be required to report through the Financial Regulator to the Central Bank commission. I also welcome the increase in lending limits for credit unions. It is some 13 years since that legislation was enacted and I hope the Minister is correct when he promised that changes in the area of rescheduling of loans will, as he put it, “facilitate credit unions in their wish to ease the position of their members”. Above all, it is important that the changes being proposed by the Minister will protect members’ financial stability and ensure the security of their savings.

This Bill is a case of putting the cart before the horse. We should have had a public, forensic bank inquiry. We should have examined whether the architecture was to blame before bringing a Bill to the House to create a new architecture. In the one minute that remains to me, I raise a matter to which I believe the House should return. There are very many people in addition to the Minister or, more particularly, his predecessor as Minister for Finance, who bear responsibility for the tragedy that has befallen us which has wounded so many people, hurt so many families, caused homes to be repossessed, jobs to be lost, and so on. This Bill smacks of saying, “Let’s sweep it all under the carpet and get on with creating a new architecture”. We need to examine what happened, and have it examined in public, making these people amenable and accountable for the decisions and omissions during that period, especially in the period from 2004 to 2008.

Any person who took time out to read the two articles in *The Irish Times* recently by the management consultant, Eddie Molloy, about the performance of the Department of Finance, would have very grave cause to be concerned. The juxtaposition of the conflict, in the manner in which the Department viewed itself on its website, and its actual performance during those critical years before the economic collapse, is a matter about which Members of this House ought to be concerned and which they ought to examine. When the Minister comes into the House again to ask us to accept his assertions that this is the prescription for the future, when we have not even analysed the entrails of the reason the previous system was such a failure——

Acting Chairman (Deputy Cyprian Brady): The Deputy’s time has expired.

Deputy Pat Rabbitte: I thank the Acting Chairman for his indulgence. I am sure everybody notices the impact this banking fiasco is having on the industrial relations arena. It is very easy to understand why that is the case. All this adds to the reasons there should have been a proper public forensic bank inquiry that would at least explain to people why and how what happened came about.

Deputy Michael Kennedy: Tá me buíoch as an deis seo a bheith agam labhairt ar an mBille thábhachtach agus ba mhaith liom comhghairdeas a dhéanamh leis an Aire Stáit nua, an Teachta Mary White. I thank the Acting Chairman for the opportunity to speak to the Bill. I congratulate the Minister of State, Deputy Mary White, as it is my first opportunity to do so and I wish her well in her new post.

I welcome this Bill and our thanks are due to the Minister for Finance, Deputy Brian Lenihan, for the diligence he has shown with regard to banking activities and the sure hand he has kept on the tiller over the past number of years. The public recognises that the Minister knows his job and is taking action in the best interest of the Irish taxpayer.

The enhancement of regulatory issues is badly needed. A banking inquiry is necessary and will come about as promised by the Government. We do not want a repeat of the activities that caused these grave difficulties. I speak for all colleagues on this side of the House in saying that the actions of rogue bankers in Anglo Irish Bank, Irish Nationwide and other institutions were reprehensible. I welcome the fact that Garda investigations are progressing and I am sure I speak for everybody in the House in saying we look forward to court cases where guilt can be apportioned or otherwise.

Mr. Michael Fingleton's fee should be paid back and the Government has given a commitment to do all in its power so that the money is recovered. The new chief executive of Irish Nationwide has confirmed that he is pursuing the issue on behalf of his board. The public will be happy to see that money repaid.

There is no doubt that a lack of proper regulation and competence in certain regulatory staff has contributed to the issues. The public wants the Government to take action to ensure we never see a repeat of what has happened. There is no doubt it has been painful and everybody in public life knows what the reaction of constituents has been. Our actions have been difficult but they are necessary in the national interest. People have seen the circumstances surrounding Mr. Boucher's pension top-up in the past couple of days and find it difficult to accept that he should have a significant pension, which is one and a half times the Taoiseach's salary, paid to him at the age of 55 years.

I was on the public record on radio last Tuesday night calling for Mr. Boucher to forgo that pension top-up and looking for the board to ensure that it would not be paid over. I acknowledge the actions and opinions of everybody in this House, trade union leaders and people like Mr. Kieran Mulvey. It all contributed to ensuring that Mr. Boucher would do the honourable thing, which I welcome.

We have had many discussions on whether to bail out the banks, no matter what Bill has been brought forward. I do not have any personal doubt that there is no other option; it may be the least worst option and unfortunately, it is one we must take in the national interest. I have a business background with over 30 years experience in the insurance business. I have worked in the credit insurance departments and any client who ever had a default saw that stay as a blot on the copybook forever. I have personal experience of dealing with clients endeavouring to obtain credit insurance.

Equally, in the ordinary course of simple insurance policies, where companies would allow a deferred payment system over 12 months on the premium, any default would remain on

record. If a party seeks the same facility in subsequent years, it may find that the insurance company, on the instructions of the financial institution, would not be prepared to give such a deferred payment system. We do not have an option except to deal with these bail-outs in the best possible fashion. As I have indicated, it is the least worst option.

President Obama will deliver a speech later today on US Government reforms. It is worth noting the comments from President Obama as one can see a parallel with what the Irish Government — and other governments in the EU — are doing. In the speech, he will talk about holding Wall Street to account, saying that the financial crisis was the result of a fundamental failure from Wall Street to Washington. That embraces politicians as well as bankers.

A statement on the White House website indicates:

Wall Street took irresponsible risks that they did not fully understand and Washington did not have the authority to properly monitor or constrain risk-taking at the largest firms. When the crisis hit, they did not have the tools to break apart or wind down a failing financial firm without putting the American taxpayer and the entire financial system at risk.

That is a very strong statement and reflects exactly the difficulties we have found in Ireland. It is also indicated in the statement that Wall Street must be held accountable and pay taxpayers back for costs. A levy is proposed for the banking system, which we should consider. The public would like to think that when banks return to profitability, they will endeavour to pay back the substantial moneys given by the Government.

The statement argues:

The only way to end bail-outs is serious reform. No firm should be “too big to fail”. We must constrain the growth of the largest financial firms; restrict the riskiest financial activities; and create a mechanism for the Government to shut down failing financial companies without precipitating a financial panic that leaves taxpayers and small businesses on the hook.

That is exactly the position in which the Irish Government has found itself. President Obama has also referred to the protection of consumers. That statement continues:

We must establish an independent consumer financial protection agency to set and enforce clear, consistent rules for the financial marketplace. A single consumer agency will set clear rules for the road and will ensure that financial firms are held to high standards.

I believe this also is the road on which the Minister for Finance, Deputy Brian Lenihan, and the Government are proceeding. The website also states:

Today, there are seven different regulators with authority over the consumer financial services marketplace. Accountability is lacking because responsibility is diffuse and fragmented. In addition, many mortgage lenders and mortgage brokers were almost completely unregulated.

Does this not ring bells with Members with regard to recent events? The President also proposes to close the gaps in their financial system and the website states, “We must address the gaps that led to regulatory failure — at its peak, the shadow banking system financed almost \$8 trillion in assets”. This certainly is a horrendous sum, as while we talk in billions, the Americans talk in trillions. The White House website also makes reference to the fact that market discipline is not enough and notes that “relying on market discipline to compensate for weak regulation and then leaving it for the Government to clean up the mess is not a good strategy for economic growth nor financial security”. It also states:

[Deputy Michael Kennedy.]

Our financial systems need clearer accountability. There is no substitute for vigorous, consistent enforcement of the laws governing the financial system. But each regulator should have a clear mission and the authority to execute that mission.

This is exactly what the Irish Government is doing at present by putting in place new regulations, having appointed a new regulator. I congratulate Mr. Elderfield on his actions to date. He has shown clearly what he is made of and that he has the taxpayers' interests at heart and I certainly wish him well and continued success in his job.

Referring back to the subject of President Obama's speech later today, reform is critical to market certainty and stable growth. Reform is central to providing a foundation for stable growth. The website states, "Our financial system is most competitive when our system is stable, resilient and transparent". It continues by stating, "reforms will make the financial industry and the markets they operate in stronger, safer and more competitive". It also refers to clearer accountability in the supervision and regulation in which financial firms may operate, whereby there will be a coherent set of rules and expectations within the regulatory arbitrage. It also states:

Comprehensive reform is important to generate innovation and economic growth. A key test of a strong financial system is whether or not it effectively channels savings to finance future innovation. Today's system produced waves of credit bubbles and real estate booms followed by severe financial shocks and damage. We need a financial system that is not only interested in short-term profits, but in long-term growth, entrepreneurship, and in savings.

Finally, it comments on leading the way on international financial reform and states:

We are working in parallel with our international partners to make sure that as we move to reform and strengthen our financial systems at home, the G20 is moving to implement reforms to achieve a level playing field.

In that context, we in Ireland are working with our European partners and all the actions of the Government over the years have been taken with the knowledge and acquiescence of the European Union, the European Central Bank, the International Monetary Fund etc. Consequently, these actions, which the Government proposes to take in a clear, concise and coherent manner, are backed up by our European partners.

While I have made this point previously, it is worth reiterating the point that in the United Kingdom, the authorities have paid out £850 billion in a bailout of its banks. In the United States, the bailout thus far has cost \$12.4 trillion. Consequently, when one discusses whether Ireland's bill may be €30 billion or €40 billion, while that is a massive sum of money in our context, ours is not the only Government that is obliged to do this. The £850 billion being paid by our neighbours across the water also constitutes an enormous amount and it is worth pointing out which institutions actually received that money, and how much. A total of £76 billion has been paid to purchase shares by the Government in the RBS and Lloyds banking groups. The indemnity the Bank of England has given against losses incurred in backing up liquidity support cost £200 billion. The guarantee for wholesale borrowings by the banks to strengthen their liquidity cost £250 billion, while £40 billion has been provided to Bradford & Bingley and the financial services compensation scheme. Moreover, £280 billion is needed to provide insurance for bank assets. These costs add up to £850 billion. In the United States, there is a litany of organisations, many of which would be unfamiliar to Members were I to name them, but the overall total is \$12.4 trillion.

In the few minutes that remain to me, I wish to refer to the year 1985. I note Deputy Noonan is in the Chamber and he would have been a member of the Fine Gael-Labour coalition Government at the time. Allied Irish Banks owned an insurance company called Insurance Corporation of Ireland, which got itself into financial difficulties. That coalition Government introduced emergency legislation similar to that which the present Fianna Fáil-Green Party Government has been obliged to do in recent years. The position in which the Government of 1985 found itself was exactly similar, in that it could not countenance the idea of a bank collapse because of the effect it would have on the entire economy. I am sure Deputy Noonan remembers this well. Some of the media comment from that time is interesting because it parallels exactly what is happening today. For example, the late Dick Walsh, who was a reporter from *The Irish Times* referred to the Opposition Fianna Fáil Deputies, who were led by the late Charles Haughey, making quite a fuss about it at the time. Equally however, backbenchers from Fine Gael and the Labour Party were greatly concerned. Ultimately, they all voted for the legislation on the basis that it was necessary in the national interest.

It is no different in 2010 from it was 1985, in that banking failures for small countries like Ireland are not an option. Our credit rating is at risk, as is our ability to borrow. As I noted, I come from a financial services background in which I know what a credit rating and worse, its loss, means. Moreover, in 1985 certain actions were taken by bank directors. For example, a director of AIB at the time, a Mr. Gerry Scanlon, bought 50,000 shares on the day before the Government bailout. The bank shares rose by 25% on the following day and he made a substantial profit. Consequently, in respect of a Government being obliged to bail out banks and being obliged to accept that certain bankers take inappropriate actions and abuse their powers, it was no different from under the aforementioned Fine Gael-Labour Party Government. While both Fine Gael and Labour Members are castigating the Government's actions today, they should look at the mirror and reflect on what they did when in power and should reflect on the reasons they took that action.

I do not think being obliged to bail out banks is nice. Like every other Member, this involves my taxes, as well as those of my family and all my constituents. However, in the national interest, the Government must take this action. Last year, we borrowed €24 billion at reasonably competitive rates. This year, the figure will be in the order of €20 billion. If we reneged on bank debt, we would not get that amount of money and we would pay much more for what we got. Greece is a prime example, in that its Government decided some weeks ago that it would allow failures. It was told in no uncertain terms by the German Chancellor, Angela Merkel, that Europe would not assist it. The Greek Government has come around to the belief that one must work with Europe and endeavour to deal with situations in a realistic manner.

Deputy Michael Noonan: This is not the first time financial regulation has been debated in the House or its committees. Any Government worth its salt would be introducing a Bill to change the regulatory system, since the manner in which we regulate our financial institutions has proven a failure. There is universal agreement in this regard.

The Bill is complex and I compliment those who put it together. They were working against tight deadlines and I am sure there will be much room for amendments on Committee Stage. In terms of a piece of legislative work, this is more of a Committee Stage Bill than a Second Stage Bill. I look forward to Committee Stage. I hope the Government will be open to amendments. Everyone should note that financial rescues have worked best in the past 12 months where governments have shared full information with opposition parties and where there has been a united approach in the national interest to remediate the situation. This was particularly true in the United States of America and we should adopt the same model.

[Deputy Michael Noonan.]

When the Central Bank was first founded, it was not even the Government bank. That role was carried out by the Bank of Ireland. Until the 1990s, regulation was fragmented. For example, the Department of Industry and Commerce regulated the insurance industry, the Central Bank looked after the prudential side of regulation of banking institutions, no one really looked after the consumer's interests at that stage and the credit unions had a life of their own until Deputy Rabbitte amended the primary legislation controlling them.

The debate started as matters began to change internationally during the 1990s. I served on a committee chaired by Deputy Michael Ahern, the recommendation of which was that we should move to a single regulatory authority. That was in 1998. Our recommendation to go in that direction was quite strong. Subsequently, the Government set up an expert committee under the chairmanship of Michael McDowell when he was not a Member of the House. He brought forward a report that gave rise to much conflict in the public service. This was the first big problem with financial regulation. In effect, a turf war was fought among certain officials and institutions and there was no clear run until a compromise was brokered between the then Deputy McCreevy and Deputy Harney. The compromise was to shelve the majority report of the McDowell committee and to use the minority report as the basis for the financial regulatory Act of 2003. It was never an adequate provision. At the time, the battle was more about personalities, careers and who would get which job than it was about the effectiveness of the regulatory system. Many of our problems go back to that date.

The architecture of regulation is not as important as the type of regulation. The debate over regulation based on principles and regulation based on rules has been well rehearsed. In the principles approach, the Central Bank sets down the principles. Since we knew that all bankers were honourable people and, like the other high professions, were led by the highest ethical standards, they would implement regulations in detail as soon as one told them the principles. Of course, we found this was not right. The principled approach failed.

The former regulator, a man who is much maligned and who I will not attack today, Mr. Neary, discussed the principled approach in 2007. He stated, "It means leaving it up to firms to attune their business strategies with regulatory expectations and places the responsibility for the proper management and control of a financial service provider, on the board of directors and its senior management." This is as good a definition of light touch regulation as one will get. Since people are ethical and of high standards, one can set out the principles and trust them to implement the regulation in accordance with those principles. This never occurred; it was a fiction, but that was the principle.

The alternative is the rules-based approach, in which the details are set down. A rules-based regime prescribes in minute detail how service providers should behave in conceivable scenarios. In 2007, the Comptroller and Auditor General stated, "This kind of regime may provide financial services providers with a high degree of certainty about what their regulators expect, but it may also result in high compliance costs".

The debate is not about the architecture of the regulatory regime, but the type of regulation. The choices are between the principled approach, which has come to be known as light touch regulation, and the rules-based approach, which is being implemented via the Bill. These rules are of the most precise and rigid kind with provision for the Minister to add to them by statutory regulation.

The debate goes on. It should be also noted that it is not as primary coloured a debate as has been presented. There always have been rules and regulations under law that were supposed to be implemented by bankers. According to the Comptroller and Auditor General, since the Financial Regulator's establishment, it has "inherited a varied and sizeable body of rules, regu-

lations and guidelines from its predecessors.” The chairman of the Financial Regulator, Mr. Jim Farrell, stated before an Oireachtas committee in January 2009:

I stress that the principles-led supervision system that was applied to the 48 banks we regulate is not a rules-free environment where regulated firms can do as they wish. In addition to the principles set out by the Financial Regulator, there is a vast number of rules that apply to the banking industry. These range from rules and requirements put in place by the Financial Regulator, including capital requirements and weekly liquidity reporting, and the consumer protection code, to rules applied under EU directives and the rules that apply under the law of the land. For example, under Basel II, the EU capital requirements directive, there are hundreds of detailed rules with which banks must comply.

It is incorrect to pose the matter as a free choice between setting out principles and relying on people to comply with them and having a series of rules with which people must comply. Under principles-based light touch regulation, there were hundreds of rules, most of them statutory, with which bankers were supposed to comply in accordance with law, but they did not do so. It was the job of the regulator and the Central Bank to ensure they did. At one remove, it was the job of the Department of Finance to ensure they did. However, no one made sure and our regulatory system failed.

We are moving to a new architecture and a new set of rules-based regulation again, but there is a strong chance that they will fail. In the final analysis, whether the banks are properly regulated depends on the people running them. I am of the opinion that there should have been a clean sweep of the people who run the banks. Everyone who served on the boards of the banks, everyone who was part of the banking culture and who has now been promoted into a senior position and everyone who served on the audit or risk assessment committees of the banks should have been removed. The introduction in Dáil Éireann of new architecture for regulation, which will be implemented by the people who shared in the culture that existed and who made many of the key decisions when things went wrong, does not represent a sufficient response. I am, therefore, seeking a clean sweep in respect of everyone who was involved.

I have no particular animosity against those who are now in charge of the banks. However, there comes a point when — regardless of whether one is culpable — if one held a particular position and if something happened on one’s watch, one is responsible and one must go. That is the rule that applies throughout Europe and across the United States. However, it does not apply in Ireland.

There is a second problem with those who are *in situ*. Let us reflect on what has happened during the past 18 months. Senior banks have lied to Government Ministers, to Members of the House, to their shareholders, to the public, the regulator and the personnel of the Central Bank. However, those who were one step below these individuals in their organisations and who briefed them are now in charge of those organisations. We cannot have a system that will be effective and that will work in accordance with a new set of regulations unless new people who will implement the rules and a new culture are put in place.

It is worth noting that this country has experienced a series of problems relating to banking. While the institutions have, at corporate level, been penalised and fined, the personnel have remained untouched. Many of us believe that the DIRT inquiry was effective and a great success for parliamentary democracy. We are of the view that it was good that, when the inquiry reported, sanctions were imposed at corporate level and that the banks were obliged to pay back some of the tax they previously evaded. However, none of those who organised and ordered that evasion of tax through the network of bank branches throughout the country

[Deputy Michael Noonan.]

was touched. While sanctions were imposed at corporate level, no one was held personally responsible. In addition, the culture that had previously held sway remained in place.

How many instances of overcharging occurred in institutions from NIB to AIB in the late 1990s and early 2000s? What happened in the case of such overcharging? The answer is that the regulator and the Central Bank intervened and instructed the banks to repay those who were overcharged. On some occasions, minor amounts were paid in compensation. However, those who organised the overcharging and managed it on a day-to-day basis remained unscathed. Many of these individuals retained their jobs, obtained promotions and worked their way up to the top of the banking system.

Regardless of what might be the architecture of regulation or the content of the new rules regime, there is a great chance that the legislation before us will fail if the culture to which I refer and those who shared in it continue to hold sway within the banking system. The system must change in a dramatic way and this can only be achieved by means of a clean sweep.

I am delighted that Mr. Matthew Elderfield, who was brought in from abroad, has been appointed as head of financial supervision at the Central Bank. I am also delighted that Professor Patrick Honohan has been appointed Governor of the Central Bank, particularly as he worked abroad for the past 15 years. I knew Professor Honohan, but not very well, when he advised the former Taoiseach, Garrett FitzGerald, and the Cabinet of which I was a member. Since then, Professor Honohan has worked with the World Bank and has been involved in bank rescues across the globe. He is the kind of man we need, particularly as he speaks in an extremely forthright manner.

Prior to his appointment as Governor of the Central Bank, Professor Honohan made a number of very interesting statements. In 2009, he said that bank regulation in Ireland, although compliant with international standards was nonetheless “complacent and permissive” and that too much reliance was placed on the internal risk models deployed by the regulated entities. He also stated that it is possible to implement rules in banking by number. In other words, if lending exceeded a certain percentage, a mechanism would be triggered automatically and action would be taken. The current rule of thumb with regard to mortgages would be that they would be offered at a figure of 80%. Under the rules to which Professor Honohan refers, if a mortgage exceeded this or went over 100%, for example, a red flag would be raised and action would be taken as a matter of course. However, such rules were not imposed within the banking system here.

Professor Honohan also stated that in a rules-based approach, numerical controls act as trigger points for action by the regulator and highlighted the fact that balance sheet growth of 20% is often taken as such a numerical trigger. In such circumstances, if an institution’s balance sheet showed growth of 20% in a given year, it would have to be monitored. If it increased by a further 20% the following year, that would be a strong signal. In the case of Anglo Irish Bank, Professor Honohan indicated that this level of growth occurred in eight out of nine years and that the average annual growth on that institution’s balance sheet was 36%. However, no red lights flashed, no flags were raised and no triggers were activated.

On Committee Stage, we must ensure that the new portfolio of rules proposed by the Minister includes mechanisms that will trigger action. They must not be ignored in the same way the existing rules were ignored in the past by the people who were reared and educated in a particular culture and who still believe that bankers are autonomous in what they do, all this regulation is mere guff spouted in the Dáil and that they can carry on and deal with their customers in the same way they did in the past. It is astonishing that there was 36% growth on

the balance sheet of Anglo Irish Bank in eight years out of nine and no one in the Central Bank, the Financial Regulator's office or the Department of Finance noticed.

Before his appointment as Governor of the Central Bank, Professor Honohan also pointed out that the loan books of the Irish banks assumed a modest 20% fall in house prices. Two years ago, no one would have believed anybody who said that the fall in house prices would have been pegged at 20%. However, that is what happened.

The Minister faces a major difficulty bringing this legislation in operation rather than into effect. He is fortunate to have a new regulator and a new Governor of the Central Bank. I do not know whether the third key position, namely, that of the person responsible for regulating the Central Bank on the Governor's behalf, has been filled. These individuals must operate within the banking system.

There is a theory which has become fashionable and which states that regulation failed because it was all based on principles. Under this argument, the premise is put forward that poor Mr. Neary said "They are the principles, lads, and I know you will follow them". That is only part of the story. The banks were obliged, under law and the old regulatory system, to comply with hundreds of rules but they did not do so.

Much of the material to which I am referring and from which I am quoting was supplied by the Oireachtas Library research unit. I wish to compliment the staff of the unit who do great work to assist legislators in the context of directing them towards sources, etc. The information the unit provided in respect of the Bill contains a table drawn up in 2006 by David T. Llewellyn, who knows a certain amount about matters of this nature. The table contains a list of the universal functions of financial regulation agencies. These are functions which one would expect to be carried out by regulators in all jurisdictions.

The first of these functions relates to the prudential regulation for the safety and soundness of financial regulation. I am obliged to ask whether our regulatory system passed or failed the test in respect of this function. The second one is the stability and integrity of the payments system. It failed that test because we had to bring in a universal guarantee in September 2008. The third one is the prudential supervision of financial institutions. Does anyone believe that happened when Anglo Irish Bank had to be nationalised and everything is breaking all around us? The fourth one is the conduct of business regulation, that is, the rules about how firms conduct business with their customers. Does anyone believe that happened with the loans being given to developers? The fifth one is the conduct of business supervision, to which the same question applies. The sixth one is the safety net arrangement such as deposit insurance and the lender of last resort role performed by the Central Bank which I believe actually happened. The seventh one is liquidity assistance for systemic stability, which is happening now after the Government intervened in very difficult circumstances. The eighth one is the handling of insolvent institutions, on which there is no need to comment. The ninth one is crisis resolution which, again, speaks for itself. The tenth one is issues relating to market integrity.

That is the list of the essential functions of regulator and I suggest the regulatory regime in Ireland failed. It is not about architecture; it is not even about new rules. It is about the combination of the architecture and the rules and the people who are there to impose them. While the Government has done its job in appointing a new Governor and a new regulator, the banks have not done their job. The Government has not done its job in respect of the banks because to get a fresh start, we need a clean sweep of everybody who was tainted by the culture. There are many people still *in situ* who were tainted by the culture and they will revert to type within a year or two years when things settle down. The next generation of Deputies in 15 or 20 years' time will be back again. It is time for a clean out.

Deputy Chris Andrews: I am delighted to have the opportunity to speak on this matter because regardless of which side of the House one is on, we all agree the revelations in regard to our banking system and the lack supposed regulation, which was designed to protect customers and society, are truly shocking.

In common with many other countries, including the UK and the US, the Irish regulatory system failed abysmally to carry out its role which was to ensure the financial institutions behaved in a responsible manner. The true scale of the appalling state of our country's banks, as the Minister for Finance indicated, was beyond anyone's notion of the worst case scenario.

This week, we heard Irish Nationwide Building Society incurred losses of more than €2 billion. That is more than it ever made in profits, which is outrageous. I sometimes think the public believes Members of the House are somehow supportive of the banks. We are as outraged, angry and upset by the actions of the people in charge of the banks at that time. Likewise, the revelations in regard to Anglo Irish Bank and other financial institutions have shaken the public's faith in those at the top of the financial sector.

There are many different views about NAMA. My view is that it is the right course of action. It is bringing stability to the financial system. The Minister for Finance and the Department officials deserve great credit for the way they examined in detail every possible option available to them. NAMA has received the support of the IMF and the ECB which stated that measures in the legislation should restore confidence in the banking system, which is the case. The Minister highlighted the favourable reaction of the financial markets to the steps the Government is taking to address our economic difficulty, although I do not believe people in Ireland are as easily convinced. Greece has been forced to borrowed at 8% which shows the steps Ireland is taking are well regarded internationally.

The Financial Regulator failed to carry out his primary function. He did not regulate the banks which abused the trust shown in them. To say their behaviour was reckless is an understatement. The behaviour of some of those bankers was nothing short of criminal and the public is rightly outraged and shocked, as are Members of the House, as to how this was allowed to happen.

Internationally, there was a view that over-regulation and interference was, in many ways, anti-business or anti-growth but with hindsight, trusting the banks to behave in a responsible manner was the equivalent of allowing the lunatics to run the asylum.

Last week, UK Prime Minister Gordon Brown admitted he was not tough enough in regulating the banks. He agreed that an era of light touch regulation had grown in the UK. Likewise, we were not tough enough in regulating our banks. There is no question about this. However, I am optimistic that the new measures the Minister for Finance set out in the Bill will ensure that taxpayers will never again be held to ransom by the banks and that they will overhaul regulation in this country.

Mr. Elderfield, Mr. McDonagh and Professor Honohan appeared before committees recently. They gave everybody a shot of confidence. They have all performed exceptionally well. They are seen as independent and as being on top of their briefs. As I said, they have given confidence politically, economically and financially.

This Bill is the first of a three stage legislative programme — to create a new fully integrated structure for financial regulation, to enhance the powers and functions of the Central Bank and to consolidate existing legislation. This is a detailed Bill with many different parts but the main component of the Central Bank Reform Bill is the merging of the functions of the Central Bank of Ireland and the Financial Regulator. This merger will create a single regulatory body. A Central Bank commission will be created and will be responsible for proper regulation and supervision of the financial services market, including regulation of the service providers.

I welcome the fact an Oireachtas committee will receive an annual regulatory performance statement. This is a sensible move and will ensure greater Oireachtas oversight and accountability. As the Minister highlighted, this step is consistent with the recent recommendations of the Comptroller and Auditor General in a special report on the Financial Regulator. Likewise, the Bill requires the bank to arrange regulator peer reviews of its regulatory performance at least every four years and to report on such reviews. The bank will also be required to prepare a strategy statement every three years in addition to its annual reports and accounts. There are many components to this Bill that will radically reform financial regulation, which is badly needed. It will slowly restore confidence in the banking system.

However, I do not believe that even now the bankers who caused the crisis fully appreciate the implications of what they have done. Last night, Richie Boucher bowed to political pressure to forgo his pension top-up. However, I find it unbelievable that Bank of Ireland, given its current financial situation, would have agreed to go ahead with this payment.

1 o'clock People talk about contracts and rules and about how nothing can be done if these payments have been agreed in advance. However, how is it that private companies can change terms, reduce salaries and alter pension contributions in order to achieve savings? Our banks and those in positions of power need to understand that it is only because of the Irish taxpayer that they are still in existence and attempts to make pension payments and bonuses agreed in a radically different economic environment are simply delusional. The trust of the public is eroded each time a story such as the Richie Boucher one appears.

Debate adjourned.

Energy (Biofuel Obligation and Miscellaneous Provisions) Bill 2010 [Seanad]: Second Stage.

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I move: "That the Bill be now read a Second Time."

I am pleased to be in a position to present the Energy (Biofuel Obligation and Miscellaneous Provisions) Bill 2010 for consideration by the Dáil and commend the legislation to the House. This is a critically important Bill for a number of reasons. Bio-fuels will play a central role in meeting our binding European Union targets for 2020 and, in so doing, reduce our greenhouse gas emissions from transport, improve our energy security and provide a valuable opportunity for the agricultural sector and industry to diversify into new areas. Policy in this regard must strike a balance between taking advantage of these important opportunities and ensuring that these fuels must, at all times, come from sustainable sources and increased penetrations of bio-fuel take place at least cost to the consumer.

The legislation sets out the means by which this will occur and will ensure that Irish consumers have access to appropriately priced, sustainable and reliable sources of bio-fuel over the coming years. In doing so, this will give an important incentive to domestic production.

The environmental benefits of sustainable bio-fuel use stem from the reductions in net carbon emissions over the fossil comparator. This is particularly important given that transport has long been the fastest growing sector in terms of greenhouse gas emissions in Ireland. Bio-fuels are one of the few methods that are readily available to redress this. It is possible, in a small number of cases, that certain bio-fuels may not result in net carbon savings. The Bill ensures that only bio-fuels resulting in net savings of 35% over the fossil comparator will be eligible for the obligation scheme through the strict application of with the EU sustainability criteria, as set out in the 2009 renewable energy directive. Furthermore, from 2017 the net savings required will increase to 50%, further incentivising the incremental development of cleaner and more sustainable bio-fuel.

[Deputy Eamon Ryan.]

Increased bio-fuel use has a number of additional benefits, not least in that it can also displace imported fossil fuels and thereby improve the fuel security situation. Furthermore, there exists a series of opportunities to supply this sector for those in the agricultural, waste and industrial sectors. Ensuring the cost effective and sustainable integration of bio-fuels into the fuel supply chain is not an easy task, however, owing to the difficulty in balancing the need to keep costs to the consumer to a minimum with the need to ensure a consistent supply of fuels and underpin long-term investment in more sustainable bio-fuels. It is, therefore, imperative that we put the right policy in place now, setting a clear and transparent framework which will facilitate progressive increases in volumes used, while giving industry and investors the certainty they need to commit funds.

Experience here and elsewhere has shown that short-term fiscal measures cannot provide this type of certainty and only an obligation type system can ensure that Ireland seizes the opportunity to take advantage of bio-fuel and that the considerable opportunities for the indigenous production of bio-fuel are exploited.

The experience of the mineral oil tax relief scheme, MOTR, is instructive in this regard. The scheme, which was introduced to incentivise the production of bio-fuel in Ireland as an interim measure, involved two competitions whereby companies bid for excise relief under specific conditions. While these competitions have proven to be very successful in getting initial volumes to market — the market penetration rate for bio-fuels as a percentage of road transport fuels was 0.0003% prior to the schemes being introduced, a figure which had risen to 1.6% market penetration in 2008 and a predicted 2.5% in 2009 — the problems experienced by domestic producers illustrate the need for an obligation scheme. In short, after investing heavily in plant and equipment, several manufacturers found that they could not find a market for their fuel, despite the fact that they had the benefit full excise relief. In turn, this made sourcing investment in other plant more difficult and meant other developments could not take place.

Therefore, while the introduction of a national bio-fuel obligation has been the preferred policy option since 2004, the interim experience has further reinforced the need for such a scheme. Such schemes provide industry with the certainty it needs to invest and compels the oil industry to engage with this new sector. Furthermore, by using legislation to lock in a certain outcome rather than using public money to support the sector, the market is left to find the most efficient way of delivering the volumes of bio-fuel to the market, minimising the effect on consumers and the Exchequer.

There has been some comment as to the effectiveness of such schemes in encouraging domestic production. We need look no further than our nearest neighbour, which introduced a similar scheme in 2008, for a demonstration of the effect these schemes can have. Taking recent announcements into account, it is likely that the United Kingdom will shortly have a domestic production capacity of more than 1.1 billion litres of ethanol alone per annum in three new plants, all entering production after the introduction of their obligation. The certainty that these types of mechanisms provide allows this type of investment to take place. Furthermore, the fact that demand for bio-fuel across Europe will rise steadily in the coming years means significant additional production capacity will need to be added in the medium term if these demands are to be met. Ireland, with its strong agricultural and food industries, stands ideally placed to take advantage of this.

In addition to these amendments, concerns were raised about how we could protect ethanol produced from indigenous sources against cheaper imports. It was suggested in the debate in the Seanad that we could specify particular TARIC codes for ethanol, thereby enforcing certain quality restrictions on imported ethanol and supporting indigenous industry to an extent. Hav-

ing consulted with the Office of the Attorney General and National Standards Authority of Ireland, a new section 44X has been added to the Bill to provide the power for the Minister to make an order specifying the fuel standards required for a fuel to meet the obligation. By introducing this new section I will, once the Bill has been enacted, be able to move to make a statutory instrument setting out the measure that is required in specifying a TARIC code and put this through the notification procedure to the European Commission in due course. By taking this course of action now we are ensuring there is no undue delay in progressing the legislative process and bringing the obligation into force. I have long been an advocate of promoting indigenous industry and this additional section will help to further underpin that goal.

The main purpose of the Bill is to introduce a bio-fuel obligation to underpin the delivery, in an affordable and environmentally sustainable manner, of a number of important national and EU targets for renewable energy in transport. Ireland and all member states are required under the 2009 renewable energy directive to have a 10% penetration of renewable energy in transport by 2020. The Government programme and White Paper on energy policy also commit to the introduction of a bio-fuel obligation for similar reasons.

Policy for future bio-fuel fuel use is ambitious but tempered by a determination, shared among all EU Governments, to ensure there are no adverse consequences for consumers, the environment or those living where the products needed are grown or extracted. This is critical given that it seems likely that bio-fuel penetrations of up to 8% by energy will be required by 2020, with the remainder coming from renewable energy used in electric vehicles. This determination is reflected in two central aspects of national policy, as reflected in the Bill, and in the relevant EU directive, namely, the 2009 renewable energy directive.

The first of these relates to the sustainability criteria regime set out in the directive and incorporated in the Bill. This set of rules, which will come into force across the EU this year, will compel suppliers to ensure every unit of bio-fuel counted towards national targets meets a stringent series of criteria, including life cycle greenhouse gas emissions savings versus fossil fuels, the type of land from which bio-fuel crops can be taken and ecosystem preservation.

The second manner in which this desire to mitigate any additional adverse effects is by means of a number of review clauses built into this Bill and the directive. These involve scheduled reviews of the possible effect of increased bio-fuels, both in terms of the market effects and in terms of any environmental and social consequences. This includes the requirement in the Bill for a review of the ongoing impact of bio-fuel use before any change in the suggested bio-fuel penetration rate.

The National Oil Reserves Agency will be the administrator of the scheme. I have chosen NORA because it has an existing business relationship with the obligated parties, namely, those suppliers of transport fuels to the Irish market. NORA is currently responsible for ensuring that Ireland complies with its EU and international requirements for emergency oil supplies. The agency is funded by a levy on mineral fuel, which it collects from oil suppliers. It also enters into contracts with oil suppliers for the purposes of leasing oil storage. On that basis, it was deemed that NORA was by far the most appropriate administrator for the bio-fuel obligation. The cost of administering the bio-fuel obligation will be met by extending the current NORA levy on oil suppliers to cover bio-fuels, which are currently exempt.

The principal role of NORA will be to administer the bio-fuel obligation on behalf of my Department. The administrator will be responsible for the opening of accounts for obligated parties, and bio-fuel producers or suppliers who wish to be part of the scheme. The administrator will have the power to ask for evidence to support all of the conditions of the scheme. If the administrator deems that the evidence does not support the information provided, it will

[Deputy Eamon Ryan.]

have the power to reject the application for certificates for some or all of the fuel in a submission. The administrator will also have the power to revoke a certificate that has been issued if the information or the evidence on which the certificate was issued is subsequently found to be false.

The administrator will also have the power to certify trading of certificates among account holders. This means that obligated parties that have not been able fully to meet their obligation by supplying bio-fuel themselves can purchase certificates from other obligated parties, or from bio-fuels suppliers that have registered with the administrator. An obligated party that has a shortfall in the number of certificates at the end of a defined period — the calendar year — will be required to pay a non-compliance fee, calculated by multiplying the number of certificates short by the established amount of 45 cent per certificate. All of the transactions on accounts will be in electronic format in order to reduce the administrative burden on those participating in the scheme.

The Bill also has a number of other provisions that do not relate to bio-fuel. It amends the NORA Act 2007 to provide for some changes in the general strategic oil stocks policy. These include provisions for setting the NORA levy, the management of NORA's funds, refunds for levy overpayments by oil companies, board structures, and increased penalties for non-compliance with legislation in the event of an emergency.

It also proposes to assign additional functions to the Commission for Energy Regulation, which is the independent body responsible for regulating and overseeing the liberalisation of Ireland's energy sector. These new responsibilities relate to the safety regulation of the activities of liquid petroleum gas installers.

Established as the independent regulatory body with responsibility for electricity under the Electricity Regulation Act 1999, the CER's powers and responsibilities were extended under the Gas (Interim) (Regulation) Act 2002 to cover regulation of the natural gas market. As the independent regulator for the electricity market, the CER has a range of statutory functions including the licensing and authorisation of electricity undertakings and infrastructure, as well as the regulation of certain tariffs. The CER has a similar regulatory role within the gas sector and also has the power to regulate prices charged to Bord Gáis's residential and SME gas customers.

The Energy (Miscellaneous Provisions) Act 2006 amended the Electricity Regulation Act 1999 to extend further the functions of the CER to provide for electrical and gas safety, including LPG safety. The gas safety regime is now fully operational. However, following legal advice to the Department, it is necessary to address identified gaps in the 2006 amending legislation so that the LPG provisions adequately address the regulation of LPG safety. Given its statutory responsibility to carry out gas safety functions, the CER is evidently best placed to take on the LPG safety functions and responsibilities as provided for in the 2006 Act.

The amending provisions of this Bill represent the first phase of a two phase approach to LPG safety. The focus of the first phase proposals as set out in the Bill is on LPG installer safety provisions. The second phase will require the undertaking of a detailed consultation by the CER on the appropriate options available for the safety regulation of LPG distribution networks, LPG appliance related incident reporting in a domestic setting and LPG promotion by the CER. The CER proposes to launch the second phase consultation exercise over the coming weeks. The outcome of that process will inform thinking on the second phase legislation requirements, which will need to ensure there are no regulatory overlaps with, for example, the role of the Health and Safety Authority. The overall objective is the achievement of first-rate safety standards for the LPG sector.

In order to contextualise the first phase provisions, it is important to note that there is also legislation outside the scope of my Department that relates to the transportation and storage of LPG. The regulation of the transportation of LPG by sea is a matter for the maritime safety directorate under maritime safety legislation. Transportation overland and the safety regulation of storage facilities are covered by regulations governing the transportation and storage of dangerous substances, and by the Health, Safety and Welfare Act 2005.

The safety provisions of the Bill will deliver benefits to LPG consumers and to the public in general. I look forward to working closely with the CER in ensuring the speedy implementation of the Bill's provisions, following enactment. There are no Exchequer costs associated with the Bill.

I now propose to outline the main provisions of the Bill. For the convenience of the House, a detailed explanatory memorandum has been published and this provides a synopsis of the provisions of the Bill. The Bill consists of 27 sections and four parts. The Bill establishes that a bio-fuel obligation will be introduced in Ireland which will compel road transport fuel suppliers to have an average of 4% bio-fuel included in their fuel sales each year. The obligation will be administered by the National Oil Reserves Agency as an additional function to their current remit.

Part 1 contains standard provisions concerning short title, commencement, definitions and making of orders connected with the Bill. Part 2 sets out how the bio-fuel obligation will work. Section 3 outlines how the National Oil Reserves Agency Act 2007 — the principal Act — will be amended by the insertion of an additional part to the Act to allow for the introduction of the bio-fuel obligation. The section sets out the manner in which the scheme will operate, to whom it will apply, and the definitions to be used for the bio-fuel obligation. It also details penalties which will be enforced relating to non-compliance. The section also sets out the accountability of NORA and the account holders relating to the obligation, along with the powers and functions of NORA relating to it.

Part 3 sets out the amendments required to the principal Act to ensure that all of the powers conferred on NORA in the existing Act are extended to include their administration of the bio-fuel obligation. Sections 4 and 5 provide for amendment of specific sections of the principal act to allow NORA to administer and operate the bio-fuel obligation as an additional function to their current remit.

Section 6 provides that directors appointed to the Board of NORA have knowledge of the bio-fuel area and that the directors, including the chairperson and chief executive, shall be paid by NORA out of the levy and bio-fuel levy such remuneration and allowances for expenses as the Minister, with the consent of the Minister for Finance, may decide.

Sections 7 to 10 provide that the bio-fuel levy collected can be used by NORA to pay for consultants' fees or expenses incurred by a subsidiary of NORA if required and that the bio-fuel levy can be used to pay for staff and the chief executive of NORA. Section 11 provides that the National Treasury Management Agency, with the consent of the Minister for Finance, may act on NORA's behalf in respect of making of investments and borrowings and related financial transactions.

Section 12 provides that reference to expenses shall also include any costs incurred by NORA in administering the obligation or in collecting the bio-fuel levy. Section 13 provides that the Minister for Communications, Energy and Natural Resources shall consult with the Minister for Finance in setting the rate of the NORA levy. Sections 14 and 15 provide for the amendment of the enforcement and penalties provisions in the principal act in order that the bio-fuel obligation is also covered.

[Deputy Eamon Ryan.]

Section 16 provides for the procedures in respect of reclaiming overpayments of the bio-fuel and NORA levies and specifies that claims for overpayment must be made within 18 months of the end of the year in which the overpayment was made. Section 17 provides that should a dispute arise with an account holder over whether the payment of the bio-fuel levy is appropriate, the onus is on the account holder to prove otherwise, as is currently the case for the NORA levy.

Section 18 provides that NORA or the Minister for Communications, Energy and Natural Resources may prosecute offences which relate to the bio-fuel obligation, and that a court may order a person convicted of an offence to recompense NORA for its costs in investigating, detecting and prosecuting the offence. Section 19 amends the principal act to clarify that notices may be served by electronic means.

Part 4 deals with miscellaneous amendments to three acts, namely, the Fuels (Control of Supplies) Act 1971, the Electricity Regulation Act 1999 and the Energy (Miscellaneous Provisions) Act 2006. Section 20 increases the fines on summary conviction and on conviction on indictment for offences under section 4 of the Fuels (Control of Supplies) Act 1971.

Safety is and must remain a matter of highest priority. The first phase proposals contained in this Bill propose to provide for the extension to LPG installers of the existing natural gas installers safety regime. These provisions are addressed under sections 21 to 27. Section 21 provides that references in the Bill to “the Act of 1999” mean “the Electricity Regulation Act 1999”, hereafter described as the 1999 Act.

Section 22 amends section 2(1) of the 1999 Act by inserting definitions in regard to LPG and LPG fittings. It also extends the definition of “gas installer” to include LPG installers.

Section 23 amends section 9 of the 1999 Act to extend the functions of the CER to include regulation of the activities of LPG installers with regard to safety. It also provides for the establishment by the CER of a LPG safety framework.

Section 24 provides a definition of LPG works.

Section 25 amends section 9H of the 1999 Act to extend the functions of the CER to the making of regulations relating to LPG safety. Such regulations may provide for specifications regarding the installation or maintenance of LPG fittings, the conditions to be fulfilled before LPG may be connected or reconnected to a premises following installation, and the maintenance or repair of an LPG fitting. The penalty provision set out in the 1999 Act, which applies in regard to non-compliance by a person with the natural gas regulations, is to be extended to LPG. In the case of domestic dwellings, an amendment is provided to extend responsibility to the landlord for ensuring that an LPG fitting is safely maintained. In the case of a premises used as a place of business similar responsibilities are set out.

Section 26 of the Bill amends section 9J of the 1999 Act. This provision relates to the appointment of gas safety officers. The amendment proposes to extend the powers of gas safety officers, appointed by the CER, to the inspection of LPG fittings, to the issue of directions, to the taking of measures for the protection of the public from any danger arising from LPG, and to the disconnection of LPG supply.

Section 27 of the Bill provides for the repeal of section 14 of the Energy (Miscellaneous Provisions) Act 2006. The Bill was initiated in the Seanad where a number of important amendments were made on foot of a long and informed debate. The input from Senators on all sides of the House has helped in advancing the measures provided for in the Bill. We had a meaningful debate on the nature of the bio-fuel obligation and the potential for further development

of bio-fuel in Ireland. Minor technical amendments were made to specific sections of the Bill, which have provided greater clarity of understanding of certain terms in the Bill.

A number of amendments are likely on Committee Stage, primarily to clarify certain matters, but also to make provision to impose a levy on electricity generators in respect of carbon allowances. Industry groups have consistently called for the Government to take action on the gains made by electricity generators arising from the single electricity market rule requiring electricity generators to pass through the full opportunity cost of carbon into the wholesale cost of electricity.

In July 2009, the Government agreed to progress legislation to recover these gains and use the proceeds to reduce network charges for large energy users in order to support employment and economic recovery. Subject to final legal drafting, I hope to introduce an amendment on Committee Stage that will place a levy upon electricity generators to recover a substantial proportion of these gains.

This Bill is an important measure in delivering on our targets for renewable energy in transport. Furthermore, the safety provisions of the Bill will deliver benefits to LPG consumers and to the public in general. I look forward to working closely with the CER on ensuring the speedy implementation of the Bill's provisions, following its enactment. I look forward to hearing from Deputies on all sides of the House about their views on the Bill.

Deputy Simon Coveney: I welcome the Bill before the House. I know that a constructive debate took place on this legislation in the Seanad and Fine Gael Senators felt they were listened to in that regard, which is important. Some of the Independent Senators were also involved in that debate, including Senator O'Toole.

The legislation is necessary for the reasons we discussed here last night, including energy security and broader climate change proposals. In addition, EU directives require us to move in this direction. For all these reasons, and more, the legislation is timely. The principle of introducing a blending obligation as a means of increasing the quantities of bio-fuel blended with petrol and diesel, is an approach that I would support.

Although I wish to raise with the Minister some issues concerning the legislation, I acknowledge that the introduction of such an obligation gives a level of certainty that we would not get through optional incentive schemes. If we are serious about dramatically increasing the percentage of bio-fuels used in transport, an obligatory scheme is the way to go. I commend the Minister on introducing such a scheme. We should not leave it at that, however. There should also be an incentive to encourage oil companies and fuel producers to go much further than the 4% obligation we are putting in place from July. I have a number of suggestions for the Minister as to how we could do that and I hope he will take them on board.

I wish to say a few words about the running of this scheme. The Minister is correct to ask NORA, the National Oil Reserves Agency, to administer and apply the scheme for obvious reasons, because the agency is already dealing with oil companies. The easiest way to apply an obligation scheme is on the big producers since one is only dealing with a small number of them, rather than trying to gain a levy further down the supply chain, which would be cumbersome and bureaucratic.

I wish to raise some issues concerning the levy. My understanding is that NORA is currently financed by a 2 cent per litre payment that all oil companies make. We are now going to extend that 2 cent per litre levy to bio-fuels. We are assuming that NORA will be able to recoup the increased budget it needs to be able to administer this bio-fuels obligation programme. Perhaps I am missing something, but it seems that what we are planning to do with this obligation is replace petrol and diesel with a percentage of ethanol and biodiesel. However, the net amounts

[Deputy Simon Coveney.]

of fuel being sold and used will remain the same. I do not see therefore how NORA will increase its income by applying a levy on bio-fuels. If Maxol or Shell pay a levy to NORA, they will still be selling roughly the same volumes of fuel. They will just be replacing some of the carbon-based fuel with a bio-fuel, so the levy amount should not change a whole lot. I do not see where the extra income is coming from for the five extra staff who are required within NORA. I would argue that we may need more than that number to ensure this is up and running properly. Can the Minister outline, perhaps in writing, how the finances of this scheme will work? If we are simply displacing some carbon-based fuel initially with 4% of bio-fuel, the net amount of fuel on which the levy is being paid is the same, if it is paid on a per litre basis. I need clarification on that point.

If a bio-fuels industry is developing in Ireland and if people are producing bio-fuel *per se*, they are also contributing to the levy, so I can understand that potentially one could have more home-grown fuel paying the levy, but that is not the way the levy works. It works on imported fuel and, on a per litre basis, a levy goes to NORA to manage the scheme. Unless we are using more fuel, however, I do not see how NORA will get more money from a levy that is applied on a per litre basis. That is a genuine question and not an attempt to catch out the Minister or the Department. I am just trying to understand the proposal.

The thinking on that levy might be somewhat flawed. If we are going to encourage companies to go beyond the 4% obligation, we will need to increase the levy somehow because we need to pay for this. Surely, however, we should also be loading the levy onto the carbon element of fuel production, rather than applying the same levy to bio-fuels that already applies to carbon-based fuels.

Between now and Committee Stage, I ask the Minister to consider restructuring the levy slightly so that whatever the cost to NORA of administering this bio-fuels obligation, it would recoup that by charging a slightly increased levy on the non-bio-fuel element per litre of fuel used. By giving a financial kickback, the Minister could provide an incentive to oil companies that use fuel with more than a 4% ethanol content or perhaps the Minister could consider suggesting that Government would only take a percentage levy up to the level of 4% from oil companies, but that if companies go beyond that they will not have to pay any levy on it. The same rationale should apply to excise. It would kickstart a demand for a higher blend than 4% of bio-fuel, if an exemption was given not just for the bio-fuel element of the fuel mix from excise, but if a target blend of 10% or 15% also had an excise implication for the non-bio-fuel element of that fuel mix.

In other words, we must provide a financial incentive to businesses to go beyond what they are obliged to do in terms of mixing and blending so that we can change the attitude that exists towards things like E85 which is used by those who happen to have a flexi-fuel car, as I have. People need a price incentive to buy a blend with a much higher percent of ethanol than they otherwise would. If there are no pricing incentives to switch, consumers will not switch over and there will not be a demand for flexi-fuel cars or for the relatively easy conversion from diesel engines to bio-diesel engines. People will not want to make the capital expenditure. There is more work to do in this area.

Perhaps the Minister cannot deal with the issue directly in this legislation but, if necessary, he should try and include the capacity to introduce ministerial orders in the legislation, as he did with regard to customs tariff issues and the definition of purity of ethanol. I will shortly turn to these issues. The Minister should not cast in stone the levy currently proposed in the legislation. We can be cleverer about this. Everything we do must incentivise and encourage fuel suppliers to increase bio-fuel content, particularly in bio-fuel that has been produced in

Ireland. Like the French, we need to be cleverer about this. France requires domestic sourcing of blended bio-fuel in the oil industry. I would like the Minister to take these issues on board.

With regard to what we want the National Oil Reserve Agency, NORA, to do in terms of allocating bio-fuel obligation certificates, I understand the process being proposed in the Bill. It makes sense. It is unreasonable, particularly at the outset, to expect that people will be able to switch over to a new blending obligation system immediately. They need to be able to supplement what they are doing by purchasing obligation certificates. This approach also gives the right price indicators because it becomes more expensive not to change. Companies must therefore make the choice that they either switch to bio-fuels or pay for certificates that will allow them sell petrol or diesel based 100% on fossil based fuels. This message will be passed on to the consumer and they will realise that the higher the ethanol content of the blend they use, the cheaper the fuel will be. This is all welcome.

However, I am not quite clear about how this works with regard to the use of bio-gas as a fuel for transport. I would appreciate it if the Minister could provide a briefing note in that regard. It is only a matter of time before we consider fuelling our public transport fleet by bio-gas which is produced either from anaerobic digesters or by companies like Bord Gáis, or the ESB which will enter the gas market. Is there a certificate attached to the production of bio-gas if it is to be used in the transport sector? How does the definition work in this regard? Almost all of the definitions in the Bill are tailored for ethanol and bio-diesel. It seems to me we have underestimated the impact bio-gas or gas can have on the transport sector, particularly in areas such as public transport, whether trains, buses or taxis. Anybody who has been to Hong Kong and taken a taxi there will know that practically every taxi in that city is driven on gas.

I want an assurance that this legislation provides the necessary definitions and flexibility to facilitate this transition in Ireland should it happen in the next four to five years. We should not have to return and add to this legislation to cope with the production of bio-gas or with the bio-fuel certificates that may be required to make it more financially attractive to do it. It goes without saying that the Government should be considering the proactive creation of a market for gas based transport fuel, in particular bio-gas. It makes more commercial sense to produce gas here than some of the other products we are talking about promoting domestically.

I would like to make some comments on the debate in the Seanad. I understand the Minister has taken on board the two major suggestions made to him to try and kickstart a bio-fuel industry or to extend our small bio-fuel industry so as to create a much larger industry here. Most people understand the argument that there is not much point in introducing significant increases in bio-fuel blend into conventional fuels unless we can produce most of that bio-fuel here. There may be some sense to it from an environmental point of view, but it is a massive missed opportunity, particularly if, as a major agricultural country, we cannot grasp the opportunity that exists to produce bio-fuels here.

We would press two suggestions in this regard with the Minister. First, there is a need to put a definition in place that will attempt to give home producers a competitive advantage, without breaking either world or European trade rules. Issues of purity and definition, particularly for ethanol, are also important. It is important to distinguish between the quality of the product we could produce here from wheat or waste or a second generation agricultural or waste product. We have the potential to produce a purer product than is, for example, being produced from sugar cane in Brazil.

If this is true, we should be working with other European countries to ensure we encourage the development of a high quality product, which I understand is defined by alcohol or purity content, thereby giving our home grown producers a competitive advantage. We should not be

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apologetic about this. We should do this provided it does not cost us a fortune which we transfer onto consumers. I understand from what the Minister has said today that he has included a new section, 44(X), in the Bill which will give him the capacity to introduce a ministerial order without extra legislation being required so that he can deal with the definition issue with regard to purity and the implications this may have on tariffs that may be applied to the importation of ethanol from outside of the European union.

This brings me to the issue of the tariff structure. A strong argument has been made on this, primarily by the industry in Ireland which wants to expand the ethanol industry. If one looks across the European Union — it is very unusual that this would be the case — there are different tariff structures in place in different countries to promote domestic bio-fuels industries in those countries or in the European Union itself. Britain takes a different approach to Germany, and France takes a different approach altogether, with regard to whether there is a low or high import duty. Spain and Portugal are in Germany's camp and Denmark is in Britain's camp. We need to be very clear as to where we want to position Ireland in that context. I struggle to understand how this is being allowed by the European Commission. Applying entirely different import tariffs to different countries throughout the European Union is a very strange way of operating a common market. However, it seems to be making an exception for the bio-fuels industry when it comes to ethanol. I presume the Minister understands why.

I would caution against stating that just because of Ireland's very close, important and intermingled relationship with the United Kingdom, we have to do what it is doing. We do not. If we deem that the approach of Germany or France towards supporting a domestic bio-fuels industry is more suited to Ireland, then we should be brave enough to go and do it. If it causes problems with the United Kingdom, such as fuel smuggling across the Border, then so be it. We will solve them. Let us not just follow the lead of the United Kingdom on this just because it is doing what it is doing. There is some evidence to suggest a significant ethanol industry is developing there at present. That may be the case but the same factors may not apply to have the same result in Ireland.

I cannot stress forcefully enough how Irish farmers need new outlets and new ways of generating income. There is a desperation among certain sectors of the Irish agricultural community because of the revenues they were able to make over recent years and dropping incomes. This is an industry that can provide really exciting opportunities for them. This is also true of the energy industry but let us concentrate on fuels and bio-fuels in particular. I have spoken on biogas and there is also potential for biodiesel and bioethanol. We will never be able to produce ethanol in Ireland from the crops we are speaking about, namely, wheat or sugar beet, as cheaply as it produced from sugar cane in South America. Therefore, we need to either find other ways of producing it or to create an artificial market, which is what the European Union has done in all sorts of areas for many years. There are risks with that, as at some stage in the future an artificial market based on artificial prices outside of world prices could collapse due to a deal in five, ten or 15 years time at world trade negotiations, like what happened with the sugar industry.

We do not want to march our agricultural industry up a hill to have to march it back down in a few years. We need to be cautious about this but there is precedent for us to be brave, in terms of what other countries are doing and have successfully done in creating vibrant and profitable bio-fuel production operations, involving farmers and local business people with significant financial returns through creating an artificial market by applying import tariffs that allow that to happen. We must get that right here. We will probably discuss the figures in more detail on Committee Stage. We will bring forward suggestions which we think make sense. I genuinely have an open mind on this. As somebody who is very close to the agricultural indus-

try, I want to see it work. However, I do not want us to put in place an artificial market that will collapse.

I also wish to discuss the new elements of this legislation which the Minister intends to introduce. In particular, I wish to concentrate on the proposal announced today by the Minister, which was referred to last night by the Minister of State, Deputy White, that he intends to use the Bill to introduce a windfall profits levy or tax on energy generators. The Minister knows I have been calling for this for quite some time. I have always recognised it is not a simple thing to do. I have a little dilemma as it is unfortunate that yet again we will use legislation to introduce a measure not connected with it, but this needs to be introduced. I will co-operate with it because it is the right thing to do. However, I would like to have seen more detail on it to be able to comment on it on Second Stage in the broad way we are discussing the other issues, rather than being confronted with a proposal on Committee Stage which I will have only one opportunity to amend.

Deputy Eamon Ryan: For the Deputy's benefit, I spoke to the Chairman of the committee after its meeting yesterday and was asked whether we would meet the committee to go into some of the details. Perhaps that would be possible prior to Committee Stage. It would allow such a discussion so that Deputies are not facing it blind on Committee Stage.

Deputy Simon Coveney: We strongly advocate the introduction of this measure. At present, we have a pretty scandalous rip-off of consumers. Every consumer and business in the country pays a levy on electricity bills, which is calculated by the cost of carbon emitted into the sky during the generation of that electricity. However, the generators themselves are being given free carbon allowances until the end of 2012 by the Government. In other words, the suppliers and generators of electricity are charging their customers for the cost of carbon being emitted during that process but they are getting it for free because they do not yet need to purchase carbon credits. When they do, I will have no difficulty with them passing on the cost of carbon to consumers.

In an effort to wean consumers into the reality of accepting there is a cost for carbon, which there is, we charge for the cost of it in ESB and Bord Gais bills and in Airtricity bills to a lesser extent. We are giving those companies the capacity to emit carbon for free until proper emissions trading is up and running after 2012. The CER acknowledged this problem more than a year ago. I genuinely welcome the Government's belated acceptance that we should be doing this. However, I also recognise that it is easier to speak about these matters in Opposition than in Government. Other countries that have tried to do this have experienced real problems with legal challenges and that is why the Attorney General's office is being stretched to produce legislation that can make this happen in a way that will not be legally challenged. I accept it is not simple but the principle is one that is absolutely indisputable.

We cannot stand over a situation where we charge consumers for carbon and the money they pay goes into the pockets of generators. It is a windfall profit they have not earned because of the regime we have in place to allocate free carbon allowances to energy generators for the next three years. As if energy prices were not high enough in Ireland, we are charging people even more to give energy generators profits that have not been earned. To be fair to the ESB, it responded by giving back much of that money through reducing network charges and subsidising it by the windfall profits they are making with regard to what consumers pay on their bills. However, the other generators have done nothing and have just pocketed the money. It is welcome. I would like to have seen it by now although I can perhaps understand why we have not. I encourage the Minister to bring it to committee so that we can have a discussion. He will find that we will be very co-operative in trying to find the right mechanism to make this happen. I anticipate us being in government in the not too distant future and we will need

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to deal with the legal headache should there be any legal challenges to any new windfall profits levy or tax that may be applied to electricity generators, which in many cases are big multinationals with the capacity to stall any such levy by taking legal challenges.

I am supportive of the provisions regarding LPG. It is appropriate to deal with that in this legislation rather than doing it separately. I met representatives from the CER this morning and spoke about some of the regulatory and safety issues it will need to take on regarding LPG. That is welcome. I am somewhat concerned that the CER is being asked to do a considerable amount and I am not convinced it has sufficient staff to do it. For example, I have concerns about the gate 3 process regarding wind energy. I have regularly confronted the CER on the management of the gate 3 process, in particular the fact that we basically apply grid connection and contracts on the basis of a queuing system. Someone wanting to come into Ireland, spend a fortune and employ many people at a perfect site to build a new wind farm cannot do it. We have no mechanism to connect to the grid even if someone wanted to build a wind farm 50 yd from it unless that individual joins the queue. I got a very honest response to the effect that the CER was working with what it had in place and gate 3 is what it has. If it were to open up that system and change it, it would need significant increases in resources to be able to assess all the different projects that exist. The CER is doing its job and defending the gate 3 policy. However, I can talk much more freely about it. It is a flawed policy and we should not just be making the best of a flawed policy; we should put in place a parallel system that can fast-track really good projects. Perhaps we can discuss that in more detail at some other stage, either in committee or elsewhere with the Minister.

Let us get on with the bio-fuels obligation. It is the right way to go. Let us put in place structures and incentives through import tariffs, definitions and export tariffs regarding energy elements of bio-fuels in order to develop a home-grown bio-fuels industry that can and should happen. We certainly have a competitive advantage in that industry versus other European countries, even though we do not have an advantage versus countries such as Brazil. We should make that happen. I encourage the Minister to be brave in promoting that industry rather than just following the lead of the UK, particularly in the tariff structures.

Deputy Seán Sherlock: I wish to start by quoting Commissioner Piebalgs, who stated:

Europe's energy import dependency is forecast to reach 64% in 2020 . . . That is why the Commission does all it can to improve European levels of energy efficiency and renewables including biofuels . . . This growth [in greenhouse gas emissions] threatens to cancel out the savings being made elsewhere. On present trends, transport will account for more than 60% of the EU's increase in carbon dioxide emissions between 2005 and 2020.

There is a global debate at the moment on the scarcity of food supply. There are those, particularly the NGOs who represent developing countries, who have rightly stated that the move towards bio-fuel production globally is having an impact on global food prices. The question for us is where we strike the balance. Given such a high dependence on fossil fuels, we cannot detract from tackling that issue. If we do not take action now, it will have serious implications. The Labour Party's view is that while we acknowledge that the increase in food prices globally is as a result of the movement towards bio-fuels, we also acknowledge that appropriate land use and rules governing deforestation would assist in attaining a greater balance between the two.

In essence we welcome the introduction of a bio-fuel obligation scheme. The reduction of the target from the 5.75% reflects current economic realities. Perhaps the right conditions were not in place to reach those targets in the first instance. The legislation before us is a realistic attempt to try to shift the focus from fossil fuels to alternative energy, which we welcome. In

establishing a bio-fuels obligation scheme that seeks to ensure that 4% of transport fuel is derived renewable sources from July 2010, we must ensure that such an obligation is as favourable as possible to existing domestic bio-fuels companies and to new companies that will emerge. It is vital that the bio-fuels obligation scheme becomes a source of potentiality, particularly regarding the rural economy.

We must ensure we can stimulate supply domestically to avoid excessive reliance on imports in order to fulfil the requirements of the bio-fuels obligation scheme. For instance, the Munster region traditionally depended largely on the sugar beet industry with approximately 31,000 hectares given over to the production of sugar. There is a potential for diversion of land use in order to be able to meet this obligation. If companies wish to set up in order to assist in meeting the obligations here, it would stimulate a demand that could be filled by the rural economy, which is what we should be doing. We do not want to have this obligation and end up importing the raw materials in order to meet that obligation. We need to consider the economic potential on this island to facilitate that.

Inherent within the bio-fuels obligation scheme is a capacity for growth and economic development of a sector which is, to all intents and purposes, in its infancy in this country. Bio-fuels industry lobbyists, such as Ethanol Ireland, have maintained a starting point which would mandate that, in order for any ethanol to be eligible for an obligation certificate, it would have to meet the EN 15376 standard and be designated as Taric or CN code 22071000. It has been suggested by Ethanol Ireland that a situation similar to that in Germany would be appropriate.

In the Seanad, the Minister, in his response on this issue to Senator Joe O'Toole, stated, more or less, that Ireland had an obligation to remain within the WTO rules and in compliance with EU regulations. My understanding of this is that the introduction of a tariff could not unfairly restrict imports, and that this was the Government position. I appreciate the Minister's statement in regard to the regulation and we will revisit that at a further stage.

The simple issue here, and let us not forget that we are debating this issue at a time when the economy is on its knees, is that compliance with EU and WTO rules must be mutual with this country's need to create new economic opportunities, particularly within the rural economy. The question arises, therefore, as to whether it is possible to introduce an amendment which would tally with the German or other EU member states' positions. As we understand it, the Seanad amendments were fully consistent with EU trade guidelines and do not restrict imports unfairly or unduly. There are concerns, outlined by the Minister in the Seanad, for the implications for this island and the cross-Border impact as to whether this could lead to a distortion in terms of the impact where pricing models may differ.

2 o'clock

Senator Joe O'Toole summed it up correctly when he stated in the Seanad debate:

The Minister said that from a national perspective the only substantial problem with the course of action proposed is that the United Kingdom has not adopted such a measure and given that we import 60% of our road transport fuel from the UK, such a measure would have the potential to increase costs to Irish consumers substantially as they would have to be supplied with a different blend of bioethanol. That is probably the most challenging of all the points made.

He further stated:

Most Brazilian fuel ethanol is transported to Europe in bulk tankers in an undenatured state. Normally, it is only denatured at the point of receipt into the member state to benefit from the lower tariff and technical requirements. Most of it is brought into Rotterdam and

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subsequently broken down and then distributed across Europe. Best practice recommends that blending takes place as close as possible to the point of distribution. Hence, the point of blending tends to be the destination member state. Currently in Ireland, bioethanol blending usually occurs at the point of receipt in the bond — whichever bonded facility it goes into. With regard to petroleum, we currently import approximately 50% of our requirements from the UK, 35% through Whitegate and the balance from Scandinavia, through Derry. We have been reliably informed that all the oil majors in Ireland will have blending capacity and undenatured ethanol at their facilities by the end of the year. This has been confirmed separately to me as being correct. Topaz, in Whitegate, already has full capability. Even if oil companies opt to blend in the UK or mainland Europe, these are pan-European suppliers that already supply some member states with a product similar to the Irish specified product. All that matters is that the bioethanol coming into Ireland satisfies the definition under the bio-fuels legislation, which must comply with Taric code 22071000 and EN 15376.

If I understand the Minister's speech in the Seanad, he alluded to the fact that because the UK has not adopted such a measure, and given the massive rate of importation from the UK, there could be a cost impact for the Irish consumer. I hope this is a matter the Minister will go into further on the next Stage.

To deal with Taric or CN code 22071000, Ethanol Ireland produced a paper which I am sure the Minister and every Member in the House has had sight of. In it, Ethanol Ireland suggested that the German bio-fuel quota law would be the most appropriate for this jurisdiction. There are two provisions within that law and these would effectively create a barrier to imports from non-EU sources being eligible for certificates unless they were of a quality equal to EU production and had paid the higher of the two tariff's applicable to ethanol, namely, 19.2 cent per litre versus 10.2 cent per litre. The issue for Ethanol Ireland is that Irish-produced ethanol can compete with that produced elsewhere in the EU and with non-EU imports if those imports are of a similar purity and attract the 19.2 cent per litre tariff.

I should point out that I hold no brief for Ethanol Ireland but it is the only group I have had an interaction with in regard to the potential domestic producers and I believe its voice probably speaks for the domestic industry in this sense. There have been, to my knowledge, extensive discussions with the Department on these issues, mainly overcoming the Department's issues relating to the pump price impact and on the economic potential of an indigenous bio-fuels industry.

In the Seanad, the Minister gave himself the power to make regulations pertaining to the eligibility of bio-fuels. In discussions I have had with Ethanol Ireland, the reason given for choosing this way is that if the specific regulation were included in the Bill itself, it would require notification to the EU, as the Minister has stated. This would result in a potential delay in implementation of the Bill, which, given the timeframe involved in the bio-fuels obligation scheme, would not be acceptable. We will have to deal with this issue again on the next Stage as it warrants further discussion.

The essence of this issue is whether, by regulation, bio-ethanol used for transport fuel must comply with EN 15376 and, if imported, must have been imported under Taric code 22071000 in order to qualify for an obligation certificate. The two provisions would effectively create a barrier to imports, as I have already outlined.

The other issue in regard to the obligation is whether the three main EU policy objectives are being met, namely, the reduction in CO₂ emissions, increased security of energy supply, and the maximisation of EU, national and regional social and economic benefits. If we can create a situation on this island which allows for a new market or a new industry which will

take as much of the market share as possible in terms of creating a domestic supply and a domestic market, this legislation should seek to create the conditions which will bring that about. As Deputy Coveney said, farming and agri-business is in a state of flux at present in that there are uncertainties in regard to the dairy sector and the meat sector. We have to recognise that if we do not grasp this opportunity now, it could be lost for a long time.

The Minister's speech gave a sense that he wishes to create domestic supplies for this and if we can facilitate that, it is the way to go. We must not be afraid to take this course of action. Other countries have already implemented tariffs under various models. I see no reason why we cannot be protectionist in our attitude to this issue. If the obligation exists, Ireland should be able to ensure its own security of supply by using domestic means.

I welcome the Bill and will study the Minister's speech in depth before Committee Stage. This is a step in the right direction. We should not be ashamed to protect our own domestic supply in a way that is congruous with WTO and EU rules.

Deputy Seán Fleming: I welcome the opportunity to speak on the Energy (Biofuel Obligation and Miscellaneous Provisions) Bill 2010. We are amending the National Oil Reserves Agency Act 2007 to take account of the bio-fuel obligation, which will be dealt with under the principal original National Oil Reserves Agency Act. We are here to deal with this topic by way of amendment to existing legislation. The Bill is not new legislation, it is a new aspect of the issue and this is the most appropriate way to address it because it will be monitored, controlled, administered and levied through the National Oil Reserves Agency.

I want to make some general points about the Bill and have one suggestion for a specific amendment the Minister might consider. I hope he will be able to consider it in detail between now and Report Stage.

The purpose of the Bill is to introduce the bio-fuel obligation in Ireland. Bio-fuels have a central role to play in the delivery of the target under the EU renewable energy directives and the reduction of greenhouse gas emissions as one of the few available and effective means of reducing emissions from transport. The Government programme and the Government White Paper on energy policy also commit to the introduction of a bio-fuel obligation which will underpin delivery of the national bio-fuel targets and which will take account of EU developments. Under the obligation, suppliers will be compelled to use bio-fuel in the fuel mix to ensure that they represent a certain percentage of their annual fuel sales, thus providing a valuable boost to the bio-fuels industry generally. The effective initial penetration rate will be 4% and this will be increased to 10% by 2020.

The Bill provides that the bio-fuel obligation will apply to all road transport liquid fuels equally, and that obligated parties will be able to apply for certificates in aggregate without separate provision for petrol and diesel. Gas fuel has not been dealt with in the Bill, but it is detailed and complicated legislation.

The Bill provides that oil companies that sell road transport fuel include a certain volume of bio-fuels in their sales. The obligation will only relate to the bio-fuel component of the fuel. It also provides that National Oil Reserves Agency shall automatically open an account for each obligated party currently paying the NORA levy and that bio-fuel obligation certificates may be traded between account holders and sets out the criteria as to how this can be done. Like all these issues, I hope the commercial aspects of trade in these certificates will be well monitored. There are specific provisions for bio-fuels that may be exported, so they will not be doubly certified, on production here and on entry into a second country. Similar issues must also be addressed when bio-fuels come into Ireland. The Minister has taken power by way of statutory instrument to make specific regulations on ethanol content.

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There is a general view in the House that there should be a fortress Europe mentality on this and I have a problem with that. We change the definition to suit what we can produce, even when a similar or almost equivalent product is available internationally at a much lower price. That is a feature of the problems in Europe that cause unemployment and a recession: we have built high costs into the economy that did not stack up against international comparisons. We then wonder why people do not do business in Ireland. We should not introduce further artificially high costs into the fuel sector.

We all know the difficulties that will be caused by the new changes being introduced on 1 May. There is a fundamental flaw in how the EU does its business. It looks at everything in terms of the internal market, as if the world begins and ends at the EU's borders. The EU, however, is only a small part of a larger planet and we must look at everything we do with the European Union in terms of global trade. We cannot operate a fortress Europe mentality because Irish consumers pay for it at the end of the day and their needs must be at the heart of this legislation.

The legislation will be of benefit in that it can displace the import of fossil fuels, which will help our balance of payments and improve our fuel security, provided we are not forced to meet our obligation by importing bio-fuels. There is a risk that the Irish industry will be unable to meet the targets being set in the legislation and we will have to import bio-fuels. That would be counterproductive. Opportunities exist for the industry to supply the agriculture, waste and industrial sectors.

The Minister is right that it is better to prescribe a national obligation and national target in terms of the bio-fuel obligation rather than doing it through short-term tax incentives. Those existed in the oil trade tax relief scheme, which were trial runs to see how the situation worked. They ran into difficulties when the operators, despite the massive concessions in excise duties, could not find sufficient outlets for their products. Legislative determination of the requirement will give greater certainty to those selling fuel that they must use a certain amount of bio-fuel. That will give a floor level at which people can be guaranteed a market. We have learned the lessons from the previous tax relief scheme.

The growing and harvesting of products such as rape seed for bio-fuels was mentioned by Deputy Sherlock. We are both from areas close to the sugar factories that closed in Mallow and Carlow. Many people used to grow sugar beet and there was a rush to grow crops to produce bio-fuels. All the time, however, I felt farmers were happier growing crops for food rather than for fuel production. I do not believe the Irish economy will obtain a high standard of living from agriculture and food production alone but farmers see themselves in the food business rather than in the fuel business. There is a psychological issue present. I know very few farmers who, given the choice to produce crops for food or for fuel, would not produce crops for food. There may be an inherent resistance among some farmers to take that route.

The Bill has a complicated structure. Deputy Coveney mentioned the new section 44(X). In Part 2 of this Bill——

Acting Chairman (Deputy Brian O'Shea): The Deputy has one minute remaining.

Deputy Seán Fleming: How many have elapsed?

Acting Chairman: Nine.

Deputy Seán Fleming: I am taking closer to 15 minutes, as agreed with the Deputy with whom I am sharing.

Part 2 of the Bill is, essentially, section 3 which deals with the bio-fuel obligation. It inserts the new Part 5(a) into the original principal Act. I mentioned the National Oil Reserves Agency Act 2007. Pages 6 to 30, or some three-quarters of the Bill before the House, in essence insert a new part, 5(a), into the existing legislation and it is for that reason that references to sections seem somewhat complicated.

However, I move to the nuts and bolts of the issue I wish to highlight. There are two definitions regarding bio-fuel obligation. The definition of bio-fuel is “liquid or gaseous fuel for transport produced from biomass”. Biomass is defined on page 6 as “the biodegradable fraction of products, waste or residue from biological origin or agriculture, including vegetal and animal substances, forestry and related industries including fisheries and aquaculture, as well as biodegradable fractions of industrial and municipal waste”. I ask the Minister to amend one section, under careful consideration. Might we add three words to line 17, which deals with the definition of bio-fuels? Bio-fuel means fuel for transport that is produced from biomass. I ask for the inclusion of the phrase “or recovered resources”. That may be a slightly different issue but it is significant.

Recently I was amazed by, and found very educational, a visit to a company, Cynar Recycling Limited, in Portlaoise. It takes in waste plastics, black plastic silage wrap — it is cleaned if dirty — and mixed plastics, including all the blue plastic bags which still come from supermarkets whenever people pay their plastic bag levy. The company is able to recycle plastic bags into fuel which is suitable for sale on our forecourts. This is a phenomenal new facility but it is excluded from this Bill and wants the matter of recovered resources to be included. The company has developed, and is operating, the waste plastics to liquid fuel plant in Portlaoise, using groundbreaking and innovative technology that could assist Ireland in meeting its bio-fuel obligation. Inserting the words “recovered resources” would see the inclusion of a company such as this.

This is a growing area in waste management. Given that Ireland consumes more than 10 billion litres of hydrocarbon fuels annually, the setting of a precise bio-fuel obligation is to be commended. We look forward to reaching our target. However, displacing that 4% of hydrocarbon equates to replacing 400 million litres per annum which will be a considerable challenge and may require significant imports, perhaps from South America as already mentioned, if we cannot produce that amount in this country.

In advancing debate and doing everything possible to meet the obligation it is of value to revisit the globally and nationally recognised hierarchy of waste. Within the hierarchy, re-use and recovery of waste are potential options in enhancing Ireland’s ability to meet the bio-fuel obligation. The opportunity exists at this stage of the Bill to define bio-fuels appropriately and include the re-use and recovery of all possible hydrocarbon sources. Broadening the bio-fuel obligation to capture the potential hydrocarbon value of waste streams will greatly assist in meeting our 4% obligation and will contribute to our overall target in the year ahead. The precedent exists of taking a broad definition, as in the case of alternative energy which includes hydro, tide, nuclear, solar and wind energies.

It would be of benefit to the State to ensure that every potential source of alternative hydrocarbon fuel is captured and not allowed to escape an optimal end use. This will assist in delivering the bio-fuel obligation rather than have materials end up in incinerator use or being disposed of in landfill.

If there is a facility in this country to produce fuel from recycled plastics, silage wrap, mixed plastics and various such items, we should consider adding those three words to the definition of bio-fuel, either at this point or elsewhere in the legislation. This would open up an entire new area and allow us produce fuels.

An Ceann Comhairle: The Deputy must conclude.

Deputy Seán Fleming: It would allow us replace imports. I ask the Minister to take that point on board before Committee Stage. I now hand over to Deputy Kelly.

Deputy Peter Kelly: The purpose of the Bill is to introduce a bio-fuel obligation in Ireland with the result that 4% of transport fuels would come from renewable sources. Along with all other EU member states, Ireland is required, under the 2009 renewable energy directive, to have a 10% penetration rate of renewable energy in transport by 2020. The Government programme and the White Paper on energy policy also contain a clear commitment to the introduction of the bio-fuel obligation. This Bill simply ensures that we deliver on these commitments.

We may ask why we should target the transport sector. The reasons are clear. Transport accounts for a significant and increasing proportion of energy use in Ireland. According to the EPA, transport accounted for 27.8% of energy use in 1990. By 2005, this figure had jumped to more than 40%. The transport sector is almost completely dependent on fossil fuels. This is not sustainable for the sector or for the environment. This great dependence on fossil fuels means that the sector is very exposed in terms of oil price fluctuations. It also means that the transport sector is responsible for over a third of energy related CO₂ emissions. In this context, it is clear that the promotion and use of bio-fuels are to be welcomed.

Before delving further it is important to be clear about the nature of bio-fuels. These fuels are produced from biomass which, in turn, is any organic material of plant or animal origin that can be used as an energy source. It can be derived from agriculture and forestry production, their resulting by-products, and any renewable portion of industrial and urban wastes which can be used as feedstock for producing bio-energy.

The introduction of the bio-fuel obligation offers many advantages. First, it will help to lower our carbon emissions. We are all aware of the consequences of climate change. Bio-fuels have a central role to play in the delivery of reductions in greenhouse gas emissions, as one of the few available and effective means of reducing emissions from transport. Second, it will decrease our dependence on finite fossil fuels and improve our energy security. Fossil fuels supplies are finite and alternative forms of energy must be developed. At present, 90% of Ireland's energy requirements are imported, meaning that we spend more than €6 billion overseas every year. Third, it will encourage the exploitation of cleaner, renewable energy sources in the transport sector and, fourth, it will provide a boost to the bio-fuel industry generally. This obligation will provide a guaranteed market for the bio-energy sector. Fifth, it will provide a number of economic benefits, particularly to rural areas. Bio-fuels offer a supplementary outlet for agricultural products, thus enhancing farm incomes and possible spin-offs for rural communities.

Whereas the benefits of using bio-fuels are plain for all to see, we must endeavour to minimise any potential adverse consequences for consumers, the environment and for those living where the products needed are sourced. This is addressed by the sustainability criteria included in this Bill. In accordance with these criteria the bio-fuels used must produce 35% less greenhouse gases than their fossil fuel comparators. There are strict requirements on the type of land from which bio-fuel crops can be taken and there are also strict reporting requirements on social conditions; for example, water cannot be diverted from indigenous populations. Measures must be also taken to protect biodiversity, such as rainforests etc. It should be also noted that a number of review clauses are built into the Bill.

I very much welcome the fact that the use of bio-fuel will be monitored in terms of its market, environmental and social consequences. Furthermore, there is a requirement for a review before any change in the suggested penetration rate. There is no doubt that Ireland's future lies in green energy. The revised programme for Government has promised the creation

of 127,000 green jobs over the next decade and the bio-fuel obligation introduced in this Bill will play an important part in delivering a greener Ireland.

Deputy Paul Connaughton: I am delighted to have the opportunity to speak on this Bill. The Energy (Bio-fuel Obligation and Miscellaneous Provisions) Bill 2010 is to be welcomed as it will have significant consequences for everybody. There are two aspects to my contribution today, one of which is to highlight the total dependence of this State on imported fuel. I am sure this has been already mentioned but it has been the way for years. We are so dependent that even the slightest hiccup in the oil-producing states means that within three or four days we would be in trouble. It is that bad. If the petrol supplies do not run out, as they have done on a few occasions over the years, the scare would be enough to ensure the price of oil increases dramatically.

What is happening in the fuel business even today defies logic. The price of a litre of petrol or diesel is as high today as it was when there was a spike 18 months ago. A barrel of crude oil went to \$140 at the time and this House was buzzing with anticipation of what could happen to the economy at that time. At that price it is extremely difficult for manufacturers, commuters and motorists to pay for what they need. We have arrived at that fuel price again today, although I do not know if anybody has noticed it but myself.

Petrol was €1.35 per litre at a fuel station I visited yesterday, with diesel at €1.24 per litre. I have said that the price of a barrel of crude oil 18 months ago was \$140 but this morning it was \$82.5 a barrel. I cannot understand the discrepancy and I am waiting for somebody to explain it. The current price for oil is approximately 40% less than what it was at that peak. Where is the profit being made this time? We cannot blame the oil-producing countries for the significant increase in fuel prices today.

There was much discussion yesterday about the ESB being forced into competition with Bord Gáis and others, which is good. If fuel prices stay at their current levels, electricity prices will increase instead of decrease no matter with whom the ESB is in competition. We will have to introduce a mechanism in this country to meet a range of issues in the environment and the economy. We must give this serious consideration.

I noticed the introduction of electric car charging points last week. Approximately 15 years ago I was a member of an Oireachtas delegation in Brussels which was brought to see a prototype of an electric car. I drove it around a type of castle complex just outside Brussels. It would have had to have been a fairly big car to hold me in comfort but if I had gone too far in it not too many people would buy it. It was a battery-operated unit but it was not very streamlined. In other words, it was not a sexy car and it got nowhere.

There is a Green Party Minister of State in the Chamber. People may not agree with this statement but I believe that as soon as the price of petrol and diesel drops, it is almost impossible to get the public interested in anything else. Any alternative sources, by their nature at the beginning in particular, are usually more expensive. The only time we can get people to concentrate on an alternative energy or fuel is when the price of diesel and petrol rockets. That price is on the way up and having spoken to some economists in the past month or two, it seems we are not far away from a level of €1.50 per litre for petrol. That is a significant cost at 50% more than what is usual.

If the price trend continues, new alternatives will take on a new relevance. There are a number of farm crops that fit the bill when we talk about bio-fuels. My background is in farming and the Ceann Comhairle knows a good bit about it too. Every business and profession in the world will catch on to something extremely quickly if there is a living to be made from it, and farmers are no different.

[Deputy Paul Connaughton.]

Over the past ten to 20 years people have said oilseed rape was the way to go and that it would be a big business. It would provide an alternative to the wheat and barley that made no money and the potatoes that were not sold. Oilseed rape was meant to be a runner but its success was partial. Driving from here to Carlow or Louth, one will not see too many fields containing oilseed rape, and if one crosses the Shannon there is none.

Deputy Mary Alexandra White: There are some in Carlow and Kilkenny.

Deputy Paul Connaughton: A couple of acres does not make a ranch; the amount is not significant.

Of Ireland's approximately 12 million acres of agricultural land, no more than 10,000 acres is devoted to that crop. While I do not have the figures to hand, the acreage is small. My point is that the circumstances are right at present. Were the prices of oil, petrol and diesel to continue to escalate in the manner I envisage, a major contract can be formed with the Government as an intermediary. I do not expect the Government to be involved at the coalface but an environment can be created in which the market will pay farmers — that is the only way it will work — in order that processors will be able to manufacture and process that crop into an oil that can drive machines and motors nationwide. However, we have not arrived at that stage yet.

I have heard Green Party and Fianna Fáil people talk about the grants that are available to establish some of the other crops to which I will refer later. Some of the aforementioned crops are extraordinarily slow-growing and it takes a long time, two or three years in some cases, for them to mature. At public meetings, I often hear that in some cases, a couple of thousand euro per hectare may be available to plant such crops and then wait for a couple of years for them to reach their harvest date. If this is true and if the grants are as *flaithiúil* as the Minister of State suggests, many thousands of farmers will sign up, particularly given how farm incomes have gone in the past two or three years. In the main, most crops one can grow for bio-fuel will be grown on arable land. I cannot envisage many of them being grown on poor quality ground, which excludes a great portion of the western seaboard. I have a benchmark in this regard, in that if one was unable in years gone by to grow a good crop with a good tonnage of sugar beet, one will not be able to grow these crops, and the Minister of State knows where those areas are located.

Irrespective of where such crops are grown, a number of factors will influence whether this sector will take off, as would a crop of wheat, barley or whatever else. We are light years away from such a take-off at present. I acknowledge the experiments that have been carried out all prove that engines will run on the by-products without difficulty. Moreover, they are cleaner and I understand the power they generate in engines is as good, if not better, than that achieved with fossil fuels. However, a problem arises in respect of guaranteed markets or almost guaranteed markets, none of which exists at present. Some processors of oilseed rape and other crops sign yearly contracts, which is somewhat similar to what the vegetable growers of north County Dublin used to do. Ultimately, however, for this to be a runner, a much more watertight relationship between farmers and processors must be established and this must be overseen by a Department to ensure it works. Were Members to have this debate in four or five years' time, so much ground will be lost *vis-à-vis* our European neighbours that it would be almost impossible to pick up the slack.

I have no idea how much longer the world's oil wells will continue pumping and, moreover, I genuinely believe that no one else does either. It all depends on when one hears of the evaluation or assessment taking place and on who gives it and from where they come. While

some suggest the oil wells are likely to run dry as early as ten or 20 years' time, others will predict it will last for 100 years. However, all Members are aware that as the global economy develops and the global population increases, the need for fuel to power industry, cars and homes obviously will increase as years go by.

I refer to an important issue in this debate. I understand that an obligation to use a fuel mix containing 4% of bio-fuels at the petrol pumps will come into effect within a couple of months. However, I understand that Ireland does not have the capacity to provide that 4% at present. Consequently, if this obligation is imposed by the legislation, I assume someone will begin to import it from countries with a lower cost base. Such trade obviously will be from outside the European Union circle and a surcharge should be imposed to facilitate the monitoring of such imports because, were it ever possible to get cheap imports, even temporarily, it immediately would result in a lessening of pressure on Ireland to grow its own fuel. I do not know what will happen between now and the implementation date, which I understand to be in August. Although I agree with the principle of what has been proposed, I do not believe that nearly enough work or thought has been put into the proposal to make it a runner.

If this is played correctly, I see great opportunities in this regard. While everyone is talking about smart ways of doing things, as well as smart fuels and smart energies, now is the time for the real smartness. Regardless of the Government that will implement this measure, be it the present Administration or its replacement, I will know this policy is working when I see halls full of farmers nationwide seeking to enter contracts with processors to grow those crops. I then will know we are winning but that point has not yet been reached. While I acknowledge that great interest has been generated, farmers are not yet signing on the dotted line because no one knows what will happen in a year or two if the world price of oil fluctuates up and down. While that happens, there will be trouble in this regard.

I now wish to discuss electric cars and welcome the decision by the ESB and others to put in place power points around the country. The major problem will be similar to that associated with the aforementioned car I saw in Brussels. This will require a huge leap of faith by many people. Incidentally, without knowing anything about the new models, I do not doubt that the performance of such cars will be perfect. I expect they will meet the highest safety standards and why would they not? The major problem will be psychological. People sitting in their cars in Eyre Square, Galway, on a Sunday who contemplated driving to Dublin that day would ask themselves whether, by so doing they could be sure to be able to return home to Galway that evening. That is what everyone will be talking about. While cost will not be a secondary factor, it will not be the most significant factor. The primary criterion will be the security of people's time on the road and their ability to return. While the Minister of State may believe this is not the case, she should believe me.

Drivers will be obliged to depend on a battery top-up charge and there will be uncertainty until people experience doing so. They must be able to see for themselves that it is possible to pull in at Maynooth or Kinnegad to get their top-ups without being obliged to wait two hours for it or without experiencing a breakdown or problems with the electric charge on the day that left them high and dry on the side of the road. Even if such events were to happen only once or twice to people, it would be somewhat akin to having the misfortune of taking a train that broke down on the first day one availed of the service. In such cases, one would be unlikely to use it again for a while. It is against this background that a huge job remains to be done in this regard. The car manufacturers must put a great deal of effort into this initiative but it will work. It eventually will come, provided that everyone does the sensible thing, which has not always been the case in the past.

[Deputy Paul Connaughton.]

I noticed that no Exchequer costs are associated with the Bill. Perhaps the Minister of State or someone else might reply to my question. I do not know why there would be no financial cost. I suppose it is a regulatory Bill more than anything else and I assume it has more to do with the obligation to use bio-fuel than it has to do with the introduction, growing and production of bio-fuel crops, but that will not come cheaply. Whenever one must change a significant culture, one must address many psychological levels. It will take a certain amount of time.

I wish the Government well and hope that whoever is in government next will take this matter seriously, as it will pose a greater problem for whoever has the good fortune to be sitting in the Chamber in five or ten years time. It will not be because oil wells will have run out, but because the cost of the oil coming out of them will be more expensive. If a country like ours, with a population of 4 million that is increasing every year, is to have fuel security, we will want to be less dependent on imported fuels as against windmills, wave energy and bio-fuels.

This matter has nothing to do with the cost as a nation. Were we able to substitute it, the balance of payments would be a better job altogether. Some day, we might get some satisfaction for the €22 billion that has been sunk into Anglo Irish Bank. If that sort of money was available to do what we are discussing, what a wonderful job we could do.

Deputy Mattie McGrath: I am delighted to speak to this Bill. I warmly congratulate the Minister of State, Deputy White, on her appointment.

Deputy Paul Connaughton: Agreed. I meant to say that.

Deputy Mary Alexandra White: I thank the Deputies.

Deputy Mattie McGrath: During her years in politics, she has been enthusiastic about many issues in her constituency and region. We have worked together on some community projects, including Ring a Link, and I have always found her to be hard working, energetic, enthusiastic and co-operative. I look forward to co-operating today in spite of the myths driven by the media or whoever concerning Fianna Fáil and the Green Party. We are all on the same mission, that is, representing our people and ensuring a safe, clean and guaranteed range of fuels that keeps our economy and households going at the best possible cost. There are many concerns regarding bio-fuels and the carbon tax, but we must try to explain the issue to people. Doing so is difficult, given the large increases in the price of oil.

The 2009 renewable energy directive requires that 10% of the energy used in transport in each member state will be generated via renewables by 2020. It is no mean objective. As one of the few available and effective means of reducing transport emissions, bio-fuels have a central role to play in the delivery of this target and in the reduction of greenhouse gas emissions, as does developing electric vehicle technology. I am delighted to see the roll-out of such vehicles.

The bio-fuels excise relief schemes, which were launched by the Department in 2005 and 2006, have resulted in 18 projects being awarded excise relief for a period up to the end of 2010. The schemes were designed as interim measures to accelerate the level of bio-fuels in the fuel mix in advance of the introduction of a bio-fuels obligation. More specifically, they were designed to incentivise a move towards the inclusion of bio-fuels in the fuel market and to stimulate the industry's interest in their production, thereby providing an indigenous market.

In 2005, a pilot bio-fuels mineral oil tax relief scheme was rolled out at a cost of €6 million in revenue forgone. It covered three bio-fuel categories. Following the success of the scheme,

a second and more ambitious scheme was announced in budget 2006. It will run until the end of 2010 and is valued at more than €200 million in excise forgone. Scheme II provides for four categories of bio-fuel, namely, bioethanol, bio-fuel complying with diesel standard EN590, pure plant oil, PPO, and bio-fuel for use in captive fleets. Some 102 applications were received under Scheme II, 11 of which were in the bioethanol category, 36 of which were in the EN590 category, 18 of which were in the PPO category and 37 of which were in the captive fleets category.

Many of the plants that are up and running happen to be close to the Minister of State's region in the south east, namely, counties Wexford and Carlow and Bellview in County Waterford. There are practical problems on the ground, so I take my hat off to the pioneers who are undertaking this work and showing leadership. I compliment a group in Clonmel headed by Ms Anne Kehoe that is growing bio-fuel as part of a national group of farmers. She has been a champion of many agricultural causes, but she has taken to this cause like a duck to water.

I appeal to the Minister of State to speak with her senior Minister to try to resolve some of the outstanding issues, namely, how some EU countries treat their suppliers and producers, taxation rebates etc. I have corresponded with the Ministers, Deputies Ryan and Gormley, on behalf of the fledgling Bellview group. It has an excellent location and the skillset and financial backing to get a plant up and running. I will not say that it needs some red tape cut, but there is considerable bureaucracy involved, as is often the case in other instances. These obstacles, while unintended, seriously inhibit the development of any business. I am not trying to take shortcuts in directives or safety standards. Instead, I am referring to the State seeing the glass as half full as opposed to half empty. The State should support these fledgling groups. They are putting their money where their mouths are. Their energies and land are being used to grow the crops. They are willing to invest in plants, but they need solid, positive co-operation. I appeal for that now.

I compliment a previous speaker from the opposite side of the House on his interest. Many people are out of work and farming is at a low ebb. Business people need and want to diversify because business has slowed. We need to keep the spirit of enterprise in our business people, young people and farmers, who are always willing to rise to any challenge. We will revert to the spirit of the late, great Canon Hayes, ní neart go chur le chéile. We would rather light a candle than curse the dark. We must return to basics, that is, our communities.

Current events regarding Glanbia are interesting. The Minister of State would be familiar with Glanbia, which began as a small co-operative of south County Tipperary farmers before expanding into Avonmore and becoming huge. However, it has been proven that big is not wonderful and Glanbia is being divided. We must revert to the co-operative methodology and its ideals and move bio-fuel production into small plants in parishes.

This brings me to the matter of creameries and co-operatives. Every day, buildings are becoming derelict in every community throughout rural Ireland. It is still a matter of great sadness to me that Glanbia Co-op's creamery in my village was closed down. A local community group tried to purchase the creamery to convert it into both an enterprise centre and a heritage centre. It was the first fully electrified creamery in rural Ireland and was opened by Seán Lemass in 1959 when, as my mother informs me, I was a small baby in the pram. The creamery was still thriving up to ten years ago, when the co-ops literally decided to abandon rural areas and the people who live in them. At that point they also decided to abandon their own ideals.

There are many empty buildings, factories, etc. — some of which are owned by IDA Ireland — in rural areas. If we used nearby lands, including some of that which has been transferred to NAMA, to grow the necessary crops, when harvested, these could be refined and used to

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produce fuel in the buildings and factories to which I refer, which could be converted for that purpose. The partnership companies — including the south Tipperary partnership — have access to funding. They are among the only companies which have such funding and submissions in respect of bio-fuel production can be made to them. However, there is a need for leadership from those on high. We must change people's philosophy and encourage them to buy in to what I am suggesting.

I am not opposed to wind energy or wind farms. However, big business became involved in this sector at the outset and this led to division, argument and protest in many communities. The position with regard to wind energy production is that a “them and us” scenario applies. It is similar to when the landlords held sway in this country. We must reverse what has happened and involve community development organisations, supported by the partnerships and the Government, and private individuals. By doing this, we can grow business. We must learn from the mistakes that were made in respect of wind energy.

Part of the problem with regard to wind energy production is that people did not understand what was happening. The other part was that they were not provided with information relating to the major conglomerates that became involved. In addition, a proper consultation process was not put in place. The Irish people are always ready to take up a challenge. However, they were not involved in the process relating to wind energy production. Companies were established and high flyers became involved. Wind turbines were erected willy-nilly and arguments arose.

Irish people are not willing to be led around by their noses. They will, however, walk any road with anyone in the interests of creating employment, stimulating business or developing badly needed alternative sources of fuel. Such fuels should be “of the people, by the people, for the people” and should be produced locally. That is the only way we will succeed in respect of this matter.

I have a passionate interest in this matter. A large part of County Tipperary was zoned as being unsuitable for wind energy production. This was not for any technical reason, rather it occurred because a group came together in a community and divisions arose. In fact an entire parish became divided, which was a pity, and legal costs were incurred by groups which opposed a wind energy project. We must return to basics and make not tosach maith leath na hoibre but tosach beag. After all, a small start is a good start.

I appeal to the Minister of State, Deputy White, in respect of this matter. She was involved with the Ring a Link project and understands the level of involvement and consultation that took place with communities in respect of it. This project, which relates to south Tipperary, Kilkenny and Carlow, is run by an excellent manager, a couple of paid staff and three voluntary boards. It is a wonderful model on which to base any community development project. As already stated, it is run by voluntary boards whose members must be fully versed in employment, health and safety and road transport legislation. Anyone involved in business would employ someone to deal with such matters on their behalf. However, voluntary boards — I am proud to be a member of one — are obliged to deal with such matters on their own.

The Ring a Link projects, which operate in many counties, have resulted in great value for money for the taxpayer and has provided freedom to people in rural areas and allowed them to leave their homes. A number of the buses operated by the project in my county have been converted to bio-fuel. At the outset, however, there was a problem with regard to the availability of bio-fuel in my county. We did not have access to it and travelling to Kilkenny in order to obtain it was not feasible.

As already stated, bio-fuel production must develop from small, humble beginnings. The relevant crops must be grown and harvested before being transferred to a local plant in order that they might be refined to produce bio-fuels. This might be a simple plan but at least it is manageable. We could expand from the type of small, local operations to which I refer to a larger co-operative model. We must ensure we do not go mad, as did those who were in charge of the dairy co-operatives, and make questionable foreign investments. There is a bitter legacy with regard to the latter.

Bio-fuel production could assist in getting people back to work. There is a huge level of talent among the ranks of the unemployed at present. Those to whom I refer, including graduates, could be used to draft development plans, to carry out research, to draw up business plans, to form companies and then to train farmers in how to grow and harvest the relevant crops. As already stated, the abandoned buildings and factories that are still owned by the co-operatives and other interests — Glanbia, Dairygold and other major conglomerates — could be converted for use as refinement plants and this would create employment locally. These structures could be sold back to communities for a nominal price in order that they might be redeveloped.

A model such as that to which I refer will have to be adopted across many aspects of society if we are to meet the challenges we face. It is terrible to see the buildings to which I refer, which were previously the hubs of their communities, lying derelict. People met and transacted their business in and around these buildings. However, *sin scéil eile*. We must rediscover the ideals that obtained in the past and then work our way forward anew.

We have been joined by the Minister of State at the Department of Agriculture, Fisheries and Food, Deputy Cuffe. I wish him well in his new position and offer him my total co-operation in respect of his work on the issues to which I refer. There is an agreed programme for Government in place and I look forward to implementing it with the Minister of State. He, his party colleagues and I may have our differences of opinion, but anything in the programme for Government is agreed. I have no difficulty in defending my beliefs or in outlining my love of rural pursuits.

I am firmly of the view that we will be able to develop, at a reasonable cost, a clean green fuel source that will serve our communities. If such a fuel source is developed locally, the costs involved will be reasonable. I am sure that, like me, other Members are anxious to get operations up and running. Public meetings should be held to gauge the level of interest in this matter. As already stated, farmers are interested in growing the relevant crops. I salute their efforts but we must now support them. We must ensure the refining of these crops and their use in production proceeds on a local basis. From this base, we can move towards introducing electric cars and other innovations. As I say all the time, we will have to have reasonable administration. It will have to be user-friendly and we will have to use a carrot rather than a stick. We must not be heavy-handed and say people must do something.

I refer to the carbon tax. The situation is very difficult currently. There is widespread annoyance, especially in the haulage business, in agriculture and in many other areas, about the price of fuel. I ask the Minister to postpone the tax for some time in view of the high cost of oil. Why does oil cost so much at the pumps? I understand the idea behind the carbon tax and its objectives, which I support. I voted for it in the budget. However, there are pressures on agricultural contractors given the tough year last year and the tough winter. There were losses with frost and so on and there are high costs involved.

People will not mind paying this carbon tax if they see tangible results. I accept there can be no gain without some pain. People will come with us but we must show them where this carbon tax is going. The plastic bag levy was introduced some time ago. Great strides were made but

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we lost our way. Unfortunately, the countryside has never been as dirty. I have been involved in spring cleaning campaigns and I salute all the people who help the national organisations and the local councils. We will have to do something to address the rubbish problem.

I visited a number of schools which won tidy schools awards last Tuesday morning. I compliment the children because they will show us the way forward. They will tell their parents or relatives not to throw litter out the window because it is wrong. We must also educate people about the carbon tax. We must ask the young people to show leadership because they will educate us. I wish these projects well and I hope the Minister will respond to my comments.

Deputy Pat Breen: I welcome the opportunity to speak on the Energy (Biofuel Obligation and Miscellaneous Provisions) Bill 2010. The Bill amends the National Oil Reserves Agency Act 2007 in order to establish a bio-fuel obligation scheme with the result that 4% of transport fuels will comprise bio-fuels.

The Bill establishes a bio-fuel obligation scheme. Some 4% of transport fuels will come from renewable sources. The EU has set a target of 10% of transport energy from renewable sources by 2020. It is extremely important that the EU and Ireland have those targets and that Ireland sticks to them. As was said last night in Private Members' time, the country is over-reliant on imported fossil fuels to service its energy requirements. Most Members spoke about that over-reliance and the fact fossil fuels account for almost 96% of Ireland's primary energy mix. The fact we must import those fuels makes us very reliant on energy sources from elsewhere.

I acknowledge that some encouragement has been given to people to invest in bio-fuels through excise relief and tax incentives. There is much more scope in that area. Ireland is much more suited to developing second generation bio-fuels which use the entire plant or the waste part of the plant and, therefore, they do not compete with human food needs, which is extremely important. First generation bio-fuels are vegetable oils, animals fats, starch, etc. A small percentage of farmers in the agri-industry are already involved in the cultivation of elephant grass and willow.

The biggest challenge facing Irish farmers, who would like to diversify and set aside some of their land to grow willow, is getting their crops from the field to the marketplace, as there are very limited markets. Given the cost involved in trying to diversify and the way agriculture has gone, there is a huge burden on farmers who try to diversify to these second generation crops. The initial planting costs are very high. It costs approximately €2,600 to plant an acre of willow, although approximately 50% is grant-aided. In the case of willow, profit margins are comparable with other sectors, such as beef and dairy.

The development of willow is a three year cycle, so farmers can also face the same difficulties as many other businesses in the country. They must try to convince the banks to support them which is not very easy given the state of the banks and the fact they are very reluctant to lend to farmers or to any other sector in society because they do not want to take a risk. The farmer must wait for their product to grow. Credit in the banks has dried up, so that is a big issue.

In order to provide a bio-mass market, a local willow growers group, JHM, was established in west Limerick. It has been very innovative in this regard. It has developed miscanthus logs which are used in stoves. They have proved very popular. They are long-lasting, burn very slowly and are carbon negative, which is a very big seller in shops in my county.

Deputy Ciarán Cuffe: I am a fan as well.

Deputy Pat Breen: Good. Some of my councillor colleagues use them as well. The success of this product proves there is a market for miscanthus and, therefore, we should encourage

more farmers to diversify and not to have all their eggs in one basket given the way the markets are currently.

The other big problem facing Irish producers of bio-fuels is the fact that imported bio-fuels from countries like Brazil, China and Thailand are cheaper. Like everything else, they are produced at lower cost. I am told the cost of these bio-fuels is much cheaper in France and Germany, although they have a greater land mass.

Many farmers with land which may not be suitable for anything else could grow energy crops. However, if more farmers are to be encouraged to diversify into these products, adequate supports must be provided. Training is needed for farmers who would like to get involved in growing these crops. An issue for the Department of Agriculture, Fisheries and Food and the training bodies is to encourage young farmers, in particular, who want to stay on the land to consider this option.

We must also learn lessons from what happened when we tried to produce bio-ethanol from sugar beet. In 2005, Irish farmers produced 31,000 hectares of sugar beet for use in food production. However, the cost of production was a deterrent for farmers who would have liked to have become involved. In any event, the reform of the EU sugar sector in 2006 ended any case we had to convert sugar beet for bio-ethanol production.

The development of first generation bio-fuels has added to the food versus fuel debate. Teagasc estimates that between 75,000 and 100,000 hectares of land could be devoted to energy crops without having a negative impact on animal feed or food production. The organisation needs to become more vocal in disseminating this message to farmers.

Recent analysis by the Department of Agriculture in the United States suggests production of bio-fuels is impacting on world food supplies. Figures show ethanol production increased to a record level in 2009, driven by farm subsidies and laws which require vehicles to use an increasing amount of bio-fuels. Mr. Lester Brown, the director of the Earth Policy Institute, the Washington think tank which conducted the analysis, stated that the grain grown to produce fuel in the US in 2009 was sufficient to feed 330 million people for one year at the average world consumption level. Last year, 107 million tonnes of grain, primarily corn, was grown by US farmers and blended with petrol. This was twice the amount grown in 2007.

Bio-fuel production presents a significant opportunity to develop rural areas, including, for instance, Kilrush in my constituency of County Clare. Much of the shoreline of the Shannon estuary does not have beach. Seaweed was traditionally collected in the area for use in medical supplements. It would be possible to invest in the harvesting of seaweed for conversion into bio-fuel production if CO₂ emissions from Moneypoint power station were filtered into seaweed in the estuary. This process enables seaweed to grow much quicker than is ordinarily the case. This option should be considered.

Scientists believe Ireland could become a key player in the production of bio-fuels. For bio-fuel production purposes, algae biomass must be produced at \$1 or less per kilogramme. Kilrush, County Clare, could become a centre of excellence in this area, especially given that Moneypoint power station is being retrofitted and is due to close in 2020 to 2025. We must consider using other forms of energy to assist in our energy needs.

To achieve the objective of becoming a key player in bio-fuel production from seaweed, one needs a reliable product throughout the year. Ireland has 16 commercially useful seaweed species. Our location at the edge of western Europe surrounded by clean water is a major selling point and many other areas as well as County Clare would be viable locations for this form of bio-fuel production.

[Deputy Pat Breen.]

The Government introduced a carbon tax of €15 per tonne in last year's budget. While the tax does not apply to oil produced by rapeseed, it applies to bio-diesel produced from waste biomass. The introduction of tax on agricultural diesel on 1 May next is bad news for farmers who depend on diesel for harvesting crops and other tasks. The price of fuel is increasing, with a barrel of oil currently costing almost \$85. A further problem is that the value of the euro has declined against the dollar recently, although it gained a little last weekend after EU Ministers introduced a loan package for Greece.

The introduction of a carbon tax on agricultural diesel imposes greater costs on farmers. Costs in other areas, which are already high, will increase further as a result. This is bad news for farmers and I ask the Minister to reconsider his decision to single out agricultural diesel. Farmers are struggling and additional costs place them under greater pressure. The carbon tax is being imposed at a rate of 8.7% on agricultural diesel and only 4.4% on road diesel, which is a further blow to farming and will drive up the price of diesel as well as production costs. Agricultural contractors will have no choice but to pass on the increase to farmers. These contractors provide jobs in rural areas for part-time farmers and young people seeking employment. Agricultural diesel should be exempted from tax or, failing that, subject to the same percentage increase as petrol.

As a result of the obligation introduced in the Bill, the price of fuel will increase by 1 cent per litre. Fuel costs are already high, having increased by 20% in the past year. Motor fuel distributors will pass on the new tax and hard pressed consumers, especially those in rural areas, will take a further hit.

Novel incentives are required if we are to increase the use of renewable energy. The bio-fuel obligation scheme the Minister proposes to introduce requires a specific amount of road transport fuel to be comprised of bio-fuels. Concerns have been raised by the Irish Bioenergy Association and others that oil companies may resort to importing bio-fuels, as occurred in the United Kingdom when a similar scheme was introduced. One is always concerned that cheaper imports will be brought in given that production costs here are high. If we are to improve the business environment, energy, insurance and other costs must be reduced.

When Britain introduced a scheme similar to that proposed by the Minister, 89% of bio-fuels were imported from Brazil, Argentina and the United States. If Irish producers meet their bio-fuel obligations, it is estimated that approximately 1,700 jobs could be created and economic activity valued at €170 million could be generated. This twofold benefit — the creation of much needed jobs in the economy and a reduction in our dependence on fossil fuels — makes it worthwhile to consider incentives for indigenous bio-fuel producers. This is a win-win scenario.

Given that Ireland imports most of its energy needs in the form of fossil fuels, we must try to diversify into alternative forms of energy. Bio-fuels have a role to play in assisting forestry and agriculture, industries that are currently under extreme pressure. It is important to note that the renewable portion of industrial and urban waste can be used for feedstock in the production of bio-energy. As I stated, bio-energy production is a win-win scenario for everyone involved. I hope we are able to fulfil our obligations.

Debate adjourned.

Ceisteanna — Questions.

Priority Questions.

Planning Issues.

1. **Deputy Phil Hogan** asked the Minister for the Environment, Heritage and Local Government if he will order a detailed look-back investigation into the failure of corporate governance at board level in the Dublin Docklands Development Authority; and if he will make a statement on the matter. [16231/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): In appointing Professor Niamh Brennan, a recognised expert in corporate governance, as chairperson of the Dublin Docklands Development Authority in March 2009, I have demonstrated my commitment to ensuring that the authority conducts its business and is managed in a transparent and appropriate manner.

I wrote to the authority's chairperson last year, requesting that a comprehensive review of corporate governance arrangements within the authority be undertaken. Consequently, the authority commissioned two independent consultants' reports to assess its planning and financial procedures. While the reports highlighted some deficiencies in the authority's governance and administrative procedures, they also reviewed improvements introduced to DDDA processes since Professor Brennan's appointment, and identified that many of the deficiencies have since been addressed.

At my request and on foot of advice from the Attorney General, the authority has been engaged in a third-party consultation process about these reports and a related report prepared by the executive board of the authority itself. The purpose of this process has been to give relevant former and current board members and DDDA employees an opportunity to comment on the contents of these reports. I expect that the authority will be submitting the final reports within the next day or so, taking into account the outcome of the consultation process. Once received, I will complete my consideration of the matters involved, in consultation with the Office of the Attorney General.

I expect to be in a position to conclude this process, including consideration of such further examination of issues as may be required, and I will revert to the Government on the matter early next month. In the meantime, it would be premature for me to comment further on the issues involved.

Deputy Phil Hogan: I asked the Minister if he was prepared to ensure that there was a look-back investigation into the manner in which decisions were made at the DDDA. I did not receive an answer to that. The authority initially was liable for €35 million out of a €288 million given by Anglo Irish Bank, which ultimately led to the purchase of the Irish Glass Bottle site in 2006 for €412 million. There were senior officials from Anglo Irish Bank, namely, Mr. Fitzpatrick and Mr. Bradshaw, sitting on the board of the DDDA at the time the authority was making those decisions. The annual report for 2008, which was published without the financial report for 2009, announced a €27 million operating loss and a deficit of €213 million. We now know that then chief executive of the authority, Mr. Paul Maloney, approached the Department of the Environment, Heritage and Local Government seeking approval of borrowing limits for this purchase before it was submitted to the board of the authority.

[Deputy Phil Hogan.]

What is the estimated liability for the DDDA if Anglo Irish Bank calls in its loan? We also know that the assets of the authority were put up as security for this loan. Will the Minister give an undertaking that there will be a proper look-back investigation into the failure of corporate governance at the authority? We need to get to the truth of the matter about the major conflicts of interest that took place in this organisation, which is under the stewardship of his Department.

Deputy John Gormley: I will leave no stone unturned on this matter. This is precisely why I appointed Professor Niamh Brennan as chairperson of the authority, who has done an outstanding job so far in looking at these matters and is an expert in corporate governance. The Deputy must remember that I commissioned these reports. Professor Brennan has been quite assiduous in looking at all of these matters. Since coming into office, planning procedures have been tightened up and one will not find a more rigorous planning authority at this stage. The corporate governance structures have also been tightened up.

I have noticed some of the Deputy's statements in the media, and we need to be extremely careful in what we say when we talk about the invalidity of planning permission and so on. We are playing around with taxpayers' money and we need to be extremely careful. I want to see a Dublin Docklands Development Authority that functions. It has been acknowledged by all sides of the House that the authority has done great work for social regeneration and cultural activities, for which we only have to look at the new theatre that has opened. There is a vibrancy in that area which is something we simply cannot afford to throw away. Let us deal with this in a responsible way and let us get to the truth. We both share that ambition.

Deputy Phil Hogan: I am delighted that the Minister has said that we want to take this matter seriously because, on 17 August 2009, he wrote to Professor Brennan and asked that certain matters in respect of corporate governance be brought to his attention no later than October 2009. I did not hear in his reply whether he received that report.

At a meeting of the Joint Committee on Environment, Heritage and Local Government last December, Professor Brennan stated that it was "absolutely clear that there were systematic conflicts of interest between the Dublin Docklands Development Authority and Anglo Irish Bank by virtue of those common directors. There are questions about whether, as directors of the authority, the individuals in question owed their duty solely to the good of the authority or were engaging in transactions influenced by their outside interests."

I want those matters investigated. I want the Minister to come back to the House with a full report on these matters. We want to get to the truth of these matters and I am delighted to hear him say that he will leave no stone unturned, but he will be judged on that statement by the manner in which we expose the full rigours of his authority to get to the truth and make sure that the conflicts of interest and the bad decision making processes never happen again.

In view of the fact that the assets of the authority were put up as security for the loan from Anglo Irish Bank, I am sure that the Minister has an estimated liability to the bank by the authority if that loan was called in.

Deputy John Gormley: The Deputy and I have discussed this matter across the Chamber before. On the last occasion here, he stated quite categorically that two members of the board had a conflict of interest. He has used this phrase again today. I wrote to him subsequently and asked him to name the individuals in question. The Deputy then replied to me——

Deputy Phil Hogan: The Minister should answer the question he was asked. I will come back to that if he wants me to do so.

Deputy John Gormley: —and said that he would be in a position to name them when he had possession of the report. He has since come into possession of those reports, and I think it is incumbent on him to name these people.

Deputy Phil Hogan: The Minister should stop distracting us.

Deputy John Gormley: If we want to get to the bottom of this—

Deputy Phil Hogan: A Chathaoirligh, when is the Minister going to answer the question he was asked?

Acting Chairman (Deputy Charlie O'Connor): The Deputy is very clear about the role of the Chair.

Deputy Phil Hogan: The role of the Chair is to insist that the Minister answer the question.

Deputy John Gormley: I am answering the question on conflicts of interest. It is obvious to anybody looking in on this that there were potential conflicts of interest. However, Deputy Hogan was the person—

Deputy Phil Hogan: Professor Brennan said it.

Deputy John Gormley: —who stated categorically that there were members of the board that had conflicts of interest.

Deputy Phil Hogan: Does the Minister think there were no such members?

Deputy John Gormley: I asked him to name them.

Deputy Phil Hogan: The Minister must be happy that there are no such conflicts.

Deputy John Gormley: There is much confusion about the €5 million figure as the cost to the taxpayer, which is something the Deputy quoted in the media. It is very misleading to assert that the DDDA has exposed the taxpayer to the full risk in this venture.

Deputy Phil Hogan: How much is the liability to Anglo Irish Bank?

Deputy John Gormley: The authority is a 26% shareholder and is therefore responsible for 26% of the capital guarantee. That is as it is and we must look at that as part of the full report. The figures are there, however, and the Deputy has only to calculate them himself.

Deputy Phil Hogan: Will the Minister guarantee the House to get to the truth of how those decisions were made and how the Dublin Docklands Development Authority is effectively financially broke at this stage? What is the estimated liability to the authority, which will ultimately fall to his Department, for a loan that will have to be paid to Anglo Irish Bank if those loans were called in at this stage? The securities that were put up for the Anglo Irish Bank loan were those of the Dublin Docklands Development Authority, so what is the estimated liability?

Acting Chairman (Deputy Charlie O'Connor): The Minister has the last word.

Deputy John Gormley: I have answered that question, but I will answer the Deputy's first question again.

Deputy Terence Flanagan: He will not answer the question.

Deputy John Gormley: I will state it repeatedly that, yes, I want to get to the bottom of this. As Minister, I have taken on board many of the concerns and we are moving in the right direction. The Deputy can be guaranteed that I will get to the bottom of this.

Deputy Phil Hogan: Good.

Deputy Terence Flanagan: When?

Deputy John Gormley: I will get to the bottom of all the financial irregularities that were exposed concerning some of the planning issues as well. The authority's accounts show a write-down on the valuation of the Irish Glass Bottle Company's site from €412 million to €50 million, based on the red-book valuation of the site. A write-down of that scale reflects the distressed property market and the banking system. This matter has been in the public domain and it is clear to most people that this was a case of Celtic-tiger Ireland going overboard.

Deputy Phil Hogan: No independent valuation was carried out.

Deputy John Gormley: I could elaborate on some of the things the Deputy has raised in the media over a period. One of the main points he made was that I was not publishing these two reports because they contained politically embarrassing material. Now that he is in possession of those reports, however, he will see that is not the case.

Deputy Phil Hogan: We have another one here that the Minister did not publish.

Deputy John Gormley: I am anxious to get to the truth of the matter. If the Deputy worked with me we could both do the taxpayer a good service.

Deputy Phil Hogan: The Minister got his chance.

Deputy John Gormley: I understand that we have an adversarial system and the Deputy must try to score points, but it is not helping the taxpayer in any way.

Deputy Phil Hogan: We just want the truth.

Departmental Projects.

2. **Deputy Ciarán Lynch** asked the Minister for the Environment, Heritage and Local Government the actions that he has taken on foot of the Ernst and Young report on capital projects funded by his Department; the cost of commissioning this report; the measures that have been taken to curb the series of concerns expressed in this report regarding the attitude of local authorities to project fund management; the measures that have been taken to ensure current and future projects each have a project brief based on a thorough appraisal of project requirements; if direction has been provided to local authorities on the implementation of the report's recommendations; if so, if he will outline same; and if he will make a statement on the matter. [16176/10]

Deputy John Gormley: In 2008, in the context of requirements relating to capital funding, my Department, following a competitive tendering process, commissioned Ernst and Young to carry out spot-checks on capital projects, at a cost of €545,048. It involved the examination, in local authorities and my Department, of 143 projects valued at a total of €330 million in nine programme areas to assess adherence to capital appraisal guidelines.

In general, the report found good performance concerning procurement and that local authorities comply with the relevant guidelines. The report also found that, in a large number of

cases where significant capital expenditure was involved, processes adopted by local authorities mirrored the formal appraisal guidelines.

However, the report also records deficiencies in formal appraisals and project briefs, and completion of documentation, as well as delayed submission of final accounts. In particular, the report identified 11 issues concerning appraisal and management of projects, and made recommendations to accompany those findings.

Many of the projects examined were undertaken when strengthened capital appraisal guidelines from 2005 were relatively new and before the introduction of fixed price contracts from 2007. On this basis, I hope and expect that the situation will improve significantly and that this will be reflected in subsequent spot-checks.

I am concerned, nonetheless, by the findings of the report. Accordingly, my Department wrote to local authorities on 22 March 2010 re-emphasising the importance of adherence to the capital appraisal guidelines. In this respect, all project managers have been asked to review current arrangements for the management of projects to assure themselves that they are being appraised, managed and monitored sufficiently in line with Department of Finance guidelines, as well as with relevant departmental circulars.

As far as the nine specific programme areas are concerned, issues arising from the report will be taken forward by the relevant sections in my Department dealing directly with those areas. I will also be considering what further, more general steps should be taken, including in the area of training, with a particular focus on the issues referred to in the report.

By way of follow-up, spot-checks on capital projects are now being undertaken both by the local government audit service and my own Department's internal audit unit in respect of 2008 projects. I look forward to seeing a significant improvement in the results.

Deputy Ciarán Lynch: I thank the Minister for his response, but I am baffled by the manner and tone of that reply. This is a damning report. The only conclusion that can be drawn from it is that we had runaway over-spending by local authorities involving hundreds of millions of euro. If the Minister wants to make light of that, I would ask him to re-examine the report. For example, it shows that almost one third of work was over budget and there were no contingency plans when costs overran. The auditor has said that it was considered a success to secure funds and how they were spent was considered a secondary measure. In addition, one in every 25 cases revealed showed that there was no prior departmental approval for their expenditure.

The report showed that over 30% of projects ran into over-spend. What is the monetary value of that sum? Can the Minister provide a breakdown by relevant headings and individual local authorities? What efforts has the Minister made to recoup the costs and sanction local authorities that went ahead with projects without his Department's approval?

Oddly, the Minister says that guidelines at the time were quite loose, but they were not. European directives and procurement process were in place at the time. The report shows that European procurement procedures were breached concerning tendering processes for some of these projects. Will the Minister indicate how many local authorities this matter relates to?

Deputy John Gormley: I do not think the Deputy can say that I am taking this matter lightly. He must remember that my Department commissioned this report and even though it came in at the lowest tender it is certainly a fair amount of money when one is talking about €545,000. In no way can the Deputy say that I am taking this lightly. I have clearly said that I have concerns about overspending, be it in capital projects or current spending. As well as taking

[Deputy John Gormley.]

this measure, the Deputy also knows that I have established an efficiency group to examine current spending. We discussed that matter the other day.

The Deputy has asked a number of questions about specific local authorities. I will get back to him in writing about them. If the Deputy provides specific questions, I will give him a breakdown. I will give him every answer that he is looking for in that regard. There is no difficulty there, although it will take some time to examine each and every local authority to see what is actually going on. In general terms, however, local authorities are responsible for an expenditure of approximately €11 billion. In looking at the national accounts, one must ask some searching questions. In my own backyard I have seen what happened concerning the waste treatment plant in Ringsend where I had to cough up a further €30 million because they got the contract arrangements wrong. This is of great concern to me and I share the Deputy's real concern about this matter. I will try to get back to him as quickly as possible on any of the questions he has on specific local authorities.

Deputy Ciarán Lynch: I welcome that the will provide a response on the detailed questions I will list for him on the conclusion of this debate. In addition to those questions, were there bonus payments attached to those projects and if so, what were the criteria for the bonuses? In light of the report, has the Minister given consideration to the fact the bonuses may not have been merited? We had a situation where money was given out by the Department where the project plan, if it was in place, was a secondary measure. This was a recipe for a disaster. It was a self-fulfilling prophecy that the projects would overrun.

Who ultimately sanctioned the budget overspends outlined in the report? Did the additional permission come from the Department or was the overspend made by the local authority and did it then come looking for the money? Surely the issue should have been flagged earlier, when the overspend was happening and the local authorities needed the Minister's permission. It should not have required a report to bring it to our attention. The audit outlined in the report relates to a sum of approximately €330 million, but that is out of a total capacity expenditure of €5 billion. Can the Minister indicate the actual overall spend for the period in question, because Ernst & Young only examined a percentage of the expenditure for that time? If we apply the report to the overall sum of €5 billion, I am sure the sum in question is appalling.

Deputy John Gormley: On the question of bonuses, the Deputy has made valid points and I have always shared his view. As mentioned on the previous question, we lost the run of ourselves in terms of bonus payments during the Celtic tiger years. The Deputy's question is specific and I will have to come back to him on it. On the question on the role of the Department, where I see a gap is that often managers take decisions and are not accountable for those major financial decisions. The person who then has to take the rap and has to go before the PAC is the Secretary General of my Department. I have discussed this with other Deputies and it makes sense that in the context of reviewing local government structures, we look at the possibility that managers go before the PAC and account for the financial decisions they have made.

Deputy Phil Hogan: Hear, hear.

Waste Management.

3. **Deputy Phil Hogan** asked the Minister for the Environment, Heritage and Local Government the impact on the commercial viability of the Poolbeg waste energy plant, Dublin 4 if recent proposals on a new incinerator levy are enacted; the financial exposure to the taxpayer

in the event of breached commercial contracts as a result of the incinerator levy; and if he will make a statement on the matter. [16232/10]

Deputy John Gormley: I recently launched a public consultation on the application of levies to both landfill and incineration facilities. The approach I am considering will be designed to ensure that material which could otherwise be recycled is not drawn to facilities in lower tiers of the waste hierarchy. The facility in question is being advanced by Dublin City Council, acting on behalf of the four Dublin local authorities in the context of their statutory regional waste management plan, by way of a public private partnership. The State is not a party to this PPP agreement and has undertaken no financial or other liability in respect of the project.

As I have previously indicated, it is my understanding that the quantities of residual waste currently being collected by the Dublin local authorities may not be sufficient to meet the volumetric contractual commitment which forms part of the public private partnership agreement. Any inability on the part of the authorities to meet this commitment could give rise to public financial implications which would of course be a matter for those authorities to address.

I have appointed an authorised person, under section 224 of the Local Government Act 2001, to conduct a review of the parameters of the project. This will address the nature and extent of financial and related risks and consequences which may arise for Dublin City Council in connection with its participation in the project agreement, in a changing policy, legal and economic environment.

Deputy Phil Hogan: The Department of the Environment, Heritage and Local Government was represented on the PPP steering group for this project. Therefore, the Department was involved with it and it was in line with existing Government policy. In addition, some finance was contributed to the project by the Department. Now that the Department is no longer in consultation on it, has the Minister been in contact with Dublin City Council about the implications of the legislation? Also, will there be a contingent liability on the taxpayer?

What is the current status on mechanical biological treatment plants, MBTPs? In order to meet landfill directives we will need additional MBT plants and we must ensure we meet obligations and requirements under the directive deadlines or we will be exposed to further fines from Europe. What is the plan of action with regard to these plants and where are they?

Deputy John Gormley: I have had no direct contact with Dublin City Council on the proposed levies. I am aware many local authorities have called for the introduction of landfill levies, as have many people in the industry. It is through the introduction of these levies that we will ensure we get increased rates of recycling. The levies are also a stimulus to the MBT industry. Those in the composting industry, in particular, have called on me to introduce these levies, which make sense because they change behaviour. We must remember when talking about the implementation of the landfill directive, that we are talking about the biodegradable fraction of waste, which when it decomposes causes difficulties such as methane emissions. I had the pleasure recently of turning the sod at an MBT plant in Meath which will deal with over 200,000 tonnes of waste. This is the way to go. We want to increase recycling rates up to 70%. This target is part of the international review we commissioned, which was very clear that if we want to change waste management structure and behaviour, we must introduce levies.

The new food regulations which will come into play at the end of June will make a big difference and will mean that how we treat food waste from our restaurants and hotels, which currently goes to landfill where it causes difficulties, will change. If current practice continued, it would be difficult to meet the landfill directive requirements. This change will encourage those in the MBT and composting industries. This is the direction we want to take to get away from reliance on landfill and large scale incineration.

Deputy Phil Hogan: What is the current status on the construction of the incinerator at Poolbeg? When will the report of the authorised officer commissioned by the Minister be available?

Deputy John Gormley: There was a hiatus over Easter when the individual in question, Mr. Hennessy, could not do his work. He has now returned and I hope he will continue with his work. He will meet one of my Department's officials next week. I hope he will complete his report as quickly as possible, within the next month or so. That will give us a clear indication of the potential liability for Dublin City Council. Given the changing environment and the fact we are changing policy — we have made it clear the commitments in the programme for Government now constitute Government policy — it would be most unwise for Dublin City Council and the proposed operators to continue down this path and not take account of changing Government policy. That is what this Government is about and that is my commitment.

Acting Chairman (Deputy Charlie O'Connor): Before he responds on Question No. 4, I take this opportunity to wish the Minister of State, Deputy Cuffe, well and to congratulate him on his appointment.

Unfinished Housing Estates.

4. **Deputy Terence Flanagan** asked the Minister for the Environment, Heritage and Local Government the actions he will undertake regarding unfinished housing estates; and if he will make a statement on the matter. [16233/10]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Ciarán Cuffe): The Department is progressing a range of actions, with the co-operation of local authorities and other key stakeholders, to address the issue of unfinished or unoccupied estates. These actions include an accurate quantification, classification and mapping of the various types of unfinished or unoccupied estates on a county by county basis to understand the scale and distribution of the problem. I anticipate that, following a pilot exercise with one local authority, a comprehensive national inventory should be completed in the middle of the year.

The Department is also preparing a best practice policy manual which aims to identify the necessary responses to ensure satisfactory outcomes in tackling difficulties on specific sites in a co-ordinated and pro-active manner. The responses will require a range of interventions across a number of disciplines; there are issues of public safety, the provision of bonds and securities, environmental protection, building control and estate management.

Developers and owners of sites are required to ensure that they are left in a safe and secure condition. Local authorities are prioritising action to ensure that these obligations are discharged and that sites within their areas are properly secured from public access and, where necessary, are made structurally sound. In this regard, existing legislation such as the Derelict Sites Act 1990 and the Litter Acts 1997 to 2003, along with planning legislation, can be used to ensure developers and the owners of sites engage with local authorities in addressing specific difficulties. We will also keep the need for further legislative reforms to assist local authorities on this issue under review.

It is a matter for the National Asset Management Agency to consider how it deals with unfinished or incomplete estates that come within its remit. I will make the Department's data available to NAMA to inform its analysis.

Deputy Terence Flanagan: I congratulate the Minister of State, Deputy Cuffe, on his first Question Time and I wish him well in his new role.

Deputy Ciarán Cuffe: Thank you.

Deputy Terence Flanagan: I thank him for his response. This is a major problem throughout the country, of which the Minister of State is well aware, and the issue with regard to unfinished housing estates has been well documented in the media. To not know the amount of housing estates involved is ridiculous. Each local authority should know and have information to hand on the quantity in its area. It is beyond the stage of issuing a best practice policy manual as there are legacy housing estates that have been there since the Celtic tiger. Merely issuing guidelines, circulars or best practice manuals is not enough. The Minister of State briefly mentioned legislation on derelict sites and litter but we need to ensure these developments are completed. There needs to be watertight legislation to ensure developers will no longer be able to leave an unfinished estate and move on to the next project. It should be part of best practice to ensure it does not occur again. How much money will the Department set aside to complete developments where developers have gone bankrupt and are not in a position to complete developments?

Deputy Ciarán Cuffe: To cut to the chase, we do not have a bottomless pit of money to throw at the problem and the responsibilities do not fall directly to the Department to address the multi-faceted issues which exist. On the first issue on what direct numbers we have, there are very different estimates depending on the source of information used. There is huge variation in the figures. For instance, the Construction Industry Federation stated there were approximately 35,000 completed but unsold units available for sale. However, a study by the National Institute for Regional and Spatial Analysis at NUI, Maynooth, put the total figure at more than 300,000 units.

The great Scottish town planner, Sir Patrick Geddes, summarised planning by stating there are three issues involved: survey, analysis and plan. What is most important is to survey the scale of the problem and then to analyse those figures. I am glad to state the Department is putting considerable resources into the initial survey of the scale of the problem. We will start with a pilot study in County Laois. Officials from the Department are not only doing a desktop study of the issue but they are going out and inspecting the unfinished developments so we can quantify the scale of the problem. That is hugely important.

When we get to analysing the problem there are three main issues: the very important issue of public safety; the completion and management of the essential infrastructures and amenities; and the long-term future and resolution of the sites themselves. These are three very distinct problems with different scales of response from the Department, the National Asset Management Agency and the local authority.

Deputy Terence Flanagan: I thank the Minister of State for his response. What about situations where developers are high and dry, insolvent and not in a position to complete housing estates? All home owners purchase their homes in good faith with a view to all facilities being completed in the housing estate. We know that in ghost estates and derelict sites roads have not been completed, public lighting is not working and sewers may be broken. The people living there are desperate and need help and guidance. I am very disappointed that the Department of the Environment, Heritage and Local Government does not have this information to hand but that it has to go out and inspect to know how bad the problem is. It shows how out of control is the situation. Will the Minister of State give hope to those living in housing estates

[Deputy Terence Flanagan.]

where developers have gone bankrupt? Will they see action from the Government to help them in their dire need?

Deputy Ciarán Cuffe: I take that point but the last thing we want to do is rush headlong into proposing solutions when we have not adequately or accurately analysed the scale of the problem in the first instance. Last week, I took it upon myself not only to address the Irish Planning Institute conference but to spend an entire day listening to the various papers it put forward. There were very good addresses by some county planners from throughout the country, by the likes of Bill Nolan, pointing out the various aspects of the challenges we face. There was anecdotal evidence suggesting the scale of completely unfinished estates is not as high as some fairly strong headlines have suggested in recent days and we need to be careful on that. However, there is an onus on developers to carry out the development in accordance with the plans submitted and the local authority or the planning authority can take action based on that.

I am glad to state with regard to the loans taken over by the National Assets Management Agency, that it has a planning sub-committee headed by Willie Soffe, the former Fingal county manager. It will examine some of the planning aspects of the problem. The first port of call for individuals with unfinished facilities is their legal representatives but they can and should approach the local authority to ensure the planning conditions are being complied with, and look to the developers. Many of these developments do not come under the National Assets Management Agency and the matter can be taken up under civil law with the respective developer. Deputy Terence Flanagan knows as I do that very often an approach can be made to the developer in the first instance to try to address the outstanding issues, whether it be sewerage, lighting or roads. If issues of public safety are raised I would urge the home owner to go directly to the local authority because there is a range of legislation under which the local authority or the planning authority can take action.

Water Meters.

5. **Deputy Phil Hogan** asked the Minister for the Environment, Heritage and Local Government his plans to roll out domestic water meters on a national basis; when he intends to implement the Programme for Government commitment to introduce domestic water charges; his further plans to impose a flat charge on water usage in the absence of water meters; and if he will make a statement on the matter. [16234/10]

Deputy John Gormley: In December last, following a decision by Government, I informed the House that I would bring forward proposals for the installation of water meters in households served by public water supplies. These proposals, which my Department is now finishing, will give effect to the commitment in the renewed programme for Government to introduce charging for domestic water in a way that is fair, significantly reduces waste and is easily applied. I expect to bring these proposals to Government in the coming weeks.

The proposals will include draft legislation to remove the prohibition on charging for domestic water services and will also address the arrangements for the delivery of the water metering programme, cost estimates and how these costs are to be financed, as well as plans for the development of a pricing structure for domestic water services. I will provide further details on these matters following their consideration and approval by Government. I am confident that the introduction of charges based on usage and not a flat-rate charge as suggested in the question will encourage the conservation of water resources. Reducing consumption will help to reduce the significant costs incurred by local authorities in providing supplies of quality drinking water and treating wastewater discharged into the public sewerage system. This matter should be seen in conjunction with my announcement earlier this week of investment of some

€320 million in conservation works over the period 2010 to 2012, which will provide for a very substantial scaling up of activity in mains rehabilitation. This significant investment in conservation is part of the overall investment of the €1.8 billion in the water services investment programme 2010 to 2012.

Deputy Phil Hogan: Fine Gael supports the Government proposal to introduce domestic water meters. People need to be charged for excessive use of water after a certain allowance for household use. Too much water is being wasted and there is no appreciation of the fact that water is a finite resource. Over the winter months that issue came home to people. I support that view.

How will the Government pay for this major investment? Has the Minister quantified the investment that will be required to roll out the metering system? How long will it take? In the meantime how will the Government pay for the water investment programme as we approach 2015?

Deputy John Gormley: As I said to the Deputy at the recent committee meeting, one would be forgiven for believing that Monday's press launch was about water metering; of course it was not. It was about the water services investment programme, which is a very significant capital investment in our water infrastructure, be it in improving drinking water quality or investing in wastewater treatment plants. Considering the number of schemes included in that, the Deputy will realise that we are taking action in a very pragmatic way. We will no longer concentrate on the schemes, but on the contracts themselves and try to get the greatest possible bang for our buck.

The issue of paying for water meters has not yet been brought to Government. As I told the Deputy the other day, I have not brought forward the memorandum to Cabinet and it would be unwise and premature for me to talk in the House about my initial thoughts on the matter. However, he can be assured that the commitment on this in the programme for Government will be honoured. I very much value the support expressed by the Deputy for the water metering programme. There is now a responsible recognition from the Fine Gael Party that treated water needs to be paid for, but in a fair and transparent way.

Deputy Phil Hogan: I am sure the Minister carried out studies before he advanced this proposal in the programme for Government and he has an idea what it will cost to meter every house in the country. I am sure the Department has provided a memorandum or some notion of the ballpark figures, which he might like to share with the House. He might also share the length of time it will take to roll out metering.

Deputy John Gormley: As much as I like caring and sharing——

Deputy Phil Hogan: Since we are on the same side of this argument, the Minister could be generous.

Deputy John Gormley: ——I am not in a position to let the Deputy in on the deliberations. These are important matters. It would be quite wrong of me to let the Deputy in on this before I have even gone to my Government colleagues.

Deputy Phil Hogan: I know the Minister is not great at looking for information.

Deputy John Gormley: The Deputy can be assured that this is a major programme which will provide a further economic stimulus. Obviously, it is not just about water conservation. It will also provide local authorities with an extra revenue base and provide a very important economic stimulus and create jobs. From every perspective this is a win-win. It is important to remember that this is to be done in a fair and progressive way. There will be a free allocation

[Deputy John Gormley.]

with users paying above that allocation. When people see the programme we plan to roll out, most fair minded people will agree it makes sense.

Deputy Phil Hogan: I wish to ask——

Acting Chairman (Deputy Charlie O'Connor): I ask the Deputy to be very brief; he has broken his promise.

Deputy Phil Hogan: The Minister did not answer. I have not broken my promise; I have a minute to go. I have given great assistance to the Acting Chairman.

Does the Minister have an indication as to what it will cost to roll out this programme? Is it €1 billion of €1.5 billion?

Deputy Terence Flanagan: Or €2 billion.

Deputy Phil Hogan: Is it €500 million?

Deputy John Gormley: I have been very clear in that I have a series of options that have been outlined. I need to go to Government, consider those options and pick the best option — the most efficient, cost-effective and fairest option.

Other Questions.

Departmental Bodies.

6. **Deputy Frank Feighan** asked the Minister for the Environment, Heritage and Local Government if he has been in discussions with Anglo Irish Bank and the Dublin Docklands Development Authority regarding outstanding debt owed by the Dublin Docklands Development Authority; the outcome of any such meetings; and if he will make a statement on the matter. [16045/10]

Deputy John Gormley: I have had no discussions with the institution in question on matters concerning the Dublin Docklands Development Authority, nor would it be appropriate for me to do so.

The DDDA's annual accounts for 2008 reported a loss on operations of €27 million, reflecting the impairment of the authority's key assets including a significant reduction in the valuation of the Irish Glass Bottle site. In response, the authority's board has cut all discretionary expenditure, is subjecting every cost and overhead to rigorous control and scrutiny, and has put in place a reduced organisation structure.

The authority expects to report a significantly reduced operating deficit for 2009, year on year, and has set an objective to return to a break-even situation as soon as possible. The final position, including regarding borrowings, will be set out in the authority's 2009 accounts which I understand are at an advanced stage of completion.

Arising from the 2008 accounts, the authority submitted a report to my Department in February regarding its participation in the Becbay joint venture which acquired the former Irish Glass Bottle site. I appointed independent financial advisers to assess the report, in consultation with my Department and the Department of Finance. The advisers have submitted their report and I have forwarded it to the authority's board for consideration. I expect to revert to Government on this matter in the coming weeks.

Discussions with the authority's lenders are a matter for the authority itself. I understand that the authority has held preliminary discussions with the National Asset Management Agency in respect of the transfer of loans associated with the Becbay joint venture.

Deputy Phil Hogan: I can be helpful on this because we have discussed the matter already. I have one question. Given that the Dublin Docklands Development Authority has put up its own assets as security for loans from Anglo Irish Bank, in reality that bank will be looking for its money back from every loan it made for obvious reasons. What is the authority's exposure in the event that Anglo Irish Bank comes looking for the money in repayment of the loan? Can the Minister give some indication to the House of how that will be paid back? Ultimately, the Department of the Environment, Heritage and Local Government is responsible for ensuring that the money is paid through the Dublin Docklands Development Authority to Anglo Irish Bank.

Deputy John Gormley: I will try to be as detailed as I can. In October 2006, the authority sought sanction for borrowings of up to €127 million for the purposes of property acquisition, particularly in connection with the impending acquisition of the IGB site. Consent for this sanction request was sought by my Department to the Department of Finance and was subsequently received on the basis that repayments would be wholly from the authority's own resources without recourse to the Exchequer. The Department of Finance also consented to the authority taking a shareholding in a special-purpose company to facilitate the joint venture development of the site. Neither the Minister for Finance nor I had any direct role in approving or authorising the authority to purchase the IGB, nor did either Minister have any role in approving the final purchase price. As long as the authority operates within its €127 million sanction, it is mandated to make independent commercial decisions, which is an important aspect the Deputy needs to keep in mind. A €288 million loan to Becbay Limited, the consortium developing the former Irish Glass Bottle site, was provided jointly by Anglo Irish Bank and AIB. It is non-recourse loan, largely secured against the land, with the exception of the €111.9 million that is secured by guarantees of three shareholders, Mr. Bernard McNamara, Mr. Derek Quinlan and the authority in proportion to their respective shareholdings.

As I said earlier, as a 26% shareholder in the Becbay joint venture, the authority has guaranteed liabilities of €29.1 million as well as a liability of 26% of interest accruing. The authority considered it necessary to become involved in the purchase of this site because of its key location on the Poolbeg Peninsula, and it has, as the Deputy knows, significant development potential. To be a 26% shareholder in this acquisition was the minimum amount necessary to ensure the authority retained sufficient influence and control over the development.

The figure I saw thrown out in the media of a €500 million cost to the taxpayer — I have seen this in newspapers and it has been quoted by the Deputy at press conferences — is very misleading. To suggest that in some way the Dublin Docklands Development Authority has exposed the Irish taxpayer to the full risk of this venture is not correct. The authority is a 26% shareholder and we need to keep that in mind at all stages.

Deputy Joanna Tuffy: With regard to the reports carried out on the Dublin Docklands Development Authority, an issue raised with me today was that money obviously changed hands in the purchase of the sites that are now valued at much less than when they were purchased. Somebody got the money for those sites. Is this one of the issues being investigated? Where did the money go that was handed over for those sites and who holds it now? This is important in terms of accountability.

Deputy John Gormley: It obviously depends on which site the Deputy is talking about. There have been——

Deputy Joanna Tuffy: I am talking about the vendors, the people who owned and sold the land.

Deputy John Gormley: If the Deputy is taking about the whole Becbay consortium, I have mentioned the people who are involved, be it Mr. Bernard McNamara or Mr. Derek Quinlan, and prominent names are also involved in the famous Mountbrook case. Some of these people have made a pretty penny but, likewise, some of them are now going through court proceedings, as the Deputy knows, and facing a very tight financial situation. Like many people, they gambled and it did not work out, and there has been a major loss on that site.

With regard to that Becbay site and particularly in regard to the involvement of Mr. McNamara, I have to be careful, as Minister, because that is going through the courts at present.

EU Directives.

7. **Deputy Brian O'Shea** asked the Minister for the Environment, Heritage and Local Government the cases being taken by the European Union against Ireland in regard to Ireland's failure to transpose or implement European Union directives in environmental law in tabular form; the stages of these cases; if fines are pending in regard to judgments against Ireland for breaches of environmental law; and if he will make a statement on the matter. [15960/10]

Deputy John Gormley: Since coming into office, I have given the highest priority to the transposition and implementation of EU environmental legislation and have secured the closure of 25 cases during the past two and a half years. In areas for which my Department has responsibility, the European Commission is currently in correspondence in respect of 25 cases relating to transposition and implementation of EU environmental legislation.

Under Article 258 of the EU Treaty, nine cases are at letter of formal notice stage, which is the initial stage of the formal proceedings. These cases generally relate to greenhouse gas emissions trading, waste, GMOs, environmental impact assessment and the water framework directive. Three cases are at reasoned opinion stage, under Article 258, and these concern issues relating to electrical and electronic waste equipment, spatial policy and strategic environmental assessment.

The European Commission has decided to refer one case in regard to the transposition and implementation of the habitats directive to the European Court of Justice and the Commission application to the court is awaited. Two cases concerning environmental impact assessment and urban waste water treatment are before the court awaiting hearing. In ten cases relating to waste, habitats, water, public participation, wild birds and environmental impact issues, my Department is working to meet the requirements of judgments of the court.

I propose to circulate with the Official Report a tabular statement listing the directives involved and setting out the various stages of proceedings in respect of these cases. This should make it easier for Deputies to see at what stage we are in each of those cases.

The Commission made a decision on 29 October 2009 to refer Ireland to the European Court of Justice for an imposition of fines in regard to the directive on the quality required of shellfish waters, while deferring such referral for three months. Following comprehensive work by my Department to address the outstanding issues involved, the Commission closed the case in March 2010.

Ireland has never been fined by the EU for an environmental infringement. I have met Environment Commissioner Potocnik since his appointment to reassure him of my commitment to resolving issues and to ensuring that Ireland is fully compliant with EU environmental law.

EU Instrument Number and General Reference	Article 226/258 Letter of Formal Notice	Article 226/258 Reasoned Opinion	Being Referred to the European Court of Justice	Before the European Court of Justice for a hearing or awaiting judgement	European Court of Justice Decision to be Implemented	Article 228/260 Letter of Formal Notice	Reasoned Opinion 228/260 Second Letter of Formal Notice		Fines Incurred by Ireland
75/442/EEC the waste directive	2	0	0	0	1	1	0	4	0
79/409/EEC on wild birds	0	0	0	0	0	0	1	1	0
80/68/EEC on groundwater	0	0	0	0	0	1	0	1	0
85/337/EEC on the assessment of the effects of certain public and private projects on the environment	1	0	0	1	0	1	1	4	0
91/271/EEC on urban waste water treatment	0	0	0	1	1	0	0	2	0
92/43/EEC on habitats	0	0	1	0	0	0	2	3	0
96/61/EC concerning integrated pollution prevention and control	1	0	0	0	0	0	0	1	0
98/81/EC on the contained use of genetically modified micro-organisms	1	0	0	0	0	0	0	1	0
2000/53/EC on end of life vehicles	1	0	0	0	0	0	0	1	0
2000/60/EC the water framework directive	1	0	0	0	0	0	0	1	0
2002/96/EC on waste electrical and electronic equipment	0	1	0	0	0	0	0	1	0
2001/42/EC on the assessment of the effects of certain plans and programmes on the environment	0	1	0	0	0	0	0	1	0
2003/35/EC on public participation in certain plans and programmes relating to the environment	0	0	0	0	0	1	0	1	0
2007/2/EC establishing an infrastructure for spatial information in the EU — INSPIRE	0	1	0	0	0	0	0	1	0
2008/101/EC ETS and Aviation	1	0	0	0	0	0	0	1	0
2009/29/EC so as to improve and extend the greenhouse gas emission allowance trading scheme	1	0	0	0	0	0	0	1	0
TOTAL NUMBER AT EACH STAGE	9	3	1	2	2	4	4	25	0

Other

22 April 2010.

Questions

Deputy Joanna Tuffy: Unfortunately, it is difficult to ask further questions without the table in front of me. Will the Minister outline the total number of cases overall? Last year, there were 34 cases of infringements in train against us and the figure was 35 for the previous year. What is the total number of cases in regard to Ireland that have been referred under Article 260, whereby we have had a judgment against us and we have not complied with that judgment? Last year, the figure was 14, which was the highest number of cases of all member states referred under Article 260, where a financial penalty can be considered. We are also the third worst offender in regard to EU infringements for the past two years and it seems likely this could be the case for this year also.

What is the difference between having a Green Minister for the Environment, Heritage and Local Government and having a Fianna Fáil Minister in that office? We are still in the top three worst offenders in Europe for infringements of EU environmental law.

Deputy John Gormley: To be clear, the European Commission is currently in correspondence in respect of 25 cases in regard to transposition and implementation of EU environmental legislation where the Department of the Environment, Heritage and Local Government is concerned. This compares with 33 cases when I came into office.

To answer the Deputy's question, there is probably a major difference between having a Green Minister and having a potential Labour Party Minister. While I am not sure Deputy Tuffy is aware of it, I was genuinely shocked by the press release put out by the Labour Party leader in regard to the EU habitats directive. When I am trying to deal with this very sensitive issue, the Deputy's party leader comes out with populist and opportunistic nonsense such as:

Rural Ireland is already struggling economically and Government cutbacks are badly affecting such services . . . Preventing rural families from continuing centuries old tradition of turf-cutting flies in the face of reason.

This is populist nonsense from the Labour Party when I am trying to deal with a very sensitive issue. There is a big difference between having a Green Minister and a potential Labour Party Minister who will simply fly in the face of reason and overturn very important EU directives.

Deputy Joanna Tuffy: It is appropriate when it comes to environment law to realise that human beings are part of the environment. The Labour Party leader was raising a genuine issue of human interest in terms of how this affects domestic turf cutters who cut their own turf in the west.

Deputy John Gormley: The Deputy cannot justify that.

Deputy Joanna Tuffy: That does not mean one condones Ireland's performance in regard to EU infringements. Deputy Gormley is the Green Party Minister but he has still not given me the overall total. It was 34 at the end of 2009.

Deputy John Gormley: It is 25. I am dealing with this constantly. I inherited this going into office and we have reduced it substantially but there is no way the statement made by Deputy Tuffy's party leader can be condoned. The Labour Party cannot have it every way, it cannot say it wants to comply with EU directives then come out with an opportunistic, populist statement like that. That is vote getting, nothing more, and does not face up to environment responsibilities.

Local Authority Staff.

8. **Deputy Brian O'Shea** asked the Minister for the Environment, Heritage and Local

Government if he will provide an update on the numbers of permanent and temporary staff employed by each local authority in 2008, 2009 and 2010; the number of staff shed in each local authority area since the general election of 2007; and if he will make a statement on the matter. [15959/10]

Deputy John Gormley: The numbers of permanent and temporary staff employed across all 34 local authorities at end of December 2008 were 31,846 and 3,166 respectively, compared to 30,564 and 1,691 at end of December 2009. The breakdown by individual local authority will be circulated with the Official Record. Figures for 2010 are not yet available. Information in regard to the number of staff shed in each local authority since the 2007 general election is not available in the Department.

With effect from 24 March 2009 until the end of 2010, no public service post, however arising, may be filled by recruitment, promotion, or payment of an allowance for the performance of duties at a higher grade. This general moratorium also applies to temporary appointments on a fixed-term basis and to the renewal of such contracts.

The Department received a delegated sanction from the Department of Finance in August 2009 for implementation of this general moratorium on the filling of public sector posts across all local authorities. This is on condition that the overall staffing levels in the sector are reduced significantly by the end of 2010 in adherence with the Government's policy on staffing and numbers in the public sector.

Local authorities are expected, where vacancies arise, to consider options for reorganisation and reallocation of work to meet requirements. Staffing sanctions are granted by the Department in exceptional circumstances including where posts are of a statutory nature or for posts associated with frontline service delivery. In this context, in dealing with overall management of organisation and personnel, local authorities are expected to give priority to assuring compliance with statutory obligations and the delivery of front line services.

Staffing Table

Local Authority	December 2008		December 2009	
	Permanent	Temporary	Permanent	Temporary
Cork City	1,422	71	1,384	36
Dublin City	6,795	137	6,375	105
Galway City	434	101	428	60
Limerick City	515	40	511	18
Waterford City	387	77	356	54
Carlow	318	40	310	21
Cavan	462	18	429	17
Clare	768	140	738	90
Cork	2,414	229	2,284	80
Donegal	983	210	958	50
Dún Laoghaire	1,190	52	1,128	68
Fingal	1,521	68	1,445	45
Galway	870	196	840	95
Kerry	1,157	191	1,141	84
Kildare	910	185	900	47
Kilkenny	565	51	551	17
Laois	390	48	385	21
Leitrim	312	18	292	11

[Deputy John Gormley.]

Local Authority	December 2008		December 2009	
	Permanent	Temporary	Permanent	Temporary
Limerick	735	59	712	27
Longford	339	43	303	27
Louth	710	24	679	13
Mayo	1,115	182	1,064	113
Meath	642	158	628	75
Monaghan	433	22	422	12
Offaly	459	40	453	25
Roscommon	527	55	519	32
Sligo	527	60	498	32
South Dublin	1,285	188	1,240	163
Tipperary North	414	98	461	43
Tipperary South	680	27	645	9
Waterford	530	71	530	36
Westmeath	481	56	461	27
Wexford	791	72	757	48
Wicklow	765	139	737	90

Deputy Joanna Tuffy: There has been a substantial reduction in local authority staff numbers in the past year. Those figures indicated an approximate decline of 4,000, with the majority of those being temporary staff.

Local authorities are letting temporary staff go because of reduced budgets, with less money coming from both central Government and from rates. Most of those temporary staff were not well paid but they are now on the dole, so the public purse is paying their social welfare when they could have been employed by local authorities to do important work.

There will also be huge pressure on the remaining permanent staff, where numbers have also fallen significantly. Looking at tables for local authorities in response to previous questions, there is a huge variation between local authorities. Cork County Council has lost almost 500 staff but this was the council area that faced challenges from both flooding and snow. Now it faces problems with bad road conditions. There will be no major road works for the foreseeable future so temporary repairs are now important.

The shedding of local authority staff is not sustainable when we consider the challenges faced by those local authorities. Eventually they will not be able to function. Would the Minister not attempt to get the Minister for Finance to change his policy on funding for local authorities?

Deputy John Gormley: We would like to employ more people, that goes without saying. In these financially straitened times, however, where do we find the money? Everyone must ask that question. We cannot just continue to employ and pay people, we had to make difficult decisions. This was a difficult decision for me but I hope we are doing it in a way that does not affect services to a huge degree. That is all we can do under the circumstances. We have introduced a number of creative solutions, such as the incentivised career break scheme, where staff could take a three year career break and receive an incentive payment of a third of their gross basic pay up to a maximum of €12,500 per annum. A total of 295 local authority staff were approved for this scheme. That is what we are trying to do and, overall, we are managing well under the circumstances.

Deputy Joanna Tuffy: If we are not paying these people a salary through the local authority, instead we are paying them money through social welfare so it is not as if savings are being made. Also, when people are working, they pay tax so this is not necessarily a saving, as implied by the Minister.

Deputy Terence Flanagan: Will the Minister ensure that local authorities keep on their apprentices so they can complete their courses? Is there any hope the local authorities will take on staff to deal with the dredging of rivers or unfinished housing estates in the summer?

Deputy John Gormley: Given there is a moratorium in place, it is unlikely we will get extra staff, it is as simple as that.

Social and Affordable Housing.

9. **Deputy John Perry** asked the Minister for the Environment, Heritage and Local Government the number of affordable housing units unsold and the locations of same; if he will provide an outline of his policy on this matter; and if he will make a statement on the matter.
[16082/10]

Deputy John Gormley: The reply to Question No. 313 of 4 February 2010 provided numbers of unsold affordable homes by local authority area at the beginning of February this year. The total figure of 1,158 reported at that time by the authorities excludes those homes which have been approved by the Department for deployment under the social leasing and rental accommodation schemes.

The situation changes frequently as unsold affordable homes are deployed for other purposes, including temporary use under the social leasing or RAS schemes, as homes are sold and as new units come into the possession of local authorities. Revised figures, which will take account of recent decisions by some local authorities to offer unsold affordable homes on the open market, will be published when available.

In April 2009 comprehensive guidance issued to local authorities outlining a range of measures that could be considered in dealing with the build up of unsold affordable homes. In addition to sale to eligible affordable purchasers at appropriate prices, these measures included the options of the temporary transfer of affordable homes for use under the rental accommodation scheme or under the new social leasing arrangements, or in certain limited cases, for transfer to the permanent social housing stock. Local authorities may also sell homes on the open market, at open market prices, where appropriate. Recently, a pilot “rent to buy” scheme has been approved in principle for a small number of homes in the Dublin City Council area, and this will be reviewed before making a decision on whether this may be an appropriate option in other urban areas.

The Department will continue to monitor and support local authorities’ work to bring unsold affordable homes into use, and will adapt and develop the approaches involved, as necessary, in the evolving housing market and economic climate.

Deputy Terence Flanagan: I thank the Minister for his response. However, it is an absolute scandal that 1,100 homes are idle or unsold, with no owners, when there are 100,000 people waiting anxiously on housing lists throughout this time, as the Minister knows. I welcome that the Minister’s policy will change and that these homes will be available and put on the open market.

[Deputy Terence Flanagan.]

Regarding Part V social and affordable housing, certain contracts have not been executed and local authorities are having difficulties due to funding issues. Perhaps the Minister might say what he will do in that regard.

Deputy John Gormley: At around this time last year local authorities estimated there were 3,700 unsold affordable housing units so we have made some progress. My Department identified the problem and acted immediately, outlining a comprehensive range of measures designed to allow local authorities bring these units into early and effective use. Despite the fact that further stock has come into the system since then, usually under Part V, as mentioned by the Deputy, the prompt action taken has enabled local authorities to bring down very considerably the number of unsold affordable units to 1,100, as I stated in my reply.

One has to put this in some perspective. Thinking back, I remember some Private Members' debates on the social partners. Everybody wanted more affordable housing units. We were told that 10,000 units would be delivered under the affordable homes initiative and that 17,000 would be delivered between 2007 and 2009. The Deputy is aware of what has happened. The market collapsed and we had to act to deal with that issue. Under the circumstances, I believe we have made considerable progress.

Deputy Joanna Tuffy: What is the Minister doing about the more traditional type of council housing? People on waiting lists for local authority housing are not likely to be able to take up any type of affordable housing option. The model of council housing whereby people rented at a low rent from the public authority with the option to buy over time has worked very well in this country over the years. What will the Minister do about front-loading actual county council houses?

Deputy John Gormley: As the Deputy will know, the model has changed. Again, this comes down to the amount of money we have available. We are moving towards two models: first, social leasing and second, the rental accommodation scheme or RAS system. The Deputy's party has called for more people to be put onto the RAS and I agree it has worked well, as has the social leasing programme. We will still be on target to have approximately 9,000 units——

Deputy Finian McGrath: We are all on the razz.

Deputy Joanna Tuffy: Does that mean we are moving away from council housing?

Deputy John Gormley: Of course it means that.

Deputy Joanna Tuffy: Why?

Acting Chairman (Deputy Charlie O'Connor): We are just out of time.

Deputy John Gormley: I shall tell the Deputy why. The money that was available before is no longer available. There is a thing called reality and the Deputy must get used to it.

Acting Chairman (Deputy Charlie O'Connor): There are only a few seconds remaining.

Deputy Terence Flanagan: The Minister has made some progress and that is to be appreciated and commended but it is not a good to have houses lying idle——

Deputy Finian McGrath: Hear, hear.

Deputy Terence Flanagan: —because they will be vandalised. Is there a deadline for the introduction of this new policy?

Acting Chairman (Deputy Charlie O'Connor): One word from the Minister.

Deputy John Gormley: The policy is already up and running. As I said, we have made substantial progress already. Within a year we have dealt with half the houses. The demand is there and we need to make the units available, using them for social leasing, in particular. That policy is working. People are very happy to have a good house with the highest standards and the Department wants to ensure these houses are up to that standard and that people can get into them as quickly as possible.

Acting Chairman (Deputy Charlie O'Connor): I thank the Minister, Deputy Gormley, and the Minister of State, Deputy Cuffe. I hope he enjoyed the occasion.

Deputy Ciarán Cuffe: It has been a pleasure.

Written Answers follow Adjournment Debate.

Message from Select Committee.

Acting Chairman (Deputy Charlie O'Connor): The Select Committee on Health and Children has completed its consideration of the following Revised Estimates for Public Services for the service of the year ending 31 December 2010 — Votes 39, 40 and 41.

Adjournment Debate Matters.

Acting Chairman (Deputy Charlie O'Connor): I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 21 and the name of the Member in each case: (1) Deputy Joe Costello — the need to support the EU Commission's proposal for an EU target to reduce poverty by 25% by 2020, at next week's meeting of the Council of EU Ministers; (2) Deputy Pat Breen — the need to provide a nursing home support scheme for short stay patients; (3) Deputy Róisín Shortall -the negative implications for school children in disadvantaged areas of the proposed abolition of the supply panel; (4) Deputy Tom Hayes — the delay in making payments to new applicants to the nursing home support scheme; and (5) Deputy Chris Andrews — the need to support calls for the release of the Miami Five.

The matters raised by Deputies Breen, Hayes, Andrews and Shortall have been selected for discussion.

Adjournment Debate.

Nursing Home Subventions.

Deputy Pat Breen: I thank the Acting Chairman who always brings a breath of fresh air to the Chair and is very efficient.

Deputy Finian McGrath: Hear, hear.

Deputy Pat Breen: I welcome the opportunity to raise this important issue on the Adjournment debate and I thank the Ceann Comhairle for it.

The fair deal nursing home scheme which came into effect on 27 October 2009 was described by the Minister for Health and Children, Deputy Harney, at the time as a groundbreaking

[Deputy Pat Breen.]

change within the nursing home sector. It was to give peace of mind to people who required nursing home care for the future by providing a single comprehensive scheme covering private, public and voluntary nursing homes. Its aim is to give patients equal access to care and end the two-tier system that had applied.

My constituency office has been inundated with queries from anxious patients and their families about the scheme. I organised a public meeting on the issue in Kilrush recently at which there were more than 150 people. They are concerned and do not know what is happening. My intention was to try to provide some clarity to people as to how the scheme operates and who qualifies for it. I thank the HSE for giving me information and supplying personnel to the meeting.

I draw the Minister's attention to some of the difficulties which have been experienced by families following the introduction of the fair deal, especially the fact that no provision was made for patients who would require short-term stay in nursing homes. Furthermore, since the scheme was introduced last October the HSE received more than 5,200 applications by the end of December. As a result it is taking a considerable number of weeks for these applications to be processed. Some applications take up to five months. Although there is a provision for financial support to be backdated to the date of admission of the person into a nursing home the reality is that in the meantime patients and their families are coming under enormous pressure and suffering anxiety regarding paying for the care of their loved ones in a nursing home.

The nursing homes, too, reported to me that like any other business they cannot afford to wait five months for payments. They have operating costs, wages, electricity, etc. Applications for the fair deal scheme for County Clare are being dealt with by the HSE nursing home support section in Limerick. I have heard very positive stories from both families and nursing homes following their interactions with this office. The staff there are doing their best but are overloaded with cases.

I appeal to the Minister of State present, Deputy Seán Haughey, to put extra resources into the office to help it clear the backlog of applications. It is traumatic for any family when an elderly person has to go into a nursing home. If people are to have confidence in the scheme it is essential that applications are dealt with quickly.

I understand the Department of Health and Children has begun work on analysing future funding requirements for long-term care which would include the role of short-term care such as step-down or respite care within nursing homes. I urge the Minister not to allow this backlog situation to continue and I hope the Minister of State will convey this information to Deputy Harney. She must introduce measures to bridge the gap for those people who need short-term stays.

Only this week I met a constituent who was in tears as she told me of her experience. She lives in Dublin; her uncle, who broke his hip some weeks ago, lives in County Clare. He is an old age pensioner living alone so after his hip surgery he had to go into a nursing home where he might have to stay for up to two months. His niece is out of her mind with worry and the bill for his care is already over €5,000. She is out of work but people from the nursing home are on to her every week looking for money. There are similar cases all over County Clare and we can all give such examples.

I met with other families with similar experiences, whose members require nursing home care for convalescence after hospital treatment or short-term nursing home care in emergency cases. The Minister claims the availability of the respite care grant can be used to cover the cost of short-term care in a nursing home. However, the winter initiative now only allows for

a person to have one week of free respite care in a nursing home to convalesce. Once the winter passes, there is nothing in any event. One week is completely inadequate.

The scheme should be extended and the number of qualifying weeks increased to bridge the gap that currently exists. This would help to alleviate the worry and stress families are currently enduring. I appeal to the Minister of State this evening to introduce interim measures to handle the anomalies which have arisen since the introduction of the fair deal scheme. A nursing home scheme to address the requirement for short-term stays in nursing homes should be implemented; otherwise, nursing home care for some people and their families will be anything other than a fair deal.

Minister of State at the Department of Education and Science (Deputy Seán Haughey): I will reply to this Adjournment matter on behalf of my colleague, the Minister for Health and Children, Deputy Mary Harney. I thank Deputy Breen for raising the issue, which provides me with an opportunity to update the House on recent and proposed policy developments in services for older people.

The Government is committed to supporting people in living in dignity and independence in their own homes and communities for as long as possible. Where this is not possible, the health service supports access to quality long-term residential care and we continue to develop and improve health services in all regions of the country and ensure quality and patient safety.

The year 2009 was a time of fundamental change and reform within the nursing home sector. In addition to the new quality standards, care and welfare regulations and a system of independent inspection for all nursing homes, the Minister for Health and Children also introduced a new scheme of financial support for long-term nursing home care, a fair deal. The fair deal scheme was introduced to address the fundamental inequity in the treatment of public and private long-term nursing home residents and to alleviate the financial hardship being experienced by long-term residents in private nursing homes.

Prior to the introduction of the scheme, many people in long-term nursing home care experienced unaffordable care costs over many years. The result was that many people had to sell or remortgage their houses or turn to family and friends in order to find the money to meet their care costs. A fundamental purpose of the new scheme was to offer assurance to one of the most vulnerable groups in society, those in need of long-term nursing home care. Such care was to be affordable and remain affordable for as long as required.

The Government also recognises that many people need short-term care in nursing homes from time to time. The HSE provides significant short-term care, including over 750 designated respite care beds benefiting an estimated 19,000 people. It also provides in excess of 1,000 dedicated rehabilitative, convalescence and assessment beds within its own facilities. In addition, the HSE is currently working to reconfigure services within its facilities to ensure that the best possible use is made of public resources in the provision of both long-term and short-term residential care services.

The Department of Social and Family Affairs provides a respite care grant which may be used to purchase short-term care in private nursing homes. With regard to the extension of the fair deal scheme to short-term care patients, it must be noted that the scheme involves long-term co-payment arrangements between applicants and the HSE, including the possibility of entering into a loan agreement secured by a mortgage. The feasibility of extending these arrangements to short-term patients would have to be carefully considered.

The Government is committed to developing a financially sustainable funding model to support all long-term care services, both in community and residential care services. It is envisaged that this work would also encompass short-term residential care such as respite and convalesc-

[Deputy Seán Haughey.]

ence care. This commitment by Government was made in the social partnership agreement, Towards 2016, and preliminary work has commenced within the Department of Health and Children on the analysis of funding models.

Nursing Home Subventions.

Deputy Tom Hayes: I thank the Ceann Comhairle for affording me the opportunity of raising this very important issue. It is somewhat related to the issue raised by Deputy Breen but concerns payments. This scheme was hailed as being great and in theory it could be. However, the reality is that it is not working. Regardless of whether we like it, there are significant issues, and I am only speaking for south Tipperary, where many constituents have come to me about the delay in payment.

These people, some of whom are on very low incomes, are frustrated and may have to borrow money from credit unions or seek supplementary welfare sources in order to keep going. They have to pay for services that should be provided by the HSE. There is a second issue concerning people in hospitals and accident and emergency departments who are being held up as a result of payments not going through. Down the line such people cannot get into nursing homes.

There are significant delays causing desperate concern to those in the system. I spoke to a medic recently who said the fair deal scheme is causing chaos in the health service. The Government must deal with the issues arising from that. Deputies trying to help their constituents have the difficulty of officials in the HSE who are not even prepared to answer our questions. The matter should be examined.

A small portion of the population, some 4%, requires nursing home care and we should look after these people, who made a commitment to society through the years. Some of them are at the end of their days and others are very ill as a result of sickness which may have struck them down. The current position is unfair and having such a non-functioning scheme is a poor response from any government or Minister. We were promised the sun, moon and stars when the scheme was first announced. It was spoken about for many years but although we are assessing people, no payment is being made in many cases. I hope the Minister of State will have something relevant in his response. It is a desperate issue for many people.

Deputy Seán Haughey: I am replying to this Adjournment matter on behalf of my colleague, the Minister for Health and Children, Deputy Mary Harney. I thank Deputy Hayes for raising the issue.

As they Deputy is aware, the nursing homes support scheme commenced on 27 October and the HSE is now processing applications under the scheme. The scheme is administered, and applications are processed, in accordance with the Nursing Homes Support Scheme Act 2009 and the HSE's guidelines on the standardised implementation of the nursing homes support scheme, which were approved by the Minister for Health and Children. This framework ensures a consistent approach across the HSE in the processing of applications.

The HSE has indicated that the normal timelines for processing applications and making a determination regarding financial support can be expected to vary according to individual circumstances and complexities. It is estimated in cases where the submitted application is fully and correctly completed that a straightforward application for State support should take one to two weeks and a straightforward application for ancillary State support, or the nursing home loan as it is commonly known, should take three to four weeks.

Since the introduction of the scheme, the HSE has had to deal with a large volume of applications from both existing residents and new entrants. However, this should not impact negatively on existing residents due to the safeguards provided within the primary legislation. The legislation provides that applicants to the scheme who were in nursing home care on the date the scheme commenced shall have their State support backdated to that date.

Furthermore, anyone who was in receipt of subvention prior to the commencement of the scheme continues to have his or her subvention paid while his or her application is being processed. Once the application has been determined, the backdated State support will be netted off against the subvention already paid. In practice, this means people will not be paid twice for the same care but will have State support paid from 27 October 2009.

For new entrants to nursing home care, the HSE's guidelines on the standardised implementation of the scheme state that, subject to overall resources, people who enter nursing homes after the commencement of the scheme will have their financial support paid either from the date the application was made or from the date of admission to the nursing home, whichever is the later.

The HSE estimates that it has received more than 9,000 applications and that it has processed approximately half of these to date. In addition, more than 1,000 applications for ancillary State support have been received, of which more than 600 have been completed. I am aware that the processing of a number of applications may have taken longer than the time-frames quoted above. It should be remembered that these estimates of the time taken to process applications apply to straightforward applications that have been completed fully with all the necessary information supplied. It can be expected that more complex applications and those where all the necessary information has not been supplied will take longer to process.

Unfortunately, due to the current industrial action as mentioned by the Deputy, this is the most up-to-date information available to me. I regret that I do not have any more information at present but if the Deputy wishes to raise this matter again once the current industrial action has ceased, I will endeavour to have the matter re-examined at that stage.

Human Rights Issues.

Deputy Chris Andrews: I wish to share time with Deputy Finian McGrath. The Acting Chairman might tell me when I am halfway through the allotted time.

Acting Chairman (Deputy Joe Costello): Is that agreed? Agreed.

Deputy Chris Andrews: I believe the case of the Miami Five is one of serious injustice and given our experience in Ireland of miscarriages of justice, this case resonates deeply with Irish people. The Miami Five were five Cubans who were sent to try to infiltrate Miami-based terrorist groups to prevent them from carrying out terrorist actions against the people of Cuba. The information they collected built up into a substantial intelligence dossier on the workings of the terrorist groups. The Cuban Government invited the FBI to Havana and presented it with 4,000 pages of documentary evidence on the activities of the groups concerned. While the Cubans felt confident this information would lead to arrests and prosecutions, instead of so doing the FBI arrested the five Cubans. The charges brought against them included travelling on false passports, failing to register as foreign agents, conspiracy to commit espionage and conspiracy to commit crimes against the United States of America.

The trial was deeply flawed and failed to prove these men were guilty of the charges brought against them. The original trial was one of the longest ever held in the United States and the

[Deputy Chris Andrews.]

judge acknowledged that members of the jury had been intimidated. Moreover, before the trial, the men were held for 33 months without bail, during 17 of which they were held in solitary confinement. This punishment typically only is used to punish prisoners who are guilty of violent crimes after conviction and prison regulations in the United States generally permit a maximum of 60 days in solitary confinement.

Hundreds of NGOs from all around the world, including international human rights organisations, lawyers' groups, parliamentarians, trade unions and academics have called for an appeal of this case. However, the United States Supreme Court has declined such calls and has refused to provide a reason for its decision. Deputy Finian McGrath will agree with my call on the Government to address this miscarriage of justice at the highest diplomatic level and for the Minister for Foreign Affairs to raise the matter at European Council level.

Deputy Finian McGrath: I thank the Acting Chairman for the opportunity to again raise the case of the Miami Five and the huge injustice perpetrated against the Cuban people. I also thank Deputy Chris Andrews for sharing his time on this urgent matter. I today call on the Government and the Minister for Foreign Affairs to support the families of the Miami Five. I also dedicate this speech to the memory of the 3,748 and 2,099 Cubans killed and maimed, respectively, at the hands of US-based terrorists since 1959. This is not a figure one will hear in the so-called free Western world. This is a story of grave injustice against the Cuban people that has been ignored by the international media and our own so-called free press. I now call for action and an end to this injustice.

I visited Cuba, met the families of the Miami Five and told them I would raise their case on my return. In Cuba, there are posters and pictures of the Miami Five everywhere. They have the same respect and support as did our own Birmingham Six and Guildford Four and hence my support today. For the past 12 years, the five Cubans, namely, Gerardo Hernández, Ramón Labañino, Fernando González, Antonio Guerrero and René González, have been serving long and unjust sentences in American prisons for the sole crime of defending Cuba from the actions of terrorist groups based in the United States. Their legal process has been ongoing for ten years without justice having been served, despite the recognition by both the Atlanta 11th Appeals Court and the Miami court that tried them that none of them has harmed the national security of the United States. During these years, they have endured many legal and human rights violations, including solitary confinement on various occasions without justified cause. In addition, they have experienced delays in authorising visas for their families, with the result that in most cases, they have been allowed an average of only one visit per year. I also note the systematic denial of visas by the Government of the United States to Olga Salanueva and Adriana Pérez, the wives of Gerardo Hernández and René González, respectively.

After 12 years in prison, it is time for the Obama Administration to feel the full weight of international demands and puts an end to this injustice and the suffering of these five men and their families. The international relations commission of the Cuban parliament has called on all parliamentarians of the world "to build another space for proposals on concrete actions directed at the United States government and Congress, to demand that their president releases these five Cuban anti-terrorists and grants visas to [their families]", to put an end to what Amnesty International has described as unnecessary punishment that goes beyond the norm for humane treatment of prisoners and the obligation of countries to respect family life. Finally, I call for action and support for the Miami Five to ensure their release as their only crime was to defend their country against evil people.

Deputy Seán Haughey: I thank Deputy Chris Andrews for raising this matter and both Deputies for their contributions. I am taking this Adjournment debate on behalf of the Minister for Foreign Affairs, Deputy Martin.

The case to which the Deputies referred relates to five Cuban citizens, namely, Gerardo Hernández, Antonio Guerrero, Ramón Labañino, Fernando González, and René González, known as the Miami Five. They were arrested in September 1998 following a two-year FBI surveillance operation in the state of Florida. The five did not deny that they were working for the Cuban Government and stated that they had infiltrated and monitored the actions of anti-Cuban Government groups in Miami to prevent those groups from committing crimes of terror.

The five men were convicted in Miami in 2001 on charges ranging from espionage to first degree murder. The appeal against their convictions was heard in March 2004 in the 11th Circuit Court of Appeals in Atlanta, Georgia. The basis of the appeal was that given alleged pressure exerted on jurors from the Cuban-American community in Miami, the trial venue did not allow the accused to enjoy their right to an impartial and fair trial. On 9 August 2005, the court found in their favour and ordered a new trial. Following this ruling, the Miami District Attorney duly filed an appeal. Subsequent to an appellate hearing on 14 February 2006, a ten to two decision to uphold the 2001 convictions was issued on 9 August 2006.

On 4 June 2008, the 11th Circuit Court of Appeals in Atlanta, Georgia, issued its judgment on appeals lodged on behalf of the five. The court concluded that the appellants' arguments, which centred on the suppression of evidence, sovereign immunity, discovery, jury selection and the trial itself, were without merit and that there was sufficient evidence to support each conviction. The sentences of two of the defendants were affirmed, while the remaining three men were sent for re-sentencing and were given slightly reduced sentences.

The defendants' legal counsel lodged a petition with the US Supreme Court on 30 January 2009 requesting that it review their convictions on the basis that the five did not receive a fair trial because of strong anti-Castro sentiment in Miami. On 16 June 2009, the Supreme Court refused this request and upheld the convictions. The Minister for Foreign Affairs has told the House, most recently on 3 December, that the Government has no standing in this matter, which is a bilateral consular question between the US and Cuban authorities.

With regard to the question of family visits, visas have been issued to a number of family members in past years but have not been granted to the wives of two of the convicted men on the stated grounds of US national security. I am not in a position to assess the justification for this decision.

The Minister for Foreign Affairs discussed this matter with the then Foreign Minister Perez Roque during his visit to Cuba in February of last year, during which the latter stressed to our Minister, Deputy Martin, the importance the Cuban Government attaches to the release of the five.

These events must be seen against the backdrop of the bilateral relationship between Cuba and the US. While the US embargo on Cuba, first introduced in 1962 and repeatedly condemned by Ireland and the EU, continues to have a considerable impact on the social and economic development of Cuba, there are signs that the US is beginning to respond to calls from the international community for the normalisation of relations between the two countries, as evidenced by a number of steps taken by the US since the inauguration of the Obama Administration. These include the lifting of travel and remittance restrictions and the resumption of migration talks. I hope that these are but the first steps towards the ultimate resumption of friendly relations and a broader normalisation of contacts between the two neighbouring countries.

[Deputy Seán Haughey.]

Ireland, together with its EU partners, is engaged in developing dialogue and co-operation with Cuba on a broad range of areas, these being political, including human rights, economic, social and cultural. Following the visit of the Minister, Deputy Martin, to Cuba last February, the first by an Irish Minister for Foreign Affairs, we are now examining how we might strengthen our bilateral relationship with Cuba. Work is being taken forward with the Cuban authorities on that basis. Moreover, at the most recent EU foreign affairs Council discussion on Cuba in June 2009, foreign Ministers reaffirmed the Council's determination to pursue a result-oriented comprehensive dialogue with the Cuban authorities as well as with representatives of civil society and the peaceful pro-democracy opposition.

School Staffing.

Deputy Róisín Shortall: I thank the Minister of State for attending this debate. I am disappointed that the Tánaiste is not present, but I hope the Minister of State will convey to her my views on this important issue. If the Government is serious about tackling educational disadvantage, it will re-examine its recent decision.

At issue is the supply of substitute teachers who provide cover in the event of classroom teachers being absent for one reason or another. On any one day in the primary school system, there is a demand for up to 800 qualified substitute teachers. Often, there is considerable difficulty in getting them, especially at short notice or in disadvantaged areas. This has been a live issue for some time and it is incredible that we are the only OECD country that does not have a proper national supply teacher system. In the absence of a system we have had a pilot scheme for a number of years that mainly covers disadvantaged areas. This supply teacher panel comprises some 60 teachers. The scheme has been working satisfactorily until now, but the Government inexplicably and indefensible took a decision recently to abolish the panel with effect from next September. This will have a significant negative impact on many schoolchildren, particularly in disadvantaged areas. I ask the Minister of State to reconsider the decision and to discuss the matter with the senior Minister in his Department.

No money can be saved by scrapping the panel unless the Government is planning to use untrained substitutes on an unqualified rate of pay, but even that would only be in the short term. The scheme was reviewed a number of years ago, a report of which came out in July 2006 and to which I will refer in one minute. Overall, the review of the operation of the pilot scheme was favourable.

Most of the panels are in disadvantaged communities where it has proven difficult to find trained substitute teachers. The advantage of a panel is the provision of a consistent service in a prompt manner so as that the children in those classes do not lose a half day, a day or even a few days in the event of difficulty finding a substitute. Someone is available to come in at 9 a.m. to take over from the absent teacher.

There is no doubt that this system has provided fully qualified and vetted teachers. The situation in certain schools is indefensible, namely, that many of the untrained people brought in are not vetted. There are associated risks. A strong advantage of an existing panel is the vetting of the teachers involved, which means there are no worries in that regard. Where a panel operates, a regular number of teachers are known to the schools and pupils, which helps the situation. If the panels are cut, principals' workloads will increase significantly.

The review to which I referred, the Talbot value for money report published in 2006, was positive about the pilot scheme. It sought to balance the economic issues with educational and policy issues. According to it, simple discontinuance of the panel would not be a satisfactory option, as it would lower substitution costs in the short term without doing anything to address

the issues around the quality of casual substitute teaching, the difficulties in disadvantaged areas or the potential risks in casual substitution, such as temporary teachers not being vetted. It is somewhat disingenuous of the Minister in her replies to parliamentary questions to use this review as some kind of justification for the cost cutting measure — seeking to abolish the panels — in which she has engaged.

There is no question but that the pilot has been a success. I have been contacted by teachers in my constituency, specifically the Ballymun area, but it also applies in the Finglas area. There are three parishes in Ballymun where, unfortunately, every school meets the criteria for being classed as seriously disadvantaged. A panel consisting of five teachers has been operating in the area for a number of years. This means that classes in Ballymun are rarely, if ever, without a qualified teacher, which makes a considerable difference to the children's respect for the schools and to reaching their educational potential. It provides consistency and quality of teaching, which is important.

Acting Chairman (Deputy Joe Costello): Deputy Shortall has gone well over time.

Deputy Róisín Shortall: This is a matter of cutting costs. It is a retrograde step, short-sighted and a false economy. I strongly appeal to the Minister of State to ask the Minister to revisit this decision.

Deputy Seán Haughey: I am replying to this matter on behalf of my colleague, the Tánaiste and Minister for Education and Science, Deputy Mary Coughlan. I thank the Deputy for raising it and I will be glad to outline the general position regarding the supply teacher scheme at primary level.

The scheme was initially set up at primary level over 15 years ago when schools had difficulty obtaining the services of substitute teachers. It 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 in a school on a given day to cover sick leave absences, he or she generally assists with other work such as administrative duties. There are 60 posts allocated under the scheme. A value for money review was published in July 2006 and this found that approximately 60% of these teachers' time was used to cover sick leave absences, with the balance used in respect of various other school duties. This reflects the unpredictable nature of sick leave absences.

While there are benefits for schools in having these full-time teachers available to them, 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——

Deputy Róisín Shortall: What is the basis of that claim?

Deputy Seán Haughey: ——at all times in these schools in order to cover sick leave absences which may or may not arise.

The supply teacher scheme will cease from the start of the 2010-2011 school year. It is expected that this will save €400,000 in 2010 and €1.1 million in a full year. The teachers concerned will be redeployed in accordance with the existing redeployment arrangements to other schools that have vacancies.

It is recognised that the majority of schools in Ireland may include among their pupils children from disadvantaged backgrounds. In general, most schools are equipped to support the individual needs of such children without recourse to supplementary targeted resources. Evi-

[Deputy Seán Haughey.]

dence shows, however, that when disadvantage levels are found in significant concentrations, schools will require additional supports to supplement their efforts to address the educational needs of all their pupils.

Delivering equality of opportunity in schools, DEIS, is the Department of Education and Science's action plan for educational inclusion. It provides for a standardised system in identifying levels of disadvantage and for an integrated school support programme. The process of identifying schools for participation in DEIS was managed by the Educational Research Centre on behalf of the Department and was supported by quality assurance work co-ordinated through the Department's regional offices and the inspectorate. There are currently 881 schools in DEIS. These comprise 679 primary schools, which include 200 urban band 1 schools, 145 urban band 2 schools and 334 rural schools, and 202 second level schools.

The main focus of social inclusion measures continues to be to retain resources in DEIS schools. There is a need to focus targeted resources on the schools in most need and this approach is in line with the broad thrust of the recommendations of the Comptroller and Auditor General, which are set out in his report of 2006 on primary disadvantage. The basis of those recommendations is that the Department should focus its educational disadvantage measures on those schools serving the most disadvantaged communities.

I again thank the Deputy for raising this matter.

Deputy Róisín Shortall: Discontinuing the supply teacher scheme will affect the most disadvantaged schools.

The Dáil adjourned at 5.25 p.m. until 2.30 p.m. on Tuesday, 27 April 2010.

Written Answers.

The following are questions tabled by Members for written response and the ministerial replies as received on the day from the Departments [unrevised].

Questions Nos. 1 to 9, inclusive, answered orally.

Proposed Legislation.

10. **Deputy James Bannon** asked the Minister for the Environment, Heritage and Local Government his plans to introduce legislation for a directly elected Mayor of Dublin; and if he will make a statement on the matter. [16006/10]

16. **Deputy Ulick Burke** asked the Minister for the Environment, Heritage and Local Government when he expects to have an election for a directly elected Mayor of Dublin; and if he will make a statement on the matter. [16012/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I propose to take Questions Nos. 10 and 16 together.

The introduction of a directly elected Mayor for Dublin will deliver significantly strengthened leadership for the city and region, with enhanced accountability and a direct connection with the citizen.

The Mayor will have a powerful role to set out strategic policy across Dublin and oversight of operational implementation. He or she will also have a strong mandate to integrate the activities of local government and the wider public service in and across Dublin. The Mayor's powers will include the capacity to ensure that activities across the Dublin Region's local authorities are consistent with the regional strategic framework.

It is my firm intention that the election of the Mayor takes place this year. A general scheme of legislation to provide for the Mayor was published on my Department's website in February, as an opportunity for further consultation before the finalisation of the Bill, and to facilitate early implementation of the Bill's provisions once enacted. The Bill is currently being drafted by Parliamentary Counsel as a matter of priority.

Copies of the general scheme have been provided to each of the Party Leaders and spokespeople on local government, as well as to the Dublin local authorities. I met with representatives of the opposition Parties on 4 March and briefed them on the Mayor's functions and responsibilities. My Department is also engaging with the Dublin local authorities on the detail

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of the general scheme's provisions to make the necessary practical and operational preparations for the Mayor's election and introduction.

I am conscious that, given the proximity of this year's inaugural mayoral election, drafting should be completed as soon as possible to allow for the introduction of the Bill. I look forward to the passage of the Bill through the Oireachtas, and the first direct election of the Mayor for Dublin in 2010.

Local Government Reform.

11. **Deputy Tom Sheahan** asked the Minister for the Environment, Heritage and Local Government when he expects to receive a report from the local government efficiency review group; and if he will make a statement on the matter. [16026/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I have asked the Local Government Efficiency Review Group to complete its work and report to me by mid-2010. The Group's findings and recommendations will then be brought to Government to consider in the appropriate policy and financial contexts.

Significant measures to modernise local government will continue in parallel with the work of the Local Government Efficiency Review Group. These include the implementation of the Transforming Public Services programme in local authorities in areas such as shared services and procurement. In addition the Government is committed to holding direct elections for the Mayor of Dublin this year and the draft scheme of the Bill to provide for the Dublin Mayor has been published.

The Government's decision to introduce a directly elected Mayor for Dublin in 2010, and the legislation to provide for it, marks a first step in implementing broader local government structural change, in line with the renewed Programme for Government. This will be more fully addressed in the Local Government White Paper, which is now at an advanced stage of preparation.

The Efficiency Review, therefore, must be viewed in the broader context of local government modernisation including the range of initiatives which I have outlined already.

Climate Change Strategy.

12. **Deputy Eamon Gilmore** asked the Minister for the Environment, Heritage and Local Government the steps he has taken in relation to the commitment contained in the Programme for Government to establish a high level Commission on Climate Change to oversee implementation of the Climate Change Strategy; and if he will make a statement on the matter. [15967/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I have indicated previously that the potential for further added value from the establishment of a Commission on Climate Change was being considered. I have also outlined the various structures that have been put in place since publication of the National Climate Change Strategy in April 2007, including the Cabinet Committee on Climate Change and Energy Security, and it is important to note the role of the Joint Committee on Climate Change and Energy Security in developing cross-party consensus both on targets and on the measures required to achieve them.

In the context of the third Carbon Budget which I presented in December 2009, I published a framework for the Climate Change Bill 2010 which contains a commitment to establish a new

Climate Change Committee. The framework document makes it clear that I envisage this statutory body to have a wide-ranging advisory and supporting role in relation to the overall national policy response to climate change. Also, as indicated in the framework document, the Bill will provide a statutory basis for both the National Climate Change Strategy and the planned National Adaptation Strategy.

Work on drafting the Heads of the Bill is at an advanced stage and I expect, following Government consideration, to be in a position to publish them shortly.

Planning Issues.

13. **Deputy Shane McEntee** asked the Minister for the Environment, Heritage and Local Government if he is satisfied that all building in the docklands area of Dublin is compliant with the planning schemes for the area; and if he will make a statement on the matter. [16066/10]

39. **Deputy Enda Kenny** asked the Minister for the Environment, Heritage and Local Government the legal position of buildings constructed in the docklands areas that were granted planning permission by Section 25; and if he will make a statement on the matter. [16061/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I propose to take Questions Nos. 13 and 39 together.

On foot of my request to the Chair of the Dublin Docklands Development Authority last Autumn, to undertake a review of corporate governance within the Authority, two comprehensive independent consultants' reports were commissioned by the Authority to assess its planning and financial procedures.

One of the reports, prepared by Declan Brassil and Company, Chartered Planning Consultants, considered the planning procedures of the Authority and indicated that some consents granted under section 25 of the 1997 Dublin Docklands Development Authority Act (as amended) could be construed as diverging from the requirements of the governing planning scheme.

While it would be premature to comment in detail on specific aspects of the DDDA's reports until the final reports are submitted, considered by Government, and subsequently published by me, I wish to acknowledge that the Brassil Report also reviewed improvements introduced to DDDA planning practices, under Professor Brennan's chairmanship of the Authority. I understand that the planning report will indicate that the majority of the issues identified in relation to planning administrative procedures have been adequately addressed.

It is important that due care is taken to ensure that unnecessary doubt is not cast on the validity of DDDA consents. I will be considering this matter prior to publication of the final reports, taking account of advice from the Attorney General. Prudent consideration has not been aided by the premature leaking of details of the reports.

Social and Affordable Housing.

14. **Deputy Billy Timmins** asked the Minister for the Environment, Heritage and Local Government the number of vacant houses here; and if he will make a statement on the matter. [16044/10]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Ciarán Cuffe): The mismatch between the collapse in demand for housing and the less rapid slowing of construction output has led to a situation in which there is now a significant

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overhang of vacant, unsold property. However, as all housing markets, at whatever point in the market cycle they may be, will have some level of vacancy, it is important to differentiate between total vacant stock and the excess of vacant stock over normal levels.

The latter provides a much clearer picture of the quantity of housing that is available for occupation. This is a more important consideration from the point of view of trying, for example, to match oversupply of housing with rising social housing need.

Estimates of the overhang of excess stock range from around 35,000 at the low end to 170,000 at the upper end. The Department's estimate of between 122,000 and 147,000 units nationally is an estimate of the "excess" stock of vacant units over what would be the "normal" level. The report in which this estimate is contained, the Construction Industry Review and Outlook 2009–2011, also provides an estimate for the total stock of empty dwellings at June 2009 of between 228,000 and 253,000, depending on the assumptions used.

The recent study by the National Institute for Regional and Spatial Analysis (NIRSA) uses a similar methodology to the one used in the preparation of the Construction Industry Review and Outlook, to reach a figure of over 300,000 vacant units, although this also includes abandoned properties. Like our estimate of between 228,000–253,000 for the total overhang, the NIRSA figures include both the "normal" vacancy level and the "excess" vacancy over normal levels.

Genetically Modified Organisms.

15. **Deputy Michael Creed** asked the Minister for the Environment, Heritage and Local Government if he expects any applications to cultivate the recently approved GM Amflora potato crop following its approval by the European Commission; the steps he will take in assessing such applications, if any were received, in the context of the Programme for Government and domestic and EU law; and if he will make a statement on the matter. [11961/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I am committed to the establishment of a GM free zone in Ireland as set out in the Programme for Government. No GM food products are cultivated in Ireland and I do not anticipate that the genetically modified potato in question, known as Amflora, will be cultivated here.

This particular product was developed for branched starch production, for use mainly in non-food products, such as in the production of paper. It has recently been approved for cultivation in the European Union under the procedures set out in Directive 2001/18/EC on the Deliberate Release into the Environment of Genetically Modified Organisms and EU Regulation 1829/2003 on GM food and feed. The approval also extends to the use of by-products in animal feed and fertilisers.

In respect of GMOs, there is a community authorisation procedure in place, enabling the competent authority of each Member State to contribute to the process. This, however, also means that, when a product is approved, no geographical restrictions apply within the EU and no additional domestic approval is required. When this authorisation was announced in March 2010, the Commission also announced that it will bring a proposal to the Member States before the summer to allow more choice to Member States in deciding whether to cultivate GMOs in their respective territories. I welcome this initiative, which reflects the clear message conveyed by a number of Member States, including Ireland, that the current system is no longer sufficient and is at odds with the principle of subsidiarity.

In the case of this particular product, the authorisation procedure was ongoing for a number of years. The initial application was submitted to the Swedish competent authority, which

carried out an assessment and circulated its findings to the competent authority of each Member State, in line with the requirements.

In the case of Ireland, the Environmental Protection Agency is the competent authority. During the Community-wide consultations on the product, the EPA raised no formal objection. Clarification was sought, however, as to where it was intended to cultivate the product. This information was subsequently supplied. It indicated that the target area for cultivation is Northern Europe and that it is not intended that the potato would be cultivated in Ireland due to the non-proximity of large-scale pulp paper processing facilities. I do not anticipate, therefore, that this product will be cultivated in Ireland.

Question No. 16 answered with Question No. 10.

Water Meters.

17. **Deputy Caoimhghín Ó Caoláin** asked the Minister for the Environment, Heritage and Local Government his plans to roll out the water metering system to all properties prior to the intended imposition of water charges; the expected timeframe for this; his views on whether the cost of installing meters places a financial burden on households that is unrelated to the polluter pays principle and that an overhaul of the distribution network to cut the level of wastage would be a more cost effective and a sustainable approach to water conservation. [15933/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): In December 2009, following a decision by Government, I informed the House that I would be bringing forward proposals for the installation of water meters in households served by public water supplies. These proposals, which my Department is now finalising, will give effect to the commitment in the renewed Programme for Government to introduce charging for domestic water in a way that is fair, significantly reduces waste and is easily applied. I expect to bring these proposals to Government in the coming weeks.

The proposals will include draft legislation to remove the prohibition on charging for domestic water services and will also address the arrangements for the delivery of the water metering programme, cost estimates and how these costs are to be financed, as well as plans for the development of a pricing structure for domestic water services. I will provide further details on these matters following their consideration and approval by Government.

There are in excess of 1.1 million households connected to public water supplies and the completion of the water metering programme will take a number of years. However, it is my ambition to have a significant proportion of the meters installed within two to three years of the commencement of installation works.

I am confident that the introduction of charges based on usage will encourage the conservation of water resources. Charging for water based on usage as measured by a water meter is a fair and transparent method of recovering the costs of providing water services. Reducing consumption will also help to reduce the significant costs incurred by local authorities in providing supplies of quality drinking water and treating wastewater discharged into the public sewerage system. This matter should be seen in conjunction with my announcement earlier this week of investment of some €320 million in conservation works over the period 2010-2012, which will provide for a very substantial scaling up of activity on mains rehabilitation. This significant investment in conservation is part of the overall investment of the €1.8 billion Water Services Investment Programme 2010-2012.

Climate Change Strategy.

18. **Deputy Eamon Gilmore** asked the Minister for the Environment, Heritage and Local Government the position regarding the schedule in the National Climate Change to prepare a Climate Change Adaption Strategy; and if he will make a statement on the matter. [15968/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): On foot of a commitment contained in the National Climate Change Strategy, my Department is currently in the process of developing a National Climate Change Adaptation Framework. This work is proceeding in parallel with development of the Climate Change Bill which will provide a statutory basis for the national response to climate change, including specific provisions on both mitigation and adaptation.

In the reply to question No. 12 today, I have indicated that I expect, following Government consideration, to publish the Heads of the Climate Change Bill shortly. My intention is to publish the framework on adaptation at the same time.

Local Authority Charges.

19. **Deputy Simon Coveney** asked the Minister for the Environment, Heritage and Local Government his plans to assist local authorities to recover outstanding development levies; and if he will make a statement on the matter. [16028/10]

Minister of State at the Environment, Heritage and Local Government (Deputy Ciarán Cuffe): The policy role, at Ministerial level, is to provide the necessary statutory and policy framework within which individual development contribution schemes are adopted by each local authority. The adoption of individual development contribution schemes is a reserved function of the locally elected members of each planning authority. It is a matter for the members to determine the level of contribution and the types of development to which they will apply.

As with all local charges, the invoicing and collection of any outstanding development contributions is a matter for the local authority concerned to manage in the light of prevailing local circumstances and in accordance with normal accountancy procedures.

Where any payments required in respect of development contributions are not settled, such payments may be pursued by the planning authority through the courts as a contract debt.

Social and Affordable Housing.

20. **Deputy Bernard J. Durkan** asked the Minister for the Environment, Heritage and Local Government his plans, if any, to ensure that the surplus housing stock is utilised to meet the housing needs of the families on the local authority housing list here, having particular regard to the current criteria whereby such applicants with an income of more than €40,000 per annum are deemed ineligible on excessive income grounds for local authority housing but whose income is also deemed insufficient to qualify for loan facilities to purchase a home either through the local authority or the private sector; if he will ensure that no existing houses, whether fully or partially completed, are demolished while such a situation persists; and if he will make a statement on the matter. [16083/10]

63. **Deputy Jack Wall** asked the Minister for the Environment, Heritage and Local Government his plans to put in place a specific capital investment programme to purchase residential property in view of the number of vacant and unsold properties and the continuing fall in property prices in order to meet the demand for social housing and other social housing schemes that would facilitate the incentivisation of the purchase of these properties under the

tenant purchase or a restructured affordable home programme; and if he will make a statement on the matter. [15940/10]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): I propose to take Questions Nos. 20 and 63 together.

It is our intention to meet the accommodation needs of as many households as possible within the resources at our disposal. Oversupply of housing is a key factor in that regard, and there is potential to make economic necessity and the response to social need work in tandem by utilising unsold housing stock to accommodate families in need of social housing support.

This is exactly what is being pursued over the past year through a new approach to the delivery of social housing which involves a shift in focus increasingly towards long term leasing arrangements, with a lesser reliance on construction and acquisition.

Already this approach has yielded over 2,000 units and I expect further significant progress this year with half of the total projected social housing output to come through a combination of leasing and the Rental Accommodation Scheme.

In the context of rising social housing need, the priority must be to maximise delivery of social housing to cater for the greatest level of need at good value. It is not possible to purchase or build anything like the same number of units that can be provided for through more flexible options like the long term leasing initiative and the Rental Accommodation Scheme. Even in the market at present, it would cost the best part of €3 billion to meet the needs of 20,000 households were these units to be purchased or constructed in the traditional manner. That is four times the overall level of resources available for new social housing this year.

In addition, long term leasing offers the most effective and efficient response more generally, taking account of not just the availability of resources, but also market conditions and the need for a broader range of more flexible delivery mechanisms based on the life-cycle approach as set out in the Government's housing policy statement, *Delivering Homes: Sustaining Communities*.

In terms of supporting access to home ownership for lower income households, the move to availing of long term leasing to provide social housing should not be viewed in isolation. The recently announced Incremental Purchase Scheme will provide the opportunity for a household in a leased property to move to, and purchase, a dwelling provided for that purpose and to avail of the relevant subsidies and discounts. Under the Incremental Purchase Scheme the State will build social housing as normal but will set aside an agreed number of dwellings to be made available for purchase. This is a very attractive scheme and will provide good opportunities for all social tenants, including those currently in leased properties, to become home owners.

My Department is also examining the possible extension of the leasing arrangements to provide both local authorities and tenants with options to purchase the actual unit they are currently occupying. This would involve lease agreements making specific provision for an option to purchase.

Loans for house purchase are provided by local authorities for those who wish to build or purchase their own home but cannot access finance from private institutions, including affordable housing purchasers. The Housing (Local Authority Loan) Regulations 2009 replace the previous regulations, providing for a new loan limit of €220,000 and a maximum income of €75,000 in the case of joint applicants and €50,000 for single applicants. The regulations also provide for the introduction of a formal credit policy to ensure prudence and consistency of approach for all local authority mortgage lending.

Local Authority Housing.

21. **Deputy Arthur Morgan** asked the Minister for the Environment, Heritage and Local Government the local authority housing waiting lists, broken down by local authority, as of 1 March 2010; the number of households in receipt of the rental accommodation scheme in 2009 and 2010 broken down by quarter. [15937/10]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): The number of households on a local authority's waiting list continuously fluctuates as households on the list are allocated housing and new households apply for housing support. My Department does not hold information in relation to the numbers currently on waiting lists in local authorities.

A statutory assessment of housing need is carried out every three years by all housing authorities in accordance with the terms of the Housing Act 1988. The last assessment took place in 2008 and indicated that there were 56,249 households in need of social housing support. Further information regarding the assessment, including a breakdown of the net need figure by housing authority, is available on my Department's website at www.environ.ie.

With regard to the number of households which have been accommodated through the Rental Accommodation Scheme (RAS), since the scheme became operational in September 2005 to the end of March 2010, some 26,164 households units have been transferred from rent supplement. Of these, 14,188 are housed directly in RAS accommodation and a further 11,976 were accommodated under other social housing options.

A breakdown showing the position by quarter since 2009 is set out below.

Rent Supplement Transfers at	Direct RAS transfers	Other Social Housing Options	Cumulative Total
End Q1 2009	10,251	9,197	19,448
End Q2 2009	11,289	9,887	21,176
End Q3 2009	12,260	10,626	22,886
End Q4 2009	13,400	11,413	24,813
End Q1 2010	14,188	11,976	26,164

Unfinished Housing Estates.

22. **Deputy Michael D'Arcy** asked the Minister for the Environment, Heritage and Local Government the number of unfinished housing estates here; and if he will make a statement on the matter. [16037/10]

33. **Deputy Mary Upton** asked the Minister for the Environment, Heritage and Local Government if he has carried out an audit of ghost estates; if he has provided local authorities with a strategic approach to the problem of uncompleted estates; the basis through which such estates come under control of National Assets Management Agency; the body responsible for such issues as taking in charge and the completion of snag work; and if he will make a statement on the matter. [15941/10]

58. **Deputy Terence Flanagan** asked the Minister for the Environment, Heritage and Local Government the action he will take in relation to a matter (details supplied). [16113/10]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Ciarán Cuffe): I propose to take Questions Nos. 22, 33 and 58 together.

I refer to the reply to Question No. 4 on today's Order Paper.

Local Authority Funding.

23. **Deputy Ciarán Lynch** asked the Minister for the Environment, Heritage and Local Government the financial provision made available to local authorities in 2010 to enable them to deal with the problem of graffiti; and if he will make a statement on the matter. [15938/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Management and enforcement responses to litter problems, including graffiti, are a primary responsibility of each local authority to be met from their existing resources. However, to assist local authorities in this matter, my Department has allocated €1 million in 2010 under the anti-litter & graffiti awareness grant scheme to raise awareness of the damage caused by both litter and graffiti.

Local Government Reform.

24. **Deputy Deirdre Clune** asked the Minister for the Environment, Heritage and Local Government when he intends to publish the White Paper on Local Government Reform; and if he will make a statement on the matter. [16019/10]

31. **Deputy Ruairí Quinn** asked the Minister for the Environment, Heritage and Local Government when he will bring forward the White Paper on Local Government which was promised for 2009; and if he will make a statement on the matter. [15952/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I propose to take Questions Nos. 24 and 31 together.

A dedicated Cabinet Committee is finalising the major strategic directions for inclusion in the White Paper on Local Government and the Paper will be published as soon as possible following completion of the Committee's deliberations.

Electoral Management System.

25. **Deputy Willie Penrose** asked the Minister for the Environment, Heritage and Local Government when the Interdepartmental Task Force into the disposal of electronic voting equipment will report; the costs that have been incurred including storage costs since the establishment of the task force; the timeframe envisaged for the ending of outstanding leases and the disposal of the equipment; if penalties have been identified regarding the termination of leases and the scale of same; and if he will make a statement on the matter. [15953/10]

171. **Deputy Bernard J. Durkan** asked the Minister for the Environment, Heritage and Local Government the action taken to dispose of the electronic voting technology; if any contacts have been made with other jurisdictions or inquiries received from abroad with a view to sale or disposal; and if he will make a statement on the matter. [16273/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I propose to take Questions Nos. 25 and 171 together.

Following the Government decision not to proceed with implementation of electronic voting in Ireland, an Interdepartmental Task Force, chaired by my Department, was established to bring the project to an orderly conclusion and to oversee disposal of the equipment and termination of storage arrangements. To date, the Task Force has met four times, with its most recent meeting taking place in March 2010. Between meetings, my Department maintains ongoing

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contact with members of the Task Force, in order to progress work on the cessation arrangements for the project. The Task Force aims to complete its work as soon as possible.

In considering options for disposal of the equipment, the priority is to pursue the most economically advantageous approach, with a view to achieving the maximum recovery of cost possible in the circumstances, consistent with environmental and other obligations. Detailed consideration of all relevant factors is underway to inform the manner in which disposal of the machines will be effected. This includes contact with the original suppliers of the machines.

In 2007, over 60% of the machines (4,762 in total) were moved from 12 local storage locations to a central facility at Gormanston Army Camp. The remaining machines are stored at 13 local premises that were originally identified by Returning Officers for this purpose. It is intended that all machines will be removed from their present locations when arrangements for disposal are implemented. Work on termination of local lease arrangements is proceeding in this context.

My Department engaged consultants with valuation expertise in May 2007, following competitive tendering, to examine individual leases and make recommendations on termination of leases where appropriate. In May 2008, I accepted the consultants' recommendations and these are currently being implemented. The consultants recommended termination of leases in 7 cases and this has since occurred in 3 locations. No additional payments were made in respect of these terminations.

Work is ongoing on concluding the other 4 leases. It is expected that, in certain instances, termination of lease arrangements will give rise to buy-out costs and these will be dependent on the outcome of negotiations.

Costs incurred since the establishment of the Task Force relate to storage and website maintenance. Based on figures received in my Department from Returning Officers, the total annual costs for storage of the electronic voting equipment (including the cost of insurance, service charges, rates and heating) for 2009 were some €182,500. Pending completion of arrangements for the disposal of the machines, the website www.electronicvoting.ie is still operational to assist in this process. Annual costs in 2009 in respect of website hosting, including domain name registration, were €1,881.

Departmental Bodies.

26. **Deputy Brian Hayes** asked the Minister for the Environment, Heritage and Local Government the debt liabilities of the Dublin Docklands Development Authority; and if he will make a statement on the matter. [16051/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I refer to the reply to Parliamentary Question No. 6 on today's Order Paper.

International Agreements.

27. **Deputy Michael D. Higgins** asked the Minister for the Environment, Heritage and Local Government the steps he has taken to transpose the European Union Public Participation Directive to give rights to the public to information, public participation and access to justice in environmental matters; and if he will make a statement on the matter. [15965/10]

61. **Deputy Kathleen Lynch** asked the Minister for the Environment, Heritage and Local Government the steps taken for Ireland to ratify the Aarhus Convention and to grant the

public rights to information, public participation and access to justice in environmental matters; and if he will make a statement on the matter. [15964/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I propose to take Questions Nos. 27 and 61 together.

Ireland signed the Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters on 25 June 1998. Progress towards ratification of the Convention is closely aligned with work at EU level and, in that context, the European Union has adopted two Directives as part of the ratification process for the Convention. These deal with public access to environmental information (2003/4/EC) and public participation in certain environmental decision-making procedures (2003/35/EC).

The European Communities (Access to Information on the Environment) Regulations 2007 came into effect on 1 May 2007. These Regulations transpose EU Directive 2003/4/EC on public access to environmental information.

Ireland has not yet ratified the Convention due to outstanding issues concerning transposition of the Public Participation Directive. The recent European Court of Justice judgement in case C427/07, concerning implementation of the Public Participation Directive in Ireland, requires certain legislative amendments which my Department is prioritising, in consultation with the Office of the Attorney General. In addition, my Department, in consultation with other Departments, is conducting a review of all relevant legislation to ensure that we fully meet our obligations under the Convention. This is necessary due to the nature of the Irish legal system, which requires that all relevant aspects of Conventions such as this be implemented through domestic law. While many other countries have legal systems which allow international agreements to take direct effect in law, without specific implementation measures, Ireland has to go to much greater lengths in respect of implementation measures to ensure compliance before ratification.

My Department is continuing to work to address all the outstanding issues as soon as possible and I, along with the Minister for Foreign Affairs, will then ensure that the instrument of ratification of the Convention is submitted to Government and laid before the Dáil as a matter of urgency.

Dublin Docklands Development Authority.

28. **Deputy Jim O’Keeffe** asked the Minister for the Environment, Heritage and Local Government if he is satisfied with the manner in which his Department exercised its oversight role in relation to the Dublin Docklands Development Authority; and if he will make a statement on the matter. [15845/10]

48. **Deputy Jim O’Keeffe** asked the Minister for the Environment, Heritage and Local Government the process which existed for the examination of the Annual Report and Audited Accounts of the Dublin Docklands Development Authority following the submission of same to him; the analysis of same that took place over the years; and if concerns were expressed at the time of submission of the annual report and accounts or otherwise about any of the major financial transactions in which it was involved. [15846/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I propose to take Questions Nos. 28 and 48 together.

I refer to the reply to Parliamentary Question No. 177 of 1 April 2010.

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The Dublin Docklands Development Authority is a commercial semi-State body established under the Dublin Docklands Development Authority Act 1997. The Act sets out the oversight functions of the Minister, including the appointment of the Chairperson, the Directors and Members of the Authority's Council, the approval of planning schemes, and the approval of borrowing with the consent of the Minister for Finance. My Department has been represented on the Board and the Council of the Authority since its establishment.

Under section 43 of the Act, the Authority must prepare an Annual Report and Audited Accounts in such form as may be approved by the Minister, with the consent of the Minister for Finance, and must arrange for the accounts to be submitted to an independent audit. The Authority's accounts have been audited by independent external auditors, KPMG, since 1998.

Prior to the laying of the Annual Report and Accounts before the Houses of the Oireachtas, the contents of the Authority's Annual Report and Accounts are submitted in the first instance to the Minister who brings them to the attention of Government. In this context, and having regard to its general oversight role in relation to the Authority, my Department reviews the Authority's Annual Report and Accounts, including the financial position of the Authority. Following the consideration of the 2008 Annual Accounts, the Authority prepared a report for me regarding its ongoing participation in the Bectay Joint Venture. I appointed independent financial advisers to assess the report, in consultation with my Department and the Department of Finance, and I intend to revert to Government on this matter, in association with the Authority's corporate governance reports, in the coming weeks.

Urban Renewal Schemes.

29. **Deputy Dinny McGinley** asked the Minister for the Environment, Heritage and Local Government the position regarding housing regeneration projects for Croke Villas, St. Teresa's Gardens, Jamestown Road, Convent Lands on Sean McDermott Street, Infirmary Road, Bridgfoot Street flat complex, St. Michael's Estate in Inchicore, Dominick Street and O'Devaney Gardens, Dublin; and if he will make a statement on the matter. [16068/10]

55. **Deputy Terence Flanagan** asked the Minister for the Environment, Heritage and Local Government if he will deal with a matter (details supplied). [15970/10]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): I propose to take Questions Nos. 29 and 55 together.

My Department is committed to a multi-annual regeneration programme in Dublin City to help to improve the lives and conditions of the communities involved. The programme is reviewed on a regular basis with Dublin City Council, including through the biannual Housing Action Plan meetings, with new projects added and additional elements of existing projects advanced, as resources permit. It is a matter for Dublin City Council, in the first instance, to prioritise and manage the advancement of projects within the programme having regard to its available funding resources.

Over the past decade my Department has invested over €100 million in the Dublin City Council inner city flats regeneration programme to improve the accommodation quality of the complexes, as well as to address economic and social issues including anti-social behaviour. Under the 2009 capital programme, my Department provided €12 million for projects at Bridgfoot Street, Queen Street, Lourdes House and Sean Treacy House. Investment in approved projects at Poplar Row, Lourdes House and Seán Treacy House is continuing in 2010 with funding of almost €9 million available to substantially complete the programme.

In 2008, due to the changing economic climate, the City Council was not in a position to progress a number of projects under Public Private Partnership (PPP) arrangements. The City Council therefore suspended its PPP programme pending recovery in the market, and established a multi-disciplinary Special Housing Taskforce to examine alternative options for the redevelopment, in particular, of the priority regeneration projects i.e. St Michael's Estate, O'Devaney Gardens and Dominick Street. The Taskforce initial strategy for the phased development of these estates, incorporating the construction of social housing as Phase 1, was adopted by the City Council in December 2008.

In support of this process, my Department has liaised closely with Dublin City Council to ensure that the former PPP regeneration projects are considered for inclusion in the national regeneration programme. In this regard my Department issued approval in 2009 to the City Council to go to tender for phase one of the St. Michael's Estate Project and funding of €3.5 million is available to support the project this year. Detailed proposals for the future redevelopment of O'Devaney Gardens and Dominick Street are expected from the City Council in 2010/2011 and in the meantime the City Council is continuing its strategy for the detenanting of these areas.

The Taskforce is now examining redevelopment options for Phase 2 projects i.e. Croke Villas, Dolphin House, and St. Teresa's Gardens.

In addition, in the light of changes in the housing market, a number of proposed affordable and private housing projects, which had been earmarked to proceed by PPP arrangements, i.e. Bridgefoot Street, Infirmary Road, Convent Lands on Sean McDermott Street and Jamestown Road are not now proceeding.

House Price Database.

30. **Deputy Joan Burton** asked the Minister for the Environment, Heritage and Local Government his views on the need to bring forward proposals, and make the necessary legislative changes, for a house price database to record details of residential and commercial property sales in view of the cessation of the ESRI/Permanent TSB monthly house price index; and if he will make a statement on the matter. [11661/10]

158. **Deputy Ciarán Lynch** asked the Minister for the Environment, Heritage and Local Government the progress made towards the establishment of a house price database which will provide accurate and reliable information regarding specific house sales; and if he will make a statement on the matter. [16177/10]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): I propose to take Questions Nos. 30 and 158 together.

The need for a more comprehensive house price index to inform national economic and social policy by providing a more meaningful indicator of housing market and wider macro-economic conditions, while also serving to form the basis of key decisions made by home buyers, home sellers and mortgage providers, has been recognised by the Government.

The renewed Programme for Government sets out a clear commitment to create and maintain a comprehensive House Price Database based on sales prices.

My Department has held meetings with a broad range of interested parties to gather views on the shape that such a register might take. Once the work of this group has concluded recommendations will be made to Government. The timing of the establishment of the register will be determined by a range of factors including the possible need to amend the Data Protection Acts to allow for achieved sales prices to be published.

Question No. 31 answered with Question No. 24.

Social and Affordable Housing.

32. **Deputy Pat Rabbitte** asked the Minister for the Environment, Heritage and Local Government the methodology used to calculate local market rents which are used in establishing leasing costs under Social Housing Leasing Initiative; and if he will make a statement on the matter. [15949/10]

60. **Deputy Róisín Shortall** asked the Minister for the Environment, Heritage and Local Government the number of existing agreements under the Social Housing Leasing Initiative that have achieved, or failed to achieve the targeted 20% discount on market rent; and if he will make a statement on the matter. [15946/10]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): I propose to take Questions Nos. 32 and 60 together.

The leasing cost of a dwelling provided under a long term lease or availability agreement to a local authority or an approved housing body is determined by a variety of factors, including type and size, location and the market rent of comparable properties in the area. These costs can also be subject to rent reviews, which my Department has advised should follow market conditions.

Housing authorities and approved housing bodies are expected to negotiate a discounted rent based on the elements of risk, such as who is responsible for vacancies and management and maintenance, assigned to the different parties. In a standard lease the benchmark figure for the discounted rent is 20% below market rent.

Of the total number of standard leased units for which funding approval has been issued by my Department, 74 have achieved 20% or more below market value and 42 between 16% and 20%.

Funding approval for unsold affordable units are based on the costs of meeting outstanding interest charges on the properties. Approval for units owned by approved housing bodies where they are responsible for management and maintenance of the properties are based on an 8% discount on market rent. A wider discount range may also apply in the case of apartment complexes where the owner has retained responsibility for service charges.

With regard to the calculation and verification of market rents, as part of the application for funding, local authorities and, where applicable, approved housing bodies must submit formal valuation evidence verifying rent levels for properties in the area and setting out the basis for the discount.

Question No. 33 answered with Question No. 22.

Local Authority Housing.

34. **Deputy Seán Sherlock** asked the Minister for the Environment, Heritage and Local Government the amount by which the housing capital expenditure increased or decreased by each local authority in the period 2007 to 2010; and if he will make a statement on the matter. [15948/10]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): The table below gives recoupment details by local authority for the housing subheads for the years 2007 — 2009; details of allocations for 2010 have also been included. The information has been broken down into:

B.1. — Social Housing Provision and Support

B.2. — Local Authority Estate Regeneration and Remedial Works

B.3. — Private Housing Adaptation — Grants and other Supports

Carlow County Council

	Outturn		Allocation	
	2007	2008	2009	2010
B 1	15,672,013	23,594,503	10,234,010	8,520,000
B 2	0	593,758	781,645	470,000
B 3	782,807	1,547,284	1,546,218	1,494,500

Cavan County Council

	Outturn		Allocation	
	2007	2008	2009	2010
B 1	12,560,862	14,577,095	11,645,226	7,070,000
B 2	92,154	1,865,578	2,742,038	2,089,000
B 3	753,977	1,568,060	1,144,682	1,500,000

Clare County Council

	Outturn		Allocation	
	2007	2008	2009	2010
B 1	19,059,251	30,564,110	20,688,579	13,695,000
B 2	218,583	5,842,461	1,431,908	3,165,000
B 3	857,560	3,255,708	1,716,060	2,500,000

Cork City Council

	Outturn		Allocation	
	2007	2008	2009	2010
B 1	77,038,654	81,866,285	64,623,085	32,780,000
B 2	13,859,955	24,172,013	21,021,427	22,475,000
B 3	1,218,359	3,564,878	3,671,022	2,166,333

Cork County Council

	Outturn		Allocation	
	2007	2008	2009	2010
B 1	82,973,278	76,824,377	142,351,747	36,415,000
B 2	1,135,450	5,865,807	23,797,872	4,670,000
B 3	3,622,522	6,468,021	11,253,568	6,490,067

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Donegal County Council

	Outturn		Allocation	
	2007	2008	2009	2010
B 1	37,345,243	47,156,190	28,913,558	15,210,000
B 2	197,010	659,643	7,312	1,531,000
B 3	2,790,698	3,560,323	4,315,548	3,680,000

Dublin City Council

	Outturn		Allocation	
	2007	2008	2009	2010
B 1	156,513,127	176,912,316	99,860,856	110,590,000
B 2	56,633,975	84,388,669	89,649,624	75,745,000
B 3	8,309,518	12,625,908	12,731,356	11,300,000

Fingal County Council

	Outturn		Allocation	
	2007	2008	2009	2010
B 1	25,485,640	35,383,028	23,473,373	49,740,000
B 2	0	1,000,000	440,000	1,500,000
B 3	1,036,073	8,454,379	1,589,103	2,100,000

South Dublin County Council

	Outturn		Allocation	
	2007	2008	2009	2010
B 1	87,585,084	42,554,448	63,807,499	50,675,000
B 2	7,946,332	6,901,661	4,340,763	5,625,000
B 3	2,622,333	2,994,779	3,702,315	3,800,000

Dún Laoghaire/Rathdown County Council

	Outturn		Allocation	
	2007	2008	2009	2010
B 1	21,713,219	34,404,323	39,472,062	22,250,000
B 2	3,958,504	3,001,138	752,735	2,800,000
B 3	1,245,293	1,692,890	1,653,465	1,708,000

Galway City Council

	Outturn		Allocation	
	2007	2008	2009	2010
B 1	36,502,737	30,121,553	20,700,757	16,300,000
B 2	600,000	612,566	492,180	1,915,000
B 3	687,851	938,717	438,903	981,333

Galway County Council

	Outturn		Allocation	
	2007	2008	2009	2010
B 1	28,420,278	26,682,764	15,138,637	12,075,000
B 2	315,217	2,556,160	3,236,017	3,090,000
B 3	1,196,745	1,734,363	1,350,238	1,900,000

Kerry County Council

	Outturn		Allocation	
	2007	2008	2009	2010
B 1	39,024,925	37,936,809	22,877,529	17,350,000
B 2	180,646	2,312,978	3,642,974	8,020,000
B 3	1,701,174	2,597,205	3,012,875	3,249,000

Kildare County Council

	Outturn		Allocation	
	2007	2008	2009	2010
B 1	45,218,048	55,483,073	36,435,123	25,280,000
B 2	0	5,906,064	3,766,733	1,785,000
B 3	1,079,483	3,871,611	2,018,693	3,000,000

Kilkenny County Council

	Outturn		Allocation	
	2007	2008	2009	2010
B 1	30,874,481	28,630,286	16,470,123	14,685,000
B 2	400,000	1,512,620	645,867	1,885,000
B 3	534,311	596,350	944,897	1,494,000

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Laois County Council

	Outturn		Allocation	
	2007	2008	2009	2010
B 1	25,736,919	21,325,556	9,774,986	10,280,000
B 2	76,059	2,091,917	3,589,895	1,075,000
B 3	1,734,170	1,869,682	1,654,234	1,464,000

Leitrim County Council

	Outturn		Allocation	
	2007	2008	2009	2010
B 1	5,432,614	4,755,709	5,439,988	3,265,000
B 2	73,518	1,090,347	670,686	1,195,000
B 3	1,030,084	1,312,927	1,315,674	1,310,000

Limerick City Council

	Outturn		Allocation	
	2007	2008	2009	2010
B 1	20,957,019	25,368,510	31,138,619	13,920,000
B 2	12,144,462	13,483,063	6,911,373	26,705,000
B 3	468,401	807,931	1,119,103	1,220,000

Limerick County Council

	Outturn		Allocation	
	2007	2008	2009	2010
B 1	20,638,738	19,904,524	14,690,880	12,220,000
B 2	99,374	2,212,995	1,941,436	2,755,000
B 3	1,019,313	1,092,993	1,382,663	1,547,000

Longford County Council

	Outturn		Allocation	
	2007	2008	2009	2010
B 1	18,089,816	18,921,772	14,190,665	10,740,000
B 2	89,971	900,362	579,600	900,000
B 3	418,699	989,045	1,008,074	1,000,000

Louth County Council

	Outturn		Allocation	
	2007	2008	2009	2010
B 1	45,215,823	39,000,950	32,056,910	19,320,000
B 2	132,280	1,810,891	1,281,526	790,000
B 3	1,193,251	2,413,851	2,528,974	2,156,500

Mayo County Council

	Outturn		Allocation	
	2007	2008	2009	2010
B 1	22,644,247	26,682,700	17,631,608	18,045,000
B 2	65,238	3,174,926	2,442,588	4,490,000
B 3	1,627,266	2,255,895	3,480,919	2,976,000

Meath County Council

	Outturn		Allocation	
	2007	2008	2009	2010
B 1	31,238,539	27,905,049	29,118,818	14,745,000
B 2	78,160	3,969,857	866,284	3,575,000
B 3	1,586,679	3,296,891	1,124,538	1,171,277

Monaghan County Council

	Outturn		Allocation	
	2007	2008	2009	2010
B 1	14,964,298	19,674,405	15,028,591	6,175,000
B 2	535,620	834,576	2,037,348	2,400,000
B 3	1,253,446	1,474,374	1,202,311	1,664,000

Offaly County Council

	Outturn		Allocation	
	2007	2008	2009	2010
B 1	23,407,066	23,362,715	16,991,008	13,055,000
B 2	69,040	1,250,350	37,828	1,095,000
B 3	861,935	1,017,015	1,610,349	1,800,000

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Roscommon County Council

	Outturn		Allocation	
	2007	2008	2009	2010
B 1	11,974,545	10,453,914	8,776,347	6,700,000
B 2	0	176,811	465,109	1,235,000
B 3	1,101,955	1,583,796	1,939,649	2,200,000

Sligo County Council

	Outturn		Allocation	
	2007	2008	2009	2010
B 1	23,929,078	24,181,281	15,871,499	17,555,000
B 2	4,060,563	13,865,067	16,165,308	7,275,000
B 3	595,210	814,975	1,649,412	1,475,000

North Tipperary County Council

	Outturn		Allocation	
	2007	2008	2009	2010
B 1	12,347,542	15,834,829	9,386,120	11,770,000
B 2	115,000	4,326,390	5,293,311	3,375,000
B 3	1,031,729	1,956,909	1,583,977	1,341,000

South Tipperary County Council

	Outturn		Allocation	
	2007	2008	2009	2010
B 1	23,794,261	24,324,785	13,569,445	1,532,000
B 2	70,000	1,451,026	331,213	2,845,000
B 3	882,395	1,381,734	1,752,989	2,500,000

Waterford City Council

	Outturn		Allocation	
	2007	2008	2009	2010
B 1	39,009,151	23,794,335	17,536,327	11,350,000
B 2	3,338,738	14,282,414	11,761,236	8,200,000
B 3	293,958	524,249	595,561	698,000

Waterford County Council

	Outturn		Allocation	
	2007	2008	2009	2010
B 1	19,625,146	14,601,588	10,927,406	5,510,000
B 2	69,322	186,861	0	780,000
B 3	998,389	1,719,437	2,100,916	1,362,000

Westmeath County Council

	Outturn		Allocation	
	2007	2008	2009	2010
B 1	19,741,682	18,323,322	14,729,290	8,830,000
B 2	131,540	166,236	881,489	1,000,000
B 3	958,321	1,387,494	1,560,823	1,483,970

Wexford County Council

	Outturn		Allocation	
	2007	2008	2009	2010
B 1	36,246,696	36,765,434	24,219,440	14,295,000
B 2	33,086	2,772,279	715,643	1,390,000
B 3	1,340,572	1,753,155	2,478,126	2,621,500

Wicklow County Council

	Outturn		Allocation	
	2007	2008	2009	2010
B 1	30,078,567	35,797,510	22,009,714	15,830,000
B 2	59,544	2,146,710	3,690,071	2,955,000
B 3	709,099	1,428,941	1,439,479	1,949,850

Social and Affordable Housing.

35. **Deputy Jack Wall** asked the Minister for the Environment, Heritage and Local Government the progress made towards the introduction of a rent to buy scheme to deal with the problem of unsold affordable housing; if he has issued any direction or guidelines to local authorities on this matter; and if he will make a statement on the matter. [15939/10]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): Very considerable progress has been made on both the sale of affordable housing and the deployment of unsold affordable homes for other purposes, including temporary use under the social leasing or RAS schemes. While the sale of the affordable units on hands remains the preferred option, the local authorities have available to them a

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range of options to bring these units into use. Local authorities are continuing their work in this regard, supported by my Department and the Affordable Homes Partnership.

I have no immediate plans to introduce a general rent-to-buy scheme across all local authorities because I do not believe such a scheme is needed in areas where there are only very small numbers of unsold units on hands. However, Dublin City Council has been given approval in principle by my Department for its proposal for a pilot scheme of “Rent to Buy” for a small number of unsold affordable homes in some developments in Dublin City. Details of the proposed scheme are now being finalised. Once operational, this pilot will be reviewed before deciding whether it would be appropriate to make such a scheme available in any other urban local authorities where there are significant numbers of unsold affordable homes.

36. **Deputy Kieran O'Donnell** asked the Minister for the Environment, Heritage and Local Government the number of applications received and the number of loans drawn down for the home choice loan scheme; and if he will make a statement on the matter. [16077/10]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): Over 1,400 prospective purchasers have formally registered interest on the dedicated Home Choice loan website and, to date, 58 applications have been made. Of these, four have been approved and three loans have been drawn down.

Waste Management.

37. **Deputy Joe Costello** asked the Minister for the Environment, Heritage and Local Government if he will ensure the implementation of the National Strategy on Biodegradable Waste which aims to divert 80 per cent of biodegradable waste from landfill through segregated collection of biodegradable waste and the generation of compost; and if he will make a statement on the matter. [15969/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Meeting the requirements of the Landfill Directive is a key national priority in respect of waste management and I am committed to implementing the measures necessary to ensure that Ireland meets the 2010, and subsequent, EU landfill diversion targets. Data from the National Waste Report 2008, published by the EPA, show that the quantity of biodegradable municipal waste disposed of to landfill decreased by 19% in 2008 to approximately 1.2 million tonnes, which means that Ireland must divert a further 280,000 tonnes in order to meet the first Landfill Directive target due in July 2010.

In December 2009 I signed the Waste Management (Food Waste) Regulations 2009, which are designed to promote the segregation and beneficial use of food waste arising in the commercial sector. Also in December 2009, I increased the landfill levy by the currently permitted annual maximum of €5 per tonne to €25 per tonne and I increased it further to €30 per tonne from 1 February 2010.

On 30 March 2010, I launched a consultation on elements of a draft Bill which has been approved by Government for the application of levies to landfills and incinerators. The levies will be designed to ensure material which can be recycled and add value is not drawn to large scale residual waste treatment facilities.

In the coming weeks I will be launching a consultation document which will set out the various elements being considered as part of the development of a new national waste management policy. I will prioritise engagement on specific issues in the document including the management of biodegradable waste through the rollout of brown bins and home composting.

I am confident that all of the above measures will contribute significantly to the achievement of the targets for the diversion of waste from landfill and a reduction in our overall use of such facilities.

Homeless Persons.

38. **Deputy Martin Ferris** asked the Minister for the Environment, Heritage and Local Government the number of additional homeless households that were housed in 2009 and in the first quarter of 2010 above the allocation pattern from 2005 to 2008 in line with the commitments outlined in The Way Home Homeless Strategy, to end long term homelessness by the end of 2010. [15935/10]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): Housing authorities are responsible for meeting the accommodation needs of households assessed as having a housing need, including homeless persons. Details of specific categories of households, such as homeless, housed each year are not held in my Department for each housing authority.

Annual targets and outputs for the number of homeless households housed in the major urban centres are set out in my Department's Annual Output Statement, in respect of 2007 onwards, which sets out the high level Objectives and Programmes for the Department, the strategies being pursued to meet those objectives and actual and projected outputs. Copies of the Annual Output Statements are available in the Oireachtas library as part of the Department's Annual Report and on the Department's website at www.environ.ie

Question No. 39 answered with Question No. 13.

Social and Affordable Housing.

40. **Deputy Mary Upton** asked the Minister for the Environment, Heritage and Local Government the direction or guidelines that have been issued to local authorities regarding social housing applicants who refuse to take an offer of accommodation under the Social Housing Leasing Initiative; if social housing applicants will be penalised by being disqualified from the local authority housing lists for refusing to participate in the SHLI; and if he will make a statement on the matter. [15942/10]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): The allocation of a dwelling under the Social Housing Leasing Initiative should be carried out in accordance with a local authority's scheme of letting priorities. The general guidance issued by my Department is that, unless exceptional circumstances obtain, the allocation of a leased property should be treated in the same manner as the allocation of any other social housing unit by that authority. Once allocated a leased property the tenant can, in due course, apply for a transfer to another social housing unit in the normal manner.

Water Services Regulations.

41. **Deputy Joanna Tuffy** asked the Minister for the Environment, Heritage and Local Government the steps he is taking to ensure that Ireland is complying with European Communities (Drinking Water) Regulations (No.2) 2007 (SI 278 of 2007); and if he will make a statement on the matter. [15956/10]

53. **Deputy Jan O'Sullivan** asked the Minister for the Environment, Heritage and Local Government the details of the new powers which have been assigned to local authorities to

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enforce the European Communities (Drinking Water) Regulations (No. 2) 2007 (SI 278 of 2007); and if he will make a statement on the matter. [15957/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I propose to take Questions No. 41 and 53 together.

Under the European Communities (Drinking Water) (No. 2) Regulations, 2007, it is the duty of suppliers of drinking water “to take the necessary measures to ensure that water intended for human consumption is wholesome and clean and meets the requirements of [the] Regulations.”

Statutory controls were strengthened under the Regulations to underpin comprehensive supervision and monitoring regimes for both local authority and group water scheme supplies. The Regulations provide that the EPA is the supervisory authority for drinking water supplied by water services authorities (the 34 county and city councils). The Regulations also provide that the water services authorities are responsible for the supervision of group water and private water supplies in their functional areas. The Regulations provide the relevant supervisory authority with powers of direct intervention, if required, to ensure that measures are taken to achieve compliance with prescribed water quality standards. Circular letter WSP 7/07, which provided guidance regarding the implementation of the new Regulations, was issued to all water services authorities by my Department on 30 July 2007.

The EPA publishes details of its supervisory activities in its annual reports on the quality of drinking water in Ireland. A copy of the Agency’s most recent report on drinking water, *The Provision and Quality of Drinking Water in Ireland — A Report for the Years 2007-2008*, is available in the Oireachtas Library. Since the regulations came into force on 12 June 2007, the Agency has issued a number of guidance booklets and advice notes to water services authorities.

Waste Management.

42. **Deputy David Stanton** asked the Minister for the Environment, Heritage and Local Government further to Parliamentary Question No. 29 of 24 June 2009 the progress, if any, made regarding the appointment of a waste management regulator; the progress made regarding the establishment of a national household waste register whereby every household will be required to register for waste management services with either a local authority or a private operator; and if he will make a statement on the matter. [15843/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The existing regulatory framework governing the waste market requires modernisation in a number of respects, particularly in relation to the dual role of local authorities as regulators and service providers, the need to ensure that waste services are provided in a manner consistent with the achievement of national and EU environmental objectives and targets, and the importance of ensuring that necessary public service criteria in relation to the provision of services in particular areas or in respect of specific households are properly reflected.

In November 2009 consultants delivered a major international report on waste management policy. My Department is currently examining this significant report and its recommendations, which are central in further informing the measures that may be necessary to underpin sustainable waste management services, whether delivered by the private or public sectors.

The renewed Programme for Government 2009 contains a commitment to the adoption and implementation of a new waste policy following the completion of the review. Giving effect to this commitment is one of my immediate priorities and the Government has recently endorsed

my approach to the preparation of a new waste policy statement, which I will bring to Government shortly, and publish for public consultation.

Another key issue relates to the outcome of the High Court proceedings taken in 2008 by two private sector waste management service providers seeking to prevent the Dublin local authorities from using their existing powers to vary the region's waste management plan by inserting an objective in the plan that the collection of household waste from single dwelling households be carried out by the local authorities themselves or that the local authorities make arrangements by way of a public tendering process for the collection of such household waste on their behalf i.e. to introduce competition for the market.

The outcome of this High Court action was delivered, in unapproved form, in late December 2009 and has clear implications for the future regulation of the waste management sector generally. While the approved judgement is still awaited, the implications of the unapproved judgement are currently being examined.

Regarding the question of a household waste register, comprehensive powers are already available to local authorities under the Waste Management Acts to enforce the various legislative requirements placed on the holders of waste, including householders. Householders are required either to avail of the services lawfully provided by public and/or private waste collectors or otherwise to manage their waste in accordance with the law. Where a household cannot demonstrate compliance e.g. by providing proof of availing of a legal waste collection service, then the local authority is empowered to take appropriate action.

Section 18(1) of the Waste Management Act 1996 provides that a local authority may, for any purpose relating to its functions under the Act, require any holder of waste to maintain such records, and to furnish in writing to the local authority such particulars, as may be specified as to measures taken for the disposal of any waste.

Section 18(2) of the Act further provides that a person who fails to comply with a notice under this section or who furnishes any information in reply to such a notice which he or she knows to be false or misleading in a material respect is guilty of an offence.

Section 55 of the Act also confers powers on a local authority to require measures to be taken in relation to the holding, recovery or disposal of waste where it appears to a local authority that it is necessary so to do in order to prevent or limit environmental pollution caused, or likely to be caused, by the holding, recovery or disposal of waste. The local authority may serve a notice under this section on a person who is or was holding, recovering or disposing of the waste, as the case may be.

Social and Affordable Housing.

43. **Deputy Pat Rabbitte** asked the Minister for the Environment, Heritage and Local Government the method by which unsold affordable units are to be accommodated under the Social Housing Leasing Initiative; the parties to the lease agreement in view of the fact that the local authority is the owner of leased unit; if the recoupment model relates to the repayment of the interest costs of the loan, the way the capital cost is to be repaid; and if he will make a statement on the matter. [15950/10]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): The Social Housing Leasing Initiative encompasses a number of different strands, one of which gives local authorities the option to lease vacant and unsold affordable units to approved housing bodies.

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The reason for using unsold affordable units to accommodate social housing tenants in the short to medium term is to match existing vacant housing stock available to housing authorities with the housing needs of those in need of social housing support.

Under current arrangements, unsold affordable units are leased to approved housing bodies for a period of up to 5 years and during this period the properties are sub-let to households eligible for social housing support. Throughout the lease period the local authority retains ownership of the units.

My Department recoups to the local authority for the duration of the lease period the interest payments liable in respect of the loans taken by the authority to fund the affordable properties in the first instance.

At the end of the five year lease period, local authorities will be required to review the use of these properties taking account of the prevailing market conditions and can consider a range of options in terms of the future use of the property. In summary, the housing authority may—

- (a) sell the units to the existing tenants under the new incremental purchase arrangements;
- (b) sell the home as an affordable unit;
- (c) extend the leasing arrangement on a yearly basis for up to a further five years, or
- (d) take the unit into its housing stock and continue to rent it to the household concerned, subject to having sufficient funding within its capital allocation and obtaining my Department's prior approval.

Depending on the option chosen the capital cost will be met by selling the property to the tenant under the Incremental Purchase Scheme arrangements, by selling the property as an affordable dwelling or, if the unit is taken into social housing stock, from the capital allocation available to the authority under the Social Housing Investment Programme.

EU Directives.

44. **Deputy Seán Sherlock** asked the Minister for the Environment, Heritage and Local Government his views on the EU nitrate level report that had, among other findings, reported that Ireland had rising nitrates in groundwater at more than 30% of monitoring stations; and the progress that has been made on this matter. [12014/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The EU report in question is a summary report based on returns from Member States in accordance with Article 10 of the Nitrates Directive (91/676/EEC). Article 10 requires Member States to submit a report every four years which, *inter alia*, must include a summary of the monitoring results at representative and other water monitoring stations.

Ireland's return was prepared by the EPA and covered the period 2004 to 2007. The EPA reported that for the period in question, the trend in nitrate concentration showed a decline at 23% of groundwater sampling points and an increase at 46% of sampling points.

However, recent results from the EPA national monitoring programme indicate that nitrate levels in groundwater have begun to stabilize. Data for 2008 shows a marked decrease in the proportion of wells with nitrate concentrations greater than 25 milligrams per litre, compared to the 2007 values, although it is too soon to draw definitive conclusions as to whether this marks the start of a downward trend.

Warmer Homes Schemes.

45. **Deputy Willie Penrose** asked the Minister for the Environment, Heritage and Local Government if provision, equivalent to the warmer homes scheme, is available to local authority tenants; and if he will make a statement on the matter. [15954/10]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): As part of the Government's National Retrofitting Programme, my Department launched a new scheme for the retrofitting of energy efficiency measures in existing local authority dwellings in May 2009. This scheme provides grant funding up to €15,000 per unit for the upgrading of vacant units and occupied apartment complexes across the country, and sets local authorities the objective of achieving a C1 BER following the works.

Typically the range of works involved, depending on the unit, is as follows:

- Attic Insulation to meet current building regulation standards;
- Replacement of windows and external doors in compliance with current regulations;
- Air-tightness testing e.g. “blower-door” test and remedial action;
- Wall insulation [cavity, external cladding, internal improvement, as appropriate];
- Replacement of boilers over 10 years old with condensing boilers to current standards and installation of space and water heating controls;
- Installation of radon protection measures e.g. external sump;
- Any other measures as are required to improve the energy efficiency of the dwelling.

Authorities were also requested to give consideration to the use of sustainable materials in delivering any improvements.

Over the course of 2009, my Department approved energy efficiency improvement works to some 1,155 units, of which approximately 750 were completed by the end of the year at a cost to the Exchequer of almost €11 million. The balance of these works is currently being delivered by local authorities.

To facilitate the expansion of this scheme in 2010, and in recognition of the importance of maintaining the local authority housing stock to a high standard, I have significantly increased the funding available to local authorities to €40 million. To ensure that this funding is used to best effect, the Department is reviewing its technical and administrative guidance on the scheme and is exploring options for the inclusion of occupied dwellings in the scheme. Overall the scheme is expected to deliver 2,000 improved units to BER of C1, where practicable in 2010.

Social and Affordable Housing.

46. **Deputy Emmet Stagg** asked the Minister for the Environment, Heritage and Local Government in view of the recoupment of reinstatement costs for leased units under the social housing leasing initiative, SHIP20.10.07, if he contributes 50%, who is liable for the other 50%; if reinstatement refers to the standard pertaining at commencement of the lease or at the conclusion of the lease; and if he will make a statement on the matter. [15944/10]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): Under the general agreement by which a property is provided under the Social Housing Leasing Initiative, the property should be returned at the end of the

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lease period in the same condition as at the commencement of the lease subject to normal wear and tear.

Where costs arise in re-instating a property at the end of the lease period the Department will fund up to 50% of these costs. The local authority or the approved housing body, as the case may be, will be liable for the remaining costs.

The payment of any reinstatement costs by the Department will be subject to certain terms and conditions. Any application made for such costs to be recouped by the Department must be based on the condition survey agreed between the owner and the authority at the start of the lease, and a detailed schedule and cost of works envisaged to re-instate the units to the required condition.

47. **Deputy Róisín Shortall** asked the Minister for the Environment, Heritage and Local Government the number of lease agreements undertaken in 2009 under the social housing leasing initiative that conform to the new standard, SHIP20.10.07, of a maximum of four units within a single development and with a single owner; and if he will make a statement on the matter. [15945/10]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): Circular SHIP 2010.07 was issued to housing authorities in March 2009. The purpose of the circular was to extend the leasing arrangements to facilitate housing authorities who wished to lease single or small numbers of properties from individual property owners and to provide clarity to authorities on the financial arrangements underpinning the leasing initiative.

With regard to the leasing of single or small numbers of properties the circular gave housing authorities delegated power (i.e. no Department approval is necessary) to enter into lease arrangements for up to four units within a single development or with a single owner subject to compliance with the normal conditions governing the leasing initiative. The circular does not restrict authorities from acquiring more than four units within a particular development; however, funding approval from the Department is required in such cases.

In 2009 three separate leasing applications were received where there were four or fewer units proposed, and one of these has been approved by the Department.

Question No. 48 answered with Question No. 28.

Water and Sewerage Schemes.

49. **Deputy Liz McManus** asked the Minister for the Environment, Heritage and Local Government the steps he has taken to deliver the programme for Government commitment regarding the replacement of septic tanks; and if he will make a statement on the matter. [15961/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The renewed Programme for Government includes a commitment to introduce a scheme for the licensing and inspection of septic tanks and other on-site waste water treatment systems. In October 2009, the European Court of Justice (ECJ) found that Ireland failed to make adequate legislation for dealing with domestic wastewater from septic tanks and other on-site wastewater treatment systems. In order to comply with the ECJ ruling, legislation will be required to give effect to a new inspection and monitoring system.

My Department is considering how the inspection of septic tanks should be carried out and has been consulting with the EPA and the local authorities. It is also intended to undertake consultations with wider stakeholders on the matter. It is too early at this stage to estimate when the new arrangements will be operational.

Greenhouse Gas Emissions.

50. **Deputy Liz McManus** asked the Minister for the Environment, Heritage and Local Government the amount of money estimated, allocated, owing or spent, on the purchase of carbon credits in respect of Kyoto Protocol commitments for the years 2008, 2009 and 2010; and if he will make a statement on the matter. [15962/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The National Climate Change Strategy signalled the possibility of supplementing greenhouse gas emission reductions with the purchase of up to 3.6 million carbon credits on average each year in the five-year Kyoto Protocol commitment period 2008-2012 or 18 million credits in total, costing an estimated €270m.

Under the Carbon Fund Act 2007, the National Treasury Management Agency (NTMA) has been designated as purchasing agent for the State.

In 2008, the NTMA purchased 3.455m certified emission reduction units at a cost of some €52m exclusive of VAT. In 2009, they purchased 1.8m units at a cost of some €21.6m exclusive of VAT.

Prior to the designation of the NTMA as purchasing agent, my Department committed €10 million each to the Carbon Fund for Europe and the BioCarbon Fund operated by the World Bank. Management of these investments is a matter for my Department. Periodic drawdown is a feature of these investments and since enactment of the 2007 Act payments are made through the Carbon Fund process as they arise. The amount to be paid each year is not predetermined and in general payments are made as purchasing transactions progress. In 2008, my Department refunded €3.72m to the Carbon Fund. No refunds arose in 2009 and, to date, my Department has refunded €2.3m in 2010.

The economic downturn has implications for the purchasing programme. Recent EPA projections suggest that, with full implementation of all announced emission reduction measures, we may already have purchased or contracted to purchase sufficient carbon credits to meet our Kyoto commitment. In the circumstances, the NTMA has been asked to put its purchasing programme on hold for the foreseeable future. In the current economic climate an unusually high degree of uncertainty attaches to all projections. Accordingly, purchasing requirements to ensure Kyoto compliance are being kept under review.

Social and Affordable Housing.

51. **Deputy Emmet Stagg** asked the Minister for the Environment, Heritage and Local Government if the €25 million set aside to pay for leasing in 2010 under the social housing leasing initiative is to cover new leases signed in 2010; if it also covers lease agreements entered into in 2009; the number of privately owned properties targeted under the SHLI other than affordable home properties for 2010 exclusive of properties secured in 2009; and if he will make a statement on the matter. [15943/10]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): €25 million has been provided to cover the costs of the Social

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Housing Leasing Initiative in 2010. This will support the cost of commitments entered into last year and also the cost of acquiring at least an additional 2,000 units under the initiative this year.

It is anticipated that of the new units provided for leasing this year, that approximately 1,500 units will be sourced in the private sector by local authorities or approved housing bodies.

Greenhouse Gas Emissions.

52. **Deputy Kathleen Lynch** asked the Minister for the Environment, Heritage and Local Government the proposals for carbon credits in relation to flights by Ministers and officials; the way the amount to be spent on carbon credits for each flight will be calculated; the flights for which they will be purchased; the amount spent so far; from whom will they be purchased and the environmental purposes for which the money will be used; and if he will make a statement on the matter. [15963/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): In response to commitments in the Programme for Government and the National Climate Change Strategy, my Department developed a scheme to offset greenhouse gas emissions from official air travel. The scheme applies to all Government Departments and Offices, and covers all flights by Ministers and officials on both commercial airlines and Government passenger aircraft. It also applies to bodies under the aegis of Departments and it is a matter for individual Departments to decide which bodies are to be included.

The scheme operates on an annual basis and commenced in 2009. It retrospectively accounted for all official air travel since the Government came into office in June 2007. Departments and offices are required each year to calculate their carbon dioxide emissions and associated offsetting costs based on total air kilometres travelled. Annual offsetting costs are calculated using a standard formula based on kilograms of CO₂ emitted per passenger kilometres travelled. My Department provides a carbon price each year to reflect the average cost of offsetting a tonne of carbon in the voluntary offsetting market. This acts as the basis for Departments to calculate their offsetting costs.

The value of the total offsetting costs in each year is invested through Renewable Energy and Energy Efficiency Partnership (REEEP) in Gold Standard Voluntary Emissions Reductions (GS VERs) from small scale energy efficiency and renewable energy projects in Ireland's priority Overseas Development Aid countries in Africa.

Government Departments, Offices and other bodies contributed some €400,000 during 2009 to offset greenhouse gas emissions from official air travel by Ministers, civil servants and other officials for the period June 2007 to December 2008. These funds have been invested in a project in Malawi which involves reducing the use of non-renewable biomass for energy through the supply of improved household cooking stoves.

Question No. 53 answered with Question No. 41.

Social and Affordable Housing.

54. **Deputy Arthur Morgan** asked the Minister for the Environment, Heritage and Local Government the number of the promised 2,000 to 4,000 houses that have been brought into social use as part of the general leasing scheme announced in February 2009 not including unsold affordable houses leased in partnership with the voluntary sector housing associations. [15936/10]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): The leasing initiative encompasses a number of different strands. Dwellings are acquired by housing authorities on long term (up to 20 year) leases from private owners, dwellings are provided by approved housing bodies under long-term availability agreements and vacant and unsold affordable units are leased to approved housing bodies (in the latter case, the lease period is for 5 years initially).

To the end of March 2010, a total 2,289 units had been sourced and approved for leasing in order to meet the housing needs of persons requiring social housing support.

A breakdown by status under each of the main strands is set out in the table below. Projects are deemed operational when, following approval by the Department, all agreements have been signed and the local authority or the approved housing body, as the case may be, commences the process of allocating properties to tenants.

Type Leasing	Operational	Funding Approved	Provisional Approved	Total Approved
Affordable	518	997	36	1,551
Local Authority	5	81	261	347
Voluntary		*94	297	391
Total	523	1,172	594	2,289

*This includes 64 units currently being constructed as part of a build to lease contract.

Question No. 55 answered with Question No. 29.

Water and Sewerage Schemes.

56. **Deputy Michael D. Higgins** asked the Minister for the Environment, Heritage and Local Government the steps he has taken to upgrade sewerage and industrial waste water treatment plants to tackle the problem of water pollution and the eutrophication of rivers, lakes and tidal waters as outlined in the most recent Environmental Protection Agency report on water quality; and if he will make a statement on the matter. [15966/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Good progress has been made in recent years by local authorities in the provision and management of wastewater services in their areas. This progress has been possible through high levels of investment coupled with new legislation on the licensing of wastewater treatment plants.

The process of finalising river basin management plans under the Water Framework Directive is underway at present with plans adopted by the majority of local authorities at this stage. The plans set environmental objectives to protect and improve water quality within 7 river basin districts.

Earlier this week, I published a comprehensive range of new water services infrastructure to be undertaken under my Department's Water Services Investment Programme 2010-2012. On wastewater projects alone, it details just over 59 contracts currently in progress with a value of €500 million and 161 contracts to be progressed to construction over the period 2010-2012 with a value of just over €1 billion. A further 94 wastewater schemes are listed for work to be undertaken on the earlier planning stages of those schemes.

In addition to economic and planning considerations, the investment programme was, for the first time, informed by the environmental priorities identified as part of the river basin planning process.

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Substantial funding of €415m is being provided by the Exchequer to advance major water and waste water schemes in 2010, in addition to investment of €93m under the Rural Water Programme. Against the current economic backdrop, this level of investment, which will mean that average spending on water services over the period 2009 and 2010 will be up 3% on the 2008 outturn, continues to reflect the priority assigned by Government to providing critical water services infrastructure.

The Waste Water Discharge (Authorisation) Regulations, 2007, provides for an authorisation system for urban wastewater discharges by local authorities. The authorisation system, which is being administered by the EPA, applies to all discharges to waters from sewage treatment plants or collection systems owned or controlled by local authorities. Introduced on a graduated basis since 2007, all discharges are now the subject of licences/certificates or licence/certification applications to the EPA.

Discharges from industry to local authority sewage treatment plants are subject to agreement of the relevant local authority. Direct discharges to the aquatic environment from industrial plants are subject to licensing by the relevant local authority or the EPA.

Litter Pollution.

57. **Deputy David Stanton** asked the Minister for the Environment, Heritage and Local Government further to Parliamentary Question No. 29 of 24 June 2009 if the total anti-litter awareness grant scheme 2009 allocation of €1.07 million was expended by local authorities in 2009; the total grant allocated in 2010 broken down by local authority; the additional funding, if any, made available through his Department for local authorities or other organisations to combat littering and illegal dumping; and if he will make a statement on the matter. [15844/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): In 2009 local authorities expended €1.004 million of the €1.070 million allocated to them under the anti-litter and graffiti awareness grant scheme. Not all local authorities took up their full allocation.

A total of €1 million will be made available in 2010 for the anti-litter and graffiti awareness grant scheme, and allocations at individual local authority level are currently under consideration and will be made available as soon as possible. In addition to the anti-litter and graffiti awareness grant scheme, I am also providing funding for a number of specific initiatives in 2010, each of which plays a part in education and awareness on litter and in tackling problems caused by incorrect disposal of litter. The initiatives concerned are:

Initiatives	€
National Spring Clean	260,000
Irish Business Against Litter (IBAL) National Litter League	70,000
Protecting Uplands and Rural Environments (PURE) Initiative	100,000
Tidy Towns	289,000
Green Schools	200,000

Question No. 58 answered with Question No. 22.

Water Supply.

59. **Deputy Joanna Tuffy** asked the Minister for the Environment, Heritage and Local

Government the steps he has taken to address the issue of leaking mains and leakage from pipes to ensure that the quantity of unaccounted for water in our public water supply is reduced; and if he will make a statement on the matter. [15955/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley):

Over the past seven years, my Department has recouped some €130 million to local authorities for water conservation measures in their areas. With this investment, local authorities have, to date, largely focused on putting in place water management systems to allow for active leakage control and better planning of mains rehabilitation.

This investment thus provides the platform for more intensive investment in mains rehabilitation and is a key priority under the new Water Services Investment Programme which I published earlier this week. The Water Services Investment Programme 2010 to 2012, a copy of which is available in the Oireachtas Library, will build on existing investment in water conservation, by providing for a very substantial scaling up of activity on mains rehabilitation. My aim is to substantially increase investment in water conservation under the new Programme to provide for the commencement of contracts with a value of some €320 million over the next three years. This level of activity will tackle the problem of unaccounted for water in public water supply networks, with losses ranging from 16.8% to 58.6% nationwide, depending on the local authority involved.

The report Service Indicators in Local Authorities 2008 published last November by the Local Government Management Services Board, a copy of which is also available in the Oireachtas Library, sets out the most recent figures for unaccounted for water for each county and city council. Such levels of water loss are unsustainable and indicate the clear need for local authorities to take more concerted action to tackle the problem.

Question No. 60 answered with Question No. 32.

Question No. 61 answered with Question No. 27.

Social and Affordable Housing.

62. **Deputy Ruairí Quinn** asked the Minister for the Environment, Heritage and Local Government the functions that have been assigned to the Affordable Homes Partnership, SHIP 20.10.07, regarding the Social Housing Leasing Initiative; and if he will make a statement on the matter. [15951/10]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): Taking account of the impact that changed market conditions has had on the core functions of the Affordable Homes Partnership (AHP), it has been assigned new responsibilities, in particular in relation to operation of the Social Housing Leasing Initiative. In regard to the leasing initiative the AHP has been asked to:

- assist and support authorities in bringing the remaining unsold affordable stock into effective use, including by means of social leasing;
- provide general support and training for bodies engaged in the roll out of the leasing initiative.

Question No. 63 answered with Question No. 20.

Planning Issues.

64. **Deputy Aengus Ó Snodaigh** asked the Minister for the Environment, Heritage and Local

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Government his views on the efforts of local councils to tackle the proliferation of head shops by way of their planning powers; his further views on whether the efforts being undertaken at local level further highlight the need for a comprehensive legislative response at national level; and if he has met with the Department of Justice, Equality and Law Reform and the national drugs strategy to discuss same. [15930/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): My Department, is working with the other relevant Departments, including the Departments of Health and Children; Justice, Equality and Law Reform; and Enterprise, Trade and Employment to develop recommendations for Government on the best way forward in devising an overall Government response to the issue of so-called head shops.

My Department is considering, in consultation with planning authorities, whether the planning system could make a sufficiently effective contribution to the resolution of this issue, through, for example, a more restrictive use of the change of use provisions under planning legislation or the inclusion of appropriate policies in their development plans.

Proposed Legislation.

65. **Deputy Martin Ferris** asked the Minister for the Environment, Heritage and Local Government his plans to bring forward legislation to allow existing local authority mortgage holders to remortgage without triggering the clawback; and if he will make a statement on the matter. [15934/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): While provision has been made in the Housing (Miscellaneous Provisions) Act 2009 to allow purchasers under the new Affordable Dwelling Purchase Arrangements to re-mortgage or top-up their mortgage without triggering the clawback, the Act does not provide this facility for purchasers under existing affordable housing or shared ownership arrangements. I have requested my Department to arrange to have the provisions necessary to address this matter included in the first appropriate legislative vehicle that becomes available.

Redundancy Payments.

66. **Deputy Denis Naughten** asked the Minister for Enterprise, Trade and Employment the date from which the redundancy payment section is currently processing claims; the length of time to process such applications; and if he will make a statement on the matter. [16124/10]

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary): My Department administers the Social Insurance Fund (SIF) in relation to redundancy matters on behalf of the Department of Social and Family Affairs. There are two types of payment made from the SIF — rebates to those employers who have paid statutory redundancy to eligible employees, and statutory lump sums to employees whose employers are insolvent and/or in receivership/liquidation.

The impact on business of the severe economic circumstances currently pertaining has resulted in an unprecedented increase in the level of Redundancy Payment claims lodged with my Department. This has impacted significantly on the capacity to maintain the customer service targets that previously obtained. The scale of the challenge on the Redundancy side is evident from the statistics that show incoming redundancy claims in 2009 amounted to 77,001 which represents a threefold increase over the level of claims lodged in 2007 and earlier years. In 2007, claims received were of the order of 25,000.

Efforts continue to be made by my Department to deliver more acceptable turnaround processing times for Redundancy payments given the difficulties that this gives rise to for both individual employees and the business community. Measures already taken in the Department in 2009 to alleviate the pressures on the Payments area include:

- almost doubling the number of staff through reassignment to a current level of 52 full time equivalents;
- prioritisation of the Department's overtime budget towards staff in the both Section to tackle the backlog outside normal hours;
- establishment of a special call handling facility in NERA to deal with the huge volume of telephone calls from people and businesses concerned about their payments.
- Better quality information relating to current processing times on the Department's website;
- Engagement with the Revenue Commissioners to facilitate the offset of redundancy rebate payments by employers against outstanding tax liabilities which those employers owe to the Revenue Commissioners.

The backlog and waiting times remain at unacceptable levels. However, improvements are evident. The number of claims processed and paid by the Redundancy Payments Section in 2009 amounted to 50,664, an increase of 70% over 2008. In the first quarter of 2010, my Department processed 21,122 claims — an increase of over 151% on the previous first quarter in 2009. Claims processed in the month of March 2010 was the highest ever achieved in the Section with 8,168 claims processed in the month. In the year to date, inroads have being made on the backlog of claims on hand, which reduced from 41,168 at the end January 2010 to 37,054 at the end of March 2010.

The Redundancy Payments Section of my Department is currently processing rebate applications submitted by post from August 2009 and those filed on-line from September 2009, so that the waiting time is approximately 7 to 8 months depending on the manner of filing the application. In respect of lump sum payments paid directly to employees in instances where employers are unable to pay the statutory redundancy entitlements, the Section is, in general, processing claims dating from September 2009.

Responsibility for the payment of redundancy and insolvency payments is due to be transferred to the Department of Social Protection. The intention is to transfer by Government order, the payment functions arising under the Redundancy Payment and Insolvency Payment schemes. In transferring the functions between Departments, it is the intention that this will operate seamlessly and without any adverse impact on the service levels being experienced by individuals or the business community awaiting payment of redundancy claims.

67. Deputy John O'Mahony asked the Minister for Enterprise, Trade and Employment when a person (details supplied) in County Mayo will receive their redundancy payment; and if he will make a statement on the matter. [16160/10]

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary): I wish to advise the Deputy that on the basis of the records in the Redundancy Payments Section of my Department, there is no record of a claim for a redundancy payment in respect of the individual in question.

Company Registration.

68. **Deputy John Deasy** asked the Minister for Enterprise, Trade and Employment the average time currently taken to process applications to register new companies and the equivalent average processing times in 2008 and 2009; and if he will make a statement on the matter. [16237/10]

Minister for Enterprise, Trade and Employment (Deputy Batt O’Keeffe): The Companies Registration Office does not keep average processing times for the incorporation of new companies. However, 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 in 2008, 2009 and to date in 2010. In particular, applications using the CRODisk incorporation scheme, which has a target deadline of five days, were processed within two working days in most instances.

Work Permits.

69. **Deputy Richard Bruton** asked the Minister for Enterprise, Trade and Employment if the number of work permits being issued has diminished since the recession started; the numbers of permits outstanding; the number newly issued over the past 30 months. [16290/10]

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary): I set out hereunder the number of work permits issued from 2007 to to-date in 2010. It should be noted that the majority of new permits issued over the last 30 months have been in respect of non-EEA nationals already in the State changing employer or spouses of existing employer permit holders. The Employment Permits Section informs me that it currently has approximately 1,700 applications on hands waiting to be processed.

Permits Issued 2007-2010

Year	New	Renewals	Group	Total
2010	1,111	1,455	0	2,566
2009	3,934	3,891	0	7,825
2008	8,459	4,984	0	13,443
2007	9,914	13,211	13	23,138

Motor Fuels.

70. **Deputy Joe Carey** asked the Minister for Finance the reason behind the introduction of the 8.7% carbon tax on agricultural diesel as against the 4.4% levy on road diesel; and if he will make a statement on the matter. [16156/10]

Minister for Finance (Deputy Brian Lenihan): I announced in Budget 2010 that a carbon tax at a rate of €15 per tonne was being introduced on fossil fuels. The tax was applied to petrol and auto-diesel with effect from midnight, 9 December 2009; and will apply from 1 May 2010 to kerosene, marked gas oil (also known as ‘green diesel’ or ‘agricultural diesel’), liquid petroleum gas (LPG), fuel oil and natural gas. The application of the tax to coal and commercial peat is subject to a Commencement Order. The Budget announcements on the carbon tax have now been enacted into legislation through the Finance Act 2010.

The new carbon charge is based on the emissions that arise from the fuel used. Consequently the carbon tax charge in respect of marked gas oil and auto-diesel (which are almost identical fuels) is around the same i.e. 4.1 cents and 3.9 cents per litre respectively (excluding VAT).

The carbon tax charge is marginally higher for marked gas oil because it is a slightly denser fuel with slightly higher emissions than auto-diesel.

While the percentage increase in the price of marked gas oil arising from the introduction of the carbon tax is higher than in the case of auto-diesel, this is a function primarily of the fact that marked gas oil has a lower base price due to the considerably lower level of excise duty on that product compared to auto-diesel.

Flood Relief.

71. **Deputy Bernard J. Durkan** asked the Minister for Finance the action that has taken place in the period since November 2009 to address the issue of flooding in various areas throughout the country; and if he will make a statement on the matter. [16263/10]

Minister of State at the Department of Finance (Deputy Martin Mansergh): In light of the severe flooding which affected the country in November 2009 the Government has allocated €50m, administered by the Office of Public Works, for flood risk management activities for 2010. This increased allocation will allow OPW to extend the number of Capital Works schemes already underway throughout the country. Within the overall allocation, I have also announced an increase for Minor Flood and Coastal Protection Works to be undertaken by Local Authorities in 2010. OPW has already allocated €6.7M to Local Authorities this year under the Programme, and it is still open to Local Authorities to make further submissions which can be considered having regard to available resources.

OPW has undertaken a rigorous collection of data and information since the November 2009 floods, and has already met with several local authorities to review the flood events of November 2009 and identify actions required. This has already led to a Feasibility Study to be undertaken in Bandon, Co Cork, with works being considered for advancement in County Galway as well. Further consideration is being given to other areas which may also lead to works being undertaken by OPW, in addition to the major schemes already under construction in Clonmel, Co. Tipperary, Mallow Co Cork, Fermoy Co Cork, Ennis Co Clare, Mornington Co Meath and the River Dodder in Dublin, and the schemes at various stages of development which include Enniscorthy, Co. Wexford, Templemore, Co. Tipperary, Bray and Arklow, Co. Wicklow amongst others.

The Deputy may be interested to know that OPW has agreed to allocate funding to complete a programme of flood alleviation works in the Johnstown area, and Kildare County Council has been successful in obtaining planning approval in accordance with Part 8 of the planning and development regulations for this scheme. It is envisaged that the scheme will get underway later this year subject to the Local Authority being able to resolve outstanding issues in relation to land acquisition and site investigation.

72. **Deputy Bernard J. Durkan** asked the Minister for Finance the extent to which he and his Department in conjunction with other Departments have finalised plans for the prevention of flooding in the future; the financial structure in place to meet such requirements; and if he will make a statement on the matter. [16269/10]

Minister of State at the Department of Finance (Deputy Martin Mansergh): As lead agency in the management of flood risk nationally, the Office of Public Works has focused on a catchment-based context for managing flood risk, with more proactive risk assessment and management, and increased use of non-structural and flood impact mitigation measures. A comprehensive consultation process with all relevant stakeholders is a constituent part of flood risk assessment programme. Catchment Flood Risk Assessment and Management Studies

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(CFRAMS) and their product — Catchment Flood Risk Management Plans (CFRMP) — are at the core of this national policy for flood risk management and the strategy for its implementation. This policy is in line with international best practice and the requirements of the EU Floods Directive.

The OPW has been appointed as the national competent authority under the EU Floods Directive, and as such will act the principal coordinator in the production of CFRMP for all national river catchments which are due to be submitted to the EU by 2015. In advance of the completion of the CFRMP, OPW will continue to invest significant funds in terms of flood relief activities, capital works, drainage maintenance and hydrometric activities

73. Deputy Bernard J. Durkan asked the Minister for Finance the extent to which he has received a response from the EU towards flood damage costs arising from the flooding of November 2009; and if he will make a statement on the matter. [16270/10]

Minister for Finance (Deputy Brian Lenihan): My Department made an application to the EU Commission on 27th January 2010 for funding under the EU Solidarity Fund based on estimates of damage received from Departments and local authorities. The application was formally acknowledged by the Commission on 24th February 2010. The EU Solidarity Fund does not fund full reconstruction nor does it fund prevention works. It funds emergency operations to allow a rapid return to normal living conditions.

A regional application was made as the estimate of the extent of the damage does not meet the Solidarity Fund's threshold of 0.6% of GNI or 935.5m euro for a national disaster. There are specific criteria which must be met to ensure a successful regional application to the EU Solidarity Fund. These criteria include the majority of the population of the region being affected by the disaster and serious and long lasting effects on the region's economic stability and living conditions. My Department continues to work with the Commission on finalising the costs underpinning the application.

74. Deputy Bernard J. Durkan asked the Minister for Finance the extent, if any, to which he has sought or received notification from the EU institutions regarding proposals in respect of flood prevention and alleviation; and if he will make a statement on the matter. [16271/10]

Minister for Finance (Deputy Brian Lenihan): I assume the Deputy is referring to the application made by my Department to the EU Commission on 27th January 2010 for funding under the EU Solidarity Fund based on estimates of damage received from Departments and local authorities following the flooding in November 2009. The application was formally acknowledged by the Commission on 24th February 2010. The EU Solidarity Fund does not fund full reconstruction nor does it fund prevention works. It funds emergency operations to allow a rapid return to normal living conditions.

A regional application was made as the estimate of the extent of the damage does not meet the Solidarity Fund's threshold of 0.6% of GNI or 935.5m euro for a national disaster. There are specific criteria which must be met to ensure a successful regional application to the EU Solidarity Fund. These criteria include the majority of the population of the region being affected by the disaster and serious and long lasting effects on the region's economic stability and living conditions. My Department continues to work with the Commission on finalising the costs underpinning the application.

Pension Provisions.

75. Deputy Mary Upton asked the Minister for Finance the reason State controlled banks

continue to pay pensions to former employees who are no longer repaying their loans taken out with their former employers; and if he will make a statement on the matter. [16117/10]

Minister for Finance (Deputy Brian Lenihan): As the Deputy is aware Anglo Irish Bank is the only bank which is State owned and managed by a Board on behalf of the State. Pension Schemes available to staff at the bank include defined benefit schemes (which closed to new membership in 1994) and a defined contribution scheme. These schemes are funded schemes, and are operated by appointed trustees. The schemes are operated independently from the bank under distinct rules and legislation. Pension entitlements are paid from the funds of the relevant schemes and in accordance with the rules of the particular scheme.

As a general rule payment of pension is independent and legally separate from other financial/loan arrangements the bank may have with a former employee. The bank is not legally entitled, as the law stands, to exercise a lien over or prohibit the payment of pension entitlements to former employees.

As with all loans, loans to former directors are being pursued to the full extent by the bank as appropriate and where necessary through the courts.

Garda Stations.

76. **Deputy Denis Naughten** asked the Minister for Finance further to Parliamentary Question No. 237 of 23 March 2010, the position regarding whether competitive bids have been sought. [16175/10]

Minister of State at the Department of Finance (Deputy Martin Mansergh): Competitive bids for this project have not yet been sought. Preparation of tender documents was scheduled to be completed in mid April. However, due to some late changes to certain key engineering design elements, this has been delayed. It is now expected that tender documents will be completed in late May, and invitation of bids as soon as possible thereafter is envisaged. Notwithstanding that target dates have lengthened, the OPW expects to place a contract and to make substantial progress onsite in the second half of the year.

Motor Fuels.

77. **Deputy Paul Kehoe** asked the Minister for Finance if carbon tax will be applicable to marine diesel for fishing boats which are currently exempt from all taxes and duties; and if he will make a statement on the matter. [16191/10]

Minister for Finance (Deputy Brian Lenihan): As required by the Energy Tax Directive, all fuel used for commercial sea navigation, including sea-fishing, will continue to be exempt from Mineral Oil Tax, including the mineral oil tax carbon charge that was introduced in this year's Finance Act.

Company Registration.

78. **Deputy John Deasy** asked the Minister for Finance the time taken to process applications to register new companies for value added tax and the equivalent average processing times in 2008 and 2009; and if he will make a statement on the matter. [16192/10]

Minister for Finance (Deputy Brian Lenihan): I am informed by the Revenue Commissioners that Revenue's Customer Service Standards, published in August 2009, state that 100% of VAT registrations will be dealt with within 10 working days. The 10 working day standard for VAT registrations takes into account an extra level of scrutiny carried out by Revenue to

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ensure that the VAT registration is in respect of a legitimate trade. VAT registration carries a greater risk of abuse than other registration types.

In 2008, 98% of VAT Registrations were dealt with within 10 working days. This represents 34,503 Registrations out of a total of 35,064. In 2009, 96% of VAT Registrations were dealt with within 10 working days. This represents 27,167 Registrations out of a total of 28,263. To date in 2010, 97% of VAT Registrations were dealt with within 10 working days. This represents 7,891 Registrations out of a total of 8,131.

Revenue is currently developing an on-line self-service registration system through its Revenue On-line Service. This will be available to taxpayers and their agents and will allow them to complete their registration applications on-line. This new service will further reduce the amount of time it takes to register for a VAT number. This development is scheduled for completion in late 2010.

Tax Code.

79. **Deputy John Deasy** asked the Minister for Finance if preschool child care establishments and crèches are rateable under the Valuation Act 2001; and if he will make a statement on the matter. [16235/10]

Minister for Finance (Deputy Brian Lenihan): The Valuation Act, 2001 maintains the long-standing position that all commercial facilities — including all preschool child care facilities such as playschools, preschools, crèches and Montessori schools — are liable for rates. However, charitable organisations providing child care facilities exclusively for charitable purposes and otherwise than for private profit are excluded from liability for commercial rates. In addition, operators of sessional places for 38 weeks of the year under the Early Childhood Care & Education Scheme (ECCE) are exempt from rates where: the property is used **exclusively** for the 38 week sessional ECCE funded preschool services and for no other purposes such as child minding, as a crèche funded by private fees or any other commercial use; the expenses incurred in providing the ECCE preschool sessional services are defrayed wholly or mainly out of monies provided by the Exchequer; the educational services are available to the general public.

Tax Code.

80. **Deputy John Deasy** asked the Minister for Finance the time currently taken to process applications to register new companies for PRSI and PAYE payments as an employer and the equivalent average processing times in 2008 and 2009; and if he will make a statement on the matter. [16236/10]

Minister for Finance (Deputy Brian Lenihan): I am informed by the Revenue Commissioners that Revenue's Customer Service Standards, published in August 2009, state that 100% of employer registrations will be dealt with within 5 working days.

In 2008 98% of Employer Registrations were dealt with within 5 working days. This represents 25,680 Registrations out of a total of 26,336.

In 2009 95% of Employer Registrations were dealt with within 5 working days. This represents 20,459 Registrations out of a total of 21,426.

To date in 2010 96% of Employer Registrations were dealt with within 5 working days. This represents 5,873 Registrations out of a total of 6,095.

Revenue is currently developing an on-line self-service registration system through its Revenue On-line Service. This will be available to taxpayers and their agents and will allow them to complete their registration applications on-line. This new service will further reduce the amount of time it takes to register for an Employer number. This development is scheduled for completion in late 2010.

81. **Deputy Phil Hogan** asked the Minister for Finance when a tax refund will issue to a person (details supplied) in County Kilkenny; and if he will make a statement on the matter. [16238/10]

Minister for Finance (Deputy Brian Lenihan): I have been advised by the Revenue Commissioners that a cheque amounting to €825 will issue to the taxpayer in respect of the current year. This refund will issue by Revenue within the next week.

Pension Provisions.

82. **Deputy Róisín Shortall** asked the Minister for Finance in respect of a pension package for a person (details supplied), if he authorised the benefit improvement before it was granted; if so, if he established the cost of this benefit improvement before authorising it. [16289/10]

Minister for Finance (Deputy Brian Lenihan): Last night, Mr Boucher issued a statement saying that he was sensitive to the current comment and debate about his pension arrangements and that he had decided to waive his option to retire on pension at age 55. This means that the requirement to make the payment by the bank to the pension fund no longer exists. I welcome Mr Boucher's decision.

Medical Cards.

83. **Deputy Jack Wall** asked the Minister for Health and Children the position regarding the renewal of an over 70 years medical card; and if she will make a statement on the matter. [16140/10]

Minister for Health and Children (Deputy Mary Harney): I wish to advise the Deputy that due to industrial action affecting the Health Service Executive it is not possible for the Executive to supply the information requested. 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.

84. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children the position regarding the rationalisation of hospital laboratory services; if she will confirm that the Association of Clinical Biochemists in Ireland was not consulted in the drawing up of the Teamwork report on this matter, despite her statement in the Dáil on 8 December 2009 that stakeholders were consulted; her views regarding the report by Teamwork Management Services which claimed that the quality of laboratory services here is of a poor standard; if she and the Health Service Executive have examined the danger of fragmentation of services with the separation of testing in primary and secondary care and the weakening of clinical liaison and input under the proposed privatised and centralised model; her plans to commission a cost benefit analysis of a system that would see these services outsourced, many of them possibly abroad; and if she will make a statement on the matter. [16121/10]

85. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children if she will consider the alternative framework for laboratory modernisation put forward by the National Pathology Network; and if she will make a statement on the matter. [16122/10]

Minister for Health and Children (Deputy Mary Harney): I propose to take Questions Nos. 84 and 85 together.

Approximately 77 million laboratory tests are undertaken annually across 44 public hospitals. At present the annual cost of this service is approximately €470 million. The workload comprises both urgent and non-urgent tests and a significant proportion of the activity originates in the primary care setting. As with all other parts of the health service, and indeed the public service generally, it is essential that laboratory services are delivered as safely and as cost effectively as possible.

An external review of laboratory services was conducted for the HSE by Teamwork Management Services in 2007. The HSE has stated that Teamwork, in undertaking the review, consulted with the Association of Clinical Biochemists in Ireland amongst other stakeholders. The review highlighted limitations in the organisation of laboratories which had an adverse effect on quality, turnaround time and cost. It found at that time that “the whole system quality” of laboratories was not of a sufficiently high standard. The review also found that the overall proportion of individual laboratory medicine disciplines that had achieved accreditation status was low, “end-to-end” information systems were unsatisfactory and logistic services were inadequate. It found as well that the general condition of the laboratory estate typically was of traditional design and was outmoded.

In light of the review, the HSE announced plans in the early part of 2009 to modernise laboratory services and to achieve significant efficiencies in the configuration and operation of these services. The HSE has already had significant engagement with stakeholders in progressing this initiative. Groups such as the Faculty of Pathology, the Medical Laboratory Scientists’ Association and the Association of Clinical Biochemists in Ireland will continue to have a significant input into the process.

As part of this initiative, the HSE has commenced discussions with the National Development Finance Agency about the capital financing of a small number of dedicated “cold” laboratories to process the large volumes of routine patient tests, many of which originate in primary care, currently undertaken in hospital laboratories. This process will include a robust analysis of the cold laboratory business model from a ‘Value for Money’ perspective.

I am pleased to acknowledge that a number of improvements in laboratory services have taken place since the completion of the Teamwork review. The number of individual accredited laboratory disciplines has increased significantly. In addition, some reconfiguration of laboratory services has been achieved by transferring work undertaken in a number of small laboratories to larger laboratories. This has allowed for a higher level of throughput. The HSE has indicated that improved processes, introduced in the past year, have achieved non-pay savings in 2009 of some €5m.

I am satisfied that the measures being taken by the HSE, with ongoing input from stakeholders, to modernise laboratory services are necessary and appropriate for the reasons which have been outlined.

Sheltered Housing Projects.

86. **Deputy James Reilly** asked the Minister for Health and Children her plans to address the lack of inspection regime for sheltered housing projects in which approximately 6,000 elderly people reside, in view of the fact that apparently the Health Information and Quality Authority have no remit to inspect these homes for the elderly; and if she will make a statement on the matter. [16126/10]

Minister of State at the Department of the Health and Children (Deputy Áine Brady): Sheltered housing for older people generally describes purpose built group or clustered housing schemes designed for people, who would normally be aged 55 years or over, and where low to medium level of on-site support is implied. Residents have their own apartments or houses and may be either owners or tenants. Housing policy and support, including sheltered housing is primarily the responsibility for the Department of the Environment, Heritage and Local Government.

The Health Act, 2007, sets out the functions of the Office of the Chief Inspector for Social Services as part of the Health Information and Quality Authority. One of the functions of the Chief Inspector is the registration and inspection of designated centres against the regulations governing these centres and the national standards approved by the Minister of Health and Children. The definition of a designated centre set out in Section 2 of the Act does not include sheltered housing. There are no plans at present to extend HIQA's remit to include the inspection of sheltered housing.

Health Service Staff.

87. **Deputy James Reilly** asked the Minister for Health and Children if she will confirm that the post of Chief Dental Officer was abolished in her Department in 2004; if she will further confirm that there is no chief operating officer for dental or oral health in the Health Service Executive; if so, if she will clarify the person who is providing national leadership in public service dentistry in her Department or in the Health Service Executive; her plans to address this deficit; and if she will make a statement on the matter. [16135/10]

Minister for Health and Children (Deputy Mary Harney): The Deputy will be aware of the moratorium on recruitment that applies across the public service. As a result, there are no immediate plans to fill the post referred to by the Deputy. The Health Service Executive is currently in the process of appointing an Interim Oral Health Lead/Clinical Director who will provide leadership to this sector.

Medical Cards.

88. **Deputy Jack Wall** asked the Minister for Health and Children the position regarding the renewal of an over 70 years medical card; and if she will make a statement on the matter. [16142/10]

Minister for Health and Children (Deputy Mary Harney): I wish to advise the Deputy that due to industrial action affecting the Health Service Executive it is not possible for the Executive to supply the information requested. 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 Illness Scheme.

89. **Deputy Billy Timmins** asked the Minister for Health and Children the position regarding a person (details supplied) in County Wicklow, who has been prescribed a drug not covered under the long-term illness scheme; if this drug be included as a matter of urgency in view of their medical circumstances; and if she will make a statement on the matter. [16144/10]

Minister for Health and Children (Deputy Mary Harney): I wish to advise the Deputy that due to industrial action affecting the Health Service Executive it is not possible for the Executive to supply the information requested. 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.

90. **Deputy James Reilly** asked the Minister for Health and Children if she will review the case of a centre (details supplied) in County Donegal; and if she will make a statement on the matter. [16173/10]

Minister for Health and Children (Deputy Mary Harney): I wish to advise the Deputy that due to industrial action affecting the Health Service Executive it is not possible for the Executive to supply the information requested. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

91. **Deputy James Reilly** asked the Minister for Health and Children if she will reconsider the case and allocated 50 hours of care to a person (details supplied) in County Galway who resides full-time in a care centre at considerable cost to the State and who wishes to move home to their family but cannot do so in view of the fact that the Health Service Executive will only allocate 11 hours of home care while their professional care team insist they need 50 hours; and if she will make a statement on the matter. [16186/10]

Minister of State at the Department of Health and Children (Deputy John Moloney): I wish to advise the Deputy that due to industrial action affecting the Health Service Executive it is not possible for the Executive to supply the information requested. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

Mental Health Services.

92. **Deputy James Reilly** asked the Minister for Health and Children if she will report on the local mental health services in the town of Balbriggan, County Dublin, which has a local health centre; if she will confirm whether the clinical psychologist position in that centre has been vacant for more than 12 months; when will a new psychologist be appointed to serve the people of Balbriggan and the extensive hinterlands in view of the fact that there are local reports that patients are having difficulty accessing the mental health service in that area; and if she will make a statement on the matter. [16190/10]

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. However, if this matter remains of continuing concern to you, I would invite you to raise it with me again in due course.

93. **Deputy Mary Upton** asked the Minister for Health and Children when residential care services will be provided in this country for an autistic child (details supplied) in Dublin 12; and if she will make a statement on the matter. [16194/10]

Minister of State at the Department of Health and Children (Deputy John Moloney): I wish to advise the Deputy that due to industrial action affecting the Health Service Executive it is not possible for the Executive to supply the information requested. 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.

94. **Deputy Paul Kehoe** asked the Minister for Health and Children when a decision will issue on a medical card application in respect of a person (details supplied). [16203/10]

Minister for Health and Children (Deputy Mary Harney): I wish to advise the Deputy that due to industrial action affecting the Health Service Executive it is not possible for the Executive to supply the information requested. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

95. **Deputy Paul Kehoe** asked the Minister for Health and Children when a decision will issue on an application for a medical card in respect of a person (details supplied). [16204/10]

Minister for Health and Children (Deputy Mary Harney): I wish to advise the Deputy that due to industrial action affecting the Health Service Executive it is not possible for the Executive to supply the information requested. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

96. **Deputy Paul Kehoe** asked the Minister for Health and Children when a decision will issue on a medical card application in respect of persons (details supplied). [16205/10]

Minister for Health and Children (Deputy Mary Harney): I wish to advise the Deputy that due to industrial action affecting the Health Service Executive it is not possible for the Executive to supply the information requested. 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.

97. **Deputy Paul Kehoe** asked the Minister for Health and Children when a bed will become available for a person (details supplied). [16207/10]

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.

98. **Deputy Paul Kehoe** asked the Minister for Health and Children when a person (details supplied) will receive an eye appointment in Arkeen Hospital, Waterford. [16209/10]

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. The scheduling of patients for hospital treatment is a matter for the consultant concerned in each case and is determined on the basis of clinical need. However should the patient's general practitioner consider that her condition warrants an earlier appointment, he/she would be in the best position to take the matter up with the consultant involved.

Medical Cards.

99. **Deputy Paul Kehoe** asked the Minister for Health and Children when a person (details supplied) will receive their medical card. [16215/10]

Minister for Health and Children (Deputy Mary Harney): I wish to advise the Deputy that due to industrial action affecting the Health Service Executive it is not possible for the Executive to supply the information requested. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

100. **Deputy Bernard J. Durkan** asked the Minister for Health and Children when a medical card will issue in respect of a person (details supplied) in County Dublin; and if she will make a statement on the matter. [16262/10]

Minister for Health and Children (Deputy Mary Harney): I wish to advise the Deputy that due to industrial action affecting the Health Service Executive it is not possible for the Executive to supply the information requested. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

Residential Institutions.

101. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children further to Parliamentary Question No. 247 of 16 February 2010, when a reply will issue. [16281/10]

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.

Children in Care.

102. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children further to Parliamentary Question No. 162 of 15 October 2009, when the outstanding information promised by the Health Service Executive will issue. [16282/10]

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 Services.

103. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children the services available to young persons using out of hours hostel accommodation during the day; the locations of each service; the times that persons using these services are required to leave their accommodation and permitted to return; the number of persons using these services; and if she will make a statement on the matter. [16283/10]

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.

104. **Deputy Frank Feighan** asked the Minister for Health and Children when a hospital appointment will issue to a person (details supplied) in County Leitrim. [16285/10]

Minister for Health and Children (Deputy Mary Harney): I wish to advise the Deputy that due to industrial action affecting the Health Service Executive it is not possible for the Executive to supply the information requested.

However, I would like to advise the Deputy that the scheduling of patients for hospital treatment is a matter for the consultant concerned in each case and is determined on the basis of clinical need. Should the patient's general practitioner consider that the patient's condition warrants an earlier appointment, he/she would be in the best position to take the matter up with the consultant involved. The National Treatment Purchase Fund arranges treatment for patients who have been on a surgical waiting list for more than three months. It is open to the

person in question or anyone acting on their behalf to contact the Fund directly in relation to their case.

Rural Transport Services.

105. **Deputy Frank Feighan** asked the Minister for Transport his plans for rural lift in counties Leitrim and Cavan; and if he will make a statement on the matter. [16222/10]

Minister of State at the Department of Transport (Deputy Ciarán Cuffe): Rural Lift is one of thirty six community transport groups around the country funded under my Department's Rural Transport Programme. Pobal administers the Programme on behalf of my Department. Neither I nor my Department have any role in relation to the day-to-day management issues pertaining to the Programme or in allocating funds to particular groups.

Social Welfare Benefits.

106. **Deputy Finian McGrath** asked the Minister for Transport the position regarding the free travel scheme (details supplied); when this scheme was withdrawn; the person who made the decision. [16189/10]

Minister of State at the Department of Transport (Deputy Ciarán Cuffe): There has been no change in the position regarding the Free Travel Scheme and the Rural Transport Programme. The Free Travel Scheme continues to be available to holders of free travel passes issued by the Department of Social Protection availing of services under the Rural Transport Programme.

Garda Deployment.

107. **Deputy Charlie O'Connor** asked the Minister for Justice and Law Reform if he will allocate additional resources at Tallaght Garda station, Dublin 24, to allow the Garda to take action to combat racism in local estates; if his attention has been drawn to the figures released by South Dublin County Council suggesting an increase in such incidents; and if he will make a statement on the matter. [16136/10]

108. **Deputy Charlie O'Connor** asked the Minister for Justice and Law Reform if he will urge the Garda Commissioner to make a decision in respect of the policing of an estate (details supplied) in Tallaght, Dublin 24, which is currently served by both Tallaght and Clondalkin Garda stations; if his attention has been drawn to the fact that there is still a crime problem in this estate; and if he will make a statement on the matter. [16137/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): I propose to take Questions Nos. 107 and 108 together.

The allocation of policing resources throughout the Country, including personnel, together with overall policing arrangements and operational strategy, is a matter for the Garda Commissioner and senior Garda Officers. Such allocations are continually monitored and reviewed and this ensures that optimum use is made of Garda resources and the best possible Garda service is provided to the general public.

Specifically in relation to the area referred to by the Deputy, I am advised by the Garda Authorities that this area is patrolled by members from both Tallaght and Clondalkin Garda stations. The personnel strength of these stations, as at 28 February 2010, the latest date for which figures are readily available, was 281 and 99 respectively. I am informed that there is excellent liaison and communication between the respective Community Policing Units, with regular meetings being held with Residents' Groups from the area.

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I am further advised that the area is subject to regular patrols by both uniform and plain-clothes personnel, including the Garda Mountain Bike Units, District Detective and Drug Unit personnel, supplemented as necessary by Divisional Crime Task Forces and Traffic Corps personnel. Current policing plans for the area are designed to address crime and public order issues, crime prevention and the maintenance of an environment conducive to the improvement of quality of life for the residents of the area. Community policing is a central feature and core value of this policing policy.

On the issue of combating racism, I am informed that local Garda management constantly monitors criminal activity and crime levels within the District and Division, including racially motivated incidents, and the allocation of personnel is kept under regular review. Members of the Community Policing Unit have built up good liaison mechanisms with the various ethnic groups residing and working in the Tallaght area. These members liaise closely with the communities in these areas, through the schools, businesses, Churches, Community Centres, and other community groups in the area. Members of the Community Policing Unit operate Garda Clinics, for one (1) hour per week, in conjunction with the Anti-Social Behaviour Unit of the Local Authority.

Local Garda management is satisfied that there are sufficient members allocated to the District Community Policing Unit and issues of concern and other matters brought to their attention are adequately addressed.

Any person subjected to racist abuse should report the matter at their local Garda station or to any member of An Garda Síochána and the matter will be investigated. Members of the public affected by racism should speak to an Ethnic Liaison Officer (ELO), whose function is to liaise with local ethnic communities. Ethnic Liaison Officers have been trained to be particularly aware of the issue of racism and its impact. These officers are available in each Garda Division in the country. If a person needs encouragement or support in reporting a racist incident they can arrange to meet an ELO at their local Garda station to discuss the matter.

The Garda Racial and Intercultural Office (GRIO) can also be contacted by anyone wishing to seek advice on addressing issues of racism.

Citizenship Applications.

109. **Deputy Michael Ring** asked the Minister for Justice and Law Reform when a decision will issue on an application for a citizenship in respect of a person (details supplied) in County Westmeath. [16162/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): A valid application for a certificate of naturalisation from the person referred to in the Deputy's Question was received in the Citizenship Division of my Department in October 2008.

All valid applications are dealt with in chronological order as this is deemed to be the fairest to all applicants. The average processing time from application to decision is now at 26 months. More complicated cases can at times take more than the current average, while an element of straight forward cases can be dealt with in less than that timescale.

The length of time taken to process each application should not be classified as a delay, as the length of time taken for any application to be decided is purely a function of the time taken to carry out necessary checks. There is a limit to the reduction in the processing time that can be achieved as applications for naturalisation must be processed in a way which preserves the necessary checks and balances to ensure that it is not undervalued and is only given to persons who genuinely satisfy the necessary qualifying criteria.

Visa Applications.

110. **Deputy Dan Neville** asked the Minister for Justice and Law Reform if he will process an application for a holiday visa in respect of a person (details supplied) in County Limerick. [16188/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): I am pleased to inform the Deputy that the visa application referred to has been approved.

Garda Stations.

111. **Deputy Paul Kehoe** asked the Minister for Justice and Law Reform the progress made on the provision of a new Garda station in Wexford; and if he will make a statement on the matter. [16217/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): The programme of replacement and refurbishment of Garda accommodation is based on agreed priorities established by An Garda Síochána and progressed by the Office of Public Works, which has responsibility for the provision and maintenance of Garda accommodation.

I am advised that the development of plans for the provision of a new Garda station in Wexford is being advanced by the Office of Public Works in conjunction with the Garda authorities, with a view to work commencing on the new Garda station.

Crime Levels.

112. **Deputy Fergus O'Dowd** asked the Minister for Justice and Law Reform the reason for the increase in knife crime; the steps the Garda can take to counter such incidents (details supplied); and if he will make a statement on the matter. [16220/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): All incidents of the kind referred to by the Deputy are, of course, rigorously pursued by An Garda Síochána with a view to bringing the perpetrators to justice. One person has been charged in connection with the incident referred to by the Deputy.

All members of An Garda Síochána proactively target public disorder and anti-social behaviour, including knife related crime. Areas identified as public order hot-spots by local Garda management are the subject of additional foot and mobile patrols. Incidents of public disorder and anti-social behaviour reported to the Garda authorities are the subject of investigation and are dealt with appropriately in accordance with the law. Over 611,000 offences have been detected since the establishment of Operation Encounter, which was commenced by the then Commissioner in February, 2002, to target public disorder and anti-social behaviour against the local and business communities.

Local policing plans are predicated on the prevention of anti-social and public order offences, the prevention of crime including crimes of violence against persons and property and the maintenance of an environment conducive to the improvement of quality of life of the residents. Patrols are directed to pay particular attention to those areas where local youths tend to congregate and where the likelihood of anti-social behaviour may arise in order to reduce incidences of public disorder and anti-social behaviour type activities.

Legislation on the use of knives and similar weapons is extremely robust and heavy penalties are in place. The Garda Commissioner made recommendations in relation to knives and sharply pointed or bladed weapons, and subsequently I introduced legislation which was enacted as the Criminal Justice (Miscellaneous Provisions) Act 2009. The maximum penalty for possessing

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a knife in a public place has been increased from one to five years, and An Garda Síochána has been given an extended power of search without warrant in relation to knives and offensive weapons.

In tandem with the new legislation, samurai swords have been banned from importation and sale, though exceptions have been made for collectors and martial artists.

In 2009, the Garda Commissioner and I launched a Knife Awareness Campaign by An Garda Síochána to inform and educate young people on the dangers of carrying knives and with the aim of reducing the number of incidents of knife crime. The campaign targeted a young male audience with messages delivered through role models in both the sporting and media world and incorporated a series of local road-show events as well a dedicated website and a presence on social networking sites.

Statistics show that nearly one third of knife crimes occur in domestic settings and often with a degree of spontaneity, which increases the challenges of policing and enforcement. The whole area of knives and knife crime is kept under constant review.

Legal Aid Service.

113. **Deputy Olwyn Enright** asked the Minister for Justice and Law Reform if a person (details supplied) in County Offaly, who is in receipt of a higher education grant and social welfare payments, is liable for fees in respect of services provided by the Free Legal Aid Board; and if he will make a statement on the matter. [16225/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): I have no responsibility in this matter. Under section 7(3) of the Civil Legal Aid Act, 1995, I am precluded from exercising any power or control in relation to any particular case with which the Legal Aid Board is or may be concerned. Furthermore, in respect of any queries regarding the provision of legal services to any person, please note that the solicitor/client relationship is protected by privilege in accordance with the terms of Section 32 of the Civil Legal Aid Act, 1995.

I understand that Information Leaflets about the services (including a Leaflet on Financial Eligibility) that the Board provides and a full list of the Board's Law Centres is available at the Board's website (www.legalaidboard.ie). The Board also has a Law Centre located in Harbour Street, Tullamore, Co. Offaly.

Residency Permits.

114. **Deputy Bernard J. Durkan** asked the Minister for Justice and Law Reform the position regarding an application for family reunification in the case of a person (details supplied) in Dublin 15; and if he will make a statement on the matter. [16239/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): I am informed by the Irish Naturalisation and Immigration Service (INIS) that a letter was issued to the person referred to by the Deputy on the 6th April 2010.

I am further informed by INIS that on receipt of a response from the person referred to by the Deputy, any further documentation or evidence submitted will be considered.

Deportation Orders.

115. **Deputy Bernard J. Durkan** asked the Minister for Justice and Law Reform if he will outline the procedures followed in the case of a person (details supplied) in Dublin 8 in respect of their residency status; if a favourable review of their case can be entertained in view of the

fact that they are the parent of an Irish born child; and if he will make a statement on the matter. [16240/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): It is noted that the address of the person concerned as supplied by the Deputy does not match the address currently on record for the person concerned. As it is incumbent on an applicant to notify my Department when they change address it would be in the best interest of the person concerned to inform my Department of his correct address without delay.

The person concerned applied for asylum on 4 January 2006. His application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, by the Refugee Appeals Tribunal.

Subsequently, in accordance with Section 3 of the Immigration Act 1999 (as amended), the person concerned was informed, by letter dated 16 January 2007, that the Minister proposed to make a Deportation Order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why he should be allowed to remain temporarily in the State. In addition, he was notified of his entitlement to apply for Subsidiary Protection in the State in accordance with the European Communities (Eligibility for Protection) Regulations, 2006 (S.I. No. 518 of 2006).

By correspondence dated 6 February 2007, an application for Subsidiary Protection was made on behalf of the person concerned by his legal representative. Following consideration of the information submitted, the application was refused. The person concerned and his legal representative were notified of this decision by letter dated 12 March 2010.

His case was then examined under Section 3(6) of the Immigration Act, 1999, (as amended), and Section 5 of the Refugee Act, 1996 (as amended), on the Prohibition of Refoulement. Consideration was given to representations submitted on his behalf by his legal representative for permission to remain in the State. On 25 March 2010, I refused permission to remain temporarily in the State and instead signed a Deportation Order in respect of him. Notice of this order was served by registered post requiring the person concerned to leave the State by 25 April 2010.

I am satisfied that the applications made by the person concerned for asylum and for temporary leave to remain in the State, were fairly and comprehensively examined and, therefore, the decision to deport him is justified.

The effect of the Deportation Order is that the person concerned must leave the State and remain thereafter out of the State.

The enforcement of the Deportation Orders is an operational matter for the GNIB.

116. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if he will indicate the extent to which a person (details supplied) in Dublin 8 can be facilitated to complete their third level educational course in view of the fact that they have been issued with a deportation order; if there are circumstances appertaining to the case which might be used to assist them; and if he will make a statement on the matter. [16241/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The case of the person concerned was examined under Section 3(6) of the Immigration Act, 1999, (as amended), and Section 5 of the Refugee Act, 1996 (as amended), on the Prohibition of Refoulement. On 23 March 2010, I refused the person concerned permission to remain temporarily in the State and instead signed a Deportation Order in respect of him. The effect of the Deport-

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ation Order is that the person concerned must leave the State by 25 April 2010 and remain thereafter out of the State. If new information or circumstances have come to light, which have a direct bearing on his case and which have arisen since the original decision to deport was made, there remains the option of applying to me for revocation of his Deportation Order pursuant to the provisions of Section 3 (11) of the Immigration Act, 1999, as amended. However I wish to make clear that such an application would require substantial grounds to be successful. The enforcement of the Deportation Order is, and remains, an operational matter for the GNIB.

Asylum Applications.

117. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform further to Parliamentary Question No. 100 of 18 February 2010, when he expects to have the information available in the case of a person (details supplied) in County Laois; and if he will make a statement on the matter. [16242/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I refer the Deputy to my previous replies to his Parliamentary Questions. I am informed by the Irish Naturalisation and Immigration Service (INIS) that the person in question was the subject of a Family Reunification/Permission to Remain application made by his brother in 2003. The Family Reunification/Permission to Remain application was refused in August 2004. I am further informed by INIS that the legal representative of the person referred to by the Deputy made further representations and was informed on 13 March 2009 that as the person concerned was being interviewed by An Garda Síochána his application was being suspended pending the outcome of an investigation. A report was received from An Garda Síochána in January 2010 stating that the file is nearing completion. On receipt of the completed investigation by An Garda Síochána the application will be further considered.

118. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding residency in the case of a person (details supplied) in County Dublin; and if he will make a statement on the matter. [16243/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The person concerned applied for asylum on 11 February 2004. In accordance with Section 9 of the Refugee Act 1996 (as amended), the person concerned was entitled to remain in the State until his application for asylum was decided. His asylum application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, the Refugee Appeals Tribunal.

Arising from the refusal of his asylum application, and in accordance with the provisions of Section 3 of the Immigration Act 1999 (as amended), the person concerned was notified, by letter dated 27 February 2006, that the Minister proposed to make a Deportation Order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why a Deportation Order should not be made against him.

The person concerned was subsequently notified of his entitlement to apply for Subsidiary Protection in the State in accordance with the European Communities (Eligibility for Protection) Regulations 2006 (S.I. No. 518 of 2006). The person concerned submitted an application for Subsidiary Protection in the State in accordance with these Regulations and this

application is under consideration at present. When consideration of this application has been completed, the person concerned will be notified in writing of the outcome.

In the event that the application for Subsidiary Protection is refused, the position in the State of the person concerned will then be decided by reference to the provisions of Section 3 (6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement. All representations submitted will be considered before the file is passed to me for decision. Once a decision has been made, this decision and the consequences of the decision will be conveyed in writing to the person concerned.

119. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform when family reunification and associated matters including a review of their file are likely to be dealt with in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [16244/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I refer the Deputy to my previous replies to his Parliamentary Questions. I am informed by the Irish Naturalisation and Immigration Service (INIS) that a letter issued to the person referred to by the Deputy on the 20th April 2010. I am further informed by INIS that on receipt of a response from the person referred to by the Deputy the case will be considered further.

120. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding an application for residency in the case of a person (details supplied) in Dublin 8; and if he will make a statement on the matter. [16245/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Judicial Review process in this case has been completed and the fact remains that this person falls under the Dublin II Regulation, (Council Regulation (EC) No. 343/2003). The Dublin II Regulation, is intended to prevent the phenomenon of ‘asylum shopping’ across Europe and sets out criteria for determining which Regulation State is responsible for examining an asylum application where applications have been lodged in more than one Regulation State. At the same time, it guarantees applicants that one State will process their application, thereby preventing the creation of ‘refugees in orbit’, a situation which had previously pertained in Europe.

The Office of the Refugee Applications Commissioner, (ORAC), in accordance with the terms of the Dublin II Regulation, determined that Belgium is responsible for examining this person’s asylum application, as they had previously made an asylum application there. Belgium has accepted responsibility in this case and I intend to proceed with the transfer in question.

121. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding an application for residency in the case of a person (details supplied) in County Louth; and if he will make a statement on the matter. [16246/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I refer the Deputy to my detailed Reply to his earlier Parliamentary Question No. 96 of Thursday, 2 July 2009, and the written Reply to that Question.

The position in the State of the person concerned now falls to be considered for Subsidiary Protection in accordance with the European Communities (Eligibility for Protection) Regulations 2006 (S.I. No. 518 of 2006) and this application is under consideration at present. When consideration of this application has been completed, the person concerned will be notified in writing of the outcome.

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In the event that the application for Subsidiary Protection is refused, the position in the State of the person concerned will then be decided by reference to the provisions of Section 3 (6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement. All representations submitted will be considered before the file is passed to me for decision. Once a decision has been made, this decision and the consequences of the decision will be conveyed in writing to the person concerned.

122. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the options, if any, to facilitate a review of residency entitlement in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [16247/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I refer the Deputy to my Replies to his earlier Parliamentary Questions, Nos. 268 of Wednesday, 3 February, 2010, 198 of Thursday, 26 November, 2009 and 278 of Tuesday, 17 November, 2009, and the written Replies to those Questions.

The position in the State of the person concerned now falls to be decided by reference to the provisions of Section 3 (6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement. All representations submitted will be considered before the file is passed to me for decision. Once a decision has been made, this decision and the consequences of the decision will be conveyed in writing to the person concerned.

The case of the person concerned is one of many awaiting a decision at present, however, the Deputy can be assured that the case will be processed to finality as soon as possible.

123. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding residency in the case of a person (details supplied) in County Galway; and if he will make a statement on the matter. [16248/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The case of the person concerned was examined under Section 3(6) of the Immigration Act, 1999, (as amended), and Section 5 of the Refugee Act, 1996 (as amended), on the Prohibition of Refoulement. Consideration was given to representations submitted on her behalf by her legal representative for permission to remain in the State. On 23 September 2009, I refused permission to remain temporarily in the State and instead signed a Deportation Order in respect of her. Notice of this Order was served by registered post requiring her to present herself at the Offices of the Garda National Immigration Bureau in order to make arrangements for her removal from the State. She failed to present and was classified as evading her deportation. She should, therefore, present herself to the GNIB without any further delay.

On 13th October, 2009, the person's two children claimed asylum. The person's legal representative was notified by letter dated 21st October, 2009 that an undertaking had been given not to enforce the Deportation Order signed in respect of her until the children's asylum application had been processed.

124. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding residency and citizenship in the case of a person (details supplied) in Dublin 8; and if he will make a statement on the matter. [16249/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The person concerned applied for asylum on 29 July 2003. In accordance with Section 9 of the Refugee Act

1996 (as amended), the person concerned was entitled to remain in the State until his application for asylum was decided. His asylum application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, the Refugee Appeals Tribunal.

Arising from the refusal of his asylum application, and in accordance with the provisions of Section 3 of the Immigration Act 1999 (as amended), the person concerned was notified, by letter dated 26 May 2008, that the Minister proposed to make a Deportation Order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why a Deportation Order should not be made against him. In addition, he was notified of his entitlement to apply for Subsidiary Protection in the State in accordance with the European Communities (Eligibility for Protection) Regulations 2006 (S.I. No. 518 of 2006).

The person concerned initiated Judicial Review proceedings in the High Court, challenging the decision of the Refugee Appeals Tribunal in his case. The Judicial Review proceedings were struck out on 12 June 2009 meaning that the earlier decisions of the Refugee Appeals Tribunal and the Minister stood.

The person concerned submitted an application for Subsidiary Protection in the State and this application is under consideration at present. When consideration of this application has been completed, the person concerned will be notified in writing of the outcome.

In the event that the application for Subsidiary Protection is refused, the position in the State of the person concerned will then be decided by reference to the provisions of Section 3 (6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement. All representations submitted will be considered before the file is passed to me for decision. Once a decision has been made, this decision and the consequences of the decision will be conveyed in writing to the person concerned.

Citizenship Applications.

125. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding citizenship in the case of a person (details supplied) in Dublin 24 whose late father was an Irish citizen; and if he will make a statement on the matter. [16250/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): In the absence of more specific information, the Deputy will appreciate that I am unable to provide a definitive response in relation to the issue raised. If the late father of the person referred to in the Deputy's Question was an Irish citizen at the time of his birth then he is automatically entitled to Irish citizenship.

If the person in question is not entitled to Irish citizenship by descent, they can apply for Irish citizenship through naturalisation. Such applications are considered under the Irish Nationality and Citizenship Acts 1956-2004. The applicant must fulfil certain statutory requirements including requirements in relation to residency. However I am empowered to dispense with the statutory conditions in whole or in part in certain circumstances — for example where the applicant is of Irish descent or Irish associations. Every such application is decided upon on its individual circumstances and in accordance with the law.

Officials in the Citizenship Division of my Department inform me that there is no record of an application for a certificate of naturalisation from the person concerned.

Asylum Applications.

126. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding a residency application in the case of a person (details supplied) in County Dublin; and if he will make a statement on the matter. [16251/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The person concerned applied for asylum on 15 March 2006. In accordance with Section 9 of the Refugee Act 1996 (as amended), the person concerned was entitled to remain in the State until her application for asylum was decided. Her asylum application was refused following consideration of her case by the Office of the Refugee Applications Commissioner and, on appeal, the Refugee Appeals Tribunal.

Arising from the refusal of her asylum application, and in accordance with the provisions of Section 3 of the Immigration Act 1999 (as amended), the person concerned was notified, by letter dated 13 November 2007, that the Minister proposed to make a Deportation Order in respect of her. She was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why a Deportation Order should not be made against her. In addition, she was notified of her entitlement to apply for Subsidiary Protection in the State in accordance with the European Communities (Eligibility for Protection) Regulations 2006 (S.I. No. 518 of 2006).

The person concerned submitted an application for Subsidiary Protection in the State in accordance with these Regulations and this application is under consideration at present. When consideration of this application has been completed, the person concerned will be notified in writing of the outcome.

In the event that the application for Subsidiary Protection is refused, the position in the State of the person concerned will then be decided by reference to the provisions of Section 3 (6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement. All representations submitted will be considered before the file is passed to me for decision. Once a decision has been made, this decision and the consequences of the decision will be conveyed in writing to the person concerned.

127. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the progress made in the case of an application for family reunification in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [16252/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed by the Irish Naturalisation and Immigration Service (INIS) that a letter issued to the legal representative of the person referred to by the Deputy on 2nd February 2010 and that to date the documentation requested has not been received. I am further informed by INIS that a letter issued to the legal representative on 20th April 2010 and on receipt of a response from the legal representative of the person referred to by the Deputy his Family Reunification application will be further processed.

Citizenship Applications.

128. **Deputy Bernard J. Durkan** asked the Minister for Justice and Law Reform the position regarding an application for family reunification in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [16253/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): I am informed by the Irish Naturalisation and Immigration Service (INIS) that the person referred to by the Deputy made a Family Reunification application in May 2007.

A decision in this case issued to the applicant on 19th January 2010 and a copy of the consideration detailing the reasons for the decision was also provided.

Asylum Applications.

129. **Deputy Bernard J. Durkan** asked the Minister for Justice and Law Reform the position regarding the residency status in respect of a person (details supplied) in Dublin 15; and if he will make a statement on the matter. [16254/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): The person concerned applied for asylum on 4 July 2006. In accordance with Section 9 of the Refugee Act 1996 (as amended), the person concerned was entitled to remain in the State until his application for asylum was decided. His asylum application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, the Refugee Appeals Tribunal.

Arising from the refusal of his asylum application, and in accordance with the provisions of Section 3 of the Immigration Act 1999 (as amended), the person concerned was notified, by letter dated 4 January 2007, that the Minister proposed to make a Deportation Order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why a Deportation Order should not be made against him. In addition, he was notified of his entitlement to apply for Subsidiary Protection in the State in accordance with the European Communities (Eligibility for Protection) Regulations 2006 (S.I. No. 518 of 2006).

The person concerned submitted an application for Subsidiary Protection in the State in accordance with these Regulations and, following consideration of this application, it was determined that the person concerned was not eligible for Subsidiary Protection in the State. The person concerned was notified of this decision by letter dated 19 November 2007.

The case file of the person concerned, including all representations submitted, will now be considered under Section 3 (6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement. When this latter consideration has been completed, the case file of the person concerned will be passed to me for decision. Once a decision has been made, this decision and the consequences of the decision will be conveyed in writing to the person concerned.

Residency Permits.

130. **Deputy Bernard J. Durkan** asked the Minister for Justice and Law Reform the position regarding the residency status in respect of a person (details supplied) in Dublin 22; and if he will make a statement on the matter. [16255/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): I wish to refer the Deputy to the reply to Parliamentary Question No. 510 of Tuesday, 20 April, 2010. The position in relation to the person concerned as set out in that reply remains unchanged.

131. **Deputy Bernard J. Durkan** asked the Minister for Justice and Law Reform the reason stamp four has not been renewed in the case of a person (details supplied) in County Kildare. [16256/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): I am informed that the person concerned presented at Maynooth Garda Station on 24 March of this year and was granted an extension of her permission to remain in the State in line with that granted to her mother. The person in question currently has permission to remain in the State under Stamp 4 conditions valid until 23 March, 2013.

132. **Deputy Bernard J. Durkan** asked the Minister for Justice and Law Reform the position regarding residency in the case of a person (details supplied) in County Cork. [16257/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): The person concerned was granted Leave to Remain in the State for a six month period to 5 January 2010. This decision was conveyed in writing to the person concerned by letter dated 3 July 2009. This communication also set out the conditions attached to this permission to remain in the State which included a requirement that the person concerned would obey the laws of the State.

On 4 January 2010, the person concerned was notified in writing that due to his convictions for road traffic offences in the State, the Minister was of the opinion that he had not adhered to the conditions attached to his Leave to Remain in the State and was therefore proposing to revoke his permission to remain in the State. The person concerned was invited to submit a written response to the Minister's proposal within a period of 15 working days.

The person concerned has submitted a response to the proposal to revoke his Leave to Remain and this submission is under consideration at present. Once a decision has been made, this decision, and the consequences of the decision, will be conveyed in writing to the person concerned.

133. **Deputy Bernard J. Durkan** asked the Minister for Justice and Law Reform further to Parliamentary Question No. 140 of 11 February 2010 and No. 140 of 8 October 2009 the position regarding the application for residency in the case of a person (details supplied) in County Laois; the extent of the examination of eligibility for residency that has taken place to date; the degree to which the various procedures have been exhausted; the procedures if any outstanding; if in the interim subsistence payments are being made in respect of institutional accommodation pending an eventual decision in respect of residency; and if he will make a statement on the matter. [16258/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): The position in the State of the person concerned is that his asylum claims have been investigated by both the Office of the Refugee Applications Commissioner and the Refugee Appeals Tribunal, both of whom have concluded that the person concerned did not meet the criteria for recognition as a refugee. As a result, the person concerned was issued with a notification of intention to deport letter, dated 21 March 2006, which advised him of his options vis a vis his position in the State at that point in time and the person concerned has availed of the option to submit written representations for consideration under Section 3 of the Immigration Act 1999 (as amended).

It would appear also that the person concerned would be entitled to submit an application for Subsidiary Protection in the State in accordance with the European Communities (Eligibility for Protection) Regulations 2006 which came into force on 10 October 2006. To this end, I have asked Department Officials to write to the person concerned regarding this option and I expect this communication to issue to the person concerned by the end of this week. No further consideration will be given to the case of the person concerned until such time as he's had a reasonable opportunity to consider this option.

In the event that an application for Subsidiary Protection is submitted by the person concerned, this application will be considered first and a decision issued. If the application is successful then no further consideration will have to be given to his case. If, however, his application for Subsidiary Protection is refused, or if no such application is lodged, his position in the State will be decided by reference to the provisions of Section 3 (6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement at which point all representations submitted will be considered before the file is passed to me for decision. Once a decision has been made, this decision and the consequences of the decision will be conveyed in writing to the person concerned.

As the Deputy will see from the above, the asylum elements of the case of the person concerned have been exhausted while the elements relating to Subsidiary Protection and Section 3 of the Immigration Act 1999 (as amended) remain to be determined.

In relation to the 'subsistence payments' aspect of the Deputy's Question, the position is that the Reception and Integration Agency (RIA) of my Department is responsible for the accommodation of asylum seekers through the policy of direct provision. Direct provision is the means by which the State discharges its obligations to provide for the basic requirements of asylum seekers. For the most part, this represents a cashless system with the State assuming responsibility for providing suitable accommodation on a full board basis.

Asylum seekers in direct provision are paid a Direct Provision Allowance of €19.10 per adult and €9.60 per child per week through Community Welfare Officers (CWOs). I am informed that the person concerned is currently not in receipt of this allowance as the CWO concerned is awaiting documentation on bank accounts etc. relating to possible other means which may not have been disclosed. I am informed that his case will be reviewed by the CWO concerned on receipt of the documentation requested.

Deportation Orders.

134. **Deputy Bernard J. Durkan** asked the Minister for Justice and Law Reform if a deportation order has been made in the case of a person (details supplied) in County Meath; and if he will make a statement on the matter. [16259/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): The case of the person was examined under Section 3(6) of the Immigration Act, 1999, (as amended), and Section 5 of the Refugee Act, 1996 (as amended), on the Prohibition of Refoulement. Consideration was given to representations submitted on his behalf by his legal representative for permission to remain in the State. On 25 March 2010, I refused permission to remain temporarily in the State and instead signed a Deportation Order in respect of him. Notice of this order was served by registered post requiring the person concerned to leave the State by 25 April 2010.

The enforcement of the Deportation Orders is an operational matter for the GNIB.

Maintenance Orders.

135. **Deputy Willie Penrose** asked the Minister for Justice and Law Reform if, in the context of the Enforcement of Court Orders Act, changes are being made to ensure that maintenance orders made pursuant to the Family Law Act can continue to be enforced, whereby warrants or committal orders are not being issued at this point in time; if clarification needs to be sought regarding the system as it relates to maintenance payments; and if he will make a statement on the matter. [16279/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): There are a number of provisions in the law for ensuring that payments continue to be made by spouses in support of their dependent spouses and children. They include enabling powers for the courts to order attachment of the earnings of a debtor spouse, to order the securing of payments to the maintenance creditor, to order the payment of lump sums and to order arrears of maintenance to be paid by instalments.

While the law generally operates effectively in this area I am aware of difficulties in some cases because of the effect of a judgment of the High Court last year relating to the Enforcement of Court Orders Act 1940. The Enforcement of Court Orders (Amendment) Act 2009 made changes to sections 6 (imprisonment in the case of non-payment of debt) and 8 (imprisonment relating to non-payment of maintenance) of the 1940 Act consequent on that judgment in accordance with legal advice.

I am currently in consultation with the Attorney General with a view to developing early proposals for further amendments in respect of maintenance enforcement.

Juvenile Offenders.

136. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Justice and Law Reform the number of children under the age of 12 who have been taken to their parents or guardians by the Gardaí under Section 53 of the Children's Act 2001 each year since its enactment; the number of children who have been taken into the custody of the Health Service Executive under the same provision each year since its enactment; and if he will make a statement on the matter. [16287/10]

Minister of State at the Department of Justice and Law Reform (Deputy Barry Andrews): 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.

International Agreements.

137. **Deputy Joe Costello** asked the Minister for Foreign Affairs if his attention has been drawn to the European Court of Justice judgment in a case (details supplied); if he considers that the same principle informing that decision applies to all products which are produced in the illegal Israeli settlements in the West Bank and sold in the EU market; the steps he will take to prevent such products being sold here; if he will raise the matter at the next Council of Minister's meeting; and if he will make a statement on the matter. [16153/10]

Minister for Foreign Affairs (Deputy Micheál Martin): I have been following with interest the progress of this important case. The judgment of the European Court of Justice on 25 February confirmed the principle that goods produced in Israeli settlements in the West Bank are not entitled to avail of the preferential tariff rates applying to goods from Israel. The judgement confirms existing practice, rather than introducing a new principle, and relates only to the tariff rate applying to goods originating in settlements.

As regards the broader question of preventing goods from settlements entering the EU, I refer the Deputy to my reply to Question No. 614 on 20 April 2010, which was as follows:

“Goods produced in settlements in the West Bank are not *per se* illegal, but they are not entitled to benefit from the EU's preferential tariff rates. This principle has been recently confirmed in an important European Court ruling in the *Brita* case.

The total exclusion of goods originating in settlements, without also affecting general West Bank produce, would involve significant legal and practical complexities. This is an area of EU

competence, and I do not consider that there is any realistic prospect of obtaining agreement to such a proposal at EU level.”

Consular Assistance.

138. **Deputy Richard Bruton** asked the Minister for Foreign Affairs if he has assessed the number of persons stranded by the close down of European airspace; if he is ensuring consular assistance and support in dealing with the airlines is available should it be needed. [16183/10]

Minister for Foreign Affairs (Deputy Micheál Martin): There is no firm estimate of the number of Irish citizens stranded by the recent air travel restrictions caused by the cloud of volcanic ash, following the volcanic eruptions in Iceland. Various estimates, ranging from 15,000 to 30,000 were reported in the media. The lifting of restrictions on air travel, which took effect yesterday, should allow those citizens unable to return home to do so over the coming days, although I am aware that some people in more distant places are experiencing difficulties in securing seats on early flights home.

I have been active over the last week to ensure that consular assistance was available to any citizens in need of it. Embassies and Consulates were active, from the beginning of the disruption, in offering advice to stranded citizens.

On Sunday 18 April, as the numbers affected began to grow, I decided to activate the Department's Consular Crisis Centre at Hainault House. The Centre is a key element in the Government's strategy for dealing with emergencies overseas. It has the capacity to deal with large numbers of enquiries from the public and is equipped with the most modern technology including crisis management software. It is comparable to facilities in other European and likeminded countries.

Passport Applications.

139. **Deputy Pat Breen** asked the Minister for Foreign Affairs the position regarding the issuing of passports; if there is a backlog of passports to be issued; the number involved; and if he will make a statement on the matter. [16199/10]

Minister for Foreign Affairs (Deputy Micheál Martin): Industrial action in the Passport Office by public service unions began on 19 January as part of action across the civil service. Whereas aspects of the action have now been relaxed the dispute has led to a backlog in passports to be issued. On 20 April the backlog stood at 67,738 applications.

The turnaround time for passport applications is currently 15-20 working days for those applications submitted through the passport express services provided through An Post and Royal Mail post offices.

The initial industrial action took the form of a refusal to carry out core work activities, such as periodic refusal to answer phones, to staff public counters, the introduction of production quotas determined by the unions, a union instruction to members to refuse to work overtime and a refusal to cooperate with the recruitment of additional staff on temporary seasonal contracts.

In late March the unions either halted their industrial action or in the case of the Civil Public and Services Union (CPSU) halted all elements with the exception of their refusal to cooperate with the recruitment of temporary staff. From this time Passport Service staff have been working overtime to maximise the number of passports produced. The level of increase in the backlog of applications has slowed but nonetheless the backlog is currently increasing by approximately 500 applications per day.

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The resolution of this problem will come with the recruitment of the necessary temporary seasonal staff. The engagement of seasonal staff is normal practice for the Passport Service and the refusal by the CPSU to withdraw its bar on cooperation with this recruitment has caused the backlog to continue to rise. The Department of Foreign Affairs has obtained the necessary sanction to recruit the temporary staff and arrangements have been made for staff to commence work at short notice. What remains is the necessity for the CPSU to withdraw this restriction and to allow a significant number of the unemployed to take up valuable work and assist in making inroads in reducing this sizeable backlog.

Sports Capital Funding.

140. **Deputy Denis Naughten** asked the Minister for Arts, Sport and Tourism if funding is available to assist sporting organisations whose premises were damaged during recent flooding; and if she will make a statement on the matter. [16159/10]

Minister for Arts, Sport and Tourism (Deputy Mary Hanafin): Under the Sports Capital Programme, which is administered by my Department, and part funded from the proceeds of the National Lottery, funding is allocated to sporting and community organisations at local, regional and national level throughout the country. No decision has been made on the timing of the next round of the Programme. It is a condition of the Sports Capital Programme that any facilities developed with assistance from the programme must be insured against fire and other insurable risks.

Swimming Pool Projects.

141. **Deputy Catherine Byrne** asked the Minister for Arts, Sport and Tourism if she will ring-fence funds from the National Lottery for swimming pools; if she is committed to the maintenance of local authority swimming pools in Dublin; if her attention has been drawn to the difficulties surrounding a pool (details supplied) in Dublin 12; if she will safeguard its future and allocate badly needed funding to this community pool; and if she will make a statement on the matter. [16195/10]

Minister for Arts, Sport and Tourism (Deputy Mary Hanafin): Under the current round of the Local Authority Swimming Pool Programme, operated by my Department, grant aid to a maximum of €3.8m is provided to Local Authorities, towards the capital cost of new swimming pools or the refurbishment of existing pools. The question of the operation and management of local authority swimming pools is entirely a matter for the local authority i.e. Dublin City Council. The current round of the programme closed to applicants on 31 July 2000. No application was received from Dublin City Council on behalf of the pool in question at that time.

Under the programme, 45 pools have been opened throughout the country with a further 12 pools at various stages of development. Between 1998 and 2009 a sum of almost €143m has been spent under the programme. This has leveraged a total investment of some €400m in swimming pools throughout the country. In the administrative area of Dublin City Council, new pools have been opened in Finglas, Ballyfermot, St. Michael's House (Belcamp Lane Dublin), Ballymun and work is underway on a new pool at Rathmines.

No decision has been taken on the timing of a new round of the Local Authority Swimming Pool Programme. When a new round of the Programme is launched it will be open to all Local Authorities, including Dublin City Council to submit an application on behalf of the pool in question under the terms that will apply.

Community Development.

142. **Deputy Joe Carey** asked the Minister for Community, Rural and Gaeltacht Affairs the organisations in County Clare that have received funding under the Community Support for Older People Programme for 2009 and 2010; and if he will make a statement on the matter. [16148/10]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Pat Carey): Some €77,000 has been provided to 13 community and voluntary organisations in Co Clare under the Scheme of Community Support for Older People for the period January 2009 to March 2010. Details of the organisations supported and the level of funding provided to each is included in the table below.

Group	2009	2010
	€	€
Ballynacally Community Alert	400	—
Ballyvaughan Community Alert	1,100	—
Caring For Carers Clare	30,030	5,290
Caring for Carers West Clare	5,686	—
Ennis Active Retirement Association	6,162	—
Ibrickane Networks	8,810	—
Kilnaboy Community Dev. Association	985	—
Kilrush Family Resource Centre Ltd	—	10,389
Liscannor Community Alert	1,900	—
Lisdoonvarna Doolin Community Alert	1,546	—
Newmarket on Fergus Senior Citizens	2,060	—
Tulla Senior Citizen Security Section	3,198	—
Total	61,877	15,679

Social Welfare Appeals.

143. **Deputy Michael Ring** asked the Minister for Social and Family Affairs if a carer's allowance appeal in respect of a person (details supplied) in County Mayo can be re-opened based on the further information submitted. [16138/10]

Minister for Social and Family Affairs (Deputy Éamon Ó Cuív): I am advised by the Social Welfare Appeals Office that an Appeals Officer, having fully considered all the evidence, including that adduced at an oral hearing, disallowed the appeal of the person concerned. However, following the submission of additional information the relevant papers have been requested from the Department and on receipt will be referred to the Appeals Officer for review. The Social Welfare Appeals Office is an office of the Department that is independently responsible for determining appeals against decisions on social welfare entitlements.

Social Welfare Code.

144. **Deputy Pat Breen** asked the Minister for Social and Family Affairs if his attention has been drawn to the problems the habitual residence clause is causing for Irish citizens returning home; where returning Irish exiles are being refused immediate social welfare assistance which is resulting in severe financial hardship; his plans to introduce changes to deal with this situation; and if he will make a statement on the matter. [16145/10]

Minister for Social and Family Affairs (Deputy Éamon Ó Cuív): Under EU social welfare law, it is illegal to distinguish between EU workers on the basis of nationality alone. Therefore, in the context of the opening of the Irish labour market to workers from 12 new EU member states in 2004, it was considered necessary to protect Ireland from ‘welfare tourism’ by ensuring that people with little connection to this country could not qualify for welfare payments immediately upon arrival in Ireland. The effect of the habitual residency requirement is that a person whose habitual residence is elsewhere is not paid certain social welfare payments on arrival in Ireland, regardless of citizenship, nationality, immigration status or any other factor.

Decisions concerning habitual residence are subject to five factors which have been laid down by the European Court of Justice, and which are now incorporated into our domestic social welfare legislation. These are:

- (a) the length and continuity of residence in the State or in any other particular country;
- (b) the length and purpose of any absence from the State;
- (c) the nature and pattern of the person’s employment;
- (d) the person’s main centre of interest, and
- (e) the future intentions of the person concerned as they appear from all the circumstances.

The vast majority of Irish nationals applying for social welfare support satisfy the HRC condition. Difficulties might arise however if, for example, it seems that the person’s main centre of interest is still abroad — e.g. they have a spouse living abroad or still own property abroad etc. Between 1 May 2004 and 31 December 2009, of those Irish citizens whose circumstances called for detailed investigation in this respect, 89% were found to satisfy the habitual residence condition. Only 11% were refused on HRC grounds. However, Irish nationals returning to live here on a permanent basis should experience no difficulty in demonstrating that they satisfy the requirements of the Habitual Residence Condition. The guidelines published by the Department address this as follows: In the context of the first factor listed above, they make it clear that a person may attain habitual residence on arrival here. The guidelines state:

“On the other hand, a short stay in Ireland does not automatically prove that an applicant has maintained his/her habitual residence abroad. Periods of residence abroad and the nature of that residence prior to the date of the latest arrival in Ireland may be relevant in assessing what is the person’s main centre of interest and settled intention. Consider the length and continuity of the applicant’s residence in Ireland and in the other country:

- *has s/he lived in Ireland before, if so for how long?*
- *has the applicant stayed in different countries outside Ireland?*
- *how long did the applicant reside in the previous country before coming or returning to Ireland?*
- *are there any remaining ties with his/her former country of residence?”*

Later, in the context of determining the applicant’s main centre of interest, the Guidelines say:

“. . . a person who previously lived in another country or countries may now have moved to Ireland on a permanent basis and established a main centre of interest here. For example, a person who has retired from missionary or other service abroad and has chosen to resettle in Ireland should be considered to have his/her main centre of interest here.”

The Guidelines are kept under constant review to ensure that they give clear guidance to deciding officers in dealing with the relevant issues and are updated or amended as the need arises. Every notice of disallowance sets out the claimant's rights to request a review of the decision or to lodge an appeal to the Social Welfare Appeals Office. These options allow every claimant the opportunity to produce additional evidence in support of their case, and to have any error of judgment addressed appropriately.

Social Welfare Appeals.

145. **Deputy Michael Ring** asked the Minister for Social and Family Affairs when a carer's allowance appeal will be finalised in respect of a person (details supplied) in County Mayo. [16166/10]

Minister for Social and Family Affairs (Deputy Éamon Ó Cuív): The Social Welfare Appeals Office has advised me that, in accordance with statutory requirements, the relevant Departmental papers and comments of the Department have been sought in this case. On receipt of its response the case will be referred to an Appeals Officer for consideration. The Social Welfare Appeals Office is an office of the Department that is independently responsible for determining appeals against decisions on social welfare entitlements.

146. **Deputy Michael Ring** asked the Minister for Social and Family Affairs when an appeal will be finalised regarding the rate of disability allowance in respect of a person (details supplied) in County Mayo. [16167/10]

Minister for Social and Family Affairs (Deputy Éamon Ó Cuív): I am informed by the Social Welfare Appeals Office that an appeal for the person concerned has not been registered. However, because of the large number of appeals currently being lodged, there is a backlog in the Office in registering appeals. If the appeal has been submitted in recent weeks the appeal will be registered and acknowledged in due course. The Chief Appeals Officer has assured me that all appropriate measures are being taken to address this backlog in registration. The Social Welfare Appeals Office is an office of the Department that is independently responsible for determining appeals against decisions on social welfare entitlements.

147. **Deputy Michael Ring** asked the Minister for Social and Family Affairs the position regarding a farm assist appeal in respect of a person (details supplied) in County Mayo; the way means from the farm was assessed against this person when they have shown a loss for the past two years; and if he will make a statement on the matter. [16168/10]

Minister for Social and Family Affairs (Deputy Éamon Ó Cuív): I am advised by the Social Welfare Appeals Office that an Appeals Officer, having fully considered all the evidence, including that adduced at an oral hearing, disallowed the appeal of the person concerned on the grounds that the means assessment, derived from farming, off-farm self-employment and the harvesting of seaweed, arrived at by the local office was fair and reasonable. The means derived from farming were based on the gross output from the farm less the necessary expenses. This decision is now being reviewed by the Chief Appeals Officer and the person concerned will be notified of the outcome of this review when completed. The Social Welfare Appeals Office is an office of the Department that is independently responsible for determining appeals against decisions on social welfare entitlements.

148. **Deputy Michael Ring** asked the Minister for Social and Family Affairs when a job-seeker's allowance appeal in respect of a person (details supplied) in County Mayo will be finalised; the way this person was assessed as earning €190 per week from a farm which consists

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of nineteen acres of poor quality land when the person has no herd number or stock and does not receive any direct payments from the Department of Agriculture, Fisheries and Food; and if he will make a statement on the matter. [16169/10]

Minister for Social and Family Affairs (Deputy Éamon Ó Cuív): The claim for farm assist, by the person concerned, was disallowed by a Deciding Officer of the Department on the grounds that his means exceeded the statutory limit. The Social Welfare Appeals Office has advised me that, following receipt of the relevant Departmental papers including comments on the grounds of appeal, the appeal from the person concerned will be referred to an Appeals Officer for consideration. The Social Welfare Appeals Office is an office of the Department that is independently responsible for determining appeals against decisions on social welfare entitlements.

149. **Deputy Michael Ring** asked the Minister for Social and Family Affairs when a carer's allowance appeal will be finalised in respect of a person (details supplied) in County Mayo. [16170/10]

Minister for Social and Family Affairs (Deputy Éamon Ó Cuív): The Social Welfare Appeals Office has advised me that the appeal from the person concerned has been referred to an Appeals Officer who proposes to hold an oral hearing in the case. The person concerned will be notified when the necessary arrangements have been made. The Social Welfare Appeals Office is an office of the Department that is independently responsible for determining appeals against decisions on social welfare entitlements.

150. **Deputy Michael Ring** asked the Minister for Social and Family Affairs when a child benefit appeal will be resolved in respect of a person (details supplied) in County Galway; when the child benefit payment will be reinstated to this person. [16172/10]

Minister for Social and Family Affairs (Deputy Éamon Ó Cuív): The Social Welfare Appeals Office has advised me that, in accordance with statutory requirements, the relevant Departmental papers and comments on the grounds of appeal in the case of the person concerned have been sought. When received, the appeal in question will be referred to an Appeals Officer for consideration. The Social Welfare Appeals Office is an office of the Department that is independently responsible for determining appeals against decisions on social welfare entitlements.

151. **Deputy Michael D'Arcy** 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 Wexford; and if he will make a statement on the matter. [16174/10]

Minister for Social and Family Affairs (Deputy Éamon Ó Cuív): The Social Welfare Appeals Office has advised me that the appeal from the person concerned has been referred to an Appeals Officer who proposes to hold an oral hearing in the case. The person concerned will be notified when the necessary arrangements have been made. The Social Welfare Appeals Office is an office of the Department that is independently responsible for determining appeals against decisions on social welfare entitlements.

152. **Deputy Willie O'Dea** asked the Minister for Social and Family Affairs the position regarding an application in respect of a person (details supplied) in Limerick. [16193/10]

Minister for Social and Family Affairs (Deputy Éamon Ó Cuív): The person concerned was refused Disability Allowance by the Deciding Officer following an assessment by a Medical Assessor of the Department who expressed the opinion that he was unsuitable for Disability Allowance. An appeal was opened and in the context of that appeal, his case was reviewed by a second Medical Assessor who also expressed the opinion that he was unsuitable for Disability Allowance.

I am informed by the Social Welfare Appeals Office that, in the light of this second medical opinion, that office decided to afford him an opportunity of setting out the complete and up to date grounds of his appeal including any further medical evidence in support of his appeal, by letter dated 1st April 2010. On receipt of his response the relevant papers will be requested from the Department and the appeal will then be referred to an Appeals Officer for consideration.

The Social Welfare Appeals Office is an office of the Department that is independently responsible for determining appeals against decisions on social welfare entitlements.

Social Welfare Benefits.

153. **Deputy Denis Naughten** asked the Minister for Social and Family Affairs if he has made an assessment of the financial impact which the turf cutting ban will have on demands for the fuel allowance scheme; if he intends to carry out such an assessment; and if he will make a statement on the matter. [16196/10]

Minister for Social and Family Affairs (Deputy Éamon Ó Cuív): The national fuel allowance scheme assists householders on long-term social welfare or health service executive payments with meeting the additional cost of their heating needs during the winter season. The allowance represents a contribution towards a person's heating expenses. It is not intended to meet those costs in full and must be seen in the context of the overall level of income available to the family.

In general to qualify for a fuel allowance a person must:

- be resident in the State,
- be in receipt of one of the qualifying payments
- satisfy the living alone condition (i.e. be either living alone or with a qualified spouse/partner or a qualified child/ren (a qualified child is one under 18, or over 18 and under 22 if in full time education))
- satisfy a means test

In Budget 1999 the fuel allowance scheme was extended to include people who have access to their own fuel supply, usually a turf bank. Accordingly there should be no additional demand or financial impact on the fuel allowance scheme in the event of a ban on turf cutting.

Social Welfare Benefits.

154. **Deputy Paul Kehoe** asked the Minister for Social and Family Affairs when a decision will issue on an appeal for supplementary welfare allowance in respect of a person (details supplied). [16212/10]

Minister for Social and Family Affairs (Deputy Éamon Ó Cuív): Due to staff action currently being taken in the HSE, I regret that I am unable to provide the information sought by the Deputy.

155. **Deputy Olwyn Enright** asked the Minister for Social and Family Affairs the position regarding an application for rent allowance in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [16228/10]

Minister for Social and Family Affairs (Deputy Éamon Ó Cuív): Due to staff action currently being taken in the HSE, I regret that I am unable to provide the information sought by the Deputy.

156. **Deputy Bernard J. Durkan** asked the Minister and Family Affairs if and when supplementary welfare allowance or alternative social welfare entitlement will be reinstated or made in the case of a person (details supplied) in County Laois; and if he will make a statement on the matter. [16261/10]

Minister for Social and Family Affairs (Deputy Éamon Ó Cuív): Due to staff action currently being taken in the HSE, I regret that I am unable to provide the information sought by the Deputy.

Local Authority Charges.

157. **Deputy Caoimhghín Ó Caoláin** asked the Minister for the Environment, Heritage and Local Government the reason the liability date for the 2010 non-principal private residence charge was brought forward to 31 March 2010 in view of the fact that in 2009 the liability date was 31 July; and if he will make a statement on the matter. [16130/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The €200 non-principal private residence charge was introduced in the Local Government (Charges) Act 2009, which came into force in July 2009. As an exceptional measure for the year of introduction, the liability date for the charge was fixed at 31 July 2009. The Act provides that the liability date for 2010 and future years is 31 March.

Payment does not fall due until two months after the liability date and there is a further one month's grace period before penalties for late payment commence. A person liable for the charge in 2010 thus has until 30 June 2010 to meet that liability without incurring any additional charge.

Question No. 158 answered with Question No. 30.

Building Regulations.

159. **Deputy Caoimhghín Ó Caoláin** asked the Minister for the Environment, Heritage and Local Government if he will use his powers under the planning acts and building regulations to address the plight of residents of an estate (details supplied) in Dublin 13 which have been declared unsafe and from which Dublin City Council has removed tenants for safety reasons; if his attention has been drawn to the fact there is a precedent for such a situation as a result of self-regulation by developers; if he will examine this issue both in terms of addressing the plight of residents and in terms of ensuring that in future there is strict regulation by local authorities and that they are provided with the resources to do so; and if he will make a statement on the matter. [16128/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I refer to the reply to the Adjournment Debate on this matter on 8 December 2009.

Responsibility for compliance with the Building Regulations rests with the builder and the owner of a building. Enforcement is a matter for the local building control authority, which is

empowered to carry out inspections and initiate enforcement proceedings when considered necessary.

Section 18 of the Fire Services Act 1981 places a duty on persons having control over premises, such as apartment complexes, to take all reasonable measures to guard against the outbreak of fire and to ensure the safety of persons on the premises in the event of an outbreak of fire.

In addition, Section 22 of the Act empowers fire authorities to inspect any land or building, including apartment complexes, for the purposes of the Act.

In relation to the development concerned, my Department has been advised by Dublin City Council, in whose administrative area the development is located, that, following an inspection of the development by the Council, enforcement notices under the Building Control Act 1990 and Fire Safety Notices under the Fire Services Acts, 1981 and 2003 were served on the owners and builder in relation to non-compliance. Further legal proceedings by the Council are pending in relation to this matter.

Dublin City Council has responsibility for 16 social housing units and a further 7 units are occupied by tenants under the Rental Accommodation Scheme. In addition, there are 7 units of accommodation managed by St. Michael's House. My Department understands that a number of these tenants have been moved to alternative accommodation pending the resolution of the issues with Priory Hall in accordance with the notices served. In this regard I refer to the reply to Question No. 395 of 2 March 2010.

The re-housing of occupants of privately owned apartments in the complex is a matter for resolution between the owners and the property vendor concerned.

While the enforcement action underway is a matter for Dublin City Council my Department is aware that since December 2009 remedial works, of a fire safety nature, have been ongoing. In addition, since December 2009, the basement in each block is not in use for car-park or storage purposes as required by the Council.

Water and Sewerage Schemes.

160. **Deputy Joe Costello** asked the Minister for the Environment, Heritage and Local Government if he will clarify if batch testing is taking place at the point of entry of toxic waste into the Dublin City Council sewers at the Phoenix Park train station; the reason the effluent is transported to that location instead of being taken directly to the treatment centre at Ringsend, Dublin 4; when will Fingal County Council have the facilities to deal with its own toxic effluent; and if he will make a statement on the matter. [16151/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): As indicated in the reply to Questions 362 and 370 of 30 March 2010, the supervised discharge of leachate from Fingal County Council's licensed landfill at Balleally into the main foul sewer at the location in question is being carried out with the consent of Dublin City Council which is the local authority with responsibility for the sewer involved.

Section 40 of the Waste Management Act 1996 provides for the granting by the EPA of a waste licence for a landfill or other waste facility. The conditions applying to a waste licence and the enforcement of such conditions are matters for the EPA. I understand that the discharge of the leachate into the public sewer in question by Fingal County Council has been agreed with the EPA.

It is also my understanding that discussions have taken place between the two local authorities regarding the possibility of transferring the leachate directly by tanker to the Ringsend

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wastewater treatment plant and that agreement on this issue is expected to be secured very shortly.

Special Areas of Conservation.

161. **Deputy Paul Kehoe** asked the Minister for the Environment, Heritage and Local Government in view of the special area of conservation designated at Tacumshin Lake, County Wexford, if he will provide a list of the landowners involved in the scheme; the compensation agreed with those involved; and if he will make a statement on the matter. [16219/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Tacumshin Lake was designated a Special Protection Area (SPA) on the 8 October, 1996. Designation of SPA's does not, of itself, give rise to an entitlement to compensation.

I assume the scheme referred to in the Question is my Department's National Parks and Wildlife Service (NPWS) Farm Plan Scheme, which was launched in February 2006. It operates as an alternative agri-environmental scheme to those administered by the Department of Agriculture, Fisheries and Food and pays farmers and landholders for losses incurred as a result of restrictions due to the designation of their lands as Special Areas of Conservation, Special Protected Areas or Natural Heritage Areas.

No farmer in the Tacumshin Lake SPA has joined the NPWS farm plan scheme.

Water and Sewerage Schemes.

162. **Deputy Frank Feighan** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the devastating impact of code of practice in planning in respect of soils in County Leitrim; the steps he will take to put a derogation in place in County Leitrim. [16221/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The Environmental Protection Agency's (EPA) new Code of Practice on Wastewater Treatment and Disposal Systems Serving Single Houses which was published in October 2009 sets out comprehensive requirements in relation to the design, installation and maintenance of on-site wastewater systems. My Department issued a circular letter to planning authorities in January 2010 regarding implementation of the EPA's new Code of Practice.

Elements of the Code relevant to building control will be provided for in Part H (Drainage and Waste Water Disposal) of the Building Regulations which is currently under review. The public consultation process in this regard ended on 8 March 2010. Submissions received are now being considered by my Department, in consultation with the Building Regulations Advisory Body, with a view to having the amended Part H/TGD-H finalised later this year.

Implementation of the Code of Practice is a key step in addressing a recent ECJ judgment (C188/08) which found that Ireland was in breach of Article 4 of the EU Waste Directive (2006/12/EC) which requires all EU Member States to take measures to ensure that waste, which includes wastewater from septic tanks and proprietary waste systems, is recovered or disposed of without endangering human health and without using processes that could harm the environment.

In this regard, the EPA Code of Practice lays down the technical standards to comply with Ireland's duty of care under Article 4 of the Waste Directive, but in particular to ensure that the disposal of waste via waste water systems for single dwellings does not give rise to public

nuisance, health risk or damage to the natural environment. There is no provision in the Directive for a derogation from the requirements of Article 4.

Recent EPA statistics indicate that in relation to the 440,000 on-site wastewater systems in Ireland, as many as 120,000 may be giving rise to surface water pollution and 25,000 to groundwater pollution. Therefore, there is considerable urgency in setting both the technical standards for new build and an inspection and maintenance regime for existing systems to address the situation.

While the Code of Practice may pose engineering and planning challenges in certain parts of the country where soil and geological conditions create very difficult drainage conditions, it also sets out a number of potential solutions. These include innovative designs of proprietary wastewater treatment systems, and the consideration of discharges other than to sodden or otherwise unsuitable ground conditions, that can be used to ensure that development on suitable sites can proceed while protecting the environment.

My Department will work with local authorities in ensuring that future county development plans, taking account of river basin management plans and other water quality legislation, address this issue pro-actively in ensuring that rural communities continue to provide for their housing needs in tandem with protecting water quality.

Special Areas of Conservation.

163. **Deputy Olwyn Enright** asked the Minister for the Environment, Heritage and Local Government when a claim for compensation under Regulation 20 of the EC (Natural Habitat) Regulations 1997 to 2005 will be processed in respect of a person (details supplied) in County Offaly; if his attention has been drawn to the fact that this claim was lodged in August 2008; the reason this claim has not yet been concluded; and if he will make a statement on the matter. [16229/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The question of whether the applicant is entitled to compensation has been referred to the Government's legal advisers. My Department will be in contact with the claimant's representatives as soon as the matter is clarified.

164. **Deputy Olwyn Enright** asked the Minister for the Environment, Heritage and Local Government the average response and processing time for compensation under regulation 20 of the EC (Natural Habitat) Regulations 1997 to 2005; and if he will make a statement on the matter. [16230/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): In the vast majority of cases, payments to land owners and land users due to restrictions arising from the designation of land as a Special Area of Conservation (SAC) or Special Protection Area are made through the Rural Environment Protection Scheme (REPS) or in a much smaller number of cases through my Department's Farm Plan Scheme.

In a very small number of cases that fall outside the terms of these schemes, compensation is payable under Regulation 20 the EC (Natural Habitat) Regulations 1997. In recent years, applications for compensation under this Regulation have mainly concerned losses incurred by commercial turf-cutters that have been refused consent to continue turf extraction within SACs.

Fewer than ten claims under this Regulation are currently being dealt with by my Department. The length of time taken to finalise such claims can vary, depending on the degree of

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complexity. Often, additional documentation will be sought and searches will be required in order to prove entitlement. Negotiations are entered into and sometimes arbitration is required. Complex legal questions can also arise at any stage of the proceedings. Some of these claims have been with my Department for less than a year and one particularly complex case is ongoing for over six years.

Housing Grants.

165. **Deputy Bernard J. Durkan** asked the Minister for the Environment, Heritage and Local Government the total number of applications for disabled persons grants currently before the various local authorities; the extent to which he intends to provide the necessary funding for all such applications in the current year; and if he will make a statement on the matter. [16264/10]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): On the basis of the most recent returns from local authorities, some 13,012 applications have been submitted for approval under the suite of Housing Adaptation Grant Schemes for Older People and People with a Disability. Some 4,437 of these relate to adaptation works to meet the needs of persons with a disability.

Allocations totalling almost €100 million for 2010 were notified to local authorities on 5 March under the grant schemes. It is a matter for each local authority to decide on the specific level of funding to be directed to each of the various grant measures from within the allocations notified to them by my Department and to manage the operation of the schemes in their areas from within their allocation.

Air Pollution.

166. **Deputy Bernard J. Durkan** asked the Minister for the Environment, Heritage and Local Government the extent, if any, to which air pollution monitoring points throughout the country have recorded any changes arising from the Icelandic volcanic eruptions; and if he will make a statement on the matter. [16265/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The monitoring, assessment and management of ambient air quality in Ireland is carried out according to the requirements of the EU Air Quality Framework Directive. This Directive became law through the Environmental Protection Agency Act 1992 (Ambient Air Quality Assessment and Management) Regulations, 1999.

The EPA, under the aegis of my Department, has responsibility for the monitoring of Irish air quality, and continually monitors a range of atmospheric pollutants via a network of air quality monitoring stations located around the country. The main air pollutants that could be associated with the volcanic ash plume are sulphur dioxide (SO₂) and particulate matter, or dust, with a diameter less than 10µm (PM₁₀), and both these pollutants are monitored at EPA air monitoring stations at locations across the country. Monitoring data from these stations have to date shown no increase in either PM₁₀ or SO₂ levels as a result of the volcanic ash cloud.

I am aware of reports that volcanic ash particles have been observed in very small quantities by the National University of Ireland Galway's atmospheric research station at Mace Head. This facility is supported by the EPA's research programme.

It remains the case, however, that PM₁₀ and SO₂ levels have not increased beyond the range of normal daily variations. As such the EPA has not recorded the small amounts detected at Mace Head as an unusual increase and continues to report no deterioration in air quality.

As a precautionary measure, the EPA has increased its air quality monitoring activity for the duration of the ash cloud event and is monitoring the situation on an hourly basis. Data from monitoring stations are transmitted to the EPA website in real-time and can be viewed at <http://www.epa.ie/whatwedo/monitoring/air/data/>.

Any dust that may be deposited over Ireland during the next few days as a result of the eruption will most likely be in very small quantities and it is not expected that this will have any significant impact on air quality standards.

The Emergency Response Co-ordination Committee, convened and chaired by the Department of Transport to co-ordinate the Government's response to issues arising in connection with the volcanic eruption, continues to meet daily and both my Department and the EPA are in attendance at these meetings. Updates on air quality issues arising from the eruption will continue to be posted on the EPA website at <http://www.epa.ie/whatwedo/monitoring/air/data/volcanicashupdate/>.

Local Authority Home Loans.

167. **Deputy Bernard J. Durkan** asked the Minister for the Environment, Heritage and Local Government the reason all local authorities are not accepting applications for the home choice loan scheme; and if he will make a statement on the matter. [16266/10]

168. **Deputy Bernard J. Durkan** asked the Minister for the Environment, Heritage and Local Government the number of home choice loan approvals issued to date by each local authority; the number of applications received; the length of time taken to process these applications; the number of such applications currently on hand; and if he will make a statement on the matter. [16267/10]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): I propose to take Questions Nos. 167 and 168 together.

Over 1,400 prospective purchasers have formally registered interest on the dedicated Home Choice loan website and, to date, 58 applications have been made. Of these, four have been approved, with three of these now drawn down, 35 applications have been turned down, five have been withdrawn and further information has been sought in respect of 14 applications. This information, broken down by designated operating authority, is set out in a table below. My Department does not collect information on the time taken to process loan applications.

Four local authorities are designated lending authorities acting on a regional basis, these are Cork City Council, Dublin City Council, Galway County Council and Kilkenny County Council. The table below also gives details of the local authority areas served by each of the designated authorities.

Local authorities carry out a very wide range of housing related functions. As Home Choice Loan is intended as an exceptional measure, and is not part of local authorities' core housing functions, limiting the number of participating authorities represents a pragmatic approach. Home Choice Loan is intended to address a very specific set of circumstances that currently prevail in the housing market and prompt roll-out was an important design feature which, together with national support from the Affordable Homes Partnership, represents a prudent approach from a governance point of view, as well as allowing regional groupings of local authorities to advance initiatives in a more integrated way to achieve better value for money and enhanced customer service.

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Cork City Council	Dublin City Council	Galway County Council	Kilkenny County Council
Clare	Louth	Galway	Kilkenny
North Tipperary	Meath	Mayo	Longford
South Tipperary	Fingal	Roscommon	Westmeath
Limerick	Dublin City	Leitrim	Offaly
Kerry	Dun Laoire / Rathdown	Cavan	Laois
Cork	South Dublin	Monaghan	Carlow
Waterford	Kildare	Sligo	Wexford
	Wicklow	Donegal	

	Cork City Council	Dublin City Council	Galway County Council	Kilkenny County Council	Total
Applications received	18	27	8	5	58
Declined	9	15	7	4	35
Withdrawn	3	2	0	0	5
More Information requested	4	9	1	0	14
Approved	2	1	0	1	4

Social and Affordable Housing.

169. **Deputy Bernard J. Durkan** asked the Minister for the Environment, Heritage and Local Government his plans to meet the housing requirements of persons in the income bracket below €40,000 per annum currently on local authority housing lists who do not have a home of their own; his further plans to improve their prospects in the short term; and if he will make a statement on the matter. [16268/10]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): Meeting social housing need remains a high priority for the Government. While ensuring that we can deliver across the full range of needs, the scale and composition of the public housing programme in the years ahead will be dependent on a number of factors, including the level of available funding and the evolution of the housing market generally.

I am determined to ensure that the programme is framed in a manner which continues to optimise the delivery of social housing. To achieve this, it is essential that we tailor the use of available Exchequer supports to prevailing market conditions, and explore alternative solutions to address housing needs, having full regard to the sustainable communities philosophy outlined in the Government's housing policy statement *Delivering Homes, Sustaining Communities*.

To this end, the range of delivery mechanisms continues to be adapted and expanded. For example in 2009, I announced the introduction of a new social housing leasing initiative, through which I expect that a substantial number of dwellings will be provided in the years ahead to meet housing needs, estimated at just over 56,000 households in the 2008 Housing Needs Assessment.

While the allocations for 2010 show a reduction in the provision for the main traditional local authority programme I anticipate that, through more flexible market based delivery mech-

anisms such as the Rental Accommodation Scheme and the leasing initiative as well as the significant increase in funding available under the Capital Assistance Scheme in 2010 to €145m, delivery across the range of social housing measures this year will be of the order of 8,000/9,000 units.

I will be keeping the leasing initiative and all the other housing programmes under ongoing review to ensure that they are appropriately geared towards meeting the maximum level of housing need.

Water and Sewerage Schemes.

170. **Deputy Bernard J. Durkan** asked the Minister for the Environment, Heritage and Local Government his plans for the augmentation of domestic drinking water supply, particularly storage, purification systems and networks; his further plans to address these issues in the short to medium term; and if he will make a statement on the matter. [16272/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Earlier this week, I published a comprehensive range of new water services infrastructure to be undertaken under my Department's Water Services Investment Programme 2010-2012, a copy of which is available in the Oireachtas Library.

On water supply projects alone, it details just over 49 contracts currently in progress with a value of €390 million and 101 contracts to be progressed to construction over the period 2010-2012 with a value of about €500 million. A further 66 water supply schemes are listed for work to be undertaken on the earlier planning stages of those schemes. A significant proportion of this investment is targeted at contracts and schemes which will improve water quality, particularly where the risks to the supply have been identified by the EPA. Provision is also made for a number of contracts and schemes which are designed to sustain and enhance existing capacity.

In addition, the investment programme places a high priority on water conservation. Investment to date in this area has largely focused on putting in place water management systems to allow for active leakage control and better planning of mains rehabilitation. This investment thus provides the platform for more intensive investment in mains rehabilitation. The new Programme provides for the commencement of such contracts with a value of some €320 million over the next three years.

Substantial funding of €415m is being provided by the Exchequer to advance major water and waste water schemes in 2010, in addition to investment of €93m under the Rural Water Programme. Against the current economic backdrop, this level of investment, which will mean that average spending on water services over the period 2009 and 2010 will be up 3% on the 2008 outturn, continues to reflect the priority assigned by Government to providing critical water services infrastructure.

Question No. 171 answered with Question No. 25.

Planning Issues.

172. **Deputy Bernard J. Durkan** asked the Minister for the Environment, Heritage and Local Government the locations throughout County Kildare that were awarded urban renewal, section 23 or other special designated status during the past ten years; the extent to which all such commitments entered into have been completed and complied with in full; and if he will make a statement on the matter. [16274/10]

173. **Deputy Bernard J. Durkan** asked the Minister for the Environment, Heritage and Local Government the number and location of areas here that have benefited from urban renewal or special designation status in the past ten years; the extent to which all commitments entered into have been completed; and if he will make a statement on the matter. [16275/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I propose to take Questions Nos. 172 and 173 together.

The Urban Renewal Scheme 1998, the Multi Storey Car Parks Scheme 1997, the Town Renewal Scheme 2000, and the Living over the Shop Scheme 2001 gave designated status to areas and were operational in the period 2000-2009. The deadlines for each of these schemes were extended to 31 December 2006 where existing conditions were met and further extended to 31 July 2008 where additional conditions were met. 305 cities, towns, villages and other locations in urban or rural areas were awarded Section 23 status.

24,483 certificates were issued by my Department in respect of these schemes. This figure does not include multi storey car parks for which certificates were not issued. The schemes have now closed and no new designations are being considered.

The locations in County Kildare which had a designated status in the past 10 years are Athy, Castledermot, Kilcock, Kilcullen, Kildare, Maynooth, Monasterevin and Rathangan.

I refer to Appendices 2 and 3 of the Revenue Commissioners' Guide to Section 23 Relief which is available on its website — www.revenue.ie. The number and location of areas in Ireland that have benefited from urban renewal or special designation status in the past 10 years are set out in the Revenue Commissioners' Guide.

In order to apply for section 23 tax relief, an applicant is required to produce a certificate issued by my Department under the relevant scheme to the Revenue Commissioners. The record of section 23 tax relief claimed and granted on foot of the 24,483 certificates issued by my Department is a matter for the Revenue Commissioners. The enforcement of any planning permissions granted is a matter for individual Planning Authorities, irrespective of any designated status applicable.

Turbary Rights.

174. **Deputy Willie Penrose** asked the Minister for the Environment, Heritage and Local Government the areas in County Westmeath that are subject to restriction orders for turbary owners and for people who wish to cut their turbary; the precise locations at which the proposals for restrictions will be implemented; and if he will make a statement on the matter. [16278/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): There are two Special Areas of Conservation (SACs) in Co. Westmeath that contain raised bog habitat and will be affected by the cessation of turf cutting this year. These areas are known as Lough Ree cSAC (000440) and Garriskil Bog cSAC (000679).

The National Parks and Wildlife Service (NPWS) of my Department provides an interactive mapping system that is available to the public. This is accessible on the NPWS website (www.npws.ie). It provides the boundaries of all nature conservation designations as well as aerial photography of the areas concerned.

Alternatively, members of the public can contact NPWS staff in their locality (contact details for staff nationwide are provided on the NPWS website also).

Telecommunications Services.

175. **Deputy Charles Flanagan** asked the Minister for Communications, Energy and Natural Resources if his attention has been drawn to the lack of availability of broadband in the Slieve Bloom areas of counties Laois and Offaly and the failure by the service providers to facilitate the adequate access of service; if every effort will be made to facilitate the provision of a service in the Slieve Bloom areas in view of the fact that broadband is now a necessity for households and business in rural as well as urban areas; and if he will make a statement on the matter. [16158/10]

176. **Deputy Frank Feighan** asked the Minister for Communications, Energy and Natural Resources the position regarding the provision of broadband in Gortleckra, Dromod, Barnacolla, Cloone, Newtowngore, Carrigallen, Carrick-on-Shannon in County Leitrim and Rooskey in County Roscommon. [16288/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I propose to take Questions Nos. 175 and 176 together.

The provision of broadband services is in the first instance a matter for private sector service providers operating in Ireland's fully liberalised telecommunications market. Broadband services are provided by private service providers over various platforms including DSL (i.e. over the telephone lines), fixed wireless, mobile, cable, fibre and satellite.

Details of broadband services available in each county can be found on ComReg's website at www.callcosts.ie.

Additionally, under the terms of the National Broadband Scheme (NBS) "3", a Hutchinson Whampoa company, is required to provide broadband services to all residences and businesses that are within the NBS area and who seek a service. This will include parts of Counties Laois, Offaly, Leitrim, Roscommon and Donegal. Details of the areas to be covered by the NBS can be found on 3 Ireland's website, www.three.ie.

It continues to be a priority of the Government that there will be broadband coverage across the entire country. However, despite Government and private investment in broadband, I am aware that there continues to be a small percentage of premises throughout the country that will not be capable of receiving broadband services. This is primarily due to technical and other reasons (suitability of a telephone line, distance from an enabled exchange, no line of sight etc.).

The European Commission has set aside a portion of the European Economic Recovery Programme (EERP) funding for rural broadband initiatives. My Department is currently considering the design and implementation of a scheme which would use this funding to address the issue of basic broadband availability to un-served rural premises outside of the NBS areas. This work will include the identification of premises not capable of receiving broadband. It is hoped to commence this scheme in late 2010 and have it completed by 2012. As the scheme is only at the design stage, there is no application process at this juncture. Information in relation to acceptance of applications and the process of qualification under the scheme will be made available in due course when the scheme is launched.

Grant Payments.

177. **Deputy John O'Mahony** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Mayo will receive their payment for the suckling grant

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following their application made in September 2009; and if he will make a statement on the matter. [16115/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The person named had 6 animals for consideration under the 2009 Suckler Welfare Scheme. During the validation process, errors have been identified as the applicant has provided the same date for meal feeding and weaning. An official from my Department will be in contact with the herd owner with a view to resolving the matter.

Farm Retirement Scheme.

178. **Deputy Pat Breen** asked the Minister for Agriculture, Fisheries and Food further to Parliamentary Question No. 564 of 16 February 2010, the reason a person (details supplied) in County Clare has been refused a scheme; and if he will make a statement on the matter. [16118/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): My Department was not in a position to approve the application from the person-named under the Early Retirement Scheme as the scheme conditions were not met. In order to qualify as a 'Category A' application under the scheme, the proposed transferee of the applicant's land must be approved for payment under the Young Farmers' Installation Scheme. This requirement was not met and the Young Farmer's Installation Scheme is now closed to new applicants.

My Department wrote to the person named on 8 February 2010, offering him the option of resubmitting his application as a 'Category B' application under the scheme. In order to be categorized as 'Category B', the proposed transferee must be farming a minimum of 5 hectares of enlargement land (or 5 enlargement production units in the case of intensive enterprises) in addition to the area of land being transferred for pension scheme purposes or the production unit capacity received from the transferor. The person named has until 30 April 2010 to resubmit an application on this basis. To date no reply has been received.

Grant Payments.

179. **Deputy Michael Ring** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Mayo will receive their suckler cow welfare payment. [16163/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The person named had 16 animals for consideration under the 2009 Suckler Welfare Scheme. It is a condition of this Scheme that for herds of more than 10 cows the calves must be weaned in at least two separate groups with each group being removed at a minimum interval of five days. The applicant did not comply with this condition and, therefore, is not eligible for payment under the provisions of the Terms and Conditions of the Scheme.

180. **Deputy Paul Kehoe** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) will receive their REPS and suckler welfare scheme payments. [16208/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The REPS payment for the person named will issue within ten days. He applied for 36 animals in 2009 under the Suckler Welfare Scheme. It is a condition of this Scheme that for herds of more than 10 cows

the calves must be weaned in at least two separate groups with each group being removed at a minimum interval of five days. The applicant did not comply with this condition and, therefore, is not eligible for payment under the provisions of the Terms and Conditions of the Scheme.

School Accommodation.

181. **Deputy Willie O'Dea** asked the Tánaiste and Minister for Education and Science if she has received a request for additional funding from a school (details supplied) in Limerick in respect of accommodation, other than the funding which was allocated by letter dated 25 March 2010; if a decision has been made on this request, will the request be looked upon favourably. [16114/10]

Tánaiste and Minister for Education and Science (Deputy Mary Coughlan): I can confirm that my Department received an appeal for additional funding in respect of an application for additional accommodation from the school authority referred to by the Deputy. Further information was sought from the school authority on this matter and was received earlier this month. Officials in my Department are currently considering the request for additional funding and will revert to the school authority in due course.

Higher Education Grants.

182. **Deputy Denis Naughten** asked the Tánaiste and Minister for Education and Science if she will reverse the decision to remove the maintenance element of the higher education grant for first-time applicants in receipt of the back to education allowance; the projected savings as a result of this change; the procedure that will be put in place to cater for pending applications within the Department of Social Affairs at the time of registration for college courses when no determination can be made on their higher education grant application and registration fees have to be paid; and if she will make a statement on the matter. [16129/10]

183. **Deputy Joe Costello** asked the Tánaiste and Minister for Education and Science the amount of money she expects to save annually from the abolition of the maintenance grant for people on back to education allowance in budget 2010; if her attention has been drawn to the fact that mature students and marginalised groups will suffer disproportionately; if she will consider reversing these cuts; and if she will make a statement on the matter. [16150/10]

Tánaiste and Minister for Education and Science (Deputy Mary Coughlan): I propose to take Questions Nos. 182 and 183 together.

The Deputy will be aware that the current difficult economic circumstances have necessitated tough choices to control public expenditure and to ensure sustainability in the long run. In these circumstances, from September 2010, as announced in the Budget, all new applicants who are in receipt of the Back to Education Allowance (BTEA), and the VTOS allowances for those pursuing PLC courses, will be ineligible for student maintenance grants. The cost of the student services charge and any fees payable to colleges will continue to be met for eligible students by the Exchequer on their behalf.

Students currently in receipt of the BTEA or VTOS allowances and the maintenance grant will continue to be eligible for both payments for the duration of their current course provided they continue to meet the terms and conditions of the relevant grant schemes. Students progressing to a new course with effect from 2010/11 will no longer be eligible for student maintenance grants but can apply for assistance towards the cost of the student services charge and

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any fees payable. It was decided to discontinue the practice of allowing students to hold both the BTEA or VTOS allowance and a student maintenance grant simultaneously as this represents a duplication of income support payments. This measure was recommended in the Report of the Special Group on Public Service Numbers and Expenditure Programmes.

The estimated saving for the 2010 financial year was €4m with a full financial year saving of some €35m in 2012. Although BTEA students progressing to a new course or new applicants who are in receipt of the BTEA will no longer be able to hold the maintenance portion of the student grant in addition to the BTEA, they may still submit a student grant application to establish entitlement to payment of the student service charge or tuition fees from my Department. Where a student has indicated on the application form that they have applied for the BTEA, the application will be processed as normal and the registration fee and tuition fees (where applicable) will be paid to eligible students. The maintenance portion of the grant will be held until such time as the student can confirm that they have received a decision from the Department of Social Protection in relation to the BTEA. Where a student has indicated that they are currently on the BTEA and are progressing new course their application will be assessed to establish their eligibility for the student service charge and tuition fees. The decision on eligibility for the BTEA is a matter for my colleague, the Minister for Social and Family Affairs.

Students who qualify for maintenance grants will continue to receive substantial grant funding, together with full support for payment of the student service charge. Those on particularly low incomes will also continue to receive a “top-up” in the special rate of maintenance grant. Under the student grant schemes a mature candidate, if approved, is automatically provided with the higher non-adjacent rate of maintenance which, this year, ranges from €810 to €6,355 dependent on individual circumstances. The entitlement to the non-adjacent rate applies regardless of how far the college is from the mature candidates residence and whether or not the candidate is dependent on or independent of his/her parent(s) or guardian(s).

The NDP funded ‘Third Level Access Measure’ is also supporting the participation of mature students in higher education, in particular those from socio-economically disadvantaged backgrounds. The Student Assistance Fund is available in all recurrently funded higher education institutions. Mature students who have additional needs arising due to a disability or learning difficulty can make an application to the Fund for Students with Disabilities. Applications for support can be made via the access or disability service in the institution.

Some €5m will continue to be made available through the access offices of third-level institutions to assist students in exceptional financial need through the Student Assistance Fund. The access offices themselves will also continue to provide support and advice to mature students to enable them to continue with their studies. The objective of the fund is to assist students in a sensitive and compassionate manner, who might otherwise, due to their financial circumstances, be unable to continue their third level studies. Information on the fund is available from the access officer at a candidate’s college.

The Fund for Students with Disabilities will provide funding in the sum of €10 million in the 2010 financial year to both further and higher education institutions for the provision of services and supports for full-time students (including mature students) with disabilities. The fund is managed by the Higher Education Authority on behalf of my Department and is funded under the National Development Plan 2007-2013, with assistance from the European Social Fund.

184. **Deputy Michael Ring** asked the Tánaiste and Minister for Education and Science the changes, if any, to entitlements for mature students; if a person currently receiving the back to education allowance and third level grant as a mature student on a Further Education and Training Awards Council level 5 course may retain these payments when upgrading to a course in Galway-Mayo Institute of Technology from Autumn 2010; and if she will make a statement on the matter. [16165/10]

Tánaiste and Minister for Education and Science (Deputy Mary Coughlan): Students currently in receipt of the Back to Education Allowance (BTEA) and the maintenance grant will continue to be eligible for both payments for the duration of their current course provided they continue to meet the terms and conditions of the relevant grant schemes.

Students in receipt of BTEA who are entering or progressing to a new course with effect from 2010/11 will no longer be eligible for student maintenance grants but can apply for assistance towards the cost of the student services charge and any fees payable. A student progressing from a PLC course to a third-level course is progressing to a new course and therefore would not be eligible to hold the BTEA and maintenance grant simultaneously.

Tax Code.

185. **Deputy Finian McGrath** asked the Tánaiste and Minister for Education and Science if he will support the case of a person (details supplied). [16171/10]

Tánaiste and Minister for Education and Science (Deputy Mary Coughlan): It is the responsibility of all employees to ensure that their Certificate of Tax Credits and Standard Rate Cut Off Point is available to their employer. The Certificate sets out the total amount of the tax credits and standard rate cut-off point to which the employee is entitled together with the equivalent weekly and monthly figures.

In the case of the person referred to, the relevant tax details have now been applied to the payroll and any refund of tax due for 2010 will be issued to her in her salary payment in May. If the person feels that she is due a refund of tax or income levy for 2009 she should contact her local Revenue office.

Redundancy Payments.

186. **Deputy Tom Hayes** asked the Tánaiste and Minister for Education and Science when redundancy will issue to a person (details supplied) in County Tipperary; and if she will make a statement on the matter. [16184/10]

Tánaiste and Minister for Education and Science (Deputy Mary Coughlan): I can confirm that an application for redundancy has been received by my Department from the Special Needs Assistant referred to by the Deputy. Applications for redundancy are being received on an ongoing basis and are processed in date order of receipt. The application in question will be dealt with as soon as possible.

Schools Refurbishment.

187. **Deputy Charlie O'Connor** asked the Tánaiste and Minister for Education and Science when she expects to announce the funding being granted under the summer works programme; and if she will make a statement on the matter. [16218/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): I am pleased to inform the Deputy that I announced details of the successful applicants under the current Summer Works Scheme on 19 April, 2010. Some 1,490 primary and post-primary schools across the country will benefit from small and medium scale building works this summer under the €122 million investment programme announced.

The Planning and Building Unit of my Department will shortly contact all schools approved for grant aid with details and instructions on how to proceed. Details of the successful applications are available on the Department's website, www.education.ie.