



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

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

*Tuesday, 18 May 2010.*

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# DÁIL ÉIREANN

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*Dé Máirt, 18 Bealtaine 2010.*  
*Tuesday, 18 May 2010.*

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Chuaigh an Ceann Comhairle i gceannas ar 14.30 p.m.

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*Paidir.*

*Prayer.*

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## **Ceisteanna — Questions.**

*Questions Nos. 1 to 29 resubmitted.*

### **Oireachtas Reform**

30. **Deputy Enda Kenny** asked the Taoiseach his plans for Dáil Éireann reform; and if he will make a statement on the matter. [4598/10]

31. **Deputy Eamon Gilmore** asked the Taoiseach his proposals for Dáil reform; and if he will make a statement on the matter. [6733/10]

32. **Deputy David Stanton** asked the Taoiseach his plans regarding Dáil Éireann reform; the timescale for implementing same; and if he will make a statement on the matter. [9031/10]

33. **Deputy Caoimhghín Ó Caoláin** asked the Taoiseach the way he proposes to progress Dáil Éireann reform; and if he will make a statement on the matter. [11529/10]

**Government Chief Whip and Minister of State at the Departments of Taoiseach and Defence (Deputy John Curran):** I propose to take Questions Nos. 30 to 33, inclusive, together. I welcome this opportunity to answer these questions and to speak on some issues which are often raised at the Order of Business with the Taoiseach and the Tánaiste.

The Government established a working group on Dáil reform in 2009, comprising the Minister for Transport, the Minister for Justice, Equality and Law Reform, Senator Boyle and my predecessor as Government Chief Whip, Deputy Carey. Following a number of meetings, this group submitted a set of proposals to the Cabinet for discussion and agreement.

Upon my appointment as Chief Whip, I examined the relevant documentation on this issue and I look forward to holding bilateral meetings with the various party representatives in the coming weeks, with a view to seeing where realistic progress can be made. Reform of the Dáil procedures has long been a matter of contention and debate in the House. The last significant reform was made during the tenure of the late Seamus Brennan, when he was in my current position. In reviewing the documentation, I was struck by how debate on the reform of the Dáil procedures is often confused with the wider discussion on electoral reform. The Govern-

[Deputy John Curran.]

ment has a range of policy initiatives on this issue, and they are being guided by the Minister for Environment, Heritage and Local Government.

There are some simple and necessary reforms to Dáil procedures upon which most members of the House would agree. The principal issue among these is the need to reform the manner in which the Order of Business is conducted on a daily basis. The Order of Business lasted for almost an hour and 20 minutes last Thursday. This is a waste of valuable time which could be set aside for the discussion of legislation before the House. The Government has brought forward what I believe are sensible proposals for the reform of how we conduct the Order of Business. These proposals are balanced and give the opportunity for the Opposition to make their reservations and concerns known about the ordering of the given day's business, without it descending into what was described as a "farce" last week.

The achievement of consensus by all parties on the wider set of Government proposals will require significant political goodwill. The Government's proposals were an honest effort to make the working of this House more relevant and more efficient. The proposals set out a new Dáil schedule which would better reflect the normal working day, while they also accommodate some of the key concerns set out by the Opposition parties in the various policy documents they have released on this issue.

I look forward to all my counterparts displaying that political good-will over the coming weeks as I hold bilateral meetings with them to identify where agreement is possible on reforming the procedures of this House. The outcome of these meetings will define the time-scale for progress.

We can have all the rules and regulations we like, but it is about how we implement them. I am fairly new to this position and I would like to express my gratitude to the Opposition Whips who meet with me every week to try to schedule the business. There is real co-operation at those meetings to accommodate the Government's legislative proposals, as well as the debates called by Members of this House.

**Deputy Emmet Stagg:** The Minister of State is giving us a bad name.

**Deputy John Curran:** I am sorry.

**Deputy David Stanton:** I thank the Minister of State for his reply. There is a sense of *déjà vu* here. The former Minister, Seamus Brennan did some work in this area, as did Deputies Hanafin, Carey and Dempsey when they acted as Chief Whip. However, we have seen no significant Dáil reform. I am here over 13 years but there has been no significant Dáil reform.

In the past, attempts were made to put together a package of reforms. Would it be a better approach to do this incrementally? A number of small procedural changes could be made that would make a huge difference to the running of the House. I will give an example. For the last year, I have had a motion on the Order Paper and I have it on today's Order Paper as Motion No. 77. It states:

"That, notwithstanding anything in Standing Orders, Standing Order 21 of the Standing Orders of Dáil Éireann relative to Public Business paragraph (4) sixth line, after "reply" is hereby amended by the insertion of the following:

"and the Member concerned may then ask one brief supplementary question and the Member of the Government or Minister of State shall be called upon to reply in conclusion"."

Does the Minister of State not agree that the Adjournment is a farce at the moment?

A Minister of State, who has no connection with the Department involved in the question, comes into the House and reads out a pre-written script in response. Most of the time that Minister of State has neither the knowledge nor authority to respond to the questions raised by any Member on any side on the Adjournment. Surely that is an affront to the House, to Members and to the people who send us here. Would the Minister of State now allow this simple motion to be moved today or this week? It would take approximately three minutes of Government time to agree to this motion to allow supplementary questions on the Adjournment Debate. It is a very simple thing that could be done today. Many other procedures could be amended incrementally.

Is the Government really serious about procedural reforms in the House? I have not seen any major Government proposals in the recent past. For example, when did the task force he mentioned last meet? Are minutes of that meeting available to read in order to understand the Government's thinking in this area?

**Deputy John Curran:** The Deputy asked whether some of the proposals dealt with by the sub-committee on Dáil reform could be introduced on an incremental basis. I have not had the opportunity to sit on that committee. I understand that sub-committee had eight meetings and I have read the minutes and the progress on it. However, reading those is not the same as attending and listening to the debate and discussion that lead to these developments. As I said in my opening comments, I have already had a number of informal meetings with a number of Deputies on the issue of Dáil reform. However, I intend to meet the parties to this sub-committee on a bilateral basis in the coming weeks to ascertain the priorities and to ascertain if we were to implement changes on an incremental basis what would be the areas of agreement and consensus.

Having read the minutes as opposed to having participated in the meetings, trying to introduce the grand package of events seemed to be problematic. While people broadly agreed, there was always some other requirement of one person or another. Trying to achieve that larger package through unanimous consensus seemed to be problematic. My purpose in having these bilateral meetings is to give me an opportunity, having missed the original meetings.

I have often contributed to the Adjournment Debate. It is always much easier for a Minister or Minister of State to respond on an area relating to his or her own Department. It is interesting to note something I never had a problem doing. While I do not know whether Seanad Standing Orders allow it, frequently those contributing ask supplementary questions in the Seanad meaning that the preparation of the Minister or Minister of State responding is somewhat different. The Deputy asked whether I would take that motion today. I will not because I will not cherry pick. In the next few weeks — I am not talking about a long period of time — it is my intention to meet the Whips and those who contributed to that sub-committee on a bilateral basis to understand the areas of consensus. I broadly have no issues with what the Deputy proposes on the Adjournment Debate. However, I am not prepared to take it in isolation until I see where the other items might go.

**Deputy David Stanton:** When would the Minister of State like to see reforms in procedures in the House occurring here? Could he state, for example, that we should agree on some proposals before we rise for the summer? These are simple procedural changes that have been discussed *ad nauseam* for the past 13 years that I have been in the House. Deputy Stagg who was a Member before I became a Member would probably confirm that the discussions took place before then. Could the Minister of State not agree to take some of those proposals on an incremental basis and implement them before the summer recess? Is the Government sub-committee of which he speaks still in operation? When did it last meet? Does the Minister of

[Deputy David Stanton.]

State realise that he is *de facto* the chairperson of the committee on Dáil reform? Does he intend to call a meeting of that sub-committee in the very near future?

**Deputy John Curran:** The sub-committee on Dáil reform last met on 27 January. I believe it has had eight meetings in total. I acknowledge I am chairperson. I may well call a meeting of it. Before doing so I intend to have the bilateral meetings over the coming weeks. The Deputy asked if we could do things on an incremental basis. If there was consensus on a number of issue I would not see any reason some could not be at least piloted in the run-up to the summer recess to see how they are affected. That would mean having a large degree of consensus and it is in that context that I intend to have bilateral meetings, primarily because, as I said, I have read the minutes of the meeting and have spoken to my predecessor but I want to sit down and have the opportunity, on a one to one basis, to speak to the other people on the committee to see where consensus might be achieved.

**Deputy Emmet Stagg:** I welcome the fact that the Government has put something together at last. The last time there was a paper from the Government on Dáil reform was when the late Séamus Brennan was the Chief Whip. I have no interest or intention of meeting the Whip on a bilateral basis to discuss a document that will have to be decided by this House. I would welcome seeing the document before a meeting of the statutory sub-committee of this House, set up and chaired by the Government Whip to deal with these matters. It is not a matter for bilateral talks but for that statutory committee. However, I would welcome having sight of Government proposals on Dáil reform at long last before a meeting of that committee because that is the way it should go. I will not be stampeded, however, into Government proposals on a bilateral basis. That is not the way the system works or should work. The reason it has not worked up to now is because there is a difference between Government's needs and interests and those of the Opposition. I am sure the Minister is aware that is the case. Either we deal by consensus or the Government will do it by diktat. Perhaps it will require diktat to get reform because of the contrary interests of both sides of the House, no matter who is in Government.

I ask the Minister of State to consider looking at this from an Opposition point of view now, seeing that there is every prospect that he will be in Opposition shortly. He and his party might gain from looking at it from an Opposition point of view.

**Deputy Finian McGrath:** It is a safe seat alright.

**Deputy Emmet Stagg:** The other point on which I wished to query the Minister of State is the idea of a package, or doing it on a piecemeal basis. It is very hard to predict on a piecemeal basis what the effect of one piece of reform will have on other unrelated matters until they are all put together. It is extremely difficult. We have been working on Dáil reform and getting very close to the decisions on a number of occasions. The Minister of State's predecessor did a lot of work on this and we brought it to the Dáil reform committee. Subsequently at the Committee on Procedure and Privileges, CPP, the Fianna Fáil members came out in force and all voted it down despite the fact that it came from the Ceann Comhairle and that the Whips, in their meeting on Dáil reform committee, had agreed this package of fairly minor changes. They voted them down. A similar thing happened at the CPP where Deputy Ruairí Quinn brought to the attention of that committee that Ministers were answering only half of their questions. It was agreed by everybody at the CPP this was a bad practice and the staff were asked to go away and draw up the necessary changes in Standing Orders.

I know what the Ceann Comhairle is going to say. I am not used to Question Time.

Is the Minister aware that following all that procedure, the Fianna Fáil members of the CPP, even those I did not know were members, were whipped in and voted it down solidly? Further, is he aware — I am sure he is because he was present at the meeting before last of the CPP — that he was asked, as Minister of State and chairman of the Dáil reform committee, to deal with that specific issue and come back to the next meeting with that proposal? That would be a sign of his good will and that he is really interested in Dáil reform. I would have deep suspicions about a Government package, prepared by the people on the list I have. I do not see any value in it. I hope the Minister will agree with me that there is no value in it in a bilateral context. I presume the document is complicated and I shall need to refer a copy of it to my party before we can proceed further with it. Let the Minister of State not expect this to be stampeded through.

**An Ceann Comhairle:** The Deputy's contribution did not culminate in a question.

**Deputy John Curran:** It was a general comment and I will respond to it. It should not be inferred from anything I have said or tried to convey that I am trying to stampede anything through. In response specifically to Deputy Stanton, I asked how to deal with the entire package being worked on by the sub-committee dealing with Dáil reform, which had advanced over a number of meetings, if there was no progression. Deputy Stanton asked specifically if I would consider it on an incremental basis. I am prepared to do so, which is not to suggest for a moment that I intend to stampede anything through.

I intend to convene a meeting of the sub-committee dealing with Dáil reform and although I have not sat on the committee, I have read the minutes. Before doing so I intend to have bilateral meetings with the various Whips on the committee to get a sense of their priorities and the way they see the issue. Listening to the contributions and questions from the two previous speakers, there is some difference of opinion on whether the process can be achieved incrementally. I intend to propose the series of bilateral meetings to brief myself as much as anything else. I do not for a moment agree, and I would not like it to be suggested, that the purpose is to stampede through a range of reforms.

It was suggested that it may be necessary to do this through diktat. I have not been here as long as Deputy Stagg but I recognise that the procedures in this Chamber must be improved. Efficiencies in the way we do our business are possible and would benefit everybody, not just the Government side.

**Deputy Emmet Stagg:** I will ask specific questions about the Minister of State's intentions. He is aware of the position here every Thursday morning, when party leaders try to devise something within the existing restrictive Standing Orders to ask Leaders' Questions. Does the Minister of State agree this needs to be addressed immediately to allow Leaders' Questions on a Thursday morning? The Minister is probably aware that the Labour Party may have some responsibility for the current position as we agreed to the Taoiseach being absent on a Thursday morning. The Taoiseach does not have to be present for Leaders' Questions and the de facto position, as the Ceann Comhairle is well aware, is that there are Leaders' Questions now on a Thursday morning and the issue should be formalised.

The Order of Business is the only device available to Members of the House to raise current issues and they must try to find a Bill to attach to the interested matter. Does the Minister of State agree that it would be desirable to have time for discussing current issues in the Dáil at the time we are pretending to talk about the Order of Business but actually debating current issues?

The other matter, referred to by Deputy Stanton, is the Adjournment Debate, which is now farcical. Ministers or Ministers of State who do not know anything about a subject simply read a script which was badly prepared by some civil servant who is not politically or directly

[Deputy Emmet Stagg.]

involved, or who does not know about the issues. No supplementary questions are allowed and this needs immediate reform. I ask the Minister of State to include such matters in a package.

I hope the Minister of State has included the next issue in the package, and if not, he should include it. It concerns quangos, of which there are approximately 200, and to which we vote public money. Ministers are responsible for them. I ask that this House be given back the authority given by the public and the people who sent us here to ask questions about the spending of that public money. There are devices at committee level to do so but the primary function of Members of the House is to ask questions about State bodies under the remit of various Ministers, with Ministers having the responsibility to answer. I ask the Minister of State to include that in his Dáil reform package, which I hope will be circulated in order to discuss it before the meeting of the sub-committee. Is the Minister of State aware that prior to the establishment of the HSE, we could ask a question in the House about health issues and they were answered in three days? The current Minister has installed a parliamentary section in the HSE but it takes as much as two months to get an answer. Sometimes, I have been telephoned to be criticised for tabling a question in the first place.

The Minister tells us she is referring a question to the HSE. After there has been no answer for one, two or three months, a Deputy asks the question again, but he or she gets the same answer about referring it to the HSE. This situation is unsatisfactory and does not hold the HSE to account by method of parliamentary inquiry, as should be the case.

**Deputy John Curran:** The Deputy's first point was about Thursday mornings and the lack of Leaders' Questions. While there is none, there is an Order of Business. Recently, the scope of matters raised on the Order of Business has broadened. The Deputy asked whether I would give a commitment to introducing this type of questioning on Thursday, but I will answer him exactly as I answered Deputy Stanton — "No". I will not cherry-pick pieces today and do X, Y and Z.

**Deputy Emmet Stagg:** I am asking the Minister of State to put it into the Government's Dáil reform package.

**Deputy John Curran:** It is an item for consideration. At times, it might be believed that there is not much progress. Given the complexity, trying to achieve an overall agreement has proven difficult. This is not my experience, but the experience of those who went before me. On 18 November, the standing Sub-committee on Dáil Reform had a comprehensive meeting. I will not read out everything, only the main headings. It had a substantial consideration of a range of Dáil reform proposals that would have seen business commencing at 11 a.m. on Tuesdays with a commencement debate, confined business, oral parliamentary questions and so forth. On Wednesdays, the Dáil would have commenced at 9.30 a.m. with a commencement debate, 30-second questions and Government business. On Thursdays, the Dáil would also have started at 9.30 a.m. The sub-committee explained what the commencement debate would be, supplementary questions, oral questions and Questions to An Taoiseach. I will not read out the full list, but it was comprehensive.

**Deputy Emmet Stagg:** The Minister of State does not know what occurred.

**Deputy John Curran:** I do.

**Deputy Fergus O'Dowd:** Reading minutes again.

**Deputy Emmet Stagg:** Fianna Fáil blocked it.

**Deputy John Curran:** I will read into the record what occurred. The sub-committee went through everything. Without being smart, this is the reason I want a series of bilateral meetings. I am restricted to what I am reading in the minutes.

The sub-committee addressed a range of issues. It has resumed its consideration of proposals and agreed the routine of business for each day. According to the minutes, the Labour Party Whip stated that while he was in general agreement with what I have outlined, a final agreement could only be reached if it was agreed that first, legislative or appropriate amendments to Standing Orders be put in place in order for parliamentary questions to be allowed in respect of the activities of State-sponsored bodies and, second, Leaders' Questions be allowed on Thursdays.

There seemed to be progress on many issues but different issues were then raised. I am reading from the minutes.

**Deputy Emmet Stagg:** There were subsequent meetings.

**Deputy John Curran:** Only one or maybe two. Since I did not attend those meetings, I want bilateral meetings. I am reading the conclusions rather than the content of the meetings.

**Deputy Emmet Stagg:** I will buy the Minister of State a cup of coffee.

**Deputy John Curran:** I thank the Deputy.

**Deputy Caoimhghín Ó Caoláin:** Will the Government consider constitutional or legislative change to compel Governments, now and in the future, to uphold the right of all of the electorate to its franchise? I am referring to the issue of by-elections resulting from the demise or departure of sitting Members of this Chamber. We are almost 12 months on from the creation of such a vacancy as a result of the European Union elections of last year, namely, in the constituency of Donegal South-West. Is it not an imperative of the Government to act within a reasonable and, by way of a constitutional or legislative change, a set time to hold the said by-election in order to ensure that each constituency has the full allocated representation commensurate with its population?

3 o'clock

The Minister of State may recall my attempt a couple of weeks ago to move the writ to the Donegal-South-west by-election was unsuccessful when the Ceann Comhairle used his casting vote and that he indicated at that time it was not possible to do so because it would be a distraction for Members from the current difficulties in the economy. The Government addresses with haste vacancies occurring in the Upper House, the Seanad. It is interesting that there appears to be a two-tier system or twin track approach on the part of Government in respect of vacancies occurring in the Seanad—

**An Ceann Comhairle:** A question, please.

**Deputy Caoimhghín Ó Caoláin:** —Members of which must surely be as concerned about the economy as are Members of the Dáil yet, there has been a 12 month delay in regard to the holding of this by-election. There are currently three by-elections outstanding. Will the Minister of State accept that whatever the reason behind the Government's dilatoriness in regard to these by-elections, it is important, as measure of Dáil reform, that we have a stipulated and respectful timeframe in regard to same following the demise or departure of a Member of the House, one that is reasonable and will allow the electorate in the relevant constituency fill that vacancy and that it no longer be the preserve of Government to suit its own interests or expediency?

**An Ceann Comhairle:** A question, please.

**Deputy Caoimhghín Ó Caoláin:** My second question relates to another important scuppered reform, namely, the stated intent of former Taoiseach, Deputy Ahern to provide an opportunity for elected Members North of the Border to participate in a committee of the Dáil. This was announced by the former Taoiseach in 2005 and was due to come into effect in early 2006. As then indicated by the former Taoiseach, there were other parties to the Government and other voices in this House that were unsettled at the prospect of MPs from North of the Border constituencies having an opportunity——

**An Ceann Comhairle:** I ask the Deputy to conclude with a question.

**Deputy Caoimhghín Ó Caoláin:** ——to participate in this Chamber. The question, which I have already put in part, is obvious. Will the Government now reconsider, following on the recent Westminster election results North of the Border and in recognition of the contribution so far of the five successful candidates returned as abstentionist republican MPs — as were all of those who attended the Mansion House on 21 January 1919 — in regard to the Good Friday Agreement Implementation Committee, the objections raised by the then Deputies and others, as advised by the former Taoiseach——

**An Ceann Comhairle:** The Deputy must remember that this is Question Time and he must put a question.

**Deputy Caoimhghín Ó Caoláin:** I ask the Ceann Comhairle to allow me to finish my question. These are major reforms that must take place, ones which, whether or not the Ceann Comhairle likes them, are important. His direct participation in respect of one of them only a couple of weeks ago must underscore that fact. I want to know if the Government is now willing to revisit the proposition put forward by the former Taoiseach, Deputy Ahern, to allow MPs North of the Border to participate with Members of this House in discussions here on matters of an all-Ireland and cross-Border nature?

**Deputy John Curran:** First, I wish to make a distinction on the type of questions asked by Deputy Ó Caoláin, in that they primarily pertain to electoral reform rather than reform of Dáil procedures *per se*, which primarily is what is being addressed here, that is, how Members do their business. As for the broader issue of electoral reform, both the programme for Government and the revised programme for Government indicated clearly that an independent electoral commission would be established. Many of the issues raised by the Deputy, such as his specific questions on timeframes for by-elections and so forth, would be more appropriately dealt with by that electoral commission. I understand that consultations on its establishment are progressing under the aegis of the Minister for the Environment, Heritage and Local Government.

Subsequently, the Deputy specifically asked about the participation of MPs elected in Northern Ireland in committees of this House on cross-Border or all-island issues. Since taking up this position, I have not considered this issue specifically to date. My sole focus has been on the reform of procedures in this House but as a matter of courtesy and in response to the question raised by the Deputy, I certainly will consider this matter and revert to him.

**An Ceann Comhairle:** I call Deputy Charles Flanagan.

**Deputy Caoimhghín Ó Caoláin:** Excuse me, but I have a supplementary question.

**An Ceann Comhairle:** Deputy, you have had a significant innings.

**Deputy Caoimhghín Ó Caoláin:** With respect, I have tabled a question in the same manner as any other Member.

**Deputy Finian McGrath:** A Cheann Comhairle, on a point of order——

**An Ceann Comhairle:** The time has elapsed and we must get away from using——

**Deputy Finian McGrath:** On a point of order——

**An Ceann Comhairle:** Yes, just one second.

**Deputy Caoimhghín Ó Caoláin:** I have tabled a question before the House.

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

**Deputy Caoimhghín Ó Caoláin:** I am entitled to a supplementary, just as are all the other speakers.

**An Ceann Comhairle:** We cannot monopolise the time. Question Time will finish at 3.15 p.m.

**Deputy Caoimhghín Ó Caoláin:** I would have it finished, were it not for the interruptions.

**An Ceann Comhairle:** Okay.

**Deputy Finian McGrath:** On a point of order, I indicated approximately 15 minutes ago that I wished to ask a question.

**An Ceann Comhairle:** Yes.

**Deputy Finian McGrath:** Will it be possible to ask that question? It is highly relevant to the current debate on Dáil reform.

**Deputy Fergus O'Dowd:** I am in the same position.

**An Ceann Comhairle:** Three other Members are offering and I will take them in sequence. I appeal for co-operation from Members. I am anxious to accommodate those three Members before 3.15 p.m.

**Deputy Finian McGrath:** A Cheann Comhairle, I have been extremely co-operative and highly patient.

**An Ceann Comhairle:** Please allow an Teachta Ó Caoláin to ask his final question.

**Deputy David Stanton:** This is the reason Dáil reform is required.

**Deputy Caoimhghín Ó Caoláin:** I have a supplementary question for the Minister of State. This is not about asking for electoral reform. I ask that the right of the electorate be upheld in respect of the numeric representation to which each constituency is entitled. If Dáil reform is under consideration, surely one of the principal requirements must be that all Members accept the right of the electorate to choose its representation. For the past 12 months, the Government has been denying——

**An Ceann Comhairle:** Deputy, we must avail of another time on which to discuss this matter in more detail.

**Deputy Caoimhghín Ó Caoláin:** This pertains to Dáil reform. Just because the Ceann Comhairle is uncomfortable with its focus does not exclude the question as invalid. The question is absolutely valid.

**An Ceann Comhairle:** The Deputy ventilated this issue quite significantly in his earlier contribution.

**Deputy Caoimhghín Ó Caoláin:** I have not received a satisfactory answer. I repeat my question, will the Government recognise the right of the electorate of Donegal South-West and of all the other constituencies in which by-elections are pending by ensuring in future, following the demise or departure of a Member of this House, that a set timeframe period is put in place either by legislation or constitutional change by referendum? Will the current practice, which is an absolute outrage, be brought to an end?

**An Ceann Comhairle:** Deputy, please.

**Deputy Caoimhghín Ó Caoláin:** I will leave it at that.

**An Ceann Comhairle:** The Deputy has had a good innings.

**Deputy Caoimhghín Ó Caoláin:** The Minister of State has undertaken to revert to me on the second matter I raised. I now ask him to address the first issue, which is not a matter for the electoral commission.

**An Ceann Comhairle:** The Minister of State briefly, as I wish to accommodate three other Members.

**Deputy John Curran:** I will be brief in an effort to accommodate everyone. I reiterate that the point the Deputy has again raised with regard to by-elections, timings and so forth is very much an issue for the independent electoral commission that is to be established. It will be very much within its remit to make such recommendations. I reiterate that, in respect of cross-Border representation, I will revert to the Deputy.

**An Ceann Comhairle:** I call Deputy Charles Flanagan.

**Deputy Charles Flanagan:** I wish the Minister of State, Deputy Curran, well in his new job as Government Chief Whip. I am sure he will take on board the concerns as outlined by Members both today and at the sub-committee.

When I hear of Dáil reform under the current procedures, I think of Emperor Nero, fires and cities in Italy and that this matter is not being taken seriously. At 5.30 p.m., when everyone else is heading home from work, we will be arguing about the Order of Business. That is surely testament to the total irrelevance of this place. The reason I came into the House was that in the initial reply, the Minister of State mentioned making a submission on Dáil reform to Cabinet. Cabinet has no place in Dáil reform, this is the Dáil, it does not relate to Cabinet reform. If submissions are made to Cabinet, they will come back with the stamp of Government Ministers, that is the problem. It is the abdication of responsibility on the part of Ministers, the Minister for Health and Children being the worst culprit, with Ministers having no regard at all for the procedures of the House or its constitutional position in terms of answerability.

The Minister of State mentioned Adjournment debates. There are 12 such debates per week. Looking back over the last 50 such debates, how many Cabinet Ministers attended and answered questions addressed to them by Members of this House? I guarantee I could count the number of such occasions on the fingers of one hand.

I was out of this House for five years. I came back in 2007 and I can say that standards in this place have dropped. The attitude of the Government towards Parliament has decrease considerably and that should change. If the Minister of State can achieve that on his watch, he will leave a mark.

**Deputy Finian McGrath:** The debate about Dáil reform is amusing when Independent Deputies are not allowed to speak regularly. The Minister of State should examine that.

The Minister of State said he would meet all the political parties. Would he meet the Independent Members, who are not allowed to speak regularly on Private Members' time and legislation? Is the Minister of State aware that Independent Members such as myself, Deputy Maureen O'Sullivan and Deputy Joe Behan are furious that our democratic rights are not respected in this House? He must do something to protect those rights.

We must discuss current issues every day and become more involved in them. Dáil procedures are out of date and out of touch with people on the ground.

**Deputy Fergus O'Dowd:** While looking at reform of the Dáil, would the Minister of State examine the committee system, particularly the compellability of witnesses? At the moment, Foynes Harbour Board is refusing to answer questions in front of the Joint Committee on Transport on its annual statement and CIE and Irish Rail refuse to answer important questions on their audits. Either these quangos are accountable to the Oireachtas or they are not. At present they refuse to be accountable.

The Minister for Transport clearly instructed the National Roads Authority not to build service areas but he still refuses to answer questions on this matter in the Dáil on the grounds he has no responsibility for the area. It is an absolute joke. I urge the Minister of State to crack the whip, get the job done and get Ministers and quangos to answer questions.

**Deputy David Stanton:** What is the status of the working group on Dáil reform that the Government established on Dáil reform in 2009, comprising the Minister for Transport, the Minister for Justice, Equality and Law Reform, Senator Dan Boyle and the Government Chief Whip of the day? When did it last meet? This is probably the weakest Parliament in Europe in terms of holding the Executive to account. The Executive controls everything — the agenda, sitting times and dates, how matters are debated and for how long. Has the Minister of State looked at other Parliaments in Europe and does he not agree that the Dáil is one of weakest? We live in a benign dictatorship.

**Deputy Fergus O'Dowd:** It is not even that benign.

**Deputy John Curran:** Deputy Flanagan, I hope the Order of Business today goes somewhat better and that at 5.30 p.m. we will have progressed beyond it.

On a serious note, Deputy O'Dowd asked about reform of the committees and compellability of witnesses. I understand that constitutional issues arise in this regard which need to be developed and teased out. We did not really discuss this matter here and at times we do ourselves no favours, as we discuss the procedures of the House but there is a parallel committee system and many of the committees perform invaluable work. It is often stated that Ministers are not held to account but as a Minister of State I was certainly held to account and quizzed as I was developing—

**Deputy Fergus O'Dowd:** They refuse to answer the questions, that is the point. They refuse to answer committee questions stating they are not obliged to answer them.

**An Leas-Cheann Comhairle:** Allow the Minister of State to finalise his reply

**Deputy Fergus O'Dowd:** I state this by way of being helpful. They refuse to answer questions.

**Deputy John Curran:** I had considerable experience during the development of the national drugs strategy, when I appeared before the relevant committee and answered specific questions on an ongoing basis. The committee system is far superior to the thrust of what goes on here with regard to the detail that might be required. We did not discuss the committee system when we spoke about reform but we should not undermine its importance and the importance of the attendance of relevant Ministers.

Deputy Finian McGrath asked about the Independent Members. I had not intended to speak to them because they were not part of the standing Sub-Committee on Dáil Reform, which has met on eight occasions. That being said, given the fact that Deputy McGrath has requested it I will arrange a meeting to elicit their views. I was not a member of the Sub-Committee on Dáil Reform, but rather than reading the transcript of its decisions I wanted to try to understand the level of debate and what was going on at it. The working group to which Deputy Stanton referred last met in July 2009.

### Priority Questions.

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#### Accident and Emergency Services

40. **Deputy James Reilly** asked the Minister for Health and Children the details of the Health Service Executive plans to close or limit accident and emergency opening hours across the country as a result of cutbacks and doctor shortages; if she will identify each hospital affected by these plans; if she supports this action; if she is concerned about the impact that this will have on patient access to care; the details of the contingency plans that are being prepared for her; the action that she will take regarding the shortage of non consultant hospital doctors; and if she will make a statement on the matter. [20715/10]

**Deputy Mary Harney:** Last year, the HSE dealt with almost 1.2 million emergency department presentations and it expects to do the same again this year. Approximately 70% of people who attended emergency departments were not admitted to hospital; they were treated and discharged. This year, the HSE is planning to increase the number who can be safely discharged home without admission to about 72%. This can be achieved by changing the way services are provided, including by providing quicker access to senior clinical decisions makers.

I am determined to move to a consultant provided, rather than a consultant led, service where consultants work on a team basis. As a result, and following agreement in 2008 on a new consultant contract, I have made it clear to the HSE that it needs to increase the number of consultants and reduce the number of non-consultant hospital doctors, NCHDs, to achieve a more appropriate balance between both groups. I am also determined to support the changes in the NCHD training status and associated medical registration status being introduced by the Medical Council under the Medical Practitioners Act 2007.

I have been advised that there are likely to be difficulties in filling some NCHD posts when doctors begin their next rotation in early July. The indications are that there will be a reduction in the number of applications for certain NCHD posts, especially in posts which are not part of a formal training rotation scheme and in the areas of emergency medicine, anaesthesia and general medicine. However, the extent of any shortfall will only become evident over the coming weeks.

It is because of the expected reductions in applications for NCHD posts, and not because of any budgetary challenges that the HSE is currently examining how best to maintain and improve the quality of services provided to patients attending emergency departments. A range of possible measures are being examined, including some relating to recruitment and training status. Other important measures include reductions in tiered on-call and improved cross-cover arrangements. Instead of cases being referred through successive tiers of doctors, we need to increase the extent to which consultants and other senior clinical decision makers respond to urgent or emergency cases.

As we are serious about patient safety we also have to ensure that acute care is dealt with appropriately.

**Deputy James Reilly:** The Leas-Cheann Comhairle and I often have disagreements about what is a question and what is an answer.

**An Leas-Cheann Comhairle:** It is not possible to disagree with the Chair.

**Deputy James Reilly:** Indeed.

**An Leas-Cheann Comhairle:** The Chair is always right.

**Deputy James Reilly:** Indeed. You and the Pope.

**An Leas-Cheann Comhairle:** No, just the Chair or whoever happens to be in it at the time.

**Deputy James Reilly:** I put it to the Minister that the question is quite clear. It asks the Minister about her plans to limit accident and emergency services as a result of the cutbacks and shortage of doctors; if she will identify each hospital affected by these plans, which she failed to do; if she supports the action — she failed to say whether she did; if she is concerned about the impact this will have on patient care; and the details of the contingency plans. If she is not in a position to answer verbally today I would like her to submit to me a written answer outlining what hospitals are affected because we are hearing of hospitals all around the country which are being affected.

There have been changes in the visa system which mitigate against non-consultant hospital doctors, who in the past paid a fee and were issued with a visa for two years but are now only being issued with a visa for three months. Can the Minister inform us why that is the case? We are discussing further cutbacks and the European working time directive at a time when the coroner in Kildare is writing to the HSE to highlight the overcrowded nature of our accident and emergency departments after hearing that an 86 year old women died after a 36 hour wait on a hospital trolley in the accident and emergency department in Naas General Hospital. She was admitted with a suspected hip fracture and uncharacteristic confusion in February 2009. The Minister sent two HSE executives to Galway to help resolve problems with patients in the accident and emergency department there and the HSE plans to close a further 1,100 beds.

How will the Minister achieve what she said she would achieve? I note in her answer she referred to putting in place proper community facilities. They are not there. The fair deal, which was intended to make more space available to people is now being used to close public long-term care facilities and we cannot have it for the private citizens. Does the Minister support these actions?

**Deputy Mary Harney:** The Deputy has asked a whole host of questions. A number of issues are affecting the staffing of hospitals. The first is the working time directive, which is now Irish and European law. It is being implemented for patient safety reasons because we do not want

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overworked doctors attending patients. Under the new Medical Practitioners Act there is a fundamental change in the training of junior hospital doctors which is having an impact.

On the question of visas, I have had good discussions with the Department of Justice, Equality and Law Reform about reverting to a two year visa, and it is agreeable to that. We are currently awaiting a response from the Department of Enterprise, Trade and Innovation and I understand we will have it shortly.

On the wider issue, I had a meeting recently with the HSE. It is examining a number of scenarios. Obviously, it is obliged to commit itself to the 2010 service plan, and that it will do. It states we will reduce admissions from accident and emergency departments to hospital beds by 33,000, which is approximately 2% of the numbers who present at accident and emergency. There are a number of community facilities. As the Deputy probably knows, recently the Mater Hospital opened a facility to deal with minor injuries which has been highly successful. The volumes of patients attending it is in excess of anything which could have been anticipated.

A number of initiatives are under way. The HSE is due to revert to me shortly. I do not have the answer to the question on what accident and emergency departments are closing, which the Deputy would love to get. There is no plan to close any accident and emergency departments on foot of the restrictions which are taking place. There may be restrictions. The same issues are being faced in Northern Ireland and the United Kingdom. This week Northern Ireland announced the closure of two accident and emergency departments for similar reasons. We will not close facilities, rather, we will make sure the facilities which are in place provide safe and appropriate care and those that require emergency care are dealt with in the appropriate place.

**Deputy James Reilly:** The appropriate place, with 300 people lying on trolleys every single day, is not very satisfactory. Deputy Fergus O'Dowd is from the Louth constituency, in which a new accident and emergency department which is lying idle was built in Our Lady of Lourdes Hospital Drogheda. When will it open? Why has the reduction in services not been outlined? They were not mentioned in the HSE national service plan. We knew the working time directive would be introduced and there would be a shortage of non-consultant hospital doctors. Why has this not been highlighted?

I understand there will now be integrated service areas, rather than what we have had to date, such as the HSE south. There is now talk of having 18 service areas with populations of 225,000 to 250,000. One such area might affect the constituency of the Leas-Cheann Comhairle, Wexford. Others might affect Waterford, Kilkenny, Clonmel, south Tipperary and Carlow. Could the Minister inform the House whether she is in favour of the new initiative? If so, how many will there be and when will they come into being?

**Deputy Mary Harney:** On Drogheda, the facility is ready. There are issues in terms of recruiting staff and industrial relations. The process will happen this year and money is being provided for that. I do not have the precise opening date for the new facility. I had discussions yesterday with INMO and hope that the current staff could move into the new facility to provide the services which are currently being provided in a facility which is not fit for purpose as we ramp up to get additional staff, in particular paediatric nurses. The process of recruitment will happen this year and the facility will open.

On the integrated service areas, everything we have been trying to do is to integrate services between the hospital and the community. In some regions of the country, such as the west, we spend €2 billion on health and have 27,000 employees. It makes sense that they would work in an integrated fashion. If we are to move staff, which is part of the Croke Park agreement, from

the hospital to the community in order that services can be provided there, we need to operate on that basis. If memory serves me correctly, I understand there will be 18 to 24 service areas over the next period of years. It will not happen fast; it will take a considerable amount of time, as the Deputy is aware.

The purpose of an integrated service area is to integrate all the public health services which are happening in a coherent fashion in order that we do not have a situation where the hospital is not encouraged to give somebody something to which he or she is entitled because it will come from its budget and it pushes the problem out into the community where it can be paid for out of another organisation's budget or *vice versa*. That is the kind of confusion which exists when we do not integrate the services we provide.

### Hospital Services

41. **Deputy Jan O'Sullivan** asked the Minister for Health and Children the advice she will give to hospitals such as Beaumont whose financial allocation is not adequate to address the needs of patients in their catchment area; the way in which patients are to be protected when wards and theatres are closed and accident and emergency departments are overcrowded and understaffed and when there are growing waiting times for outpatient clinics and for elective procedures; if she will intervene to ensure that patient welfare is not compromised; and if she will make a statement on the matter. [20560/10]

**Deputy Mary Harney:** I have been assured that Beaumont Hospital will meet its service plan targets for 2010. These involve treating the same number of patients this year as last but with less reliance on inpatient stays. In turn this will involve reducing inappropriate hospital admissions, more same day of surgery admissions, more day care cases, earlier discharges and reductions in waiting times for elective surgery. The planned changes announced by Beaumont are designed to allow it deliver its service plan targets while remaining within its budget. For example, the increase in day case activity and the reduction in beds occupied by long-stay patients means the hospital can treat the same number of patients as previously with fewer inpatient beds. Beaumont has also assured my Department that neurosurgery, transplantation and cancer services will not be affected by the changes.

Treating people in more efficient and effective ways like this, with no reduction in access to appropriate services, is obviously the right thing to do given the very difficult financial position facing the Exchequer. However, it is also the right thing for patients. People want to access quality care as quickly as possible and be allowed to go home as soon as possible. There are constant calls inside and outside this House for a more efficient public service, changes in work practices and greater productivity. Despite this, we still hear opposition to such changes, with the focus being put instead on issues like the number of in-patient beds rather than the number of patients being treated and the achievement of best outcomes for patients.

Reforming the way services are provided, reducing costs and maintaining a clear focus on patient safety will allow us to treat people in more effective ways and protect access to appropriate services. I want to make it clear to this House that the implementation by Beaumont Hospital, and other hospitals, of this type of patient-centred reform will have my full support.

**Deputy Jan O'Sullivan:** I put it to the Minister that on 29 March 2006 she issued a statement declaring accident and emergency departments to be a national emergency. In 2007 she stated that the HSE said no patient should be waiting more than 24 hours in any accident and emergency unit for admission to a ward and by next year the target is to be a maximum of six hours. The HSE also stated its aim is that no accident and emergency unite should have more than ten patients waiting for admission to a ward. She has again given us a beautiful flow of rhetoric.

[Deputy Jan O'Sullivan.]

The reality is totally different. How, with 52 fewer beds, will Beaumont achieve the target she has outlined to us? How will other hospitals throughout the country achieve their targets?

The Minister referred to the fair deal and the fact that people will be able to leave hospital more easily. I spoke to a social worker who is working in another large Dublin hospital last week who told me that most of her day is now spent trying to deal with the financial assessments of the fair deal to get elderly patients who are ready to be discharged out of hospital. What is the Minister going to do to ensure that the financial assessment element of the fair deal does not keep people in hospital unnecessarily? I am told that nursing homes will not take them until it is certain they will qualify.

**Deputy Mary Harney:** As my colleague the Minister of State, Deputy Áine Brady, will address the fair deal scheme, I will only make a brief comment on it. We were dealing with a large volume of applications which came in at the same time because the scheme was only introduced last October. In many cases, court and other legal procedures are involved because we have to deal with people who have diminished mental capacities.

We are receiving a fantastic response on the fair deal scheme. It has freed up 50 beds in Beaumont hospital alone and we are currently awaiting HIQA registration before allowing that hospital to open St. Joseph's, which will provide a further 100 beds. Beaumont has dealt with 1,000 more patients on a day case basis over the first four months of this year than it did during the same period last year. By moving to same day surgery and day case activity, more patients can be treated within available budgets.

Of course accident and emergency provision is not perfect but I can outline data that show year-on-year improvements in the waiting time target of six hours from time of arrival to either being sent home or admitted. Many hospitals meet that target but, unfortunately, approximately six hospitals are not in a position to do so for various reasons and these institutions are now receiving special attention from the HSE at my request.

**Deputy Jan O'Sullivan:** More than 300 people were accommodated on trolleys on one day last week. That is the average figure for the month of May, when normally the number of people on trolleys is very small. Despite the Minister's claims about what hospitals will be able to achieve, year after year we see the same statistics. We are not seeing improvements in trolley figures. The same difficulties arise in terms of moving people from accident and emergency units to wards, even where they are ready to be transferred. Given the level of cutbacks with which hospitals must contend, does she really believe they will be able to achieve the targets she is setting for them?

**Deputy Mary Harney:** I believe hospitals can meet the 2010 service plan to which the HSE is committed. I referred specifically to Beaumont, which is a national tertiary referral centre. The financial pressures are enormous and although we have provided some new money for the fair deal scheme, comparing like with like, we have taken an additional €1 billion from the HSE over last year. Approximately €630 million of that comes from staff reductions and the remainder has to come from value-for-money, reductions in drug costs, etc. Notwithstanding these pressures, the activity level at Beaumont was higher over the first four months of this year than in the same period last year.

### **Health Insurance Providers**

42. **Deputy James Reilly** asked the Minister for Health and Children if the VHI fulfilled its legal obligation to achieve solvency by the end of March 2010 deadline set by herself; the number of times she has extended the deadline for VHI to achieve required reserves to date;

if the EU Competition Commissioner has contacted her concerning a possible legal action and sanctions if VHI does not meet the requirements of the Financial Regulator regarding appropriate levels of solvency; the potential sanctions against the State from the EU in this regard; and if she will make a statement on the matter. [20716/10]

**Deputy Mary Harney:** Arising from a derogation under the non-life insurance directives, VHI continues to be exempt from prudential solvency requirements. The Voluntary Health Insurance (Amendment) Act 2008 provided for the VHI to acquire sufficient funding in terms of its capital reserves to enable it to make an application to the Financial Regulator for authorisation. The date originally fixed by that Act was 31 December 2008 but this was subject to the right of the Minister to appoint a later date by order if satisfied that there is good and sufficient reason for so doing. At the time the original date was fixed, the Supreme Court had not yet ruled on the risk equalisation scheme, which it struck down in July 2008. Since then I have extended the date by which the VHI must accrue the necessary reserves on five occasions. The date is now 1 January 2012.

The EU Commission has commenced proceedings against the State in the European Court of Justice regarding the VHI's derogation. The State has forwarded a comprehensive written defence to the court and fully intends to mount a vigorous defence of its action. The matter of sanctions would only arise in the event of an adverse judgment if nothing was done to ameliorate the situation and further proceedings were then brought to seek financial penalties against the State.

The capital position and authorisation of the VHI are only two of many interrelated and complex issues that need to be resolved in order to achieve a stable community rated private health insurance market. I have been examining the broad range of issues involved with my officials, expert advisers and the Health Insurance Authority. The matter has also been considered by the Government on a number of occasions since the Supreme Court judgment. I will make a full statement at the appropriate time on the measures required to support the Government's key policy goal of a community rated health insurance market.

**Deputy James Reilly:** I ask the Minister to indicate to the House the solvency target for the VHI in monetary and percentage terms and the level of solvency achieved by the company by the end of March 2010. Does she see any inconsistency between the State's treatment of the VHI, in respect of which it once again extended the deadline for solvency, and of Quinn Insurance? An article in *The Irish Times* cites Seán Murphy, the deputy chief executive of Chambers Ireland, as agreeing that the situation "clearly isn't fair" and Tom Carney, a partner with Dillon Eustace, as stating:

It emphasises the stark contrast between the State's regulatory approach towards Quinn and that of the VHI. One company is completely and utterly exempted from solvency arrangements, while, on the other hand, another company is in permanent administration — and both companies are pursuing the same market.

Perhaps the Minister can inform the House how many times she has extended the deadline.

**Deputy Mary Harney:** I introduced the legislation on the deadline but that was prior to the Supreme Court's decision to strike down risk equalisation. I want to point out some facts. We are discussing the reserves ratio. The VHI has 82% of the over 60s market and 92% of the over 90s market. I strongly favour community rated health insurance because it allows older and sicker people to afford insurance on the same basis as younger customers. If we are to retain that system, it will require intergenerational support. The scheme which was introduced when the market was opened up to competition on foot of an EU requirement was, unfortu-

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nately, struck down by the Supreme Court in 2008. That changed everything and, in the interim, we have introduced tax relief at source.

I remain determined to bring before the Government shortly a comprehensive set of measures not only in respect of the capital requirements of the VHI but also on a sustainable financial model for the company. If one company has an unfair risk burden, we clearly will not have a market that is capable of being fair in all circumstances. We need a new risk equalisation scheme in Ireland and in the meantime we have provided for a scheme of tax relief at source which has been approved by the EU as a temporary measure. We also need to sort out the VHI's capital requirements and the three companies' respective market ratios. The ratios vary considerably at present but I would like to see a healthier market where at least three players have similar shares.

Notwithstanding the financial pressures we currently face, it is encouraging that only 1.6% of people have dropped out of health insurance. This is because we keep insurance costs affordable, particularly for older and sicker people.

**Deputy James Reilly:** I contend that the reason 53% of the people in this country take out private health insurance is because they do not have any faith in the public system to deliver in a timely fashion. I do not wish to do a disservice to the late and very brave Susie Long but people do not want to find themselves in her situation. Otherwise, how could one explain the decision? Our hospitals are supposed to provide a system of free secondary health care but this a virtual system. It is not available to our citizens, who as a result, wait months and years for outpatient appointments.

As the Minister failed to answer, I remind her that this is the sixth time that she extended the deadline.

**Deputy Mary Harney:** I said "five" in my reply.

**Deputy James Reilly:** She has admitted that the market is not fair. Given that the VHI's shortfall is estimated at over €200 million, might it indeed face the same fate as Quinn Insurance? I do not believe we have a fair market and that is why we do not have more players.

**Deputy Mary Harney:** We will not have a fair market if some participants have to carry the burden of older and sicker people. That is a fact. There are other unfair aspects to the market. I want to see a market that is fair to all the players. Deputy Reilly's party favours providing private health insurance to everybody but that is also based on a risk equalisation model.

**Deputy James Reilly:** One that works, as opposed to the one the Minister introduced.

**Deputy Mary Harney:** No. First——

**An Leas-Cheann Comhairle:** The Minister should be allowed to make her reply.

**Deputy Mary Harney:** Deputy Reilly seems to think we will have a market where no one will pay more than they pay at the moment and everyone will get unlimited hospitalisation, treatment and diagnostics.

**Deputy James Reilly:** There is no such thing as unlimited anything.

**Deputy Mary Harney:** I would like to see Deputy Reilly's plan worked out. I have not seen it yet.

**Deputy James Reilly:** The only thing that is unlimited is the Minister's promises.

**An Leas-Cheann Comhairle:** Deputy Reilly, please.

**Deputy Mary Harney:** That is a thoroughly non-objective judgment.

### **Hospitals Building Programme**

43. **Deputy James Reilly** asked the Minister for Health and Children if building work has commenced at any of the eight co-location sites regarding her plan to fast track 1,000 public beds through the co-location plan; if finance has been secured for any of the sites; her views on whether her co-location plan will become a reality; and if she will make a statement on the matter. [20717/10]

**Deputy Mary Harney:** The renewed programme for government re-affirms the Government's commitment to the current co-location programme. Preferred bidders have been selected for six co-location projects at Beaumont Hospital, Cork University Hospital, Limerick Regional Hospital, St. James's Hospital, Sligo Hospital and Waterford Regional Hospital. Project agreements have been signed for the projects in Beaumont, Cork, Limerick and St James's. Planning permission has been granted for the first three of these projects. Planning permission has been granted by the local authority for the St James's project but this has recently been appealed to An Bord Pleanála. Two other projects are at earlier stages of the procurement process.

The co-location programme is a complex public procurement process. It is a matter for each successful bidder to arrange its finance under the terms of the relevant project agreement. The co-location initiative, like other major projects, has to deal with the changed funding environment. The HSE is continuing to work with the successful bidders to provide whatever assistance it can to help them advance the projects.

**Deputy James Reilly:** I thank the Minister. It is timely that we should discuss the matter because, as my colleague, Deputy Jan O'Sullivan mentioned a few weeks ago, we are heading towards the fifth anniversary of the announcement of the plan, which was to fast track the 1,000 public beds. Not a single brick has been laid, a sod turned or a bed delivered. Will the Minister confirm whether finance has been secured for the projects and when construction will begin? Will she remind the House of the total cost to the State of tax reliefs for co-located hospitals, should they go ahead? The banking and finance situation has not been resolved. We have been waiting five years. As I indicated, this is yet another of those great promises on which there has been a failure to deliver. It would be as well for the Minister to put her hands up and advise us that she will find some other way of putting beds into the system because if this is a fast-track approach, God help Ireland.

**Deputy Mary Harney:** A number of issues arise. I am aware Deputy Reilly is opposed to co-location but that view is not shared by all his party colleagues, as some of them have spoken to me about it.

**Deputy James Reilly:** When they are elected they can express an opinion.

**Deputy Mary Harney:** We have had a credit crunch and it is difficult to get access to private finance for many projects. People are working extremely hard to advance the projects. There is great enthusiasm for them in various parts of the country to provide not just extra capacity by way of acute hospital beds but to allow acute hospitals to be able to reconfigure within themselves to have more private rooms and more infection control rooms. There is no other plan, nor are any resources available for major capital investment in public hospitals. That is a

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fact. This remains the only plan for major investment in major, acute public hospitals for the foreseeable future. Bankers and project promoters are working closely together. I hope we will be in a position to see the advancement of some of the projects shortly.

**Deputy James Reilly:** Five years later, there is no real prospect of that happening. I disagree fundamentally with the Minister's point that no other funding is available. There is gross wastage within the Health Service Executive and the health budget. If the funding was directed appropriately and managed properly the funding would be available. I remind the Minister that she promised the House previously that she would add beds to the system, instead of which we have lost beds.

The Minister referred to 33,000 fewer emergency admissions. Can she explain to the House how in the name of God she is going to reduce 33,000 emergency admissions in the health service this year? Is the Minister saying consultants in emergency medicine are admitting people needlessly? I do not think they nor any other doctor in the country would accept that.

**Deputy Mary Harney:** Deputy Reilly represents every second vested interest that opposes any change in the health system proposed in this House. I already replied to a question on Beaumont Hospital. An extra 1,000 day-case patients were treated there in the first quarter of this year compared with last year. Reductions will be achieved by hospitals doing things differently, such as bringing in people on the same day for surgery. Approximately 3% of admissions from accident and emergency units are for diagnostics. It is a case of doing all of those things. We should not get obsessed about the number of beds. It is about the money following not just the patient but the patient's best health. That does not always mean that the patients should be in a hospital — far from it — it means the patient getting access to the appropriate treatment he or she needs wherever he or she requires it. Often that is in a community non-hospital environment.

**Deputy James Reilly:** Patients are not getting treated because the Minister is closing other facilities and burdening the major hospitals which cannot cope.

### Child Care Services

44. **Deputy Alan Shatter** asked the Minister for Health and Children her views on the recent report of the Ombudsman for Children based on an investigation on the implementation of Children First: National Guidelines for the Protection and Welfare of Children; if she will detail the actions that she has taken to protect children at risk; her future plans in this regard; and if she will make a statement on the matter. [20559/10]

**Minister of State at the Departments of Health and Children, Education and Skills and Justice, Equality and Law Reform (Deputy Barry Andrews):** I welcome the publication last week of the ombudsman's report on Children First. The report identifies many of the implementation difficulties highlighted in previous reviews of the Children First guidelines. It acknowledges that planned and substantial steps were taken to implement the guidelines but also that efforts to drive forward implementation were not always sustained and were not sufficient at particular times. The investigation found that insufficient efforts were made by the HSE to drive forward implementation of the guidelines and identified the failure of the former health boards to resolve problems arising with Children First, including variable implementation. The report is also critical of the degree of inter-agency oversight and the role of the Office of the Minister for Children and Youth Affairs in this regard. The adverse findings focus in particular on the period 2003 to 2007.

The Children First guidelines have now been revised and take into account the findings of previous reviews and some comments put forward by the ombudsman. The newly revised guidelines will be supported by a detailed and comprehensive implementation framework which will apply across all sectors. This framework will include emphasis on robust implementation assurance systems including inspection and audits. I will be bringing proposals to Government shortly in this regard.

Successive Ministers have taken a series of initiatives since the publication of Children First in 1999 to improve the quality of children's lives and to protect children at risk. The legislative and policy framework has been significantly strengthened through the passage of major pieces of legislation, such as the Children Act 2001, the Ombudsman for Children Act 2002, the Child Care (Amendment) Act 2007, and the continuing passage of new legislation through the Oireachtas including the Adoption Bill 2009 and the Child Care (Amendment) Bill 2009. Key policy initiatives include the agenda for children's services, the Government's implementation plan following the Ryan report, the Irish Youth Justice service strategy, the youth homelessness strategy, and the report of the working group on foster care.

Major developments have also taken place at service level including the establishment and expansion of the Social Services Inspectorate under HIQA; the development of national standards for children in the care of the State; the continued development of special care units for vulnerable children, expansion of the Garda vetting services; the establishment of the children's services committees; the creation of a new management position in the HSE at senior management level with responsibility for child and family social services; the development of standardised service delivery and business processes within the HSE; the development of a knowledge management strategy for child welfare and protection services; and the development of a sustainable and cost-effective solution for the provision of out-of-hours services for gardaí who remove children under section 12 of the Child Care Act 1991. The Government is committed to building on the existing legislative and policy framework and to taking any additional actions deemed necessary to ensure greater protection for children at risk.

**Deputy Alan Shatter:** Does the Minister of State not regard it as slightly odd, both in this House and in a statement he issued on the publication of the ombudsman's report, to welcome the publication of a report which makes two findings of maladministration or unsound administration against the Department in the area of child protection and nine findings of maladministration or unsound administration against the HSE with regard to implementation of the Children First guidelines? Can the Minister of State explain, in the context of the first finding of unsound administration against his Department why, despite all the public statements made, for almost eight years little was done that mattered to ensure the uniform application of the Children First guidelines across the country?

In respect of the second finding of unsound administration, can the Minister of State explain why he, the Minister, Deputy Harney, who is sitting beside him, and his predecessors as Ministers for children, either concealed and-or did nothing about an ongoing dispute involving the IMPACT trade union, originally the health boards in 2002 all the way up to today's date with the Health Service Executive, in which IMPACT directed social workers in various local health offices across the eastern region not to apply various parts of the Children First guidelines, to the detriment of children? Why was that kept secret? Why had there been no intervention of any description to resolve that dispute to ensure children are properly protected?

**Deputy Barry Andrews:** I welcomed the report in the first instance because it is a good report which gives a good summary of the way in which efforts have been made to implement the Children First guidelines uniformly throughout the State. I would not expect the Deputy to

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refer to the positive progress identified by the ombudsman, particularly in reference to the Office of the Minister for Children and Youth Affairs. She observed that planned steps had been taken to implement the Children First guidelines and that those steps were substantial. She further remarked that it was clear “considerable efforts” were made to implement the guidelines, particularly in the earlier years following its publication, and that the multitude of reviews point to the policy priority accorded their implementation by the Government. She acknowledges that since 2008 considerable progress has been made in trying to tackle what is described as “differential compliance”. I adverted to some of those developments in my reply.

**An Leas-Cheann Comhairle:** I wish to allow time for another supplementary question.

**Deputy Barry Andrews:** I am eager to tackle the Deputy’s two specific questions on administration. The second one is——

**An Leas-Cheann Comhairle:** Time is almost up for this question, so I propose to allow a further supplementary question.

**Deputy Alan Shatter:** I would certainly like to hear the Minister of State’s response to the two questions raised. Is he not ashamed of a report — which he describes as a good report — that documents total incompetence by the Health Service Executive and the Department in ensuring the application across the State of the Children First guidelines? Is he not ashamed that the lessons that were supposed to have been learned from the tragic deaths of Tracey Fay and David Foley clearly were not learned? Moreover, last weekend the remains of another young man, Daniel McAnaspie, were found. I drew his case to the attention of the House last February, when the Minister of State criticised me for naming him and for expressing concern about his circumstances——

**Deputy Barry Andrews:** I expressed no such criticism of the Deputy.

**Deputy Alan Shatter:** Is the Minister of State not ashamed that a failure of the Health Service Executive to provide proper care to this young man has contributed to his tragic death? Can he tell this House truthfully that everything possible has been done by the Government to ensure the application of the Children First guidelines since 1999? Will he acknowledge that his party in government has failed to a scandalous and abysmal degree to protect children? Will he indicate to the House that there will be an independent inquiry into the tragic death of Daniel McAnaspie and give an assurance that those appointed to it are not selected by the Health Service Executive?

**Deputy Barry Andrews:** I absolutely reject the Deputy’s unfair claims. The Government committed €15 million to this area in the last budget at a time of retrenchment in almost every other Department and within the Department of Health and Children itself.

**Deputy Alan Shatter:** This is 2010. The guidelines introduced in 1999 have not yet been implemented.

**Deputy Barry Andrews:** That funding will be applied to the recruitment of 200 additional social workers. Any fair analysis of this situation will show that I am absolutely committed to the delivery of improved compliance with the Children First guidelines. That is central to the taskforce on the standardisation of business processes. It is central to our commitment in the last budget to the roll-out of additional social workers and to the entire framework for the

implementation plan following the Ryan report. The Children First guidelines are in and of themselves robust. We must not only ensure compliance on a statutory footing with those guidelines but also ensure the capacity to audit the various sectors with responsibility for their delivery.

In regard to the case of Daniel McAnaspie, I join with everybody in the House in expressing our deepest regret to his family on the tragedy that has befallen them. I understand the Deputy intends to raise this matter on the Adjournment. We will provide further details of our response at that time.

**Deputy Alan Shatter:** Are the Minister of State and his colleagues not ashamed at the number of children who have died in the past ten years because of a failure to implement the Children First guidelines?

**An Leas-Cheann Comhairle:** That concludes Priority Questions.

### Other Questions

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### Proposed Legislation

45. **Deputy Seán Sherlock** asked the Minister for Health and Children the progress she has made to date in drafting legislation to clarify eligibility for health and social services; and if she will make a statement on the matter. [20210/10]

**Deputy Mary Harney:** The current legislation governing eligibility for health and personal social services has been in place since 1970. The 1970 Health Act contains the now outdated concept of undue hardship as the basis for providing full eligibility for people who cannot arrange health care for themselves. It is time to move to more modern concepts for the basis of public health care such as financial, medical or social need.

Since 1970 there have been many developments in services with a growing emphasis on the delivery of care in community health rather than institutional settings. For example, both in respect of public and privately funded services, the area of chronic disease management in the community is being given a higher profile than before. To support this change, and better care for all patients, we must develop both the eligibility rules for public benefits and the minimum benefits regulations for health insurance. Both of these, together, should be aligned towards the objective of better primary care and much better and more cost effective chronic disease management.

It is important that people have clarity about what they can expect in public benefits and from health insurance policies, and that both these support best health care and outcomes for everyone. The review of eligibility therefore dovetails with the development of minimum benefits for private health insurance. Work in this area is at an advanced stage and I hope to bring proposals to the Government as soon as possible in the coming months.

**Deputy Jan O'Sullivan:** It is useful to tease out what will be contained in this legislation which is extremely significant in terms of people's rights regarding health care. We in the Opposition would prefer if it were decided that everybody, whether privately insured or not, has the same rights in the area of health care. How comprehensive will the legislation will be? Will it deal with the mental health area, including, for example, the right of access to community mental health care within a particular timeframe? Will the legislation specify timeframes within

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which people will be entitled to receive care? They have just left the Gallery but I intended to welcome the guests of the cross-party group on mental health who have come from several different countries. They would be particularly interested to know whether mental health will be covered..

Will the legislation include dental services? People's right to dental care has been slashed even though, as I understand it, there is a right to comprehensive dental health care under the 1970 Act.

**Deputy Mary Harney:** I join the Deputy in welcoming the guests who have just departed. I hope they will learn from us just as we learn from them. The legislation will be as comprehensive as possible. Although we have had some recent legislation on medical cards and long-term residential care, and legislation is imminent on prescription charges, there is clearly a need for comprehensive legislation on eligibility. There are significant issues to be addressed.

I do not share the Deputy's view, even in the case of primary care, that there should in the short term be free access for everybody to everything. If we were to send Deputy Reilly to negotiate with the Irish Medical Organisation, as he has done in the past, I do not like to imagine the costs he would come back with. Within the available resources we must ensure that those at the bottom have access to all the services they require.

**Deputy Jan O'Sullivan:** The Adelaide Hospital Society has said it would require only an additional €217 million to provide universal free access to primary care.

**Deputy Mary Harney:** I asked the society whether that figure was based on negotiated costs.

**Deputy Jan O'Sullivan:** The society has done its figures, although the Minister disputed that in *The Irish Times*.

**Deputy Mary Harney:** I did not say the society had not done its figures. I simply said that nobody had negotiated with doctors as to what it would require to provide free access to primary care. I have checked that out with a number of practitioners and have been shown salary levels that would frighten us all if I were to mention them here, salaries far in excess of what we earn.

**Deputy Jan O'Sullivan:** A set figure has been indicated for every medical card patient.

**Deputy Mary Harney:** We should bear in mind the cost of introducing medical cards for all those aged over 70 years. I am simply saying that if we are going to move to salaried GPs, we must know what it will cost.

The Deputy asked whether the Bill will include dental and other services. The intention is that it will be as comprehensive as possible. I personally favour the concept of tiered benefits, with those at the bottom entitled to everything free of charge, those at the top paying the greater portion of their health care costs and those in the middle entitled to such facilities as the doctor-only card. On dental services, contrary to comments made in this House and elsewhere, the figure for 2010 is the amount we spent in 2008. For Deputies to suggest that represents a return to the Dark Ages is unfair and inaccurate.

**Deputy James Reilly:** On the last point, there is tremendous confusion as to dental entitlements. Dentists have been told by circular and other means, in very obtuse terms, that they

are to examine patients, and if it transpires that emergency treatment is required, then they will be paid, but they cannot know this until the examination is done. That is a farce.

On the substantive issue of eligibility, the Minister referred to chronic illness care. There is no primary chronic illness care in this country other than the very limited Heartwatch programme. We are paying lip service to the changes required in the community in order to ease the situation in hospitals and to change the way we deliver care, changes we all agree are necessary. However, lip service does not provide services to patients.

4 o'clock

The front page of the *Irish Medical News* indicated recently that there are two-year waiting lists for respiratory patients in Cork University Hospital. Even the smallest hospital has a respiratory physician, yet people are waiting two years in Cork University Hospital. The Minister wants to shove everything into that hospital. Everything is being taken out of St. Mary's orthopaedic hospital and shoved into the South Infirmity hospital, with facilities being closed left, right and centre.

**An Leas-Cheann Comhairle:** The discussion is straying from the issue of medical card eligibility.

**Deputy James Reilly:** Eligibility must be real rather than virtual, as is the case at present.

**Deputy Mary Harney:** It will be real and will recognise the financial resources under which we must all operate and which some of the Deputy's policies do not appear to recognise.

**Deputy James Reilly:** Yes, they do.

**Deputy Mary Harney:** The Deputy speaks as if we have an unlimited budget for an unlimited number of consultations, procedures and diagnostics.

On the Deputy's specific question, the legislation is long overdue. It is, however, a major piece of work on which considerable work has been done in my Department. The proposals will be brought to Government shortly for decision.

**Deputy Caoimhghín Ó Caoláin:** Under the health strategy of 2001, a commitment was given to produce new legislation in 2002 to provide a legislative framework guaranteeing the entitlement to health care and personal social services of every citizen across the State. The 2001 strategy indicated legislation would be produced in 2002. Eight years later, why have we only received the Title of the Bill? We are told in the new legislative programme that the heads of the Bill have not been agreed and it cannot be indicated when the legislation will be published. Noting the Minister's response, I must ask whether there is any real intent on the part of the Government to publish the eligibility for health and personal social services Bill. To clearly state the entitlements of citizens would run totally contrary to the Government's entire policy of promulgating a two tier health system that provides for those who can afford it and denies to an ever growing number of people who simply cannot afford it.

**Deputy Mary Harney:** I totally refute the Deputy assertion. Everything we have done, including the new consultant contract, medical card arrangements, screening programmes and the establishment of the fair deal, was precisely to deal with people who did not have appropriate access to public facilities. It remains my determination to continue to improve access to our public health services on the basis of medical need, rather than any other basis. If we were to have a free-for-all, those at the bottom would not receive that to which they are entitled.

On the specific question on the legislation, we remain determined to introduce the Bill and I hope a major advance will be made during this calendar year.

**Deputy Caoimhghín Ó Caoláin:** Where can people be given a clear indication of their entitlements on the medical card system?

### **Health Service Appointments**

46. **Deputy John O'Mahony** asked the Minister for Health and Children the details on the recruitment of the next chief executive of the Health Service Executive; the number of candidates that have expressed interest in same; the time line for the interview process; and if she will make a statement on the matter. [20298/10]

**Deputy Mary Harney:** The board of the Health Service Executive is continuing the recruitment process for the next chief executive officer of the HSE as the contract of the current CEO, Professor Brendan Drumm, expires in August this year. In accordance with section 17 of the Health Act 2004, the HSE board is responsible for making the appointment. The Act stipulates that the recruitment process must be in accordance with the Public Service Management (Recruitment and Appointments) Act 2004.

I understand the recruitment process is being conducted in accordance with the code of practice issued by the Commission for Public Service Appointments. Public advertisements for the position were placed nationally and internationally in December 2009. In addition, an executive search and recruitment company, Amrop Strategis, was engaged by the board following competitive tender and conducted an international search for the position.

By its nature, much of the information about this competitive process, including information about applicants and interviews, is confidential. It is not appropriate, therefore, for me to speak about the details sought by the Deputy. However, I understand the intention of the board is to complete the process in June.

**Deputy James Reilly:** It is disappointing that Deputies are unable to obtain the information sought as to the number of candidates for the position and how many are external and internal candidates. Does the Minister have a role in the process of recruiting a new chief executive officer of the Health Service Executive? What will be the salary of the new CEO? We have been given to understand it will be in the region of €228,000, which is considerably less than the salary of Professor Drumm.

The Minister referred to a consultancy firm that is involved in the recruitment process. What has been the cost to the State of this firm's role? The Minister also indicated she hoped an appointment would be made in June. I refer her to comments made by Professor Halligan when he declined the job. He described the health service as "over-managed and under-led", adding "You don't need €17 billion. You absolutely don't . . . you need leadership,".

**Deputy Mary Harney:** As I stated, under the Health Act 2004, I do not have any role in recruitment. The search company engaged interviewed or met more than 25 persons from around the world and more than 100 people expressed an interest of some form in the position. A cap of €37,000 was imposed on the costs of the recruitment process for the company in question and I understand the final figure will be lower than that. The matter is one for the board of the HSE. Its chairman informed me last week that it was intended to have identified a successful candidate in June. The salary is, as recommended, in line with the salary of the Secretaries General to the Departments of the Taoiseach and Finance. By international standards, this is not considered a high salary in this area of responsibility.

**Deputy Jan O'Sullivan:** Has the Minister expressed a view to the HSE as to who she believes would be good for the job? She indicated her view that Professor Tom Keane would be a good candidate for the position. We all probably regret that he did not take the job. I am not trying

to be vexatious and I put my questions in a positive rather than negative manner. Given that the Minister has experience of many other health systems from visits she has made to other countries, during which I am sure she has met Irish people working in the health services of various countries, has she suggested the names of any individuals who would be good for the job of chief executive officer of the HSE?

**Deputy Mary Harney:** I hold Professor Tom Keane in high regard. He impressed me so much when I met him in Canada that I asked him would he consider coming to Ireland. I did not expect to receive a positive response and I was delighted when he decided to come here. He was appointed to a specific position of overseeing the implementation of the cancer control programme on a contract we agreed with his then employer, the cancer agency of British Columbia. I have not expressed a preference, although I stated when asked in Cork about Professor Keane's decision to leave the country that I would love him to stay in the country. I indicated quickly, however, that the CEO of the HSE was not a matter for me but an entirely independent process. That remains the position and I have not expressed a view to the chairman or any member of the board, nor have I been asked for a view on the matter.

**Deputy Caoimhghín Ó Caoláin:** I, too, do not wish to be vexatious in raising an option the Minister may not have considered. Pending a complete reform of the structures of health care delivery, would the Minister consider suspending the appointment and giving collective responsibility to the next tier of respective heads and leaders of the various sections of the Health Service Executive and direct the funding to the employment of 14 student nurses who would probably make a much more useful contribution at the front line, given that we are exporting them day and daily? As the people the Minister welcomed to the Gallery were able to share with us, we are training them in order that they can employ them overseas.

**Deputy Mary Harney:** I do not know of any health provider which can operate without a CEO. To refer to the words cited by Deputy Reilly, every organisation needs leadership. The HSE requires, in particular, a chief executive officer given that it is responsible for a budget of almost €15 billion provided by taxpayers. I would not consider asking anyone to suspend the recruitment process. It is important that we have a smooth hand-over from Professor Drumm to his successor. If the person is identified in June, this will, I hope, take place in August.

### **Proposed Legislation**

47. **Deputy Mary Upton** asked the Minister for Health and Children if she will introduce legislation to underpin the provision of services and supports of persons who were injured by thalidomide; if she will engage with the Irish Thalidomide Association in view of the lack of consultation in advance of the settlement offered to them; if an apology on behalf of the State will be offered to those so injured; and if she will make a statement on the matter. [20218/10]

**Deputy John Moloney:** The Deputy will be aware that the Minister has met with the Irish Thalidomide Association on a number of occasions since 2008. At the Minister's request, the State Claims Agency assessed the association's requests in the context of Irish and international provisions for survivors of thalidomide and in the context of Irish case law and precedent. The State Claims Agency also considered the submissions of the Irish Thalidomide Association and the Irish Thalidomide Survivors Society and met with both organisations.

Following consideration of the agency's report, the Minister announced, on 27 April last, the Government's decision to provide additional service and financial supports for Irish survivors of thalidomide. The measures announced include: provision for special care packages for thalidomide survivors living in Ireland, following multi-disciplinary assessments by an independent

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expert to be appointed by the Minister; the designation of a senior manager in the HSE to act as a liaison with regard to the ongoing health and personal social services needs of the Irish survivors; a once off *ex gratia* payment of €2 million to be divided equally between the Irish survivors as a practical expression of the Government's sympathy; the payment of an annual lump sum, in addition to current payments, equivalent to a further German annual payment which commenced in 2009, of up to €3,680, for survivors in the most severe category; provision whereby, if an individual thalidomide survivor has applied for but does not qualify for either the disabled drivers tax concession scheme or the motorised transport grant, their cases will be examined with a view to providing an equivalent level of financial assistance to assist with their transport needs. This is a reasonable and compassionate response, aimed at meeting the medical and other needs of survivors.

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

The Minister met with groups representing survivors of thalidomide and briefed them on the Government's decision. Issues were raised by legal representatives on behalf of both organisations at those meetings, including the manner in which services and supports will be provided, the question of an apology to survivors and certain legal issues. The Minister has already put in train arrangements for individual assessments of survivors, including the appointment of the independent expert, Dr. Paul O'Connell, consultant rheumatologist, and separate liaison arrangements through Ms Carmel Buckley, a senior HSE nursing official. In regard to the legal issues raised, the Minister informed the survivors that she would have these matters considered urgently, in consultation with the Office of the Attorney General. The Minister will proceed on the basis of advice from the Attorney General.

The Minister also wishes to point out that in 1975, the Government of the day also acted on the then Attorney General's advice and expressed a commitment to ensure that the needs of the surviving children would be met. I know that the Minister joins me in saying that the State has great sympathy for the survivors and it is most regrettable that they should have been put through so much pain and suffering.

**Deputy Jan O'Sullivan:** I presume the Minister of State knows that this offer has been unanimously rejected by the Irish Thalidomide Association. What is his response to that rejection? I went to the association's press conference last week and the offer was rejected because its members felt that there was no real consultation. They were brought in at the very end of the process with the State Claims Agency. Will the Government consider going back to the drawing board and genuinely negotiating a settlement proposal with the two bodies concerned? The Irish Thalidomide Association represents the vast majority of survivors.

Will the State apologise to the survivors? I realise the State did not produce the drug, but there is a strong feeling among survivors that the State could have protected them better and they would like an apology.

**Deputy John Moloney:** I would have thought that the independent assessment by the State Claims Agency was far from an attempt to exclude submissions by the thalidomide group. The assessment was carried out independently and this was the response. I hope the thalidomide group see that it was not an attempt not to listen to them or to delay their involvement.

The second issue will be considered after the response of the thalidomide groups. It also ties into the third question. I do not want to delay things by talking about the level of funding proposed, but this was an expression of sympathy on behalf of the Government, recognising the huge difficulties caused by thalidomide.

**Deputy Jan O'Sullivan:** Is the Minister of State expressing that now?

**Deputy John Moloney:** I will not be hung up on words for the sake of them. The Minister met on many occasions with both groups and tried to work out a sensible and sympathetic response. Upon the conclusion of what I hope will be successful talks, we will leave it open to the Government to express sympathy. I do not think I can offer an apology for something that could cause great concern.

**Deputy James Reilly:** While I have listened to what the Minister of State has had to say, I believe he and the Minister should consider an apology because it would go a long way towards appeasing people who have been wronged. The State may not have made the drug, but agents and servants of the State administered it, and it was available in this country for a longer time than in other countries. Therefore, the State has a culpability in this area.

The State Claims Agency operates the clinical indemnity scheme. While it does great work, it can be quite adversarial in its nature. Would the Minister of State consider the Injuries Board as a body to assess the thalidomide claim? It might create a better atmosphere and bring about a different outcome. Victims of thalidomide are upset because the consultation process was merely a listening exercise rather than a hearing exercise. They were not heard.

**Deputy Caoimhghín Ó Caoláin:** Finola Cassidy of the Irish Thalidomide Association has described the offer as derisory. There are only 32 surviving victims, and Ms Cassidy said they feel shell shocked and deeply disappointed. They are all in their late 40s or early 50s. We are talking about €60 per week in respect of the annual payment. It is abysmally low, as is the lump sum of €60,000. Whoever was responsible for making this assessment clearly has little understanding or regard for the challenges that these people have faced and will continue to face for the rest of their lives. We should be able to provide more generously and offer language that reflects our collective national sorrow at what has happened. Is it in the Government's gift to revisit the proposals in this instance? They need to be dramatically improved.

**Deputy John Moloney:** I do not want to respond by pointing out that it compares favourably to other countries.

I would like to make a point to Deputy Reilly. I was present for most of the talks between the Minister for Health and Children and the thalidomide groups and "adversarial" is not the word to describe them. It has never been the Government's intention to argue down to the very last detail with the thalidomide groups, and we are still open for ongoing talks, but the offer is there and I have to say it is a generous one.

*Written Answers follow Adjournment Debate.*

### **Adjournment Debate Matters.**

**An Ceann Comhairle:** I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 21 and the name of the Member in each case: (1) Deputy Mary O'Rourke — the arrangements needed to allow employees of Alienware, Athlone, County Westmeath, to avail of the European Globalisation Fund; (2) Deputy James Reilly — the call by the Vision Impaired Service Providers Alliance for the Government to implement immediately a vision strategy for Ireland as current projections show that within 25 years the incidence of blindness within this country will increase by 170%, yet there is no Government strategy to prevent this occurring where it is preventable or alleviate the harm done to those who will lose their sight; whether the Minister for Health and Children can outline how and when she intends to deliver on her promise to implement a national vision strategy; and if she will make a statement on the matter; (3) Deputy Michael Kennedy — to ask the Minister for the Environment, Heritage and Local Government to sanction immediately the funding required for replacement of the sewer pipes along Channel Road and Sandy Road, Rush, bearing in mind that these works are part of the forward planning of the sewer network

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for the town of Rush and that the contractors for the Eirgrid Limited east-west interconnector will be laying their cables at this location and minimising the disruption to local residents could be avoided by two sets of works being completed at the same time; and if he will make a statement on the matter; (4) Deputy Michael Ring — the need to maintain fully the home help service; (5) Deputy Dan Neville — the need to award a development grant to Herbertstown School, County Limerick; (6) Deputy Frank Feighan — the report of committee on bogs cessation of turf cutting in view of the legal plight confronting families in the current vacuum and if the Minister will make a statement on the matter; (7) Deputy Bernard Allen — the transfer of orthopaedic services and surgery from St. Mary's Orthopaedic Hospital, Gurrabraher, Cork, to the South Infirmity Hospital, which effectively rules out the possibility of St. Mary's Orthopaedic Hospital as a location for the proposed regional rehabilitation centre which has been promised for many years by the Government; (8) Deputy Joe Costello — the need for the Taoiseach to ensure that Justice for the Forgotten is adequately funded so that it can continue its work on behalf of the victims of the Troubles; (9) Deputy Willie Penrose — the need for the Minister for Health and Children to instruct the HSE to defer plans to close Loughloe House nursing home in Athlone, to publish the findings of the HIQA report into the facility, and to provide adequate resources so that the facility can be upgraded to meet all relevant standards; (10) Deputy James Bannon — the need for the Minister for Education and Skills to provide a new community college for Kilbeggan, County Westmeath, or to facilitate the operation of a public private partnership for this project; (11) Deputy Ciarán Lynch — to ask the Minister for Transport what communication has taken place between the Minister and Cork County Council regarding the development of an inner relief road for the town of Carrigaline, County Cork, what financial consideration or undertaking has been given by him and on what timescale with regard to the commencement of works in relation to this matter; (12) Deputy Leo Varadkar — the plans of the HSE to establish a methadone clinic in the Coolmine industrial estate, Dublin 15; and (13) Deputy Alan Shatter — the need to establish an independent public inquiry into the manner in which the HSE provided for the care of Daniel McAnaspie.

The matters raised by Deputies Michael Ring, Alan Shatter, Mary O'Rourke and Dan Neville have been selected for discussion.

### **Leaders' Questions.**

**Deputy Enda Kenny:** I know that the Tánaiste is standing in for the Taoiseach, who is in Madrid today.

The Pfizer company announced the loss of 785 jobs this afternoon in a number of locations throughout the country, 300 of which are in Cork, 275 in Newbridge and 210 in Dún Laoghaire. This is devastating news for the workers and families involved. While the job losses are not being introduced immediately, it is a matter of the most serious concern for those workers and for other corporations with investments in Ireland.

In his address to the American Chamber of Commerce in Ireland last November, the then president Dr. Paul Duffy, who is also vice-president of operations for Pfizer Ireland, highlighted the challenges facing the multinational sector in this country. On 1 May 2010, he stated that Ireland should adopt a single issue of protecting jobs in the country. This was a major flagging issue by a big investor in Ireland. Last November, Dr. Duffy said that we needed to face up to the repositioning of Ireland as a country to be fit for purpose under the new global reality. He called for measures to be put in the budget which would retain jobs, encourage competitiveness and innovation, and which would prepare the foundations for new investment and new jobs.

The Tánaiste was the Minister for Enterprise and Employment at that stage. She would have had contact with Dr. Duffy in his role as the vice-president of operations for Pfizer Ireland. Given that the Government set aside €36 million in the December budget for a PRSI holiday for employers taking on new employees who had been six months or more on the dole, why has that scheme, which was referred to by Dr. Duffy, not been implemented? He specifically made the point that in view of the costs and charges that apply to multinationals in Ireland they should be allowed to offset research and development tax credit against other corporate or payroll taxes. He specifically asked for that in the presence of the Minister for Finance who was the guest of honour at that dinner. This proposal was supported by the Commission on Taxation and by the Fine Gael Party. Why was that not included in the budget given that a very major player in our country was sending out a signal about global repositioning that would affect not just Pfizer and Wyeth, but also every other multinational with particular reference to American companies here? Why were these two measures that Dr. Duffy as vice president of this company called for not dealt with in the budget? Why has the PRSI holiday not been implemented yet?

**The Tánaiste:** The announcement made by Pfizer and the implications this has on an individual are very difficult. I empathise with that. The issue has arisen as a consequence of the purchase of Wyeth by Pfizer and the present overcapacity. This afternoon Pfizer indicated to the stock exchange that 6,000 jobs would go from Pfizer global manufacturing on the basis of that overcapacity. Arising from that decision, more than 780 jobs will be lost as a consequence. There is a timeframe in which we can work towards supporting those people. IDA Ireland is of the view that the three facilities can be sold. Equally it is important to say that we will continue to have in excess of 4,000 people working within Pfizer.

I know Dr. Duffy and have met him. I have listened and continue to listen to what people have to say about foreign direct investment being established and continuing to be established here. It is important to put on the record the role of IDA Ireland, which has been in a position to establish a number of foreign direct investments last year and this year despite the challenges within the economy. One of the issues that is very important to FDI in this country is that we constantly reassure — as the Minister for Finance did in the last budget — that we will continue to have a 12.5% corporation tax rate. The Deputy and his party did harm in this regard last week. Investment in research and development has been enormous and will continue to be on the basis of the development of the smart economy and the innovation island.

The Deputy raised the specific issue of the PRSI holiday. As he knows, we are awaiting that discussion here in the House under the social welfare Bill. That entitlement will be backdated to the beginning of the year. A number of very important issues have been raised by the FDI community and IDA Ireland in the context of last year's budget, when a number of research and development tax credits were proposed. Some have been included in the taxation package which has been accepted by the FDI community as greatly beneficial in its sustainability and stabilisation here. We are not in a position to provide a tax credit to offset something where no profit is created. In the context of stabilising the FDI community we also included them in two initiatives that were both available to Enterprise Ireland clients, city and county development board clients, and FDI clients.

We are very cognisant of the role of FDI. Horizon 2020, the new framework set down by IDA Ireland in the context of sustaining and encouraging new foreign direct investment here is a plan that can be implemented and will see not just the sustainability of a number of existing clients, but also the attraction of new clients to this country. That does not take away from the issues that have arisen for those working for Pfizer at present.

**Deputy Enda Kenny:** A number of matters arise from the Tánaiste's reply. Dr. Duffy is not an ordinary worker, but is the vice-president of operations for Pfizer Ireland. His contribution on 26 November was very timely. He was speaking about Ireland preparing itself to be repositioned and be fit for purpose, as he described it, in a global sense. Clearly the flare was going up that repositioning was under way by this company and others. The Tánaiste referred to excess capacity. Is she aware of other vulnerable corporations here owing to that excess capacity and if so is anybody in Government talking to the chief executives of those companies to deal with the issues to which Dr. Duffy referred, which are competitiveness, investment in innovation, and the allowance for the capacity in research and development? The Tánaiste said that research and development is a major issue — and so it is. He specifically referred to the capacity to allow research and development to be offset against corporate or other taxes. The Tánaiste did not answer that question. Given that the Commission on Taxation recommended this and it was supported by my party, why did the Government not consider that that allowance be extended beyond mere profits? If we want to be fit for purpose for international investment in the country, surely the Government should be really focused on research and development, and innovation, which will be key to the next ten years. In the words of Dr. Duffy it should be focused on the single issue of retaining jobs. Following the request of the vice-president of operations of Pfizer Ireland and the president of the American Chamber of Commerce Ireland, why did the Government not listen to that encouragement for the Government to respond given that it claims to be responsive?

In his contribution Dr. Duffy also stated that Ireland's energy costs were considerably higher than those of the rest of the European Union. On numerous occasions Deputy Coveney has pointed out the extent of the liability we have as an exceptionally high cost country in the area of energy. He made the point that the Government should speak to the National Competitiveness Council before implementing its carbon strategy, which has given rise to excessive costs in energy here. Did the Government speak to the National Competitiveness Council in that regard?

Given that the Fine Gael Party has made a series of recommendations to reduce costs and make the country more competitive, has the Government considered the reduction of Government-regulated prices, including those for telecoms and energy? If so what message does it send to American companies in particular, which are exceptionally agitated and concerned about the rising cost of doing business here? This is an issue of serious concern across the country. Is it the intention of the Government to speak to the chief executives of the American corporations that have invested here to follow through and demonstrate that the plea made by the president of the American Chamber of Commerce Ireland last November would be implemented by Government and that we should focus on the issue of retention of jobs and not have announcements like the loss of 275 jobs in Newbridge, 210 in Dún Laoghaire and 300 in Cork, where the Tánaiste advises me there is an overcapacity in this sector? Will the Government call in those chief executives, listen to them and follow through with Government action to reinforce that call, which was not made lightly, that we reposition ourselves against a global reality of repositioning by these multinational companies?

**The Tánaiste:** First, it is important to say that the decision made by Pfizer has nothing to do with the Irish economy. It has to do with the fact that Pfizer has purchased Wyeth and there is global over-capacity. That is the reason.

**Deputy Enda Kenny:** These words were spoken last November.

**The Tánaiste:** That is the reason Pfizer finds itself in the position where it is downsizing globally——

**Deputy Enda Kenny:** It was a warning.

**The Tánaiste:** —which is having an impact on 785 people in this country. That is the first point.

Second, Ministers for Enterprise, Trade and Employment, taoisigh, tánaistí and all Members of the Cabinet engage fully with our foreign direct investment, FDI, clients. In particular, the Minister for Enterprise, Trade and Innovation works locally, nationally and internationally with all clients, as do all members of the IDA team. The Deputy is acutely aware of that. That is a constant conversation, dialogue, support mechanism between the relevant Minister, the line Minister and Ministers of State and the IDA. We work with our FDI clients in the context of their sustainability in this country and in attracting FDI clients to this country.

**Deputy Enda Kenny:** The Tánaiste did not meet this person.

**The Tánaiste:** Why do we have foreign direct investment in this country? The first thing we should not forget about is the talent pool. One will hear that *ad infinitum*, the talent pool we have at present. Second, it is on the basis of our taxation policy. Third, it is the fact that there is a connectivity and a reputation in this country—

**Deputy James Reilly:** Disconnected.

**The Tánaiste:** —that we are business like, flexible—

**Deputy Simon Coveney:** Has the Tánaiste any news for those people who have lost their jobs?

**The Tánaiste:** —and very supportive of our FDI clients in this country.

**Deputy James Reilly:** There is no third generation broadband, to add insult to injury.

**The Tánaiste:** It is also important to say—

**An Ceann Comhairle:** Please, let us have the Tanaiste without interruption.

**The Tánaiste:** —we have dealt with our competitiveness issue. Work is in progress. It has not been completed. We have reduced the costs of doing business. We have set a target of reducing administrative costs by 25% over the term to 2012.

**Deputy Simon Coveney:** What is the Government doing to find a buyer for these three sites that will now be empty?

**The Tánaiste:** That is being done at present. We have reduced the cost of energy.

**An Ceann Comhairle:** Deputy Coveney.

**The Tánaiste:** .We have reduced the cost of labour. We are much more competitive than we were heretofore and are more competitive now—

**Deputy James Reilly:** What about the speech?

**The Tánaiste:** —in comparison with our euro neighbours. It is important to say that this work has been done.

We are also working towards huge investment in research, development and innovation.

**Deputy Enda Kenny:** There is the allowance of the research and development claims.

**The Tánaiste:** It is also important to say is that the majority of those people who have come to this country, where we sustained and created greater employment last year and this year, have come on the basis of research, development and innovation. Therefore, it is clearly the view that we work very closely with our FDI clients in dealing with the issues pertaining to their concerns.

**Deputy Enda Kenny:** I asked specifically about research and development.

**An Ceann Comhairle:** Deputy Kenny, please.

**The Tánaiste:** It is also important to say that a huge amount of work has been done involving huge interaction with the National Competitiveness Council. Discussions have taken place with the NCC and the other independent adviser to the Government and the Minister for Enterprise, Trade and Employment at looking at exactly how we can be more competitive, how we can address those issues even though we have a considerable amount of work done and have achieved a good deal. It is important to reiterate that the pronouncements made in that speech are not the reason Pfizer has decided to downsize globally on the basis of an over-capacity it currently has within the biopharm industry in this country.

**Deputy Simon Coveney:** Has the Tánaiste any encouragement for those out of work?

**The Tánaiste:** I have one thing to say, namely, we will continue to be cognisant of the needs of our FDI community. We will continue to have tax stability——

**Deputy Terence Flanagan:** The Tánaiste is in denial.

**The Tánaiste:** ——unlike the floundering ways which the Opposition had to adopt last week. God help us if it was in charge.

*(Interruptions).*

**The Tánaiste:** It could not reassure anybody. We will continue to deal with the fiscal——

**Deputy Bernard J. Durkan:** I have one thing to say to the Tánaiste. Look around.

**An Ceann Comhairle:** The Tánaiste, without interruption. Please, Deputy Durkan.

**The Tánaiste:** ——policies and will continue to have an international reputation,——

**Deputy Enda Kenny:** What about the excess capacity?

**The Tánaiste:** ——a can-do one in which we will achieve the targets that have been set down.

**Deputy Enda Kenny:** What about the excess capacity?

**The Tánaiste:** As a consequence we will continue to reflect on the needs of the FDI community and we also have under Horizon 2020, a new vision, a framework and a plan to allow that to happen.

**An Ceann Comhairle:** We move to the second question which comes from Deputy Gilmore.

**Deputy Eamon Gilmore:** I wish to stay on the same topic but to focus on the plight, in particular, of the 785 people who have been told this evening they are to lose their jobs at

locations in Cork, Kildare and Dún Laoghaire, and on the worries of suppliers to Pfizer and those contracted to it. There are probably another 1,500 to 2,000 jobs in the wider economy that will be at risk as a result of this decision.

When did the Government become aware these jobs were to go? Can the Tánaiste tell us what the Government did to try to save these jobs? She said the reason the jobs are being lost is because of the purchase between Pfizer and Wyeth. What meetings took place between Ministers and Pfizer following that purchase? What discussions took place between the State agencies and Pfizer-Wyeth? When did the Government become aware there might be jobs at risk in this country as a result of that purchase? Will the Tánaiste outline for the House what steps were taken by Government to try to save the jobs?

Do I understand from the Tánaiste's reply to Deputy Kenny the Government is now throwing in the towel on these jobs or will any action be taken, even at this late stage, to try to retrieve at least some of them? What plans does any Minister — or the Government — have to have discussions with Pfizer about this decision in order to see if something can be done to try to rescue at least part of the employment?

What did the Tánaiste mean when she said the plants can be sold? What does that mean in employment terms? To whom can they be sold? Is the Tánaiste aware of a potential purchaser? What are the implications of that for the people who are worried this evening that they will lose their jobs?

**The Tánaiste:** The IDA has had a working relationship with Wyeth and Pfizer and their presence in this country has been substantial. The IDA will continue to work with those two companies at the time a takeover bid took place. During that takeover bid I happened to be in the United States where I had the opportunity of being facilitated by a meeting with the chief executive officer of Pfizer. Naturally, this was during the period of the takeover and the chief executive was precluded from making any pronouncements on the matter. However, I articulated, as did the chief executive of the IDA who was with me, that we wanted, first, to work with the new company, Pfizer. Second, we wanted to articulate the sustainability of the maximum number of positions in this country. Third, we said we would work with the Pfizer team when they were appointed. Therefore, the Deputy can appreciate the chief executive was not in a position to make a final pronouncement on that matter but we articulated our concerns and he agreed he would follow through with the relevant personnel once they were appointed and the final takeover was accepted and finalised.

I know from my workings with the IDA there was a constant dialogue between the IDA executives at chief executive and director level with the relevant personnel during visits that took place when Pfizer came to Ireland to appreciate the decisions that were finalised by the company in the takeover of Wyeth. It is important to say that that conversation and dialogue will continue.

It is important to say that the IDA has advised that concerning the three plants which are modern and have had huge investment it is very confident that a buyer can be found for the facilities and it will work very closely with Pfizer in that regard.

I cannot say when the present Minister met the company as I did not have an opportunity to ask him that but I am aware that constant dialogue has been taking place. The assurances given by the IDA are forthright and it will work vehemently to ensure that we sustain as many jobs as possible. A timeframe is set down which will allow State agencies to interact with the individual people to support them either with the provision of a skill or in the facilitation of other opportunities. It is important to say there was a considerable amount of interaction and work done by the IDA on behalf of the State in the context of the Pfizer takeover and on the

[The Tánaiste.]

basis that there was a global capacity problem. We articulated that we had invested significantly in supporting the presence of Pfizer and Wyeth in this country and wanted it to continue. The IDA is hopeful that following from the final decisions made by Pfizer today, it will continue to work with Pfizer for further future developments and investments by the company in Ireland. We were advised at the time that approximately 6,000 jobs from a company total of 33,000 would have been at risk as a consequence of the announcement of the takeover of Wyeth by Pfizer.

**Deputy Eamon Gilmore:** I take it from the reply that the Tánaiste was aware at the time of the Pfizer takeover of Wyeth that there was a risk to jobs in Ireland. She said the chief executive of Pfizer promised to follow through on this but I would like to know the follow through undertaken by the Tánaiste. Following her conversation with the chief executive of Pfizer around the time of the purchase, did she have any further meetings with representatives of Pfizer? What steps did the Government take at the time, when it was clearly aware that there was a risk to these jobs? What actions were taken by the Government to try to save the jobs?

I appreciate the Tánaiste's comments that there was ongoing dialogue between the IDA, Pfizer and other companies. What initiatives and actions were taken by the Government and when did it specifically become aware that these 785 jobs would go today in Dún Laoghaire, Cork and Kildare? The Tánaiste did not answer my question about whether she accepts that the jobs are gone. Has the Government given up on these 785 jobs or is there any prospect of hope for the people who have those jobs for the employment to be saved?

It is clear from the Tánaiste's reply that the Government was aware at the time of the Pfizer purchase of Wyeth that employment was at risk. We need to know what steps were taken by the Government to protect Irish workers' interests and jobs in the plants. Other than the general conversations described to us by the Tánaiste, it is not clear that any specific action was taken by the Government to try to save the jobs.

**The Tánaiste:** Anybody who has read about or familiarised themselves with what is happening in the drug and biopharmaceutical industry would be acutely aware that many drugs were going off patent and research and development investment was difficult for many large corporations. It was quite obvious that when Pfizer purchased Wyeth there would be a global overcapacity. That was public knowledge and I recall reading about it in the *Financial Times* while these discussions were taking place on the sustainability of a number of wonder drugs that would soon go off patent.

That information was circulating and officials, particularly the chief executive of the IDA and those in the United States who service those clients, would have worked very closely with Pfizer and Wyeth for a considerable number of years. I took the opportunity, prior to the finalisation of the Pfizer takeover, to speak to the chief executive of the company. It was important to address a number of concerns we had in Ireland on how to sustain the maximum number of employees here, while we knew a decision on global numbers would be made at some stage. No definite timeframe was given. Following the takeover by Pfizer, a team was put together by the company and I recall meeting some of the team when they came to Ireland to see the Wyeth and Pfizer facilities.

The board decision was made by Pfizer at the end of the day. As I indicated, the IDA advised that 6,000 positions were to be lost from 33,000 at risk and warned of the impact this would have on Ireland. Despite the reorganisation of the company, Pfizer will continue to be a significant strategic employer in Ireland, with more than 4,000 people working in the company.

On the specific issue of the steps taken to save those jobs, during the takeover discussions and since, the IDA, the Minister and officials from the Department have been engaging in discussions and supports for the overall presence of Pfizer in this country. We will continue to engage and support the company in this country. In the context of the sale of the three facilities, the IDA is of the view that in working closely with Pfizer it is confident of finding a buyer over the period, which is 2012 to 2014. We will continue to support those people working in Pfizer and we will work with the company to alleviate the impact of the global decision coming as a consequence of overcapacity in the industry because of so many drugs coming off patent and the investment needs of the companies in research and development.

We will continue to work for the constituents of the Deputy and all the people affected by this global decision. The IDA and other support services will look to support them.

### **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 the Deputies in the order in which they submitted their notices to my office.

**Deputy Willie Penrose:** I wish to seek the adjournment of the Dáil under Standing Order 32 to raise a matter of national importance, namely, the HSE plans to close Loughloe House nursing home in Athlone; the urgent need by the Minister for Health and Children to publish the HIQA report into the facility; and the failure of the Minister to provide adequate resources for the centre in order to allow it to continue in use as a residential centre for the elderly citizens of south Westmeath.

**Deputy James Bannon:** I am glad the Minister for Health and Children is in the House to hear this and perhaps she would oblige us by taking this issue today. I wish to seek the adjournment of the Dáil under Standing Order 32 to raise a matter of local and national importance, namely, the closure of Loughloe House, Athlone, County Westmeath, which is due to shut within the next two months, leaving elderly residents, many of whom have been there for decades, forced to leave family and friends to take up alternative accommodation out of their own communities. The decision was taken by the HSE purely on financial grounds, with little regard for the elderly, in a move that is akin to eviction and will be mirrored throughout the country in the months ahead.

More than 2,000 people took part in a march in Athlone protesting against the actions of the HSE. Last night nearly 500 people attended a public meeting in Athlone.

**An Ceann Comhairle:** I would discourage the Deputy from embellishing his contribution.

**Deputy James Bannon:** There is a cavalcade travelling to HSE offices as we speak protesting against the actions of the executive.

**An Ceann Comhairle:** We must move on. The Deputy is in the embellishment business.

**Deputy James Bannon:** It is overseen by the Minister for Health and Children

**An Ceann Comhairle:** The Deputy should resume his seat. I call Deputy Arthur Morgan.

**Deputy James Bannon:** It is a shameful action being suffered by the people of the midlands.

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

**Deputy Arthur Morgan:** I wish to seek the adjournment of the Dáil under Standing Order 32 to discuss the following matter of urgent national importance, namely, to allow the Minister for Health — or should I say ill health — and Children to outline to the Dáil how she will avoid a medical catastrophe on 1 July when all acute medical provision is due to be withdrawn from the Louth County Hospital, Dundalk, and transferred to Our Lady of Lourdes Hospital, Drogheda, which is already grossly overcrowded and struggling to cope with patient numbers. Is she planning to consult the Medical Council and other health authorities to avert this pending health care nightmare for people in the north east and Dundalk in particular? Will she clarify urgently what steps she is proposing to take in this regard? It is important that she is aware that the Government cannot continue trying to pass the buck to the HSE and claiming something that will deal a death knell to the area of the Ceann Comhairle and me is not her policy. It is unacceptable and I hope the Ceann Comhairle will allow a debate on this matter.

**Deputies:** Hear, hear.

**Deputy Thomas P. Broughan:** I wish to move the adjournment of the Dáil under Standing Order 32 on the following matter of national importance, namely, that the Minister for Transport should urgently report to Dáil Éireann on the changes this week to the guidelines on air travel during volcanic ash cloud conditions and to outline the Government's latest response at national and EU level to address all of the outstanding issues relating to the ongoing volcanic ash crisis in view of the importance of our aviation and tourism industries. I also ask for a Private Notice Question on this matter. Perhaps the Ceann Comhairle will respond to my request.

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

### **Order of Business.**

**The Tánaiste:** It is proposed to take No. 11, motion re ministerial rota for parliamentary questions; and No. 6, the Euro Area Loan Facility Bill 2010 — Order for Second Stage and Second Stage. It is proposed, notwithstanding anything in Standing Orders, that the House shall sit later than 8.30 p.m. and business shall be interrupted not later than 10 p.m. and that No. 11 shall be decided without debate. Private Members' business shall be No. 74, motion re final report of the Joint Committee on the Constitutional Amendment on Children.

**An Ceann Comhairle:** There are two proposals to put to the House today. Is the proposal that the Dáil shall sit later than 8.30 p.m. agreed to? Agreed. Is the proposal for dealing with No. 11 agreed to? Agreed.

**Deputy Enda Kenny:** The Ceann Comhairle seems surprised that the Order of Business has gone through without a division.

**An Ceann Comhairle:** I am.

**Deputy Enda Kenny:** I wish to raise two matters with the Tánaiste in respect of the questions Deputy Gilmore and I asked about the difficulties experienced by foreign direct investors. The Tánaiste stated that there was a continuous dialogue with our foreign direct investment, FDI, investors, a continuous listening process by the Government and a continuous stream of meetings. Last November, Mr. Duffy pointed out his concerns, some of which were not heeded.

In the programme for Government, the Government committed to reviewing the appropriateness of road standards and to making a continuous investment in the major roads system.

Given that Pfizer's operations in Ireland have announced 785 job losses, Allergan Pharmaceuticals and Baxter Healthcare have publicly on the national airwaves——

**An Ceann Comhairle:** That is not allowable under the Order of Business. I will save the Deputy a trip.

**Deputy Enda Kenny:** They are serious investors in this country and each employs more than 1,000 people. They have expressed their concerns about the appropriateness and standard of the road system and the cost to them of extra packaging to get their products safely to their international markets. In the context of the Tánaiste's comments, is she prepared to enter into dialogue with the chief executives of these major companies to deal with the concerns they have flagged? She should listen to and act on this issue.

Daniel McAnaspie was murdered. It is a most unfortunate and tragic case. Deputy Shatter raised the matter a number of times and it will be raised on the Adjournment this evening. As he has pointed out, there is a need for an independent inquiry into this tragic case.

**An Ceann Comhairle:** As the Deputy rightly pointed out, the matter will be discussed on the Adjournment this evening.

**Deputy Enda Kenny:** Yes. I will not pursue it any further, but I will say something. Daniel McAnaspie's young body was found in tragic circumstances. Will the Tánaiste clarify whether there will be a children's rights referendum in 2010? The Minister of State with responsibility for children is sitting behind her. He has been allocated €3 million for the holding of a referendum. The all-party committee has done its work and recommended a wording and no secret process is being conducted by the Minister of State. We are entitled to be told whether the Government intends to hold a children's referendum in 2010. In light of this latest tragic incident, the Government should at least be able to say it intends to hold a children's referendum in the 2010 calendar year. This would give the Minister of State and the Government plenty of scope to deal with the process, the report of the all-party committee, the agreed wording of the referendum and the requisite Bill. Will the Tánaiste tell the House whether there will be a children's rights referendum in 2010 or are we to continue this dialogue interminably with no answers coming from the Government?

**Deputies:** Hear, hear.

**The Tánaiste:** The Government will be holding a referendum, but we have not decided on the date. This is a matter of discussion tonight and tomorrow night under Private Members' business.

**Deputy Enda Kenny:** This is like the old age pension. The Tánaiste does not know and she will not tell us.

**Deputy Olwyn Enright:** Will we get the answer tomorrow night?

**Deputy Alan Shatter:** Will we have the referendum this year?

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

**Deputy Alan Shatter:** On a point of order, how many more children must die because they have been failed by the child protection services?

**An Ceann Comhairle:** Deputy Shatter will be able to make those points on the Adjournment tonight. I have called Deputy Gilmore. Will Deputy Shatter resume his seat, please?

**Deputy Alan Shatter:** The Minister of State told us the number was 23, but he now knows that it is more than 23 in the past decade. An additional young man should still be alive today. All we get is public relations comment.

**Deputy Eamon Gilmore:** The Tánaiste, in reply to Deputy Kenny, stated that the issue of the holding of a referendum on the rights of children is the subject of Private Members' business tonight. I am looking at the Government's proposed amendment to the motion that will be proposed by Deputies Howlin and Ó Caoláin. That amendment asks the House to commend "the Government for prioritising the promotion and protection of the welfare and rights of children". This is an unfortunate clause, given that the amendment opposes the holding of the referendum in 2010. The motion before the House calls for the referendum to be held in 2010 and for the Government to introduce the necessary legislation. It is doubly unfortunate and insensitive to have an amendment of this kind put on the Order Paper immediately after the discovery of the body of the late Daniel McAnaspie, who died in tragic and unfortunate circumstances. It is particularly insensitive, given that we have been told the inquiry into his death will apparently be conducted by a panel of experts that has not yet been established.

5 o'clock

The issue of a referendum on children's rights was agreed by the all-party committee. Deputy O'Rourke made her report to the House and it was agreed across parties that this issue should not become the subject of partisan debate. If the Government will agree to hold the referendum in 2010, we will agree on the motion. All we want is a commitment from the Government to hold the referendum in 2010. There is no reason for the Government not to agree other than its political reasons, namely, if there is to be a referendum on children in 2010, the Government is afraid that it will not be able to avoid holding the outstanding by-elections in 2010.

All we need, rather than this self-congratulatory and insensitive proposal from Government commending itself on prioritising the promotion and protection of the welfare and rights of children, is an agreement and commitment from the Government that the referendum will be held in 2010. We can then agree the motion before the House tonight.

**The Tánaiste:** This issue is far too serious for the political castigations sent across the floor of the House. In my view — this is a personal view — any referendum on children's rights should be, given its importance, held on its own.

**Deputy Enda Kenny:** When will we have it?

**Deputy Alan Shatter:** Let us have it then.

**The Tánaiste:** We will have it.

**Deputy Alan Shatter:** Let us have it this year.

**An Ceann Comhairle:** The Tánaiste, without interruption, please.

**The Tánaiste:** The constitutional review group recommended a wording in 1996, when the Deputy's party was in Government. This is so important we must get it right. A huge amount of work has been done by the all-party committee. I have stated publicly that the Government congratulates it on its work. A number of Departments under the auspices of the Minister of State are working on this matter. In the meantime, it is important to say that despite the economic difficulties and challenges facing us, we have provided the Minister of State, through his Department's budget, with an additional €15 million for the employment of approximately 200 additional social workers in 2010, recruitment of whom is underway.

**Deputy Alan Shatter:** They have not been employed yet.

**Deputy Jan O'Sullivan:** They have yet to be employed.

**The Tánaiste:** They are being recruited.

**Deputy Alan Shatter:** Not a single additional social worker has been appointed.

**An Ceann Comhairle:** Deputy Shatter, please allow the Tánaiste to continue without interruption.

**The Tánaiste:** That recruitment is currently taking place. Finance to allow this to happen has been provided to the Minister of State. Members will note from the amendment that a number of issues raised by the Opposition in the context of its proposals were accepted by Government. There is clearly an acceptance that the Government will hold a referendum. The issue yet to be decided is the timeframe and date in this regard. We are working towards ensuring that when the referendum is put to the people we are crystal clear about what it is we want to achieve and can articulate this. An issue of this seriousness should be separated——

**Deputy Emmet Stagg:** The Tánaiste is insulting our intelligence.

**The Tánaiste:** It should be separated on the basis that people have time to adjudicate and evaluate the necessity of such a referendum.

**Deputy Olwyn Enright:** They can work on the two issues.

**Deputy Eamon Gilmore:** The Labour Party does not wish to make a party political issue out of this matter. Agreement has been reached by an all-party committee, which we support. We are simply seeking to have that agreed position proceeded with. The motion before the House tonight states that the Government can set the date for the referendum. All we want from Government is a commitment that the referendum will be held in 2010. If the Tánaiste can give us that commitment, we will agree the motion. The question is simple enough. I do not understand the reason that commitment cannot be given. There is agreement in the House and, I believe, within the wider community that this is an important issue and that we need to proceed with it. As it happens, this issue is once again up for public debate in regard to the tragic death of Daniel McAnaspie. All we are looking for is a commitment from Government that the referendum will be held in 2010. If this commitment is given, we can agree the motion and move on.

**The Tánaiste:** Níl sé socraithe ag an Rialtas — sin an méid.

**Deputy Caoimhghín Ó Caoláin:** The amendment tabled by Government to the Labour Party-Sinn Féin motion before the House this evening is, as has already been described, self-congratulatory. It also appears to seek to exclude the input of all of the Opposition parties. The section not quoted by the previous speaker states: “recognises the work of the Government contained in the first and second interim reports of the Joint Committee on the Constitutional Amendment on Children”, which committee was an all-party committee. We all had our respective inputs into the first and second reports, which reports are not so interim in that they required specific actions on the part of Government. We are still awaiting publication of the legislation to give effect to the first report in regard to reporting and soft information. This is not a congratulatory matter for Government by any yardstick whatsoever; it is regrettable.

I believe the Government has failed to grasp the sense of public outcry and anger in terms of the focus of the State's neglect of children which in recent times was historic *vis-a-vis* the

[Deputy Caoimhghín Ó Caoláin.]

religious institutions. It has now dawned on a growing number of people that the threat to children is not historic but is real and contemporary and will continue into the future. We must ensure that every protection possible is brought into effect to protect children into the future. This requires legislation, including the referendum Bill and the successful passage of a referendum along the lines of the wording already recommended by the all-party committee. We have already indicated that we will collectively work to ensure the successful passage of such an amendment if the Government would only indicate acceptance and a willingness to proceed.

Resourcing is critically important. Nowhere is this more underscored than in the tragedy of the murder of Daniel McAnaspie.

**An Ceann Comhairle:** Deputy, please. We are on the Order of Business.

**Deputy Caoimhghín Ó Caoláin:** We are indeed. What I am asking here is——

**An Ceann Comhairle:** Long speeches are to be discouraged.

**Deputy Caoimhghín Ó Caoláin:** If we are not going to make any progress in regard to our collective call on Government to ensure that a referendum on children's rights is held in the current year, will the Tánaiste at this point in the Order of Business indicate, in regard to the intended inquiry into the murder of Daniel McAnaspie who is referred to as the 24th child to have died in the care of the Health Service Executive, the first, a number which I fear is greater if not much greater and yet to be revealed, to be murdered——

**An Ceann Comhairle:** The Deputy can make all of those points during debate on the motion.

**Deputy Caoimhghín Ó Caoláin:** ——that the report and reports in regard to the deaths of all other children, will be laid before this House? Will this Chamber have an opportunity to properly address the detail of that report on publication? Will the Tánaiste give that commitment here today?

**An Ceann Comhairle:** I call the Tánaiste to give a brief reply.

**The Tánaiste:** I have given a response on the referendum issue to the Leaders of the Opposition. The national vetting bureau Bill is at an advanced stage. Work on the heads of that Bill has commenced. Substantial work has also been done on the criminal law (sexual offences) Bill. There is a difference between the considerations of an Oireachtas committee and those of all the relevant Departments. Clearly, the focus is on the Government appreciating the necessity for a referendum and we are working towards that.

**Deputy Caoimhghín Ó Caoláin:** What about the report into the inquiry?

**An Ceann Comhairle:** Deputy, please.

**Deputy Caoimhghín Ó Caoláin:** Will the report when published be placed before the House and will it be debated on the floor of this House?

**An Ceann Comhairle:** All of these points can be made during the debate.

**Deputy Caoimhghín Ó Caoláin:** That is a reasonable question on the Order of Business. I am asking the Tánaiste to respond in the affirmative.

**An Ceann Comhairle:** I ask the Deputy to raise that matter during the debate on the motion.

**Deputy Caoimhghín Ó Caoláin:** No, I cannot.

**An Ceann Comhairle:** I am sure the Deputy will be contributing to the debate tonight or tomorrow night.

**Deputy Caoimhghín Ó Caoláin:** I am asking now if the Government will publish the report into that inquiry——

**An Ceann Comhairle:** Deputy, we must move on.

**Deputy Caoimhghín Ó Caoláin:** ——and will we have it laid before the House?

**An Ceann Comhairle:** The Deputy can make those points later. I call Deputy McManus.

**Deputy Caoimhghín Ó Caoláin:** There is precedence.

**Deputy Liz McManus:** The Minister, Deputy Ryan, has announced that he proposes to ensure a list of sporting events, including the Six Nations and Heineken Cup matches, will be free to air for television viewers in Ireland. I am sure the Tánaiste will be aware this matter has been the cause of some controversy. This proposal will, according to the Minister, require legislative changes. When does the Minister intend to introduce these legislative changes?

**The Tánaiste:** The matter is up for consultation. No final decision has yet been made by Government. We will listen to what people have to say. The Minister will make a final decision when the consultation process has been completed.

**Deputy Bernard J. Durkan:** Consultation with whom?

**An Ceann Comhairle:** I call Deputy Rabbitte.

**Deputy Seán Barrett:** With whom will the Minister be consulting?

**Deputy Pat Rabbitte:** I thought the Ceann Comhairle was being sexist in calling Deputy McManus before me.

**The Tánaiste:** With people like Deputy Barrett.

**Deputy Pat Rabbitte:** The Tánaiste will be aware that the Director of Public Prosecutions has stated that, in his opinion, prosecuting white-collar crime will be difficult, if not impossible, without legislation to protect whistleblowers. Is the Tánaiste prepared to accept the Labour Party Bill during Government time? If not, does she intend to bring forward legislation herself?

**An Ceann Comhairle:** Have we legislation in this regard?

**The Tánaiste:** Since 2006, Government policy on whistleblowing has been to address this matter on a sectoral basis and this is taking place.

**Deputy Brendan Howlin:** The Government has voted down amendments to several Bills.

**The Tánaiste:** It is not a question of one size fitting all. I can recall introducing it in legislation, as have many of my colleagues. The Deputy is aware this is how the issue of whistleblowing is being dealt with within each item of legislation that comes before the House. There is no proposal for overarching legislation.

**An Ceann Comhairle:** I call Deputy Quinn.

**Deputy Pat Rabbitte:** The clear riposte to the Director of Public Prosecutions is that whatever he may think, the Government is adamant that there will not be what the Tánaiste called overarching legislation to protect whistleblowers.

**The Tánaiste:** Thus far, 12 items of legislation have dealt with the issue of whistleblowing. They have been introduced in areas such as justice, consumer affairs, employment, NAMA and so on. The point is that the issue will be dealt with on a sectoral basis as the need arises within each sector.

**An Ceann Comhairle:** I call Deputy Quinn.

**Deputy Pat Rabbitte:** Members are interested in neither consumer affairs nor the list just provided to the Tánaiste by the Minister for Justice, Equality and Law Reform, Deputy Dermot Ahern. They are interested in catching white-collar criminals who have taken everyone for a ride and who have threatened our country with economic ruin. The man whose job it is to prosecute them has stated that he needs legislation to protect whistleblowers. Measures being taken with regard to consumer affairs and elsewhere are irrelevant. What is needed is an item of legislation, such as that published by the Labour Party.

**The Tánaiste:** The Government is awaiting a submission. This subject was a matter of public discourse on a television programme broadcast last Sunday and I am aware the Attorney General is entering into consultations with the Director of Public Prosecutions arising from the latter's public pronouncements.

**Deputy Ruairí Quinn:** Has the Tánaiste made progress in respect of the patronage legislation to provide for community VEC primary schools? When Members last raised this matter, she indicated that she hoped to have it published during this session. Have the heads of the Bill been agreed by the Cabinet yet?

**The Tánaiste:** The matter is being expedited and as the Deputy is aware, a debate will be held in the House on this issue on Thursday.

**Deputy Ruairí Quinn:** Have the heads of the Bill been agreed by the Cabinet yet?

**The Tánaiste:** Yes. While they have been agreed, legislation has not been finalised.

**Deputy James Bannon:** Can the Tánaiste indicate when the proposed licensing of health facilities Bill will be published and what, if anything, it will provide in respect of protection for public patients?

**An Ceann Comhairle:** Have we promised legislation in this regard?

**The Tánaiste:** There is no date as yet.

**Deputy Bernard J. Durkan:** A number of estate management companies have folded up or gone into liquidation in recent months and this continues take place. There still is no regulation in this regard and the promised legislation has reposing in the Seanad on Report Stage for some time. As this now is a matter of great importance, I again ask whether this legislation will appear before this House before the end of the current session.

**The Tánaiste:** The Bill is on Report Stage in the Seanad and as soon as its passage there has been completed, I hope to have it in this House.

**An Ceann Comhairle:** It will be coming back in here.

**Deputy Seán Barrett:** It is stuck there. The Seanad has nothing but statements on its Order Paper today.

**Deputy Bernard J. Durkan:** That is not the question I asked. This is a very simple question.

**The Tánaiste:** Members have enough bother when ordering their own business.

**Deputy Bernard J. Durkan:** As the Ceann Comhairle, being an experienced legislator himself is aware, the Report Stage——

**An Ceann Comhairle:** I recollect this matter has been raised more than once.

**Deputy Bernard J. Durkan:** That is correct. The Report Stage of a Bill is not the most long-drawn out or tedious Stage and my question is simple. Based on its progress to date, is it anticipated that this Bill will appear or emerge in this House before the end of this session?

**An Ceann Comhairle:** Deputy, we have been told that it is on Report Stage in the Seanad.

**Deputy Bernard J. Durkan:** The Ceann Comhairle and the entire country is aware that it is before the Seanad. However, no one but the Tánaiste knows whether it will come before this House. I seek clarification in this regard.

**The Tánaiste:** I am led to believe that it will go before the Seanad on 1 June. If the Senators can complete its passage, it can come back before this House.

**Deputy Bernard J. Durkan:** The Seanad can only complete the Bill if it is ordered in the Seanad and placed on its Order Paper.

**The Tánaiste:** I cannot and will not interfere in the ordering of the Seanad's business.

**An Ceann Comhairle:** The Deputy is aware this House cannot order the Seanad.

**Deputy Bernard J. Durkan:** I did not suggest that. As the Ceann Comhairle is aware, I asked whether the Tánaiste can give a firm indication to this House in respect of this legislation, which has been promised for the past six or seven years, as to whether it will be cleared in this House before the end of the present session. That is a straight question, which requires——

**An Ceann Comhairle:** That question is unrealistic. If the Bill is before the Seanad, it must await its completion there before returning to this House.

**Deputy Bernard J. Durkan:** It has been there for six months. The question is whether it will be there for another six months?

**An Ceann Comhairle:** Deputy, it is out of my——

**Deputy Bernard J. Durkan:** Can the Tánaiste answer this very easy question?

**An Ceann Comhairle:** No, we must move on. I call Deputy Stanton.

**Deputy Bernard J. Durkan:** Can the Tánaiste not answer this question?

**An Ceann Comhairle:** Deputy Durkan, please.

**Deputy Bernard J. Durkan:** Will it be there for another six months? Is it correct to state it will not come before this House before the summer recess?

**An Ceann Comhairle:** I cannot say that. I call Deputy Stanton.

**Deputy David Stanton:** My question is——

**Deputy Bernard J. Durkan:** Can the Tánaiste state whether this is the case?

**An Ceann Comhairle:** The Deputy should table a parliamentary question and see whether he can elicit some information in that way.

**Deputy Bernard J. Durkan:** I would get the same answer.

**An Ceann Comhairle:** Yes. The Bill is before the Seanad and is being held up there. We must await its completion.

**Deputy Bernard J. Durkan:** Will this legislation be passed in this session? It is a major issue on which many people depend.

**An Ceann Comhairle:** It is completely unrealistic to expect an answer on this.

**Deputy Bernard J. Durkan:** What does the Ceann Comhairle mean by stating this is completely unrealistic? It is a simple and straightforward question.

**An Ceann Comhairle:** The Oireachtas is made up of the Seanad and the Dáil and this House is not in the business of interfering in the deliberations in the Seanad.

**Deputy Bernard J. Durkan:** This Bill has been before the Seanad for six months.

**An Ceann Comhairle:** Yes. Sometimes it takes time.

**Deputy Bernard J. Durkan:** Can the Tánaiste say——

**The Tánaiste:** No, I cannot. I cannot mislead this House.

**An Ceann Comhairle:** Deputy, please.

**Deputy Bernard J. Durkan:** Therefore, the presumption is that what is going on at present is a fudge.

**An Ceann Comhairle:** The Deputy is out of order. Please.

**Deputy Bernard J. Durkan:** The Ceann Comhairle is aware there is a fudge going on and the Government has no intention of introducing this Bill to this House.

**An Ceann Comhairle:** The Deputy should resume his seat. I call Deputy Stanton.

**Deputy Bernard J. Durkan:** The Government should tell this to those who are waiting for it outside. Is that not correct?

**Deputy David Stanton:** Will the mental capacity Bill be published before the summer recess?

**The Tánaiste:** Yes.

**Deputy Charles Flanagan:** On legislation, it is to be regretted the Minister for Justice, Equality and Law Reform has left the Tánaiste's side, having been there for the last 35 minutes, as he could have prompted her. The Minister has promised a revised version of the Thornton Hall project in an attempt to deal with the crisis within the prison system. I understand this

will require fresh legislation because the legislation enacted by this House and the Seanad last year dealt with a specific set of plans. If these plans and specifications are to be changed, which I understand to be the case on foot of the Minister's speech, will this require the introduction of fresh legislation before the House? If so, is it due within the next couple of weeks?

**The Tánaiste:** I am afraid I must revert to the Deputy in this regard.

### **Ministerial Rota for Parliamentary Questions: Motion**

**Government Chief Whip and Minister of State at the Departments of An Taoiseach and Defence (Deputy John Curran):** I move:

That, notwithstanding anything in the Resolution of the Dáil of 14 June 2007, setting out the rota in which Questions to members of the Government are to be asked, Questions for oral answer, following those next set down to the Minister for Social Protection, shall be set down to Ministers in the following temporary sequence:

Minister for Agriculture, Fisheries and Food

Minister for the Environment, Heritage and Local Government

Minister for Communications, Energy and Natural Resources

Minister for Defence

whereupon the sequence established by the Resolution of 14 June 2007 shall continue with Questions to the Tánaiste and Minister for Education and Skills.

Question put and agreed to.

### **Euro Area Loan Facility Bill 2010: Order for Second Stage.**

Bill entitled an Act to facilitate in the public interest the safeguarding of the financial stability of the Euro area as a whole and for that purpose to enable payments to be made out of the Central Fund or the growing produce of that Fund so as to enable effect to be given in the State to the Intercreditor Agreement regarding the pooled bilateral loans for the benefit of the Hellenic Republic made by and between certain Member States of the European Union, including the State, and for that purpose and in accordance with Article 2 of that Agreement to enable effect to be given, in so far as it relates to the State, to the Loan Facility Agreement referred to in that Article, to provide for all receipts received in respect of moneys advanced under this Act to be paid into the Exchequer and to provide for related matters.

**Minister for Finance (Deputy Brian Lenihan):** I move: "That Second Stage be taken now."

Question put and agreed to.

### **Euro Area Loan Facility Bill 2010: Second Stage**

**Minister for Finance (Deputy Brian Lenihan):** I move: "That the Bill be now read a Second Time."

The Bill before Members today will enable Ireland to play its part along with all other euro area countries in providing financial support to Greece. Our assistance, in the form of repayable loans, will be channelled centrally through the European Commission as part of an agreed euro area package, together with the International Monetary Fund. It is important to emphasise that

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this assistance comes with strong conditionality attached. This multilateral loan facility represents just part of a series of decisive measures designed to restore financial market confidence and to project a resolute signal that governments will take all the necessary measures to protect the integrity of both the euro area economy and the euro currency. This support is designed to safeguard the fundamental financial stability of the single currency area. Only in this context can our economic recovery be secured. In common with the position in other euro area member states, people in Ireland can be relied upon and indeed have a vested interest in showing solidarity with our partners in these challenging times.

The reason this debate is taking place today is because, in essence, our Greek partners can no longer borrow at sustainable rates on the international bond markets. The authorities there have requested support from other euro area member states and the IMF. As the financial position of Greece deteriorated in recent months, the heads of state and Governments of the euro area reaffirmed their willingness to take determined and co-ordinated action, if needed, to safeguard financial stability in the euro area as a whole. On foot of these commitments the euro area Finance Ministers agreed on 11 April the terms of financial support to be given to Greece. This was to be implemented through bilateral loans centrally pooled by the European Commission as part of an agreed euro area package, with co-financing from the IMF.

On 14 April the Government approved Ireland's participation in the Greek financial support programme and agreed to the preparation of the necessary legislation to permit the provision of assistance. On 23 April 2010, Greece formally applied for the activation of the euro area support mechanism. At our subsequent meeting on 2 May 2010, eurogroup Ministers concurred with the European Commission and the ECB's assessment that Greece's ability to access funding on bond markets was insufficient and that a loan was needed to safeguard the financial stability of the euro area. The eurogroup Ministers unanimously agreed to activate stability support to Greece through bilateral loans to be centrally pooled by the European Commission. This will comprise an overall aid package of €110 billion over a three-year period, of which €30 billion will be funded by the IMF. This financial support will effectively mean Greece will not need to rely upon the sovereign debt markets for its funding needs a period of time.

On 7 May the Taoiseach attended a meeting of the heads of state and Governments of the euro area which endorsed the loan facility for Greece. The Taoiseach confirmed, subject to enactment of our legislation, Ireland's participation in this joint loan facility. Also, on the same day, I signed the intercreditor agreement which will govern our contribution to the euro area response. All these steps are, of course, subject to the enactment of our domestic legislation.

On 8 May, the European Commission signed, on behalf of euro area member states, the loan facility agreement — to which I will return later — which sets out the key terms and conditions of the agreement with Greece. While the first disbursement under this facility was released today, Ireland will contribute to later tranches once all of our national procedures are completed. Today is an important step in this regard.

Since the beginning of the year, the Greek Government has shown its determination to address its fiscal challenges. The Greek Prime Minister has reiterated the total commitment of his Government to the full implementation of these vital reforms. As part of the proposed support package and loan agreements, Greece has entered into stringent commitments to undertake fiscal consolidation measures, implement structural reforms and apply financial stability measures. The main pillar of the Greek authorities programme will be public expenditure adjustments with the aim of reducing the deficit to below 3% of GDP by 2014. In nominal terms this represents public spending cuts of €30 billion over this period. Furthermore, to reduce its debt-to-GDP ratio, Greece will have to maintain a primary surplus on their budget of at least 5% for the next decade.

To assess progress towards achieving these commitments and as a condition of further loan disbursements, Greece will be the subject of continuous appraisal by the European Commission, the IMF and the ECB. Make no mistake, there are no easy outcomes when it comes to restoring sustainability to the public finances, either here or elsewhere.

What are the financial implications of this Bill for Ireland? Our financial support package is in the form of loans which will be repaid as the economic position in Greece improves. Central to the overall support package is the commitment that member states' funding costs are to be met in full. In other words, we will not be financially disadvantaged by these arrangements. Furthermore, while our debt level will rise as a result of this additional borrowing, the financial assistance we provide will not impact upon our general government deficit, as it is classified as a financial transaction. A further safeguard underpinning the entire process is that if any euro area member state should encounter higher funding costs than those charged to Greece, there are provisions for these additional funding costs to be recouped. In present circumstances that is most unlikely for Ireland. The NTMA had a successful bond issue this morning of €1.5 billion and it was oversubscribed more than three times.

EU Commissioner Rehn has provided a further reassurance on these important elements of the financial support programme. He has confirmed that there will be no loss to eurozone taxpayers arising from the provision of these loans. In addition, from a budgetary perspective, these arrangements will be taken into account by the Commission in its fiscal surveillance procedures.

Based on the euro area contribution of €80 billion, Ireland's share, which is based on the ECB paid capital, will be just less than 1.64%. Payments will be made on a phased basis and, as such, there is a likelihood that there might be some "frontloading" of our overall contribution. That said, our overall contribution is anticipated to be about €1.3 billion. To allow scope for internal rebalancing within the loan facility, the text of the Bill provides for a precautionary upper limit of up to €1.5 billion.

The overall financial support agreement allows for a loan facility to Greece for the next three years while the component loans cannot exceed a term of five years. When all the funds have been paid back to the participating member states, the mechanism will cease to exist.

The main proposals contained in the Euro Area Loan Facility Bill, are intended to provide for Ireland's participation in the euro area loan facility to Greece subject to the terms of the loan documentation; payments to be made from the central fund in respect of Ireland's share of the euro area funding and that such payments be based on our ECB paid capital key of 1.64% and subject to an overall limit of €1.5 billion; the receipt into the Exchequer of interest payments and repayment of principal amounts of the loan funding and any related receipts; and annual reports on expenditure and receipts to Ireland under the loan facility to be laid before Dáil Éireann.

In legislative terms this is a relatively straightforward Bill containing half a dozen sections. Section 1 provides detail on the definition of the various technical terms contained within the Bill. Section 2 provides for payments from the central fund subject to the terms of the inter-creditor and loan facility agreements. These agreements are appended in Schedules 1 and 2. Section 3 provides for the crediting the Exchequer with moneys received on behalf of the State in connection with the loan facility. Section 4 provides for annual reports on payments made and received to be laid before Dáil Éireann. Sections 5 and 6 cover expenses incurred in the administration of the Act and its short title respectively.

I wish to turn briefly to the agreements and the related memorandum of understanding, which, while not part of this Bill has been laid before the House. Schedule 1 is the inter-creditor agreement which I signed on behalf of the State on 7 of May. It provides that the European

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Commission will act on behalf of the euro area member states in the management and administration of the pooled bilateral loans for Greece, with the ECB acting as paying agent. It comes into effect once the European Commission receives a commitment confirmation from a critical mass of at least five member states and two thirds of the total commitment amount.

Schedule 2 is the loan facility agreement between the euro area member states and Greece which sets out all of the key details relating to the terms and conditions. The European Commission has been entrusted by the member states to coordinate and manage the pooled bilateral loans to Greece.

The memorandum of understanding sets out the policy considerations required of Greece. It has been laid before the Houses. Briefly, it contains three elements: The memorandum of understanding on specific economic policy conditionality specifies detailed economic policy measures that will serve as benchmarks for assessing policy performance in the context of the quarterly reviews under the assistance programme. The memorandum of economic and financial policies outlines the economic and financial policies that the Greek Government and the Bank of Greece will implement during the remainder of 2010 and in the period 2011-14 to strengthen market confidence in Greece's fiscal and financial position. The technical memorandum of understanding sets out the definitions surrounding the performance criteria and various target indicators. It also describes the methods to be used in assessing programme performance and the various information requirements to ensure adequate monitoring of the targets. Ongoing compliance by Greece with the terms of the memorandum of understanding will be a prerequisite for the drawdown of the loan facility.

In the context of a perceived background risk of contagion from Greece to other member states, the Ecofin Ministers decided to establish a comprehensive package of measures including the establishment of a European financial stabilisation mechanism. This is based on Article 122.2 of the treaty which provides for financial support to member states in difficulties caused by exceptional circumstances.

Under this mechanism, an initial €60 billion from the overall EU budget can be mobilised very rapidly if required. Complementing this, it is proposed that euro area member states, including Ireland, will make up an additional €440 billion in loan guarantees through a special purpose vehicle in accordance with our ECB capital participation. The IMF will also participate in the overall financing arrangements and is expected to provide in the region of up to €250 billion. Separately, the ECB will make appropriate interventions in the debt securities markets if necessary. The governance arrangements of this stabilisation mechanism, in particular relating to a possible activation of support, have yet to be determined but they will be similar to those in the Greek case. It is likely that this mechanism will also require legislation, and in my view it will require legislation. As I indicated, the ECB can make appropriate interventions in the debt securities markets if necessary, and has made such interventions. ECOFIN Ministers also reiterated their commitment to ensure fiscal sustainability and enhanced economic growth in all members states. It was agreed that where warranted, plans for fiscal consolidation and structural reforms will be accelerated across the full eurozone.

To advance this objective, last week the European Commission brought forward various reform proposals to reinforce economic co-ordination and to ensure that the budgetary policies of member states do not undermine the economic and financial stability of the euro area. These will form the basis for further discussion by the task force, chaired by EU President Van Rompuy. I will attend the first meeting of this task force which is scheduled for this Friday. These proposals mark the beginning of discussions on these issues. Like most Commission documents, it is designed to float ideas and stimulate debate. Any policy proposals arising from it will have to be ultimately agreed by the member states. However, to suggest, as some did

last week, that these proposals represent a dilution of our sovereignty over taxation matters is, at best, mischievous.

The enhanced co-ordination recommended by the Commission is designed to assist the member states to be better prepared for any future crises. We have all seen over recent weeks how a speculative attack on one member state has reverberations for the economies of all member states in the eurozone. For that reason, we all have a shared interest in increased co-ordination throughout the zone.

Other initiatives decided upon by the Council, relate to regulatory and supervisory reform of financial markets, including the derivative markets and looking at the role of ratings agencies. Work is continuing on other proposals including the possible introduction of a stability fee which will ensure that the financial sector will, in future, pay its share in the event of another financial sector crisis.

I wish to discuss our economic prospects, particularly as we are committed under this Bill to borrow an additional €1.3 billion. We are well aware of the enormous challenges that a small economy can face during difficult and turbulent economic times. However, there are welcome indications that we are beginning to turn the corner. Recent economic data and a range of other indicators show that the economy is stabilising. Consumer sentiment is strengthening and we see clear evidence of increased activity in the motor trade and retail sales sectors. Government policy measures in the most recent budget have helped restore confidence. In addition, industrial production data and other leading business indicators are also showing signs of improvement. My prediction in December's budget that the economy would bottom-out by mid-year and that positive growth would resume in the second half of this year is being borne out. Most economic commentators now share my Department's forecast. In fact, many are more sanguine about our economic prospects.

A number of key elements underpin the Government's approach to addressing our economic challenges, namely, the restoration of stability to the public finances, the repair of the banking system and regaining our economic competitiveness. We have demonstrated our resolve to restore sustainability to the public finances. We have shown our ability to manage our budgetary and economic affairs in a prudent, credible manner. We will continue to implement our plan to bring the public spending deficit below the 3% required by the GDP stability and growth pact threshold by the end of 2014.

The most recent set of Exchequer returns covering the period to the end of April were in line with expectations and show that the action taken by the Government in managing the public finances is working. The €3 billion adjustment for next year's budget will challenge us but we will achieve it because we must, because it is the right thing for our country. Our focus now is to continue to engender confidence in households, in the domestic business sector and in the international investment community by adhering to our stated plan and showing that we can look after our own affairs.

Recent developments such as those which gave rise to the Bill before us today highlight the need for us to stick with our plan. The difficult measures the Government has taken in the past two years have been vindicated. If we had not taken this tough action we would now be in the unenviable position of having to take even harder measures to stabilise our economy than those now being put in place by Greece.

I have outlined for the House the background to this Bill. The action it proposes is based on the principles of solidarity and responsibility which lie at the core of monetary union membership. The support the euro area members are prepared to give to Greece will be of benefit to us all. What is at issue here is the financial stability of the euro area and the principle of

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European solidarity. I hope we can have an informed and constructive debate on this Bill and I commend it to the House.

**Deputy Richard Bruton:** I welcome the Bill, and Fine Gael will support it on Second Stage. Of course we recognise this is of significant cost. It will cost €1.3 billion, which will raise our public debt by almost 1% of GDP. There is also an additional €7.2 billion guarantee into which the Minister is entering on behalf of the Irish taxpayer. The entire package, at €8.5 billion, is of significant proportions. There is an important element to this debate, which is whether it will work. This is the most central aspect we must debate.

In a crisis there is an instinct to adopt a plan and then demand unswerving commitment to it regardless. Often, the reaction is to brand people who question it as heretics, unpatriotic or populist. Perhaps that instinct is understandable. However, to ensure that the EU initiatives succeed there must be robust scrutiny. I welcome the Minister's willingness to enter into robust debate on this because it is an important debate; perhaps it is one of the most important debates we will have in the context of the development of the European Union.

We need to realise the eurozone is in deep crisis because of design flaws when it was first put in place. Those design flaws were not carefully watched after it was launched and this has developed into a full-blown crisis. We need to understand what went wrong before we set out a firm and clear solution. A number of things went wrong, as the eurozone embraced a range of economies which could not have been said to be convergent. There are clear structural imbalances between some of the economies. Germany runs huge trade surpluses with very tight control on wages and costs and is very competitive on international markets. It is rapidly expanding its exports within the eurozone. Other countries run huge trade deficits and have seen their competitiveness eroded. Some of these countries made wilful mistakes but a proper eurozone strategy should have sought to address others. However, the eurozone never had the tools to promote the type of convergence that was needed to confront these structural difficulties.

The eurozone also lacked stabilisation tools to deal with what economists describe as asymmetrical shocks, which are where crises affect some countries far worse than others. A stabilisation pool of some type is required to deal with this but the eurozone has not had one. We are now seeing the emergence of this.

Besides these very significant design flaws, the biggest missing element was the lack of clear understanding among members states of what was required of them to survive, thrive and prosper in the eurozone and to make their membership a success. We need look no further than Ireland to see how true this is. Our economic leaders forgot what it takes to succeed in a small open economy. This almost coincided to the day we joined the eurozone, perhaps it started a year or two prior to it. Its symptoms are there for all to see and I will repeat them because people tend to want to air-brush them out of history.

Gross spending by Government grew at 12% per annum after we joined the eurozone. This was more than twice as fast as it had grown prior to joining and 50% faster than the rate of growth of the economy. It was plainly unsustainable. Export growth collapsed to less than one quarter of the rate that had applied prior to joining the eurozone. This was an incredible collapse in our export performance and we lost market share consistently for six years in a row, from 2001 onwards. Unit wage costs grew at five times the rate they did prior to joining the eurozone. Significantly, this occurred at a time when Germany was decreasing its unit wage costs to zero growth. In just six years we lost 25% of our competitive edge, relative to Germany. House prices doubled in the years after we joined the eurozone and rose much faster than anything which had occurred there before. The exposure of our banks to foreign sources of

funding went from 10%, according to the Governor of the Central Bank, to 60%. No one cried, “Halt”. None of the regulators——

**Deputy Brian Lenihan:** We were within the requirements of the Stability and Growth Pact.

**Deputy Richard Bruton:** Indeed, but no one cried, “Halt” to what was clearly an unsustainable policy. Those who criticised it were treated like pariahs — it came from the Minister’s benches. They were told they should go and commit suicide and that they were unpatriotic. They were told the most extraordinary things. Those were the facts. Ireland was not alone in this. Other countries saw the arrival of cheap money as an opportunity to develop unsustainable policies. The most crucial thing which has to change is that there must be an understanding between the elected Members of the Irish Parliament and, through us, the people of this country about what it takes to survive in a small open economy in a difficult fixed currency regime.

I worry about some of the direction of the eurozone thinking regarding the rectifying of the problem which does not see domestic understanding of those issues as the core correction which we have to bring about. At the collective eurozone level there was not an understanding of what was required to make the eurozone work. The Stability and Growth Pact was clearly unenforceable and nothing was done to correct it. The bail out clause did not act in the way people thought it would and it is no longer part of the structure. The growth strategy articulated in Lisbon was simply not carried through and we have the evidence of the Spanish and Swedish Prime Ministers testifying as to the complete failure to implement the growth strategy which was essential to a successful eurozone. It cannot be built on retrenchment alone. That is the narrow focus which we are now seeing.

Member states adopted a go it alone strategy, not only the weak states but also the strong ones. For example, Germany’s approach was a go it alone strategy. There was no convergence across the economies and no tools were being developed to deliver that. The European Central Bank chose an extremely narrow target, namely, inflation, when asset price bubbles were building up, in particular in Ireland, and there was no proper response to that. There are deep issues which need to be confronted that do not just revolve around the PIGS countries getting their public finances under control. To listen to this debate one would sometimes think that is the focus and the drive of this debate.

I do not criticise; faced with this crisis the eurozone Ministers and the European Central Bank have been extremely innovative in what they have come up with. The bilateral aid to Greece, the stabilisation fund which was developed jointly with the IMF, the relaxation of the rules by the European Central Bank and some elements of convergence and the co-ordination of fiscal strategy are extremely welcome. They are significant measures. It is hoped this will bolster the eurozone. There has been some doubt as to how successful that has been to date. One increasingly hears key architects of that strategy saying that it is now only a breathing space to undertake reforms; they do not see it as a solution in itself.

There are major missing pieces which are not getting much attention, namely, the continuing lack of a credible European Union growth strategy and supports for structural reforms to create more competitive eurozone economies, in particular in the deficit countries. That has to be part of making this a long-term viable solution for the eurozone. Taken at face value, I can understand how markets look at Greece and see a formula which will shrink the economy in the short term by very tough retrenchment, during which time debt will inevitably grow because it is being supported to allow that to happen and the hope is that in three years’ time it will appear to be stronger. One will have a higher debt to GNP ratio after three years of this medicine.

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I can understand how markets look in at Greece and ask where its capacity to drive a big export market which will make it a viable strategy is — perhaps they do not see it. It is not surprising that people will look with a jaundiced view at what is quite a narrow dimensional response to the crisis which has been building. I acknowledge that Ireland is fortunate to have a much more resilient export sector and that is the key element which distinguishes us. Greece and Portugal are running deficits of nearly 10%. Ireland is still running a trade surplus.

We are fortunate, notwithstanding the discussion which occurred earlier here, to have embedded sectors which give us an edge and resilience to deal with a crisis of this nature which are not available to others. However, our banking policy, which has essentially involved the transfer of bad loans and failed banks onto the backs of taxpayers, has put us back into the spotlight. It has doubled our debt at a stroke and I have misgivings, as the Minister knows, about the wisdom of that. It is not a least cost strategy and it has put us into the spotlight where one would hope we would not be.

Ireland must also examine whether this process, which has been designed in the eurozone, will work for us. I do not see a credible growth strategy for Ireland coming from the sort of debate and discussion which is occurring in Europe. I have said before, and it is not secret to the Minister, that I do not believe the Government has a credible growth strategy. The approach which I have heard the Taoiseach articulate repeatedly is that we should write whatever cheques are necessary to bail out the banks and correct the fiscal balance — that is the sum total of the strategy. That will not work.

There is a consistent view on the Opposition benches that we simply do not have a credible job strategy and the lack of one is undermining our ability to weather this storm. The danger is that the narrow view of Ireland's needs will now be copper-fastened by an equally narrow perception of the nature of the problem within Europe. We will have the double whammy of an excessively narrow view of what is needed.

Another issue which has to be addressed — the former Taoiseach is hugely culpable for not having addressed it — is that we have a budget system which is not fit for the running of a corner shop. It is a total disgrace. We do not have any system for independent assessment of whether the fiscal stance being taken by Government is appropriate. As a result we have seen numerous reckless budgets introduced which poured fuel onto flames, in terms of economic strategy. Many of those policies were introduced by the former Minister for Finance, who is now the Taoiseach, and his predecessor. There was no system of checks or balances in the House or system to confront the reckless fiscal strategies which were adopted by the Minister's predecessors.

That is a deep flaw in the way we conduct our budget business. The Minister has not suggested any reform, nor did his predecessors. We will not confront the difficulties which we have created domestically by catastrophic policy failures unless we start to change that system. There is no prior scrutiny by Parliament of any of the choices being made in the budget. It galls me to see the Taoiseach trot out and pretend there was proper scrutiny of property tax reliefs. This was an opaque box which would not be opened and Governments and former Ministers, including Charlie McCreevy and the Taoiseach, insisted on keeping them.

Time and again we sought to have the costs and benefits of these reliefs exposed before the budget in order that could have a realistic debate about the sort of choices we made. Time and again that was refused. That was refused time and again. It comes as no surprise that they were left there for too long and built up an unsustainable property bubble because that was the way they system was designed. The Government did not want scrutiny or cross-examination of those measures. It wanted to introduce them like rabbits out of the hat on budget day to curry

favour with people who were in the property sector. That is the way the system was run and that must be changed.

It is unacceptable to pretend we can have changes elsewhere and no change at home. No targets were set on what spending would deliver. Year in and year out the Minister came to the House and announced spending in the year was up 12% compared to the previous year. No Minister ever said: "This is what we will deliver and I will stake my reputation on that, and there will be accountability". Instead, we had waste, money was spent, no results were delivered and no one was ever held accountable. That is the system the Minister stands over and will not change. Not today, not last year, not at any stage in this crisis has the Minister shown any willingness to change that.

The system must change if we are to have a grown-up response to the crisis that has been created. The final insult is that the whole package voted on in one final vote and it is all over at midnight. We end up with a budget that has created many of the problems yet no serious attempt is made to address the nature of the budget and its appropriateness to our needs. The system must be reformed.

I would have been encouraged if the Minister had indicated a willingness to respond to what is needed. To give the European Union its due, it has referred to the need for some parliamentary involvement at an early stage. I would have welcomed a reference from the Minister of the need for serious parliamentary involvement throughout the process and for proper scrutiny and the examination of options. If that had been said we would be encouraged to see that things are changing, but that is not what is happening. The real problem is that we are now having foisted on top of the current dysfunctional budgeting system a pre-vetting system that will take place in Europe. I worry about how that will impact on future budgets. We need to question such an approach and to examine whether it will provide the type of economic strategy that the country needs. There are strong reasons for suspecting that it will not.

It is not just that I am unhappy with the Minister's strategy, but the Commission itself has not been successful in developing a growth strategy. Its understanding or ability to implement the broader element required to make the eurozone a success is seriously open to question. The more I read the clearer it is that the primary focus of European finance Ministers is fiscal retrenchment. It is the sum total of the recipe that is evident. I do not detect a need to confront the fact that Germany is running huge surpluses and is pursuing a strategy that is dramatically different to what is necessary to have a convergence of economies within a single zone. Just as the deficit countries have to learn to live in a eurozone, the strong countries also have to learn what it takes to lead a successful currency zone that will work not just in the short term and for all the members.

I worry too about the pre-vetting process. Before the wider civil society of the community come to confront the problems there will be a grave sense that the thing is stitched up, that a decision has been taken by Government and the eurozone and then we are in a straitjacket. Let us be honest; the only way we will solve our problems is if wider society shares a sense of commitment and a unified sense of purpose around core strategic changes that we will undertake. That is what we must secure and put in place. I do not deny that Europe has a very important input to make into the debate. Nor do I deny that Europe has a right to impose sanctions if we wilfully ignore the interests of the eurozone. I fully agree with that. However, I gravely worry about a system that involves pre-vetting of budgets and pre-setting of sanctions and only when the budget arrives in the House would it be available to the wider civil society to debate the options to resolve the crisis.

The thinking of the eurozone is too narrow. We will not enlist the vital support of the broader community if that is the way it is perceived budgets will be developed in future, namely, the

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Government will go to Brussels where the parameters will be set out and penalties will attach to any deviance and then one hopes people will rally around. That approach will not work although I would support it.

Far from being a eurosceptic, I recognise that the eurozone has to make serious changes if it is to succeed but I do not subscribe to the view that prior fixing of the budgetary stance will serve us well. Governments in France and Germany are saying something not dissimilar to what I am saying. I am not in a eurosceptic band of one. Many take a similar view about the role of national Parliaments. That is not to say we do not understand the vital importance of the eurozone. We understand its needs and we accept we must integrate them into the way we think.

It is vital that Irish parliamentary democracy and the people we represent takes ownership of the process of becoming successful members of a eurozone that imposes real constraints. In the good years we did not learn to manage with those constraints and we must learn how to do that. Far from dismissing the criticism I have heard from numerous Ministers, the Government should be spelling out how it will radically reform the budgetary system so that we start to get a broader view. We need to internalise those necessary corrections of the catastrophic policy errors that were made in recent years. We can only do that if a new strategy is developed at home for job growth, reform and transformation and creating a much more successful country than the phoney success that passed as achievement in the Celtic tiger years. It was glitzy and garish but it did not represent the sort of success to which society genuinely aspired.

We must get to grips with some fairly unpalatable changes in our community. First, we have to revolutionise the way we spend money. The Minister must take responsibility and commit to that as part of the process. We need to undertake deep-seated reform in the way we structure and deliver public services. The Croke Park agreement is singularly unambitious in terms of the sort of transformation we need in order to provide public services. The change we need must be much more dramatic than what is being envisaged, namely, longer working days and the ability to deploy staff from one place to another. Welcome and all as those changes are the wonder is that it has taken so long to get to them. The highly centralised command and control system that we have foisted on many parts of the public service and that is underwritten by the national agreements are hostile to the kind of reform required to deliver value at local level. We need to recognise that and to start devolving power.

Every analysis of the public service from the OECD report on has been highly critical of our unwillingness to devolve power and make people accountable for results. We set up quangos but they have vague mandates and no accountability. We must embrace serious reform and that is equally important if we are to get our fiscal correction right. We must have an ambitious plan to build strong economic arteries such as the electricity system, broadband system and water system. They are creaking at the edges and are uncompetitive. We will not build a strong export-led recovery based on the current standards of those facilities. That must be core to a successful recovery plan. We need to move rapidly to have policies that will keep young talented people at home.

Eurozone countries looking in at Ireland will regard the movement of people to work in Frankfurt, Sydney or New York as a good thing because it represents labour mobility. We have a different view of the issue, however. We do not want to see the talented people who can create a strong economy at home going to other countries to make a living. This is why it is important that we maintain control of our people's destiny.

I support what is being done here but I want to see a more robust agenda of reform at home and an emboldened Minister who can say on my behalf — because I will not have the oppor-

tunity to do so — that our Parliament wants to come to terms with the mistakes we made and to shape our own destiny. We do not want to be second fiddle to programmes designed elsewhere. The European Commission is making proposals but many other governments think like I do. Together, we can use this opportunity to create something genuinely better with parliamentary participation at the core. Paradoxically, the biggest obstacle to the scrutiny we need in this House is at home rather than in the Commission.

I would like to raise several questions about the Bill in advance of Committee Stage. What will be the status of the Irish money? It appears that, *parri passu*, it will have the same status as the rest. The strategy rightly has been criticised as replacing bank loans with state funds. When the IMF deals with this type of situation, does it act in the same way or does it accord preferential status to the new money it introduces? What is IMF practice in regard to supports of this nature and are we applying similar techniques? The Irish taxpayer would be interested in knowing how this will work.

Who decides if Greece is not compliant? There appears to be a vagueness in this regard. I am aware it is supposed to achieve a deficit cut of 11% but how will that work out in practice? If it produces 10.5%, will that be the end of the loan facility and who will make the judgment call? At an earlier stage, I got the impression that each government could decide to be involved on a case-by-case basis after an examination of Greek performance. Is it now a collective decision and, if so, on whose recommendation will it be made? How will that process work? It is important to the credibility of the exercise that it be successful. Clearly, people do not want to see backsliding from the commitments that have been made but equally they do not want such officious application of tests that they become unrealistic or impose unfair terms on the Greek Parliament and people. What happens in response to unforeseen events? If Greece's 11% deficit cut turns out to be based on forecasts of growth that do not materialise, how will that be addressed in practical terms?

I welcome that the Minister will revert to the House on the other dimensions in a legal form because that will give us an opportunity to debate the issue as it develops into a package of measures. Perhaps we will actually see some openness while the Ministers negotiate so that we can hold a parallel discussion.

**Deputy Brian Lenihan:** I cannot fully brief the Deputy because I do not yet have a final text but I will do so as soon as I obtain it.

**Deputy Joan Burton:** Back in 1975, US President Gerald Ford spoke about the possibility of a federal bailout for New York city. His response was clear, simple and made famous by the front page headline the following day: “Drop Dead”. New York was in a similar situation then to where Greece finds itself today. It was spending too much, taxing too little, at the mercy of the market and threatened with default. So close was New York to bankruptcy that a petition was being filed in the state supreme court, the police cars had been mobilised to serve the papers on the banks and the mayor had written a speech to break the bad news.

What some may remember, but most probably will not, is that the day was saved by New York's trade unions. With an emergency budget already in the pipeline, complete with a doomsday list of spending cuts which would have decimated essential public services, everyone thought the game was up. At the last possible moment, labour leaders selflessly pledged the use of union members' retirement funds to back the city's loans and stave off bankruptcy.

In Europe, we now face a similar choice. What is to be Ireland's response? Do we act in the spirit of solidarity or do we decide to take our chances on our own and condemn our neighbours to the same fate? Is it to be each to its own or one for all and all for one? Solidarity is a guiding principle not just of the European Union but of the Labour Party. We believe in looking out

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for our neighbours and in helping those in need to help themselves. As a country, Ireland has benefited enormously from the solidarity of our European neighbours. We were the greatest per capita recipient of European Structural Funds and are still a massive net recipient through the Common Agricultural Policy.

Ireland was once the sick man of Europe but look how far we have come. Notwithstanding our recent fall from grace and Fianna Fáil's wrecking of our economy, it remains true that we have converged with European norms in terms of living standards. Through the wise use of European funds by successive Governments, our national infrastructure has enjoyed a quantum leap forward in the decades since we joined the EEC in 1973. Our farms have been able to modernise and to compete at a global level through the judicious use of CAP. When Ireland was on its knees, Europe did not abandon us. With Greece now at the mercy of global bond markets, it is our duty to hang together because, if not, we may well hang separately.

Underpinning the European project and the concept of ever closer economic, monetary and political union is the overarching principle of solidarity. Some say that money makes the world go round but in Europe, solidarity is the glue that binds together nations with a shared history, identity and destiny. The people who founded the European Union wanted to put an end to war on the continent after centuries of conflict. We truly are all in this together, regardless of whether we sink or swim.

Greece needs to reform its budget and to get its economy in shape but without the breathing space provided by this solidarity agreement over a relatively short three year period, its fate will be infinitely worse. In Ireland, we are not without our own direct interest in saving Greece. Greece was identified by the bond markets as the weakest link, but markets are subject to irrational herd instincts and sometimes make the wrong call. While Ireland's economy is very different to that of Greece — with substantial inward investment from the multinational sector — we can just as easily become a target for bond traders who, having finished off Greece, may move on to other weaker countries such as Portugal, Spain and Ireland. This argument in favour of supporting Greece could be referred to as selfish solidarity, calling to mind Richard Dawkins's references to the selfish gene.

The world is in the grip of a form of hyper-financial capital which operates on a global basis at incredible speed. Ironically, a large component of modern funds for investment is made up of workers' pension funds. As has been remarked, these can be as much the holders of sovereign bonds as hedge funds and private equity. It would be ironic if workers' pension funds, a concept developed by Social and Christian Democrats, were to be the instrument for devouring a country such as Greece. This subject will have to be returned to by the trade union movement and the holders and trustees of workers' pension funds.

We have seen in recent weeks the cost of division in Europe and the futility of struggling alone on the rough seas of the global bond market. Caught between Chancellor Merkel's policy of prevarication and the bond market's ruthless rent-seeking, Greece has been subjected to the nation state equivalent of waterboarding, as expressed by the former Danish Prime Minister, Mr. Paul Rasmussen. As moments of light relief go, it is nice to see Mr. Anders Borg, the Swedish Finance Minister, with his earring and ponytail, among the other Finance Ministers. He spoke recently about the wolf-pack behaviour of markets and how they would tear the weaker countries apart. Mr. Will Hutton, the noted British economist and former editor of *The Observer* was in Dublin last week, at the invitation of the trade union movement, for a series of important debates about Ireland's future direction. He spoke about hunter gatherers who eat what they kill. That is how he, somebody with long experience of the bond markets, characterised traders. It is not in our interest to let the hunter gatherers in the bond markets kill

Greece and eat it because, having done so, they will undoubtedly turn their attention to the next weakest animal in the pack.

The purpose of the package of support for Greece is to prevent the first domino falling in the form of a Greek default. We are not today discussing the €750 billion stability mechanism. Nor are we discussing the draft Commission proposal on reinforcing economic policy co-ordination. Suffice to say the eurozone has a problem, just as we do in Ireland. What is required is substantial reform of public services. We must bring down the deficits, but we must do so while still investing in infrastructure and innovation so that we and the eurozone can maintain and improve competitiveness. If we have the hunter gatherers trying to pick us off as the weakest in the pack, we must work to become stronger. I lived in Africa for a time and often had an opportunity to observe the antics of hyenas and hunting dogs. The strongest pack is the one that shelters its young and ensures that they, as the weaker elements, do not easily become prey.

Too much deflation, too quickly and in the wrong areas, will simply lead to complete depression, huge reductions in income and major increases in unemployment. Ironically, the bond markets, seemingly wishing to have it both ways, reflected this in recent days when they priced down the euro on the basis of fears that growth in the eurozone will not be sufficient. The European Union's Stability and Growth Pact was signed in Dublin. Stability and growth are two sides of the same coin called economic security. If we have one without the other, the system itself will be inherently unstable. To all intents and purposes, the Stability and Growth Pact is dead for a variety of reasons. In better times, it was more honoured in the breach. Before pointing the finger at countries like Ireland, Greece, Spain or Portugal, it should be recalled that some of the larger countries, by virtue of their size, were able to get away with actions never contemplated by smaller states. However, that is now consigned to history.

**Deputy Brian Lenihan:** Yes. It should be remembered that we lived within the terms of the Stability and Growth Pact, which proves its inadequacy.

**Deputy Joan Burton:** At a time of crisis, the pact has been found to be a completely inappropriate framework. The reality is that if we are serious about making a success of monetary union, we must go back to the drawing board.

The discussion document published last week was a useful contribution in this regard, but it puts forward only one point of view. Its core aim seems to be to make Europe more German, when what may be needed is also to make Germany more European. Aristotle, the most renowned of all Greek philosophers, is famous for his conception of the golden mean, the desirable middle of two extremes between excess and deficiency. This was a founding principle of the European project, that one's affairs could be managed so that one could, with caution and carefulness, enjoy the fruits of growth. The European Union needs to find its golden mean between a German Europe and a European Germany. Facing the deepest recession since the European project was constructed amid the devastating aftermath of the Second World War, member states have responded with appropriate fiscal stimuli and unprecedented bank bailouts. What began as a financial crisis has become a broad-based economic crisis and latterly a sovereign debt crisis. Those countries in a weaker financial state before the crisis have been left most exposed. Ireland's saving grace has been its relatively low stock of national debt, although when NAMA and so on are priced into the balance sheet, that situation will change. We have only a window of opportunity in this particular game and the headroom on our national debt is one of the few factors separating us from the Greeks.

Advanced economies, in Europe and worldwide, may well be on the verge of an age of austerity as they attempt to get their deficits and national debt under control, but there are

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two sides to the equation of long-term debt sustainability. Deficits must come down and the size of the national debt must be brought significantly below the size of the economy which supports it. However, we also need growth and investment in innovation. One of the issues in regard to the European Union which causes me to weep is that it has proved to be so long on talk and so short on delivery. The purpose of the Lisbon Agenda was to make Europe a competitive and humane society with good public services, including health and education systems, and active, private markets. It was in achieving this golden balance between the public and private that Europe would secure the best and most optimistic outturn. I am afraid this outturn was not delivered.

I worry that with centre-right governments in power in most European countries Europe will veer towards excessive fiscal rectitude, resulting in more unemployment and job losses and a failure to engage with the innovation and growth that would enable the Continent to become competitive in the world market. Europe's economies must grow if they are to reduce the burden of debt. Every time someone is put back to work, the State no longer has to pay €10,000 per annum in social welfare benefits. After a period of employment, the person also starts to pay PRSI and income tax. This is how one reduces the deficit.

As consumers buy more, increased VAT receipts replenish the Government's coffers. If all European countries were to try to deflate their economies in search of the Holy Grail of an export-led recovery, we would embark on a disastrous downward deflationary spiral with a beggar my neighbour outcome. What makes sense for an individual country may not make sense for Europe as a whole. Put another way, if all of Europe were to try to emulate Germany by having limited consumer spending, we could all end up like Greece, with a collapsed economy coupled with a massive debt overhang. Such a scenario is clearly not in anyone's interest.

When we go back to the drawing board on the Stability and Growth Pact, whether through a European monetary fund or an alternative mechanism, we need to place at centre stage the need for greater innovation, growth in investment and employment and new opportunities for young graduates and apprentices who are the future of European economies. I have spoken to the Minister previously about the Labour Party's proposals to establish a strategic investment bank to invest in innovation and public infrastructure and to introduce a graduate internship system. Under this system, rather than being offered slightly less than €200 per week on the dole, graduates would be taken on in the public and private sectors, including by professional firms, local projects or non-governmental organisations, and their employer would be exempt from employer's PRSI. In return, employers would augment the dole money paid to the graduates they employ. This would get people into work and doing something useful. It is essential that the Minister and his fellow Finance Ministers do not decide to engage in a collective form of depression economics that focuses entirely on making cutbacks and reducing deficits. While these types of measures are necessary, they must be balanced by opportunities for growth.

The Irish contribution to the pooled bilateral loans to Greece to be provided as part of a lenders' club, as it were, overseen by the European Central Bank will be 1.64% or €1.3 billion, while Germany will contribute 28% to the fund. This is a large amount of money for both countries but should be seen in the context of an historical analogy. After the Second World War, when Germany lay in ruins following the disastrous regime of Hitler, the country was boosted by the Marshall Plan and the American dollar. The Marshall Plan had an impact all over Europe, including to a small degree in Ireland. One of the tragedies of this country, however, was that we did not benefit significantly from the Marshall Plan. The money loaned to Europe under the plan was ultimately paid back. Much of what one sees in modern Europe, particularly in Germany, the country that was defeated in the Second World War, was built using the funds provided under the plan. These moneys were used to rebuild the country, to

invest in its technology and to create the modern consumer products on which the German economic miracle was built.

Europe has, therefore, experience of structural assistance that worked. We are also long time members of the International Monetary Fund, another club of countries which contributes to countries experiencing economic difficulties, especially in the developing world, albeit not always in a manner of which I approve. Living in Tanzania in the 1980s when the IMF arrived to impose a structural adjustment programme, I saw the men from the IMF, with their shiny briefcases and gold tipped fountain pens, write their reports as they lounged at the side of swimming pools. These reports required the country to cut primary education — African girls dropped out of education in every country the IMF introduced a structural programme — and eliminate primary health care, with the result that increasingly large numbers of children died from preventable and curable diseases such as malaria.

As a country involved in a pooling of interests with the International Monetary Fund, we must think long and hard and keep a tight grip on the fund. While I am aware that the current managing director, Mr. Strauss-Kahn, has changed many IMF policies, we must ensure that what is being done to people in Greece and Ireland is translated into income and employment.

Thinking about the position in Greece brought to mind the contribution of its theatre and authors to our literature and consciousness. In Greek myth, Icarus flew too close to the sun because he believed himself to be invincible. Modern finance capital also flies too close to the sun because it believes the mere human beings who look to those who play the markets like ants on the ground are of no significance. This issue must be addressed globally.

Greece also gave us the legend of King Midas. I hope the Minister is not offended when I say the legend appears to apply to the Fianna Fáil Party. While King Midas worshipped gold, the Fianna Fáil Party worshipped bankers and developers. I will leave the Minister to catch up on what happened to the king during his bedtime reading.

**Deputy Brian Lenihan:** I am pleased the Deputy did not refer to our local Icarus.

**Deputy Joan Burton:** What did our King Midas, the Fianna Fáil Party, do? It stoked tax breaks. What did the Minister's predecessor, the Taoiseach, Deputy Cowen, do when a proposal was made to impose a 1% stamp duty on contracts for difference? He argued that such a measure would reduce the power of the market to act as it saw fit. Greeks also talk about hubris, that is, acting in a manner that brings about one's own downfall.

This is an historic moment and we must not think only in terms of the package provided to Greece. While I believe this package is appropriate, it is also tough and I do not know if the Greeks will make it, particularly in the three year timeframe. We also need to examine the proposals the Minister will make in a week or two concerning the €750 billion stabilisation mechanism. We will also have to look in great detail at these initial proposals by the European Commission on oversights and guiding the budgetary process of member states. The Lisbon treaty promised that parliaments would be far more engaged before Ministers went to Brussels and that we would be informed, advised and consulted on decisions. Decision making is the prerogative of a national parliament, and in our system, of the Government of the day that commands a majority. It would be extraordinary if the Commission were to have sight of our budget in broad terms but we in this Parliament were not to have such sight, or more importantly, if the citizens of Ireland were not to be told through a parliamentary forum what exactly our Government was proposing to the Commission.

I heard the Minister for Social Protection at the weekend proposing a serious think about people who had paid a contributory pension in good faith. If such people ended up with more than one pension, then their contributory pension might be taken from them. As somebody

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who worked in the social welfare area, I do not understand how that can be done. This is an example of a kite being flown by a Fianna Fáil Minister in order to set the terms of a debate. It may well be that in the next budget, Fianna Fáil's real target is child benefit.

I was once a member of a local authority and the county manager explained that the council always came up with four to five proposals for a site for a landfill, three or four of which were non-runners. If the European Commission is to give advice and have oversight of our budget, it would be extraordinary if Fianna Fáil was to withhold that information from this Parliament. It is extraordinary that Fianna Fáil has embarked on a tactic whereby the Minister for Social Protection has been encouraged to run out and suggest that the contributory old age pension may no longer be an entitlement for people who have contributed to it. Fianna Fáil backbenchers may have a comment or two about that, but it is extraordinary that we have no budgetary process in this Parliament.

The Minister for Finance is now entering a round of discussion with the line Ministers in each Department. One line Minister has thrown out this idea. We do not know if it is a serious idea. I suspect it is a kite, but we have no forum in which to discuss it. The purpose of all this is a media setting agenda, and to make this a fevered subject of talk and speculation. Perhaps Fianna Fáil will then back down and reassure people that they are alright, before moving on to its real targets.

The Commission proposal to have oversight of member states' budgetary plans must give rise to long required reforms in this House to allow for a meaningful discussion of the budget. A budget means a plan for the next year, but this House does not even get to discuss the budget until after it has been announced. The Labour Party supports the proposal in respect of solidarity with Greece. We want to get more information about the €750 billion stabilisation fund. In particular, we want provision for a thorough debate of the Commission's proposals on information co-ordination and guidelines for budgets.

**Deputy Jimmy Devins:** I welcome this Bill as it provides evidence of eurozone states supporting each other, and this support has never been more welcome than at the moment.

Over the past few months, there has been severe turbulence in the international money markets. As a result, some states have experienced civil disorder as they try to correct the financial mistakes of the past. It is to the credit of the Government, and particularly the Minister for Finance, that Ireland took corrective action immediately when the problem became apparent. This corrective action has been very painful to all the citizens of Ireland and it would be foolhardy in the extreme to expect that all the pain is over. It is not over and we all know that another €3 billion has to be found in the budget later this year. However, the less well off must be protected.

As a result of the financial turbulence, certain countries are being bracketed with Greece, such as Spain and Portugal. These two countries have announced severe austerity measures in the past few days and are now following the example given by Ireland. However, one of the most alarming consequences of this financial turbulence has been a direct attack on the euro itself. It is vitally important that the euro currency remains strong. The passing of this Bill is a step towards protecting our currency because, should the euro fail, the consequences for Ireland would be catastrophic. That is why I believe, welcome and all as this Bill is, that it does not go far enough.

We all realise that some countries in the eurozone are stronger economically than others, such as Germany and France. Over the past number of days, very worrying signals are emanating from both these countries that they may not continue to support the euro in the future. If they were in any way to weaken their resolve in support of the euro, we would be faced with

an economic whirlwind, the likes of which the country has never experienced. We all hope that it does not happen, and it must not be allowed to happen. A stable euro is vital to Ireland's recovery, but the agreement between the eurozone states, welcome and all as it is, does not go far enough to maintain faith in the euro.

Strong, decisive and unambiguous messages need to be sent to the international money markets that the euro will be maintained and international speculators are wasting their time attacking the currency. I want the Government to work with our eurozone partners to show decisive commitment to protecting the euro and any talk of a two-speed euro, which is a possibility if the stronger economic countries withdraw their support for it, will only be speculation. To get out of the financial difficulties Ireland is currently facing, it is vital that we have a stable euro. A two-speed euro would have disastrous consequences for Ireland and there would be an immediate outflow of funds from the country. It would undo all the good work that has been done to correct our public finances. All the pain that the public have suffered would be undone.

I ask the Government to work and secure a firm commitment from all the countries in the eurozone that they will work together to help support the euro. I commend the Bill to the House.

**Deputy Mattie McGrath:** I welcome the Bill and thank the Minister and his officials for all the work they have done on the Bill and on the entire financial situation that pertains in our country and throughout the eurozone at this point in time. Ireland along with all the other eurozone countries has agreed to assist Greece through the issue of loans, which Greece must repay within a fixed time period. We are not paying money to Greece; we are lending it money and it is important that we all understand that. If Ireland needs to borrow money to fund these loans it will be at a lower rate than Greece is paying us back, allowing the State to make a profit. While it should not be about profit, we need to have cognisance of our situation in Ireland.

It is important to remember that not only is there a financial return to the State for providing these loans, but there is also a far wider economic return safeguarding financial stability in the eurozone. That cannot be overstated. It is vital for all of us that we have a stable euro currency and that we safeguard the situation throughout Europe. We cannot under any circumstances allow any undermining of the euro. We cannot even entertain any implied threats that we might have a two-tier system for some countries regarding support for the euro. This cannot be accepted in any shape, make or form.

Stability is essential for businesses, citizens and the State. Businesses need financial stability to trade with our European and global partners. We all know how difficult it now is for businesses to stay alive and have the cash flow they require on a weekly and daily basis to meet their commitments to pay for wages, commodities, imports etc. It is vital that to have financial stability for our businesses whether they be big or small. I refer to small and medium-sized businesses right up to some major organisations. Without that stability they cannot have the confidence to continue trading and the banks may not have the funding to support those businesses, which they had a commitment to support heretofore. In many cases they are withdrawing that commitment and are uneasy about it probably because they do not have the financial certainty or stability that is required on a euro-wide basis.

As citizens, all of us need financial stability to spend and invest with confidence, which is vital for every household in the country regardless of their income. I know many of them are very chastened and worried at this point. Above all confidence is required to allow people to be able to go about their business and live as normal a life as possible in difficult circumstances. By spending their money prudently they can give a boost to businesses. It is a holistic situation

[Deputy Mattie McGrath.]

as far as I am concerned and if the consumer does not have the confidence to make ordinary day-to-day spending or invest in a new car or house renovations etc., we know what that leads to. We have seen too much of that in the past 18 months since the financial crash. In this regard the bankers have a major responsibility. While we have ring-fenced in the business stabilisation fund certain funding for the bankers to lend, clearly they are not doing this.

This bailout needs to be seen as a total commitment by Government and now by extension from governments of all the European countries to stabilise the situation in Greece. Above anything else we will not be at any loss for doing it, but we need to stabilise the euro currency. This country has a proud record of supporting many countries throughout the world in times of dire need going back over generations. In the present situation in which Greece and we find ourselves, I welcome the austerity measures that Greece has introduced despite the upsetting reaction. We understand where we are ourselves that we have had to do a major job of financial rectitude. We are well on the road to doing that but it is not easy. I compliment the citizens of this State for accepting their share. We all need to accept our share. There is no point in having the blame game. We all made many mistakes, including bankers. We are all in it together, ordinary people, investors from Ministers down and bankers. We know where we are and what we need to do. We need to find another €3 billion, which will not be easy this year.

When I came in to the Chamber Deputy Burton referred to the comments of the Minister, Deputy Ó Cuív, which was timely. From my point of view there is no question of vulnerable people, including old-age pensioners, being undermined or having money taken from them by the Government, because I, for one, would not stand for it. We need to look at every euro that is spent and examine how it is spent to ensure that it goes to the most needy and deserving. In this context what we are doing for Greece is also vital. It needs to be spent fairly and there needs to be a plan. Here at home we need to examine where every euro is spent and that the most needy are getting it. While I know people have entitlements, if people are in a comfortable position, they may not need as much as the people who are in need and may be on a small single pension in a household. We need to look after those people.

My party has a proud record of looking after the pensioners. I intend to ensure that continues, which I am sure is the intention of the Minister, Deputy Ó Cuív, and the Cabinet. It is a matter of examining the system. It is only May and the budget will not be announced until the end of the year. It is timely. The media have picked up on it which is also welcome. I resent the scare tactics from Opposition parties which understand how bad the situation is. We need to ensure that the most needy are looked after.

EU governments are confident that the new Greek Government is making determined efforts to meet its fiscal and structural challenges. The significant reforms announced on 2 May are clear evidence of this commitment. Those reforms needed to be announced and acted upon before any other European states could give their backing to the euro area loan facility. It is important that we would have the confidence now as partners in Europe given that it has made those commitments. While we see that taking place we should not shirk from our responsibilities and should provide this necessary propping up of a fellow member state. Given the difficult times we are in, we must show solidarity with our European partners and we cannot turn our backs on a fellow European state in its time of need. Those who live in glass houses should not throw stones.

We never know at what time in the future we might have different crises other than financial ones. As we have seen recently with ash problem from the volcanic eruption, we do not know what kind of act of nature or God might defeat us all. We are not the mightier than the man above. Anything can happen and we always need to understand from where we have come and

where we are going. We should try to support our colleagues as we would expect the same support from them, which I feel we would also get.

We need to send the message to the world markets that the EU as a unit is strong and acting in unison. We need to try to bring all the countries on to a level playing field to ensure that they are supported while they are committed to putting their own houses in order. People can claim that Greece was reckless as they can claim that Ireland was reckless. We were and we are paying the price now but thankfully we are not in the same situation. Nobody knows how long we might be involved or the different reasons. It is not for us to apportion punishment or blame but to realise that mistakes were made, be man or woman enough to admit them and support everybody who admits to making a mistake. A person who never made a mistake never made very much and that applies also from a business point of view.

We all made mistakes and Greece probably made them to a bigger extent but now it is trying to sort out its problems. It is vital that we, as a Government and as a country along with all EU countries, provide that necessary shoulder and support for a colleague country in a difficult time. However, we must not contemplate any undermining of the euro. That is vital for all member states. We must not give any credence, lip service, engagement or discussion to the mention of a two-tier euro. I know where such talk comes from, as we all do. That would be totally counterproductive and bad for the eurozone. It would send out the wrong messages and we cannot afford that.

We are making a profit on this, not that we wish to crow about it, but it is important that the citizens of the State should understand that. It is not throwing money into a black hole as has been enunciated by some people but a matter of supporting a colleague state and, in so doing, making a profit. There will be a risk for the three-year period during which we must pay our share. I hope all member states will play their fair part although a bigger portion is involved for other countries. It would be an undermining of the entire eurozone if any of our colleague states did not engage fully, step up to the plate and support Greece at this time.

I thank the Cathaoirleach for listening and I commend this Bill to the House.

**An Ceann Comhairle:** Deputy Kieran O'Donnell has 20 minutes. I understand he is sharing time.

**Deputy Kieran O'Donnell:** I am sharing time with Deputy Mitchell.

My party will support this Bill. However, I find it strange that the Bill was signed by the Minister for Finance on behalf of the State on 7 May yet we had to wait ten or 11 days before the House could debate the issues. The debate we are having is based on the legislation but the first tranche of money went to Greece this morning. I agree in principle with what we are doing but we need more debate, detail and disclosure which, to date, we have not got from this Government.

What is proposed is like the bank guarantee scheme the Government brought in that fateful night of 29 September. We did not debate that scheme until it was already in place. Concerning that scheme and Anglo Irish Bank, Michael Somers, the former chief executive officer of the National Treasury Management Agency, stated that for a long period prior to the scheme he was reluctant to give deposits to Anglo Irish Bank. Alarm bells were going off.

The Government should have had contingency plans in place for Anglo Irish Bank. It treated it in a different way when the guarantee scheme came into place where, effectively, the bondholders in Anglo Irish Bank were not guaranteed unlike those in the other institutions. There should have been a contingency plan. If there was one, was it acted upon or why was it not

[Deputy Kieran O'Donnell.]

acted upon? These questions must be asked. I hope the Minister for Finance will answer them when he replies to this debate and that the bank inquiry will deal with the matter.

The measures proposed in this Bill will deal with short-term liquidity for Greece but will not address the country's long-term solvency issue which is key. We must look at this and ask whether this measure will bring about a situation whereby the euro will be protected, Greece will solve its financial crisis and will be in a position to repay the loans advanced to it from the other member states. I would also like to have detail on another matter. It appears that Ireland and other EU member states, although I can only speak in respect of Ireland, will lend money to Greece, ranking *pari passu* with existing private bondholders to the Greek State. The private investors in Greece would have known what they were investing in but Ireland is entering a bail-out package. I ask the Minister whether this will be ranked in the same way or to explain the position.

The Minister stated this assistance programme is to have quarterly reviews but according to section 4 of the Bill the Minister will provide only an annual report. This latter report should mirror the quarterly reviews to be carried out in respect of the assistance programme and should be given to the House on a quarterly basis. This sum of €1.3 billion is a significant amount of money for the State and there will be another €7.5 billion to come for the European financial stability mechanism. That would be our share.

We must support the eurozone and I am very pro-European. However, in this House, as I have noticed since I was elected, there is a lack of detail and willingness to debate issues. This happens consistently every year in regard of budgets. There is no proper debate in advance. We are presented with a pre-budget outlook and the actual budget on the day, with no discussion. I reiterate there was no prior discussion on coming into place of the guarantee scheme when it is clear there were advance warnings in the banking sector, particularly in respect of Anglo Irish Bank. The guarantee scheme was brought in on the day and tucked into it was the detail that subordinated debt of lower tier 2 was guaranteed. There are questions to be answered.

In terms of what is provided in this Bill, the annual report should be a quarterly one. We must ask where our debt ranks in regard to other debt. We must also look to protecting the euro, which is important. People will say the euro is depreciating in value against other currencies and that is happening. It will boost our exports but the currency is falling especially against the US dollar, although not so much against sterling. This will increase the cost of imported fuel which is denominated in US dollars. The actual fuel may not rise in price but the price will rise for us because of depreciation of the euro. Furthermore, with the depreciation of the euro the cost of borrowing may increase. The money raised today on the bond market by the National Treasury Management Agency was at 4.7% although it was offered at 4.5%. These are issues we must look at.

Deputy McGrath, unlike the Taoiseach, is now on the record of the Dáil as saying the Government was reckless and mistakes were made. However, we find the Taoiseach unwilling to admit these things. I saw his recent 7,500 word monologue described as like the excuse of the little boy who came into class and said the dog had eaten his homework. What we got was, effectively, an abdication of responsibility. The Taoiseach must attend the House and admit the Government was reckless during his period. He referred to the property tax schemes that were implemented and said he stopped them. He became Minister for Finance in December 2004. Most of those schemes did not finish until July 2008.

The markets are nervous at present.

Debate adjourned.

### Message from Select Committee

**An Ceann Comhairle:** The Select Committee on Enterprise, Trade and Employment has completed its consideration of the Competition (Amendment) Bill 2010 and has made no amendments thereto.

### Private Members' Business.

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#### Constitutional Amendment on Children: Motion

**Deputy Brendan Howlin:** I move:

That Dáil Éireann:

- welcomes the final report of the Joint Committee on the Constitutional Amendment on Children published on 16 February, 2010;
- commends the members of the committee for the manner in which they discharged their duties and the fact that cross-party consensus was achieved on this issue;
- accepts the need for a constitutional amendment to enshrine and enhance the protection of the rights of children;
- endorses the draft wording for a proposed constitutional amendment, contained in the report of the Committee; and
- calls on the Government to bring forward the necessary constitutional amendment Bill and to set a date in this year for the holding of a referendum.

I propose to share five minutes of my time with Deputy Liz McManus and 20 minutes with Deputy Caoimhghín Ó Caoláin. I move this motion tonight in my name and that of my Labour and Sinn Féin colleagues, in the shadow of yet another tragic death, this time a murder of a child in the care of the HSE. We do not know the full story of the life and death of Daniel McAnaspie but what we know is disquieting and a cause of real concern. As we have done already today and will do collectively tonight, I send our heartfelt and real condolences to Daniel's family. We must also resolve to do more.

In February 2007, more than three years ago, the then Government presented the Twenty-eighth Amendment of the Constitution Bill to this House. After many years of debate and consideration, there was consensus that we needed to change the Constitution to give greater rights to children.

Children's rights organisations, some of which are represented here tonight, had long argued for change but the vulnerability of children, their lack of unique constitutional presence and the consequences of this position had become a matter of real and urgent concern. Going back to the conclusions of the Kilkenny incest case of 1993, Deputy Shatter and I would remember well how a committee of investigation was set up, with a then senior counsel, Catherine McGuinness, now Ms Justice Catherine McGuinness, asked to head the investigation. Among the important recommendations of the group was that "a specific and overt declaration of the rights of born children" be included in the Constitution.

Since 1993, a number of other reports or court cases involving individual children and their families have continued to raise the question of the apparent conflict between the best interests of children and the rights and duties of married parents. In too many cases, professionals or

[Deputy Brendan Howlin.]

courts involved in decisions relating to children made decisions on the basis of our current constitutional balance and failed to act in the interests of the child. Children met with harm, sometimes unimaginable harm, because of this approach.

This House has debated many of these cases and reports over the past 15 years. In 2007 it was decided that we needed to act to bring about real and substantial change and the Government published a constitutional amendment Bill. The 2007 Bill, which proposed the insertion of a new Article 42(A) in the Constitution, was referred to an all-party committee for detailed consideration. The committee met weekly and examined in very minute detail, as the Minister of State will remember, the law relating to children.

In September 2008 the committee presented its first interim report, dealing with a proposal to give legal authority for the collection and limited exchange of information concerning the risk of the endangerment, sexual exploitation or sexual abuse of children. It was our unanimous view that the gathering and limited exchange of so-called “soft information” could be achieved by legislation without the need for a constitutional change. Since this was a prime recommendation in the Ferns inquiry report and featured in other horrific cases such as the Soham murder case, where Holly Wells and Jessica Chapman were murdered by local school caretaker, Ian Huntley, the committee believed urgent legislation was required. We made the recommendation in September 2008. Unfortunately, one year and eight months later we still await the publication of this important Bill.

The committee then set to work on the difficult and complicated proposal to give legal authority to create offences of absolute or strict liability in respect of sexual offences against or in connection with children. That work was completed and a detailed second interim report was presented to Dáil Éireann in May 2009. The majority of the committee recommended the creation of offences by legislative means. We again await the response of Government to this very detailed report; here too urgently required legislation that mobilised thousands of people outside this House has been long promised yet undelivered.

The third and final phase of the committee’s work deals with the remaining issues of required constitutional change. Specifically, these are the issues of children’s rights, the best interest of the child, the power of the State to intervene in the family and adoption. Again, an extraordinary amount of work, research, hearing of evidence and consideration of submissions informed the detailed debate that shaped the ultimate recommendations of the committee.

It was our shared view from an early stage that the published 2007 Bill did not go far enough to achieve the aim of enhancing children’s rights. From an early stage of our deliberations, all members of the committee from all shades of opinion and all parties, grappled to see if we could shape a wording that could be agreed and which would advance children’s rights in a groundbreaking fashion. It is a remarkable achievement to have produced in February of this year, some three months ago, an all-party agreed set of proposals, including an agreed wording for constitutional change. Many times during the committee deliberations I did not think we would reach that momentous moment but we did.

This report followed what was probably the most comprehensive examination of the truly complex issues involved in trying to enshrine and enhance the protection of the rights of children. I pay tribute, as I did on its publication, to all members of the committee who worked under the able chairmanship of Deputy Mary O’Rourke in a non-partisan way to address the complicated and delicate issues. The final report enjoyed the support of all members, representing every Oireachtas party. We also benefited from the participation of the Government through the Minister for Justice, Equality and Law Reform, Deputy Dermot Ahern, and the Minister of State with responsibility for children, Deputy Barry Andrews. For that reason, one

could hope and expect a speedy response to the committee's groundbreaking proposals. Clearly, we are all agreed that few issues better demand our attention and action. Unlike most committee work, nothing new was presented to the Government three months ago. It has been fully engaged with the arguments, genesis and conclusions. The parties that constitute the Government signed up to those proposals.

This motion, sponsored by the Labour Party and Sinn Féin Deputies, seeks to move the process along. It needs to be moved along urgently. We have waited long enough for this change. Dáil Éireann must again unite on this issue and remain united, endorse the draft wording for constitutional change recommended unanimously by the committee and announce our determination to bring this proposal to the people this year.

It is said by some that the Government will not agree to a referendum this year for fear of needing to hold the by-elections that are due. That cannot be tolerated as an excuse for inaction on this issue. The welfare of children and the failure of State, church and society to give them adequate protection have convulsed this House and the nation. Our words of determination to do better, which followed every report and debate in the House, and to act decisively in the interest of children will ring hollow indeed if we long-finger this much needed change. This proposal will require detailed explanation, debate and engagement with the people. That will require time. The sooner we complete the legislative phase of the constitutional amendment Bill, the sooner we can start the process of real engagement and dialogue with the electorate we must persuade to pass it.

There have been a few voices of concern. Any change gives rise to proper questioning. We need to know the Government's intention now so that fears are not fanned by the vacuum of inaction. In short, we need to start a detailed process of communication with the electorate.

What is recommended in the words proposed? We recommend a new Article 42 to be entitled, "Children". This new article sets out the recognition of equality between all children, with no inequalities before the law between the children of married parents and the children of unmarried parents, the recognition of children's natural and imprescriptible rights vested in themselves, their right to have their welfare regarded as either a primary or paramount consideration, their right to protection and care and the right of the child's voice to be heard. It acknowledges parents as the primary and natural carers, educators and protectors of the welfare of their children and guarantees to respect these rights and responsibilities. It would allow the State, where parents fail in their responsibilities, to supply or supplement the place of the parents by proportionate means. It would provide for adoption of children where their best interests so require. It re-enacts the existing provisions dealing with the rights of parents to provide for the education of their children.

These and the other recommendations in the 117 pages of the report can make a real and historic difference, but only if they are acted upon. Too many sad, depressing, horrific reports on the abuse of children have been laid before the House. Just as we united in expressions of outrage when we read of the abuse of children, let us unite in our determination to make things better in a concrete fashion. The committee did not divide on party political lines, so let us not divide now. The proof of our sincerity on these issues will be provided in our deeds, not our words.

I am profoundly disappointed to read the amendment proposed by the Government. I believe in the goodwill and determination of the Minister of State with responsibility for children to bring about real change, but he must be supported by the House and he must demand the action of the Cabinet. Pass this motion tomorrow evening and let us show a common determination to act on this issue for the common good of all, particularly the children of this country.

**Deputy Liz McManus:** I extend my condolences to the family of Daniel McAnaspie. Like others, I met his family members on the street outside Leinster House when they were exhausted from searching for him. We should all be conscious that he was one of 20 children who died in the care of the HSE. This makes our meaning clear when we discuss protecting children under the Constitution.

It is appropriate, if not poignant, that the Deputy presenting the motion is Deputy Howlin, who was the Minister for Health in 1993 when Mrs Justice Catherine McGuinness presented her groundbreaking report, which proposed a constitutional amendment. It is worth reminding the House that, before and after 1993, there have been three referendums on the rights of the unborn child. This country has been convulsed by debates on zygotes, the morning after pill and the pregnancies of poor, young, tragic girls. We have had that debate three times, but we have never had a constitutional referendum on the rights of born children, children who are a part of our community and are at risk from whatever quarter. That is negligence.

I urge the Minister of State to step outside the box and consider what is occurring tonight. We have an opportunity to live up to the recommendations and words of his predecessor, the Minister for Finance, Deputy Brian Lenihan, who stated in 2007 that the time for oratory was over and that we needed to present the people with a constitutional amendment on which they could vote.

I compliment the committee, which invested superhuman effort to deliver for the Oireachtas and the people an amendment that captured all of the complex issues relating to the protection of children. Its members have done the country a great service. Across the Chamber, it is our turn. We cannot do it solely as Members of the Opposition and I welcome that this is a joint Private Members' motion. We should not make a political football out of the matter and no one wants to, but is it the case that the Government is so sclerosed or scared that it cannot agree? Consider the prize. If the motion was agreed across all parties, consider the strength it would give to the commitment to protect children in 2010. We could go to the people and convince them of how important it is that we have all come together to ensure the committee's work is not put away for another day and is, instead, acted upon.

We must take the initiative and ensure a debate on the rights of children in our communities who are at risk as we speak, often within their families. There is much discussion on church and State involvement in brutality and barbarism, but the greatest area of danger for many children is within their families. This is our chance to help them and I urge the Government to move beyond party political point-scoring. It should take on board the genuine intent of presenting the people with an amendment that could make a significant difference to the safety of our children.

**Deputy Caoimhghín Ó Caoláin:** I begin by extending my deepest sympathy and that of my party to the family of Daniel McAnaspie. The family endured a terrible ordeal during the weeks Daniel was missing and has now been visited by the worst ordeal of all as they prepare to lay to rest this boy whose life was destroyed before he had the opportunity to begin that life. We will never know the terrible ordeal suffered by Daniel. What we do know is that he fell into the hands of murderers when he was supposed to be in the care of the State.

Daniel McAnaspie was under the care of the Health Service Executive. His death brings to 24 the official number of children in State care who have died in recent years. It is impossible to say how many of these deaths were avoidable had the State cared better for the children under its direct responsibility. We need to know as much as possible about every such tragedy. Therefore, the reports on each should be published so that the facts can be made clear, lessons can be learned and the systems and practises can be put in place to try to prevent any more avoidable tragedies.

I support of the call of the McAnaspie family for a public inquiry. The Garda Síochána must pursue Daniel McAnaspie's murderers with determination. I urge anyone with information to bring it to the Garda without delay. Parallel with this must be a full and public investigation of how the State and all its agencies dealt with Daniel, the results of which must be published in full. The death of Daniel McAnaspie overshadows and adds poignancy to this debate this evening on the rights of children in the Constitution. It reminds us that this is not an abstract debate of interest only to legislators and lawyers; it is a life and death issue today. It is about the protection of children in Ireland today, tomorrow and into the future. That protection and their rights need to be fully vindicated in the Constitution, in legislation and in the provision of services.

It should not have been necessary to bring forward this Private Members' motion at this time. Sinn Féin and the Labour Party have done so out of concern at the failure of the Government to give a firm commitment to hold a referendum to strengthen the rights of children in the Constitution. We have in recent weeks repeatedly asked the Taoiseach and Tánaiste if and when a referendum Bill will be published; if and when the Government will agree the wording of the amendment and if and when the Cabinet will fully discuss the matter? Their answers have been evasive and minimalist and give rise to concern that this vital issue is being sidelined for reasons of political expediency.

I regret to say that the self-congratulatory amendment tabled by the Government only adds to our serious concern. Incredibly, it recognises the work of the Government in the first and second interim reports of the Joint Oireachtas Committee on the Constitutional Amendment on Children, which committee was an all-party committee that reached all-party agreement on a range of difficult and complex issues, including the referendum wording. The Government amendment was either hastily and sloppily drafted or is a calculated snub to the other party representatives on the committee. Either way it is a bad piece of work. This is underscored by the fact that the Government has been forced to substitute the original wording by now congratulating itself on its progress in implementing the recommendations in the first and second reports. The changed wording is just as incredible as was the first because we have yet to even see sight of the proposed legislation to give effect to the recommendations in the first report of the committee.

The final report of the Joint Oireachtas Committee on the Constitutional Amendment on Children was published and given to Government in February, some three months ago. There has been more than enough time for the Government to consult with all the relevant Departments and Attorney General and to bring forward a Bill to hold a constitutional referendum on this matter. All that is lacking is the political will from Government to do so. The parties represented on the Joint Oireachtas Committee on the Constitutional Amendment on Children came to a consensus on the wording after 62 long and often difficult meetings. The Government has on repeated occasions acknowledged the need for a referendum. This Private Members' business is not about why we need a referendum. The Members of the Dáil have discussed this on many occasions and have all accepted this. This debate is about why this referendum needs to be held as a matter of urgency, which is clearly the gulf between Government and the Opposition Members tabling this motion this evening. This is in our opinion a matter of urgency.

The onus is now on the Government to publish without delay a Bill to provide for the necessary constitutional amendment Bill and to set the date for the holding of this referendum in 2010. This Private Members' motion is timely following the publication by Ms Emily Logan, the Ombudsman for Children, of the report on the implementation of the Children First guidelines, a source of serious concern. The Ombudsman for Children identified major gaps in the implementation of the Children First guidelines which are in theory designed to help protect

[Deputy Caoimhghín Ó Caoláin.]

children by ensuring vigilance and competence on the part of the State bodies, including the Department of Health and Children, the Health Service Executive and Garda Síochána. It is clear from the report of the Ombudsman for Children that since its establishment in 2005 the HSE has failed to make sufficient efforts to drive forward the implementation of Children First. The most basic of child protection procedures have not been adhered to. For example, the HSE has completely failed to ensure, across the HSE, consistent definitions of abuse and has failed to provide clarity and consistency regarding the reporting of child abuse concerns.

The Office of the Minister of State with responsibility for children and youth affairs is found by the Ombudsman for Children to have played down the impact on implementation of Children First of ongoing industrial relations problems. This is a serious charge that the Minister and trade unions need to address. It is clear that Government cannot afford to put off this matter any longer. The legislation and current legal framework does not adequately protect children. Many Members on the Government side have acknowledged this and so questions such as why we are still waiting for a referendum Bill to be published must be asked.

The HSE is rife with problems in regard to how it manages children in its care. We recently learned that lying on shelves in the HSE are 20 reports on the deaths of children in State care which are awaiting publication. No valid excuse has been given by the HSE for the delay. These should have been forwarded to the Ombudsman for Children, the Health Information and Quality Authority and the Garda Síochána. It is possible that some people involved were criminally negligent in carrying out their duties to the children in their care. I would not be surprised, were we ever to see sight of the content of these reports, if the Garda did not believe there were grounds for investigation in regard to at least one of them.

The State has failed in its obligations to its children. This is a long-term problem that is evident in the systemic failure testified in the Ryan report and in other inquiries into residential care institutions throughout the years, as well as in more recent damning reports that have scandalised residential centres, such as the Ballydowd centre in west Dublin, which was closed on foot of a Health Information and Quality Authority report, after having had €13 million put into it by the State.

There is a systemic failure in the child protection sector. Children are placed in inappropriate accommodation and are fostered out with no sign of a social worker for years on end. In some cases, children are exported to residential centres overseas at the cost of millions because the State refuses to invest in the facilities necessary to treat children who have severe behavioural difficulties or who have suffered major trauma or abuse in their lives. This constitutes a further example of the State washing its hands. It once did so in respect of the religious institutions and now it is in respect of every other mess into which the State can place children for whom it is not prepared to provide the necessary supports, resources, backup or care. This is a damning indictment of successive governments and such practices must end this year. How many times have Members asked about the position regarding the vetting of those who work with children? While a national vetting Bill and a new criminal justice (sexual offences) Bill have been promised, there is no sign of either. Moreover, there are insufficient social workers, other front-line workers and support systems. Children are left in grave danger. Cutbacks and under-resourcing have meant there are insufficient staff members to cover the number of children they must protect.

The Minister of State with responsibility for children has given no adequate explanation as to the reason the next State report on the Government's progress in implementing the UN Convention on the Rights of the Child is now a year late. This simply is another example of tardiness with regard to children's rights and another reason this referendum must be held as a matter of urgency. The Minister for Health and Children, Deputy Harney, who has the

ultimate responsibility and who of course once again is absent, and the Minister of State with responsibility for children, Deputy Barry Andrews, who has direct responsibility, have never explained in detail the reason children so often have been and continue to be let down by the State. The Taoiseach has not told Members the reason that even though the final report of the Oireachtas Joint Committee on the Constitutional Amendment on Children has been laid before the Dáil, the Government has not published a constitutional amendment Bill, although he has been pressed on this matter repeatedly in recent weeks.

The absence of legislation to place the Children First guidelines on a statutory footing continues to leave children vulnerable to abuse and neglect. This point has been upheld by the recent reports from the Ombudsman for Children, Ms Emily Logan, and the special rapporteur on children's rights, Mr. Geoffrey Shannon. Holding a referendum will not on its own be the complete answer for children's rights on this island. As I noted earlier, the Children First guidelines must be placed on a statutory footing and child protection services must be resourced, in addition to adequate provision of resources in the education and health systems.

The lack of robust constitutional rights for children has left a position in which successive Governments have been able to wash their hands of their responsibilities. The existing legislation in place is not enough to hold the Government to account. There is no general obligation to carry out child proofing of laws concerning children and nor is there a requirement on the Government to ensure there are adequate administrative and political structures or laws and policies to uphold children's rights. This referendum is needed this year both because children deserve to have their rights as individuals acknowledged and because governments cannot be trusted to uphold children's rights without a stronger constitutional obligation.

Enshrining children's rights in the Constitution will not be the magical cure for the ills of the child protection system but it will put a great deal of pressure on the Government and on all State agencies to honour their commitments and obligations to the children of Ireland. Consequently, together with my colleagues on the Sinn Féin benches, with the Labour Party Members and with Deputy Howlin, who also was a member of the Joint Committee on the Constitutional Amendment on Children, I call on the Minister of State to withdraw his amendment or to confirm that the Government will hold this referendum this year. The Minister of State should either withdraw his amendment and accept the motion tabled by Sinn Féin and the Labour Party or should make it crystal clear for all to understand that the Government will proceed with the referendum on children's rights in the year 2010.

This is what Members have been asking for all along. There are no other side issues or distractions. It is critically focused, and places children first and foremost in one's concerns. Moreover, Members' bona fides in this regard are as long and well-established as are those of the Minister of State and his predecessors as Ministers of State with responsibility for children in their respective roles and contributions to the long deliberations of the Joint Committee on the Constitutional Amendment on Children, which was chaired by the former Minister, Deputy O'Rourke. I call on the Minister of State to not disappoint the House and to not disappoint the many people who are anxious and concerned to have clarity on the Government's intent this evening.

**An Ceann Comhairle:** I call on the Minister of State, Deputy Barry Andrews, who I understand will be sharing time.

**Minister of State at the Departments of Health and Children, Education and Skills and Justice, Equality and Law Reform (Deputy Barry Andrews):** Yes.

I move amendment No. 1:

[Deputy Barry Andrews.]

To delete all words after “children;” in the third paragraph and substitute the following:

- “— acknowledges the commitment in the renewed programme for Government 2009 to proceed, subject to appropriate Oireachtas approval, with proposals to hold a constitutional referendum to consider children’s rights, based on the work of the Joint Committee on the Constitutional Amendment on Children;
- recognises the progress made by Government in implementing the recommendations contained in the first and second interim reports of the Joint Committee on the Constitutional Amendment on Children;
- commends the Government for prioritising the promotion and protection of the welfare and rights of children; and
- acknowledges the need to undertake a comprehensive examination of the policy implications of draft wording for a proposed constitutional amendment, contained in the report of the Committee.”

I am pleased to have this opportunity to discuss the work of the Joint Committee on the Constitutional Amendment on Children. The aim of the proposed amendment of the Constitution is to improve the underpinning of children’s rights in Ireland. During the debate on the joint committee’s third and final report in the House some weeks ago, there were plaudits for the Chair and members of the committee for the work completed. I join with previous speakers in once again putting on the record of the Dáil my appreciation for the work of the committee. In dealing specifically with the issue of children’s rights, the committee met 62 times and spent eight months before February deliberating on the matters at hand this evening. The committee’s final report came after five extensions to its time schedule. I point to the extensions not as a veiled criticism but as evidence of the complexity of the subject being examined.

The text of Bunreacht na hÉireann makes very few references to the child as a specific constitutional actor. Children can, however, rely on the general protective provisions of the Constitution, such as, for example those contained in Article 40 and those identified by judicial interpretation. The Supreme Court held in *re* Article 26 and the Adoption (No. 2) Bill 1987, that a child is entitled, where appropriate, to invoke Articles 40 to 44. It stated:

The rights of a child who is a member of a family are not confined to those identified in Articles 41 and 42 but are also rights referred to in Articles 40, 43 and 44.

Furthermore, the courts have, in some cases, defined the personal rights guarantee in Article 40.3 in ways that arguably are specific to the child. For example, the then Chief Justice O’Higgins in *G. v. An Bord Uchtála* found that Article 40.3 provided that:

The child has the right to be fed and to live, to be reared and educated, to have the opportunity of working and of realising his or her full personality and dignity as a human being.

However, for more than 20 years, eminent legal and child protection experts have argued for the need to amend the Constitution to incorporate a specific provision in respect of children’s rights. It is worth recalling that this argument has been under way for 20 years and not merely since February 2010. It has been stated that the Constitution should incorporate a list of expressed rights for children to remove the element of uncertainty which may currently exist.

International bodies, including the United Nations Committee on the Rights of the Child, echoed the calls for constitutional change. In September 2006, the UN Committee on the Rights of the Child, in its concluding observations on Ireland's second report on the convention, raised again the need for reform in this area. It should be noted that Article 5 of the UN Convention on the Rights of the Child provides that:

State Parties shall respect the responsibilities, rights and duties of parents... to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognised in the present Convention.

The 2002-07 programme for Government contained a commitment that family rights and related issues would be referred to an all-party committee on the Constitution. That committee reported in 2006, recommending an amendment to Article 41 to include a new section on the rights of children. In 1996, the Constitution review group made a recommendation for changed wording in respect of children.

Following that recommendation, my predecessor as Minister of State with responsibility for children, Deputy Brian Lenihan, undertook an article by article review of the Constitution to examine the status of children. That review, which included wide consultation, resulted in the publication of the Twenty-Eighth Amendment to the Constitution Bill in February 2007. It sought to enshrine in the Constitution rights that would accrue to children as a distinct group and not simply as human beings and individuals or members of a family unit.

In publishing that Bill, the Government aimed to provide a clear statement of the rights of children, while continuing the constitutional presumption that the best interests of children are served within the family. The proposals in the Bill also dealt with the issue of intervention of the State in the family under Article 42.5 and with adoption of marital children and of children in care.

The issues that the Bill dealt with are complex and were recognised as potentially contentious. It was recognised that if a referendum was to be passed, political consensus would be key. For that reason in November, 2007 the joint committee was established, with the task of examining the proposals contained in the Bill with a view to deepening consensus on this matter. By doing so, the Government acknowledged the February 2007 wording needed to improved.

In its work over the past two years, the committee adopted a very constructive approach to the very complicated and sensitive issues under consideration. Great weight was given to the expert opinion presented to the committee and the legal advice that was on hand to guide its work.

The committee first examined the issue of "soft information" and subsequently the consequences of the CC case in the context of "strict" versus "absolute liability". There was unanimous agreement that "soft information" could be provided for by legislation. A majority of the committee decided that "absolute liability" should not be reinstated in respect of defilement/statutory rape cases and that therefore a referendum was not necessary on this issue.

Although the legislation has not yet been presented in respect of the two previous reports, considerable progress has been made in developing Bills. The national vetting bureau Bill will provide for the establishment of a national vetting bureau for the collection and exchange of both "hard" and "soft" information for vetting purposes. This legislation has been given Government priority and my office, in conjunction with the Department of Justice, Equality and Law Reform, is drafting the heads of the Bill for submission to Government at the earliest possible date. I reject the contention that we have been tardy in bringing forward this, it is complex legislation and significant progress has been made to ensure different Departments are

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in agreement about how to proceed with this. It is some time since the unanimous agreement on the “soft” information recommendation by the committee but substantial progress has been made and I hope to have published legislation in due course.

As regards the recommendations in the committee’s second report, including recommendations relating to age of consent and defences available to defendants, the heads of a Bill are being prepared in the Department of Justice, Equality and Law reform. The Bill will also provide for reform of the laws on incest. A general scheme of the Bill has been presented to Government and has been approved.

The committee faced a challenge to balance the rights of families, children, marital and non marital parents. It became obvious through members’ contributions and the expert opinion provided to the committee that the original 2007 Bill did not contain the potential to effect the desired level of change. The committee’s report, which is extremely detailed, carefully and thoroughly examines the proposals contained in the original Bill. As an alternative to the wording contained in that Bill, the report recommends inserting a new Article 42 into the Constitution, restating most of the education provisions, but adding several new sections and renaming the section “Children” rather than “Education”.

The new section begins with the phrase that “the State shall cherish all the children of the State equally”. In this case, the phrase is being used to refer to children, although as Mr. Justice Adrian Hardiman recently pointed out, that was not the case in the 1916 Proclamation, from which it is a quotation. Mr. Justice Hardiman stated that the reference to children in the Proclamation related to minority groups and not the literal understanding of children as we may read it.

The proposed Article 42.1.2 provides specifically that children have specific human rights and that the State has a duty to vindicate the rights of children. The provision reads:

The State recognises and acknowledges the natural and imprescriptible rights of all children including their right to have their welfare regarded as a primary consideration and shall, as far as practicable, protect and vindicate those rights.

While the concept of the welfare of children is enshrined in some legislation, its use in the proposed Article 42.1 would ensure that children’s welfare would be the paramount consideration in a range of areas affecting children. This will strengthen a more child-centred approach in family law decision making, including in areas such as guardianship, adoption, custody, care or the upbringing of a child. This proposal is not limited to judicial proceedings but extends to “the resolution of all disputes”.

The proposals in Article 42.2 would require the State to recognise and vindicate the rights of all children as individuals, as opposed to children within the family. It also proposes that a child’s voice should be heard in any matter affecting the child, with due regard for the age of the child. The rights in this part of the proposal are from the United Nations Convention on the Rights of the Child. The committee made a specific decision not to recommend incorporating the full text of the convention in the Constitution.

The proposed Article 42.4 deals with what is for many people the most contentious part of the proposals. The primacy of the family is very important to Irish people, and there has been concern that by giving rights to children as individuals, rights are taken away from the family. However, it should be emphasised that neither the 2007 Bill nor the committee’s proposal are attempting to reduce family rights in any way. It is widely accepted that the best interests of the child are served by being part of a stable family unit. As I said, the proposal will not challenge or amend the concept of the family founded in marriage as the “natural, primary and

fundamental unit group of Society”, as outlined in Article 41.1.1. It is important to highlight this in the context of any referendum campaign that will follow.

The proposals would promote early intervention and support for families in difficulties, thus reducing the possibility of children being taken into the care of the State. Some parents for a range of reasons cannot care for a child properly and intervention by the State, up to and including removal of the child from their home, can be necessary. However, under this proposal, removal of children from their family home will continue to be a last resort.

A strong feature of the debate in the committee focused on the principle of proportionality and there was recognition that any intervention in the family must be proportionate. As a general principle of law, proportionality involves establishing a balance between competing claims. It requires that any action undertaken must be proportionate to its objectives and must not infringe a basic right to a greater extent than is necessary. The principle of proportionality is now generally assumed to be implicit in Irish constitutional interpretation and there is a developing jurisprudence on the subject. However, the insertion of proportionality provides assurances that intervention will only occur as a measure of last resort.

In this particular context, the principle of proportionality demands that the action taken will constitute the minimum intervention to secure the child’s welfare and safety and one that will interfere least with the right to family life. It must represent a balanced response to the need to safeguard the child and the State must endeavour to prevent the separation of children from their families unless remaining in the family would endanger the child’s development and well-being. This means that all alternatives should be fully considered and the courts must be satisfied that no less radical measure will achieve the necessary end of protecting the child. Hence, the principle of proportionality should ensure that pursuing a care order is a measure of last resort and it is unlikely to result in greater numbers of children being taken into care; rather it should help to establish a more uniform standard of care.

The object of the adoption clause is to address the position of children who have been in care under court order for a significant period of their lives. This wording, along with the underpinning legislation, will permit children to be adopted if it is in their best interests. For such children, where a return to their birth families is not an option, the possibility of adoption represents a second chance for a stable and secure family life.

Until 1988, only the children of unmarried parents who, by virtue of their parents’ non-marital status, fell outside the scope of Articles 41 and 42 of the Constitution, could be legally adopted. The view was taken that the irrevocable nature of an adoption order was incompatible with the inalienable nature of the family’s rights under Articles 41 and 42 of the Constitution. The 1988 Act dictates that adoption can occur only where the court is satisfied that there has been parental failure in their duty towards the child for physical or moral reasons for the previous 12 months, that the failure is likely to continue without interruption until the child reaches 18 years, and that the failure constitutes an abandonment of all constitutional rights on the part of the parents. The result is that, to date, the availability of adoption to children of marriage has been severely circumscribed. In some cases, children are taken into care at birth and raised by foster parents, with their birth parents contacting them or expressing an interest in contacting them only sporadically. Applications to adopt such children have failed based on the current interpretation of Article 42.5 because the best interests of the child cannot be considered since abandonment is not judged to constitute failure unless it continues without interruption until the child is 18.

The requirement that a failure constitute abandonment creates the possibility that even in situations where a total failure of parental duty has been established, the requirement of abandonment might not be satisfied. The absence of a definition of abandonment has resulted in a

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situation in which there is a strong possibility that individual children will find themselves trapped in a legal limbo between intervention and adoption and in which the State will be able to remove them from their parents in the interests of their welfare, but are unable to have them adopted by another appropriate family.

The intention of this proposal is to allow the adoption of children where there has been a failure of duty for such a period as prescribed by law and where the best interests of the child so require. A legislative provision would have to be introduced to provide for a definition of the term “abandonment”, and to provide a definition for the specified period of time.

This provision should not significantly alter the threshold for State intervention as outlined in Article 42.4. However, it does recalibrate the test for parental failure with regard to adoption. This provision will not result in more children entering State care. However, it will result in an increase in the number of children in long-term care being adopted. The Government will ensure that legislation on this issue will be published before any referendum, so that people will be clear about the scope and intent of the proposal, as recommended by the committee.

In coming to its conclusions, the committee forensically examined the proposals contained in the Twenty-eighth Amendment of the Constitution Bill 2007 and a range of other suggestions that emerged during its deliberations. Given the far-reaching and important nature of the proposals, the Government will have to give at least the same level of attention to a forensic parsing of the wording. It is the Government’s responsibility to ensure that the wording does not have unintended and unwanted consequences. These proposals represent a sizeable change to the Constitution. They relate to eight sub-articles, some of which are restatements of existing provisions, but many introduce new concepts and new wording.

All of the comments made have been on child protection, yet the provisions proposed by the committee would deal with matters to do with education, juvenile justice, every aspect of health care, immigration policy and adoption. I understand the focus of the House on child protection and I share very much in the expressions of sorrow and regret about the tragedy that befell Daniel McAnaspie. I extend my regrets to his family and friends.

However, there is a much wider context and we must have that wider debate. While the committee considered all of these matters in some detail, it is quite different for an Oireachtas committee to consider a matter than for 15 Departments and the Office of the Attorney General to consider it. I believe we are much closer to having a referendum on children’s rights than we have been at any time in the past 20 years. I stated that in the House three weeks ago and I repeat it today.

These proposals represent a sizeable change to the Constitution. The committee took legal advice and the Government will, of course, also have to consult with its legal advisers and will have to act based on that legal advice. Clearly, in a matter as important as the Constitution, the Government cannot simply accept the wording — the potential consequences have to be considered. The Government accords considerable importance to the consensus reached by the committee and will not set out to unpick the proposed wording. If any changes are made to the wording, it will be to avoid unwanted and unintended consequences or to ensure that the wording achieves its aim.

It is not a criticism but a statement of fact that the committee took two years and three months to reach its conclusions. The Government is not asking, nor suggesting, that such time is required to come to a conclusion. However, it is important to complete our work in a thorough fashion. The Government does not want to recommend amending the Constitution by way of a Bill that is flawed or may have unintended consequences. Deputy Howlin mentioned that I was a member of the committee. I contributed as much as I could to the committee but

the wording was not finalised until towards the end of the committee's deliberations and due diligence requires that each Department which could be affected by the proposed wording gives it due consideration. When one considers that proposals have been coming forward since 1993, the time allowed since February is quite short.

Having urged caution, I am not suggesting that this be put on the long finger — far from it. When the report was brought to the Government in March, the Cabinet decided that in view of the complex nature of the issues involved, all Ministers and Departments should consider the report and examine the implications of the proposed wording for their individual areas of responsibility. Departments are also to consider what legislation would need to be put in place in advance of any referendum. The matter was therefore referred to the Cabinet sub-committee on social inclusion to carry out this work and report back to the Government. A senior officials group working to the Cabinet sub-committee on social inclusion has been reconvened to guide the interaction and co-ordinate the responses of all Departments. This group has met once, and will meet again before the end of the month. I spoke to the first meeting of this group and emphasised the importance of moving ahead quickly.

The Attorney General has also been considering the legal and constitutional ramifications of the report. His input will be critical in terms of deciding on future action. I can assure the House that I will continue to work to bring forward a new referendum Bill, which will be based on the consensus achieved by the committee, and to do so as soon as possible. The intention is that in early summer the report will be brought back to Government with an analysis of what needs to be done and how long it will take. As I have said, it took the committee more than two years to get to this point. Any proposed amendment to the Constitution must be done properly and given the particularly complex nature of the issues in this proposal, thorough consideration of all of the details is the least that one should expect of the Government before it can be put to the people.

**Deputy Mary Alexandra White:** I am pleased to be given the opportunity to speak on the extremely important issue of the constitutional referendum on children. The Government is committed to continuing to improve child welfare and protection in Ireland and sees a constitutional amendment as a key part of that improvement.

I emphasise that the provision of appropriate robust and responsive child welfare and protection services remains a key priority for the Government. Child welfare and protection services have come a long way, although there is still considerable progress to be made. There is a strong legislative and policy framework, which needs to be implemented in a co-ordinated way for the benefit of all vulnerable children. The Office of the Minister for Children and Youth Affairs has provided a cross-cutting structure that helps to promote a shared emphasis on improving children's lives in this country. I have no doubt that the Minister of State, Deputy Barry Andrews, will continue to ensure that the various agencies and Departments work together in a co-ordinated way to improve outcomes for children in Ireland.

Moving on to the referendum proposals, I congratulate the committee for its work. The fact that the committee recommended legislative solutions to two of the issues under consideration, namely, soft information and absolute and strict liability, was a very significant achievement, allowing us to deal with these difficult issues effectively. The Office of the Minister for Children and Youth Affairs and the Department of Justice, Equality and Law Reform are in the process of bringing forward legislation in respect of the first two reports of the committee, which dealt with these two issues. This legislation is being given priority by the Government.

With regard to the third and final report of the committee, the fact that the committee took eight months to produce its report, met on more than 62 occasions and received and dealt with

[Deputy Mary Alexandra White.]

175 submissions gives some sense of the complexity of the issues being considered. I again express my admiration for the work done in this regard. Of particular importance, as the Minister of State, Deputy Barry Andrews, has already said, is the fact that the committee achieved cross-party consensus on such a complex range of issues. Many of the difficulties being addressed are contentious, which makes reaching consensus an even more impressive achievement of the committee.

The Minister of State, Deputy Barry Andrews, has dealt in some detail with the committee's proposals. I will refer to just some of the key points. The committee considered that the present constitutional framework in certain cases creates a difference in treatment between children of marital and non-marital families.

The committee was also concerned that where a family was found to be experiencing difficulties in the care and upbringing of their children there should be proportionate intervention by way of assistance and support; that only in cases where there is a genuine threat to a child's safety or welfare should the courts or the State be entitled to intervene; and that such intervention should be proportionate.

The committee considered that there should be specific rights attributed to children in the Constitution including the right to such protection and care as is necessary for his or her safety and welfare; the right to an education; and the right to have his or her voice heard in any judicial and administrative proceedings affecting the child having regard to his or her maturity.

With regard to adoption, the committee took the view that the proposals set out in the Twenty-eighth Amendment of the Constitution Bill were helpful. It voiced its concern that children who are currently in long-term foster care may be precluded from adoption by their foster family where it would be in the best interest of the child to be adopted.

The Minister for Health and Children, Deputy Mary Harney, presented a copy of the committee's third report to the Cabinet in March. Ministers were asked to consider the content of the report and revert with opinions and comments on the various recommendations. The Attorney General has been asked to examine the constitutional ramifications arising from the proposals contained in the report. There have been calls to commit immediately to a timeframe for a referendum. I remind all interested parties that the committee took over two years to get to its current position. The Government will need some time to consider the full import of the proposal before committing to any timeframe.

The Minister of State, Deputy Barry Andrews, referred to the issue of potential unintended consequences arising from the wording of the referendum proposal. The Government, in putting forward a referendum to the people, needs to be absolutely clear on what are the implications of the proposal. The committee examined the issues forensically and over time, and the Government will give the proposals equally thorough consideration.

Much work is still required before this referendum will be ready to present to the people. Elements of the referendum, for example, those related to adoption, require legislation to be drafted prior to the holding of a referendum and to be available well in advance in order that people can clearly understand the implications of the proposals. Other aspects of the proposed wording may also require draft legislation and the Attorney General will be advising in this regard. The issues are complex and it is the Government's intention to ensure that clear and intelligible information is provided to the public in a timely manner.

All of these elements of the staging of a referendum will require time and planning. Any amendment to the Constitution is a major endeavour. In this case, where the issues are so complex, it is essential that the Government take the time to get it right. Until it is clear what, if any, issues need to be addressed, it would be foolhardy and premature to announce a date

for a referendum. The Government is taking this seriously and will not pick a date for the sake of it. When this referendum is brought to the people, it will have been properly considered and all the issues dealt with.

**An Ceann Comhairle:** Does Deputy Shatter wish to share time?

**Deputy Alan Shatter:** Yes, I will be sharing my time with my colleagues, Deputy Olwyn Enright and Deputy Joe Carey.

**An Ceann Comhairle:** Ten minutes, five minutes and five minutes.

**Deputy Alan Shatter:** We might be longer than that because everyone seems to have finished early. I think we have 30 minutes altogether so we will share our time appropriately. Perhaps the Ceann Comhairle will tell me when I have got to the ten minutes.

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

**Deputy Alan Shatter:** I want to start off this debate, like other speakers, by extending my condolences to the family of Daniel McAnaspie. I met his family some weeks ago. They were terribly concerned about what had happened to him and dreadfully distressed about the manner in which they believed he had been failed and the family had been failed by the HSE. It is particularly sad and poignant that this motion is being taken this evening at a time when his remains have been found, essentially in a ditch on farmland in County Meath, and before he is buried.

I also think it is particularly inappropriate and obscene that in the Government amendment tabled tonight the Government congratulates itself on the manner in which it has essentially implemented our child care provisions. I quote from the Government amendment, which states that it “commends the Government for prioritising the promotion and protection of the welfare and the rights of children”. I believe, in the context of everything we have learned following the publication of the reports into the tragic lives of Tracey Fay and David Foley and the large number of young people who have died in care about whom reports have not yet been published, the numbers of whom I now believe to be greater than the 23 numbered by the Minister some weeks ago in this House, that it is an obscenity that the Government felt the need to commend itself in this way.

Not only is it an obscenity, it is politically indefensible in the context not only of the tragic death of Daniel McAnaspie, but in the context of the damning report of the Ombudsman for Children which made two findings of maladministration or unsound administration against the Office of the Minister for Health and Children and nine such findings against the HSE with regard to the utter failure to ensure that the 1999 child protection guidelines be uniformly applied throughout the State. At the very least, I would have expected the Government and the Minister to have sufficient insight not to include that in their motion.

I do welcome the fact that we have this motion, in the sense that it yet again brings the need for a children’s referendum before the House. I regret that it has been necessary for it to be tabled. Indeed, I would say that I expected, following the work we did in our all-party committee, that within a short period of time the Government would have named a date for the holding of the referendum for the simple reason that this committee was formed to facilitate an accommodation being reached between Government and Opposition parties. Both the Minister for Justice, Equality and Law Reform and the Minister for Health and Children, and their predecessors, were members of the committee so that they could liaise with Government, with Cabinet and with the Attorney General concerning the deliberations of the committee, the progress being made and the nature of agreements being reached.

[Deputy Alan Shatter.]

Indeed, I can well recall the Minister of State, Deputy Andrews, coming back to the committee and it affording him extra time because, during the course of our deliberations on the form of constitutional amendment to propose, he was consulting with and obtaining advices from the Attorney General, so I take less than seriously what we are now being told about the complexities of it.

I want to say one other thing about the motion that is before the House for fear there is any misunderstanding outside the House. It may not generally be understood outside the House that the entitlement of parties in this House to propose motions rotates. Fine Gael has an entitlement to propose Private Members' motions. The Labour Party, on a separate occasion, proposes motions. On other occasions, the Labour Party and Sinn Féin join together to propose motions. Tonight happens to be one of those nights. I want to say, on behalf of Fine Gael, had we been invited to sign tonight's motion by the Labour Party and Sinn Féin, we would have done so. I regret the fact that we were not asked to do so. I am assuming that was simply an oversight by the coincidence of the rotation of these things, but we would have been very happy to sign the motion that is before the House. This motion has the full support of Fine Gael.

For many years I campaigned, both inside and outside this House, for a constitutional referendum in relation to children. I believe that the form of wording we now have which was proposed by the committee, in respect of which I burned the midnight oil many evenings to try to see could I contribute in a constructive manner, together with my Fine Gael colleagues, to bring about a form of wording on which we were all agreed, is the best possible wording. Not only have we achieved a political consensus, we have achieved a form of wording which reflects our obligations under the United Nations convention on the rights of the child and which extends to children far greater constitutional protection than they have at present.

It does something which we have not done appropriately yet in our Constitution. It recognises the primacy and the importance of the family and, indeed, of parents with regard to their children while recognising the importance, where families are in difficulties, of the State proportionately intervening within the family. In a constitutional sense, at the moment the State has two choices. One either stands aside and allows a child at risk essentially to remain at risk or take what I describe as a "nuclear option" and move to have a child taken into care. There are provisions within our child care legislation at present, for example, for the making of supervision orders, which in the constitution of the marital family may have some questionable constitutional content.

What this proposal does is seek to ensure that we protect the rights of parents while also protecting the best interest of children and ensuring that where children are at risk, there is a proportionate intervention permitted and allowed for and mandated by our fundamental constitutional law. I believe there is an urgent need to prioritise this reform.

I do not take seriously what the Minister of State, Deputy Barry Andrews, tells us about all of the deliberations that need to take place and the length of time that this is all going to take. I am a Member of this House who watched within a space of a short few months the Government managing to create and pass through this House the NAMA legislation — one of the most detailed, complex pieces of legislation I have ever seen in my parliamentary life. Legislation which has profound consequences in the financial area was given priority. No such priority is being afforded to the protection of children, despite all the scandals, the failings of the church and the failings of the State, as clearly documented over the past decade. I find it extraordinary that priority is not yet being extended. The Government pays lip service to the protection of children and the rights of children but fails to deliver when delivery is required.

I was most interested in listening to the Minister of State, Deputy Andrews and to the Minister of State, Deputy White, to whom I will revert in a moment, address us on the first and second interim reports. Deputy Andrews told us, misleadingly, that the Government is prioritising legislation on using soft information for vetting purposes. The first report of the Joint Oireachtas Committee on the Constitutional Amendment on Children published in September 2008 asked the Government, across party lines, to publish that legislation by December 2008. That legislation is not being prioritised.

**Deputy Olwyn Enright:** Hear, hear.

**Deputy Alan Shatter:** It is not in the programme for Government for legislation to be published this side of the summer vacation, nor is it in the programme that guarantees legislation will be published the far side of the summer vacation. For those who understand the documents published by the Government Chief Whip, it is in part 3 of the legislative programme, namely, "Heads of the Bill not yet prepared". There is no question of it having priority. The same applies to the legislation——

**An Ceann Comhairle:** I will interrupt Deputy Shatter for a moment. As he rightly pointed out at the beginning of his contribution we have six extra minutes. I suggest we come to an arrangement whereby he and Deputies Enright and Carey would take two minutes each.

**Deputy Alan Shatter:** You can keep me in line, a Cheann Comhairle.

In terms of dealing with issues of sexual offences and strict liability, on which Fine Gael disagreed with other members of the committee, we produced a proposal to reinstate the concept of strict liability to protect young people from sexual predators and sought constitutional change. The other members of the committee recommended some legislative reform which fell short of constitutional change. That report was published over a year ago. The legislation for that is not prioritised either in the Government's legislative programme. I have no idea why the Minister of State, Deputy Andrews pretends otherwise.

What is interesting, Sir, is that tonight we are having what is the second debate on the joint Oireachtas committee's report that recommends a referendum. We had the initial debate when the report was made before the House and various people spoke from all sides of the House. I noted in that debate not a single senior Cabinet Minister representing the Green Party, the Fianna Fáil Party or the now Independent, Deputy Harney, saw fit to contribute to that debate on children's rights and constitutional change. It is unprecedented that on a proposal for constitutional change that came from an all-party committee where consensus was achieved, not a single senior Cabinet Minister went on the record to say either they support the holding of a referendum in 2010 or they agree with the wording. Tonight, we have had a repeat of that with two Ministers of State speaking on behalf of the Government. The Minister of State, Deputy Andrews delivered a similar set-piece speech to the one we heard previously.

I welcome the novelty of the Minister of State, Deputy White contributing to the debate. I was very taken with her apparent understanding of the complexities of the issue. The reason I was taken with that is because the committee met on 62 occasions and Deputy Gogarty, who was a member of the committee is by coincidence Chairman of the Oireachtas Joint Committee on Education and Skills, which is supposed to have some interest in children and children's rights. Deputy Gogarty managed to attend four out of the 62 meetings of the Oireachtas Joint Committee on the Constitutional Amendment on Children. He participated in not a single meeting that discussed in any detail or addressed the issue of constitutional change. On behalf of the Green Party he made no contribution of any nature whatsoever to the framing of the wording. I welcome the green shoot that has arrived in the Dáil Chamber this evening to

[Deputy Alan Shatter.]

explain the complexities of it all to us. I congratulate the Minister of State, Deputy White. She is the first elected Member of the Green Party to contribute at all to a debate on this proposal because——

**Deputy Mary Alexandra White:** I am very happy to do so.

**Deputy Alan Shatter:** ——on the previous occasion when we addressed the issue there was not a Green Party Minister, neither a Minister of State nor a Minister, in the House. All we heard on the issue was the Minister for the Environment, Heritage and Local Government, Deputy Gormley on the publication of the Murphy commission report, feeling the need to get to his name in *The Irish Times*, announcing some sort of commitment to an inchoate, unspecified constitutional amendment on children's rights. The Minister of State, Deputy White did not add any substance to our knowledge of where the Greens stand on the issue. At least the Minister of State, Deputy Andrews contributed in the committee. I do not wish to be unfairly hard on him. He made a constructive contribution to the debate that took place in the committee, unlike any contribution that came from the Greens.

I am very conscious, Sir, that I have two colleagues who wish to contribute to the debate. I conclude by saying that I deeply regret that it seems that this House is tomorrow evening going to divide on this issue. I find it extraordinary that the Government cannot even commit itself to saying it will hold a children's rights referendum in 2010. Any consultative process that needs to be undertaken at governmental level could well be completed if we were told the referendum would happen at the end of October 2010. There is more than enough time. It only took from March of last year to September of last year for the NAMA legislation to be published and debated in this House. This issue has been teased out to a far greater extent in committee than that legislation ever was teased out.

I am not impressed, and I do not believe people outside this House are impressed, by the lip service being paid to this issue by the Government and to the damning report of the Ombudsman for Children, which replicated a report kept secret by the HSE. I suspect it was not fully brought to the attention of the Minister by PA Consulting in October 2009. It was commissioned by the HSE and it equally set out the dysfunctional nature of the child care and protection service.

We have a Government that talks about the issue. The Government should hang its head in shame, as children are dying under the care of the State, the Government is prevaricating on the holding of a very basic referendum to extend constitutional protection to children and to change the ethos that would apply both within Departments and State agencies in taking the action necessary to provide to children the protection to which they are entitled.

**Deputy Olwyn Enright:** I was struck by the point Deputy Shatter made about the emphasis there has been in this House on NAMA and on how we could bring forward such complex legislation so quickly. Understandably, there has been a huge concentration in this House in the past year and a half on economic matters. That is the climate we were in. However, we need to spend a lot more time looking not just at how we want the country to run economically but how we want the country to be and how we want society to behave. The biggest measure of any civil society is how we treat our most vulnerable and by any standard our children are the most vulnerable people in society. The Government is failing them by not holding the referendum.

I welcome the motion tabled by the Labour Party and Sinn Féin. It is simply seeking a date for a referendum. That is not a lot to ask. I appreciate that there is a level of complexity involved. I was a member of the committee. With Deputy Howlin, I was also a member of the

previous committee that reported in 2007. Sometimes I am amused at how Government operates. The Minister of State, Deputy Andrews, was on the committee. His predecessor, the then Minister of State, Deputy Smith, was on the committee and his predecessor, the then Minister of State, Deputy Brian Lenihan, was on the previous committee. The then Minister for Justice, Equality and Law Reform, Michael McDowell, was on the previous committee and the Minister for Justice, Equality and Law Reform, Deputy Dermot Ahern, sometimes attended the most recent committee. They were involved. They knew what was going on. Following meetings where it was decided complex areas would be discussed Fine Gael Party members met as a group, as did members of the Labour Party and Sinn Féin. I am not sure what the Green Party did but Fianna Fáil Party members met as a group. Discussions were held and parties formulated their positions prior to us arriving at our conclusion. The third report had all-party agreement. On several occasions, the Minister of State, Deputy Barry Andrews, went back to the Attorney General for clarification, which means the latter also knew what was going on. It is not as if a report suddenly landed on a desk in February without anyone's knowledge or that Departments are being asked to deal with a new issue. I am surprised that it was the Minister for Health and Children who presented a copy of the committee's report to the Cabinet in March because I would have assumed the Minister of State has more expertise from being on the committee.

This referendum is part of a process of reforming our law and enforcing the legislation that is already in place to protect children. As a member of the committee, I can understand to an extent the Minister of State's comment that the emphasis of tonight's debate is on child protection when many other issues are set out in the report. However, it is difficult for us to refrain from emphasising child protection when the system is so appalling and lets children down so badly. The other issues are also extremely important but do not call for the same degree of urgency.

The Government's approach, however, reveals a worrying lack of urgency. We respond to tragedies with debates but then there is silence until another tragedy occurs. Today's tragedy, unfortunately, involved Daniel McAnaspie. In three months' time there will be another sad case involving a child or young adult and we will have another discussion. When are we going to see action?

In his third report, the Government's rapporteur, Geoffrey Shannon, identified a number of significant problems. We still do not have independent oversight of child protection services, a system of inquiring into fundamental failings or consistent application of the children first guidelines. Mr. Shannon also recommended a review of our current child protection system. Why is that work not being done?

We have spoken about a system that is bursting at the seams. The system is not working. A child was murdered today and another 20 died in care over the past decade. A HSE representative stated on radio this morning that 5,600 children are in care. Twenty out of 5,600 children is a significant proportion. How many are missing and why is a distinction being drawn between Irish children who go missing in State care and the other children who come into this country to be exploited? Are the latter regarded as less important?

When something happens, we call it a systemic failure as if it was a computer glitch or human error. A systemic failure means the system is broken and needs to be changed. I will outline an example of how parts of the system do not communicate with each other. A family in my area fostered an extremely troubled child and wanted to stick by him even though he became a danger to the family. His social worker did a lot to help, despite the lack of an out-of-hours service, but the child needed a place in a special school. The school would not take the child unless the National Educational Psychological Service would agree to provide the necessary

[Deputy Olwyn Enright.]

services but the latter would not agree to provide the services unless he was placed in the school. He ended up back in full-time care at enormous cost to the State when he would have been better off in a family environment.

The Minister of State argued that it is unfair to accuse the Government of tardiness on vetting. Fine Gael first raised the issue of vetting in this House in 2003. The Government was toing and froing on whether we needed a referendum until committees were established to investigate the issue. It is far too late to be announcing legislation seven years later. Furthermore, as Deputy Shatter noted, this legislation continues to languish on section C of the legislative programme after being transferred between three Departments since 2003. The church has asked experts from the North, such as Mr. Elliott, to advise it. When will be legislation in this area be published? Every day we wait, we put more children at risk.

**Deputy Joe Carey:** Since the publication of the recommendations of the Joint Committee on the Constitutional Amendment on Children last February, it has become glaringly obvious that the Government is not prioritising the needs of our children. I commend the Labour Party and Sinn Féin on their attempt to move the process forward by bringing this motion to the floor of the House.

Far too often in this State, the best interests of our children have been ignored. Tragically for some Irish children, the State's reaction was far too little, too late with the result that young lives have been ended prematurely. It is clear from the manner in which it went about its work that the proposals from the Oireachtas committee have the potential to result in greater respect for children's rights in practice and in law. We signed up to the United Nations Convention on the Rights of the Child almost 20 years ago. This should have been the catalyst to bring Irish law and practice into line with the principles of children's rights. The issue of children's rights straddles many aspects of our daily lives in terms of our families and our education, welfare and justice systems.

I acknowledge in particular the work done to date on children's interaction with the justice system. It is progressive that the Children Act 2001 established an independent juvenile justice system under the stewardship of Ms Michelle Shannon. Excellent work has been carried out in this field over the past several years and the results are becoming clear. However, having committed to this system the Government must renew its commitment to the process.

A case management system is being piloted in Dublin's north inner city under Chief Superintendent Pat Leahy to deal with youth crime. An individual garda is assigned to co-ordinate all aspects of a young person's case. This system is child centred, effective and efficient and every effort should be made to roll it out nationally. I would not like to see an initiative such as this suffer from cutbacks. There is no doubt from the pilot results that the scheme offers children who are in conflict with the law a better chance of a positive outcome.

The fact that St. Patrick's Institution continues to hold juveniles as young as 16 as well as young men of 21 flies in the face of the UN convention and the best interests of children. I have no doubt this contributes to the recent statement by the retiring governor of Mountjoy, Mr. John Lonergan, regarding the research published in 2008 which illustrated that up to 72% of individuals in Mountjoy spent time in St. Patrick's during their youth. We need to break the link between children's detention and young men's detention. The provision of a new specific national child detention facility at Oberstown, near Lusk in County Dublin, is an initiative that must not be put on the long finger. It is all very well to have concept designs and detailed models but the replies to parliamentary questions I have submitted on the matter indicate that the timeline for delivery of the project has been extended. It started with a commitment that phase one would be completed by 2012, a deadline that now stands at mid-2013. I appeal to

the Minister for Justice, Equality and Law Reform, as he prepares his submission to the Department of Finance on next year's budget, not to stall on this vital project.

I have made the point on many occasions that gangland criminals exploit our decision to raise progressively the age of criminal intent to 12 years. Children under this age cannot be prosecuted under law and there is evidence that criminal gangs are using this as a loophole. While we will have to deal with this issue through specific legislation, a constitutional amendment on children's rights will help.

Debate adjourned.

### **Euro Area Loan Facility Bill 2010: Second Stage (Resumed)**

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

**Deputy Kieran O'Donnell:** We must show solidarity with Greece and with all fellow European Union member states. I and my party are very much pro-Europe. However, the first question we must ask is whether the aid package will work. From a short-term liquidity perspective the answer is that, like the Government guarantee scheme of 29 September 2008, it probably will. Will it address the long-term solvency issue for Greece? That remains to be seen. These are the questions that must be asked.

In terms of the financial stability mechanism currently being discussed in Brussels, at a cost of €750 billion, we must have all the details. Moreover, we need to know whether there will be a jobs dimension to the process. In Ireland, half the general government deficit is a result of unemployment, but the Government has no initiative to address this. The markets are nervous that the austerity measures will be so severe that we will have growth in countries' national debts and unemployment will stagnate at current levels. The Government must produce an effective jobs stimulus package.

Section 4 should be amended to change the reporting mechanism from annual to quarterly. The reference in the loan facility agreement to ranking *pari passu* with existing professional bond holders must be examined. Will the Minister of State, Deputy Mansergh, elaborate on the indication that we will not make a loss from this process?

**Deputy Olivia Mitchell:** Last Sunday the magazine section of the *Financial Times* included a four-page article entitled "A Plague on their Houses: How Bankers, Builders and Politicians Brought Ireland to its Knees". The article observed that at the "height of the lunacy", three quarters of total Irish bank lending was for property construction, land and speculation. This is described in the article as what Ireland did for a living. Yet while all this was going on, the then Minister for Finance, now Taoiseach, told us that the fundamentals of the Irish economy were sound. Moreover, we were told in the late summer of 2008 that the banks were sound and solvent.

By the end of September 2008., however, the deposits of most of our financial institutions had to be guaranteed. We were subsequently told we would have to take on a significant portion of their debt under the NAMA process but that this would provide the cheapest bailout in the world. It turns out, however, that it is the most expensive bailout in the history of the OECD. We were told that the haircut applied under NAMA would be 23%, but the assets transferred so far have had an average discount of 50% and it is expected that the haircut on the next tranche will be even greater. We were then told that Anglo Irish Bank is of fundamental systemic importance to the Irish economy. We have since seen that it has been fundamental to the ruination of the country. We have already committed at least €22 billion that we will never see again as a result of the bailing out of that bank.

[Deputy Olivia Mitchell.]

Almost every week we find ourselves exposed to another €1 billion, €2 billion, €3 billion or €4 billion, and the Government is obliged to revise the promises or assertions it made the previous week. The story keeps changing. The Minister of State must forgive us then for being a little apprehensive when we find that over a weekend, we were suddenly exposed to a further €6 billion between our share of the Greek bailout and our contribution to the stabilisation fund. We recognise that the financial situation in Europe was as grave that weekend as it has ever been. We accept that decisive action had to be taken. My concern is that every time the Government takes decisive action it costs the nation money. Moreover, on every occasion, it has been wrong in its predictions of the outcome of its strong decisions. It has been wrong even in its understanding of those decisions. I strongly suspect that when the guarantee was given on that fateful day in September 2008, the Government did not even realise that the guarantee extended to bonds. If it did know, it did not understand the implications — that it would be a millstone around the neck of the next generation.

The Government's so-called decisive actions, made in haste and with no parliamentary discussion or scrutiny, have led us into a vortex of repeatedly throwing good money after bad. Given that almost every action and statement made by the Government on the financial and banking front has been wrong — and sometimes proved wrong within days — it is just a little foolhardy for the Taoiseach to run off to Europe and sign up to the provision of another €1.3 billion. I accept that we must contribute to bailing out Greece, but this was done without any prior consideration in the national Parliament of the terms of that bailout or its implications for Ireland.

We were told that our portion of the bailout would be based on our share in the European Central Bank. That seems fair until one considers that we are paying more per household than any other eurozone country with the exception of Luxembourg which is the richest country in Europe if not the world. Is it fair that debt-ridden Ireland, the country carrying the highest level of personal, banking and Government debt, should pay more per household than any other member state? Three days after the initial announcement, our disproportionate burden was compounded by a further commitment of €4.4 billion to the eurozone stabilisation fund. Was the Government aware of the disproportionate household burden for Irish families? Was any other formula even considered, such as the agreed formula modified by consideration of debt per household in each country? Alternatively, was consideration given to a greater burden for those countries that engaged in reckless lending and are now, bizarrely, horrified by the reckless borrowing of others? I understand the Germans were the big lenders. In giving this money to Greece, we are effectively bailing out the German banks.

The tragedy is that the debate on the legislation to confirm our Greek commitment is virtually irrelevant because it is too late to influence any aspect of what the Government has signed up to, too late to use another formula, too late to get a fairer deal for Ireland and too late to even say it is too late. Time and again, particularly at budget time, Deputies Bruton and Kenny have called for a different way of doing our business, particularly in respect of major decisions including budget decisions and decisions such as this, and emphasised the need to use our Parliament to tease out issues before they are set in stone so that mistakes are avoided, pitfalls are foreseen in time and unfairness such as that arising from this process is prevented. Europe is now demanding surveillance of our budgets. Does it occur even now to the Government that if we did our own surveillance properly and if Parliament played its correct role as a watchdog for the people, we might never have ended up in our current mess?

The Minister in his speech criticised me for even pointing out that we are paying disproportionately more than other eurozone countries. I regard it as my duty to point that out and I resent the Minister's suggestion that it is somehow unpatriotic to do so. The reality is that

debt per household is a very legitimate measure of a country's well-being and of its ability to borrow and make repayments. Therefore I absolutely stand over what I say. The Minister is wrong to suggest we should not question the manner in which responsibility was shared among countries.

As the Taoiseach stated last week, he must convey confidence in Ireland's ability to survive. While this is true, one does not inspire confidence by burying one's head in the sand, hiding the facts or pretending everything is rosy in the garden. It was this approach that landed Ireland and Greece in the mess in which we find ourselves. The Government has a history of making decisions behind closed doors, in haste and informed only by vested interests. It does not appear to have learned the lesson that if one is continually wrong, one must change the way in which one does business.

Many have raised the loss of sovereignty arising from the proposed requirement for greater surveillance of national budgets in the European Union. The real loss of sovereignty has been in this House, not Europe, and has been caused by a Government which will not learn from the mistakes of the past, for which people are paying. The Government has abrogated the role, responsibilities and powers of the people's Parliament by preventing proper scrutiny of decisions before they become irreversible. The decision before us is now irreversible.

While the Fine Gael Party supports the bailout for Greece, I challenge the Minister's assertion that we will get our money back. We will sing for this money. It is being paid out on the understanding that it will not be returned and on the sole condition that it will prevent the collapse of the euro. Nevertheless, the bailout was necessary. My party also accepts the need for greater control of eurozone country deficits. We do not, however, accept that these matters cannot be discussed in this Parliament, whose role is to act as the watchdog for the people.

**Minister of State at the Departments of Finance and Arts, Sport and Tourism (Deputy Martin Mansergh):** I will share time with Deputy Michael Mulcahy.

The Minister for Finance has set out in detail the context of the Bill and its provisions. Notwithstanding arguments made, I welcome what I understand to be the support of the main Opposition parties for the Bill.

European Union and euro membership are fundamental to our positioning as a country and our economic strategy. We have every interest in sustaining not only our euro participation but the currency itself. Every member is systemic to the euro, which means in recent times we have had to do what was necessary. Those who have been observing events will have noted that this storm has been brewing up for some time, certainly over the past two or three months.

There are, among certain high profile commentators outside the House, some who urge us to part company with the euro. In that context, I will cite the words of Kevin Gardiner, the man who invented the phrase "Celtic tiger" in August 1994. Mr. Gardiner, who is Irish, is the head of investment strategy for the Europe, Middle East and Asia region, EMEA, at Barclays Wealth. In a recent article, he noted:

Euro participation is part of the competitive package that initially made Ireland such an attractive place in which to invest. After all, if a large US company wants to invest in an English-speaking, financially volatile and euro-sceptic EU base outside the single currency, there is always the UK.

Precisely. There are echoes in Mr. Gardiner's words of my favourite historical quotation, which is from Thomas Addis Emmet. Answering a question at a parliamentary committee on the causes of the 1798 rebellion as to how Ireland could possibly go it alone economically, he

[Deputy Martin Mansergh.]

replied: “America is the best market in the world and Ireland is the best situated country in Europe to trade with that market.” These words sum up our position if not then, certainly now.

There is a necessity not only in Ireland but around the world to pull the financial reins tighter and get on to a more sustainable path. While we could have found ourselves in the same position as Greece, we have not done so. With all due respect to Deputy Mitchell, the reason is that we have taken many correct decisions during this crisis. The Deputy quoted one article from the *Financial Times*. One could find many quotations, particularly in recent weeks, in praise of the course being followed by Ireland.

The position has been the same for the best part of two years. Either we make our own necessary choices or have them imposed on us in a way we may not like or choose. Experience has shown that complying with the Maastricht criteria, while necessary, is far from sufficient because the buoyancy in many countries, whether one describes it as a boom or bubble or uses another word, has hidden a much more vulnerable situation.

We are not paying the Greeks but providing money that is pooled by the European Commission, which is lending to Greece. I do not believe there is any fundamental dispute that we have to show solidarity. If we do not hang together, we will hang separately and there are powerful speculative forces. I was interested in the argument as to the reason they justify their attacks on the euro, namely, that countries will either not be able to sustain the difficult policies they are imposing or having imposed on them or, alternatively, if they all do so successfully, they will depress the economy so much so that it is not successful. The attitude seems to be one of heads one loses, tails one loses. Nonetheless, I am hopeful that as a result of the decisions taken on Sunday, 9 May, the situation will gradually stabilise and turn around with further details of implementation.

There has been some debate inside and outside the House on the issue of European surveillance. The European Commission has put forward some propositions to which many governments have reacted. Budgetary surveillance is of two kinds, both of which we are accustomed to in some degree. One relates to specific budget measures which may offend against state aid rules. Often, in budget speeches, the Minister states he will introduce a certain scheme subject to the consent of the European Commission. Some weeks or months later, this consent is generally forthcoming and the measure is then implemented. The second is a more general type of surveillance which is reflected in the EU stability report that appears at the back of the budget booklet. This is normally three or four year projections on the sustainability of the public finances. There has not been a particular difficulty in principle. We announced months before this year’s budget that we would be seeking €4 billion in expenditure cuts, and that was duly implemented.

I was surprised by the shrill nature of the initial Fine Gael reaction to those proposals. I wondered on radio whether it was connected with concerns about the NewERA document. I was re-reading it on the train from Tipperary on Saturday and it seems to involve quite a lot of additional borrowing which——

**Deputy Kieran O’Donnell:** Has the Minister of State read the document?

**Deputy Martin Mansergh:** I have it here. Does the Deputy want me to read bits of it?

**An Leas-Cheann Comhairle:** The Minister of State only has one minute and Members of the House should be allowed to speak without interruption.

**Deputy Martin Mansergh:** That document needs to be examined closely to see if it stands up to the imperative necessity to deal with the issue of sovereign debt in this country. Jobs are

important, but the most important stimulus for jobs will come from an improvement in competitiveness rather than specific stimulus measures.

*(Interruptions).*

**An Leas-Cheann Comhairle:** Allow the Minister of State to finish.

**Deputy Martin Mansergh:** It is time the Fine Gael document was scrutinised and debated rather than simply having answers——

**Deputy Olivia Mitchell:** We are looking for the scrutiny of documents.

**Deputy Kieran O'Donnell:** Does the Minister of State know what the document is about?

**Deputy Martin Mansergh:** There is a serious question whether it is compatible with what is developing. I can understand why there are concerns about it.

**Deputy Kieran O'Donnell:** Has the Minister of State read the document?

**Deputy Martin Mansergh:** Yes, I have read it several times.

**Deputy Kieran O'Donnell:** Does the Minister of State know what it is about?

**Deputy Martin Mansergh:** Yes, I do.

**An Leas-Cheann Comhairle:** Allow the Minister of State to conclude.

**Deputy Martin Mansergh:** There is a theoretical debate in Europe on whether the current situation requires more economic and monetary union. I represent the country on the EU budget council and the reality is that there is no willingness among our partners to put more funds into the EU budget. In fact, many of them would like to put even less money into it. We have an interest in defending the sums that are put into the Common Agricultural Policy.

Apart from some excise duties on the night, the budget is not set in stone until the Finance Bill is passed so there is plenty of time to discuss and refine budget measures in this House.

**Deputy Michael Mulcahy:** I welcome this Bill in so far as it amounts to Ireland's effort to help a fellow eurozone member, namely, Greece. I welcome the Minister's speech and I agree with it entirely. It is quite clear, however, that more needs to be said.

The first issue I would like to raise is the issue of scrutiny of all that has transpired in recent weeks. The Lisbon treaty promised greater scrutiny of EU matters, especially by national parliaments, and contained specific protocols in respect of scrutiny and subsidiarity issues, yet this debate is the first on this issue, either in the Chamber or in any Dáil committee. I have to put my hands up as a member of the Joint Committee on European Affairs and the Joint Committee on European Scrutiny. This matter has been trundling along for some weeks, beginning on 11 April when finance ministers across Europe agreed to the terms of the formal support to be given to Greece. On 14 April the Government agreed with this and approved the preparation of legislation. On 8 May the European Commission signed the loan facility agreement. I appreciate that things happen quickly in international financial markets. However, the lack of scrutiny on this issue to date has been inadequate. We must look at more in-depth scrutiny of other vital EU issues as they move along. I hope colleagues can agree with me in supporting that general point.

The terms of this assistance to Greece have been set out by the Minister and the Minister of State. It consists of €110 billion over three years. This will represent a very difficult time for

[Deputy Michael Mulcahy.]

Greece, much as it represents a difficult time for Ireland. We know it will require a large downward adjustment of the debt to GDP ratio in Greece from 2013 onwards. Greece will be required to keep primary balances in surplus to at least 5% until 2020. It will involve a cut in Greece's public sector wage bill and pension outlays, an increase in excise taxes and further increases in VAT. These are very similar to the measures we have seen in our budgetary and fiscal adjustment. These budgetary issues have stretched across Europe to reach many member states. There is hardly one country in or outside the eurozone that is not having to make substantial adjustments in its budgetary position.

I welcome the establishment of a European financial stabilisation mechanism, which represents an early scrutiny of the budgetary cycle. It was referred to by the Minister of State and it is very important. Some people made the point that it might represent a loss of sovereignty as the European Commission and perhaps the European Parliament would be involved in internal budgetary matters. What use is sovereignty if one is bankrupt? What use is sovereignty if people are going to be rioting on the streets and discommoded? It was implicit in the single currency that governments would stick to their proposed maximum 3% budget deficit per year. It is a sorry state of affairs that the opposite has come to pass in Ireland. The Irish Government ran substantial surpluses for most of the early years of this decade. We were not running deficits. There was a surplus of €2.1 billion in 2004, €1.9 billion in 2005, €5.3 billion in 2006 and €500 million in 2007. We had a collapse in tax revenues in 2008 and there was a deficit of €13 billion, while there was a €19 billion deficit in 2009. The point I am making is that in the good times, unlike in other countries, we were actually running budget surpluses and so were strictly adhering to the EU criteria.

**Deputy Kieran O'Donnell:** That was property related.

**Deputy Michael Mulcahy:** Whatever its cause, we were running surpluses. It has always been the intention of any Fianna Fáil-led Administration that we would adhere to that maximum 3% budget deficit requirement at all times.

I am very proud that the Government is committed to reducing our budget deficit to 3% by 2014. We have already taken several clear and decisive steps in various budgets and adjustments to public pay. I pay tribute to all those public servants who have recognised the need to make that adjustment in the national interest. We have taken these decisive steps on the roadway despite every possible block being put in our path by the Opposition parties in this Dáil. I have yet to hear from the Opposition parties a clear and unambiguous commitment to reducing our budget deficit to 3% by 2014 in clear and unequivocal terms. I do not believe they will make that commitment.

The leader of the Labour Party was happy to accuse the Taoiseach of treason. I would suggest that history will judge very harshly all those politicians who, for naked political gain, have impeded the Government in its very important work of reducing the public deficit and bringing our finance into balance. Perhaps it is some Members of the Opposition who should hold the mirror of patriotism up to their own faces and see if they can recognise a noble reflection in it.

**Deputy Ulick Burke:** I wish to share time with Deputy Breen.

**An Leas-Cheann Comhairle:** Is that agreed? Agreed.

**Deputy Ulick Burke:** We have been told on numerous occasions that the purpose of this rescue package for Greece is to stabilise the euro. The contributions by the 15 member states are headed by Germany with €22 billion, followed by Italy, France and the Netherlands with

€14 million, €16 million and €9 million. We realise that those major economies in Europe have seen it as essential to support the euro. Given that it is Greece that is in trouble, one wonders whether it would be the same for all other countries in Europe if any of them had fallen into this plight.

In page 16 of the Bill, item No. 14 states: “This Agreement and any non-contractual obligations arising out of or in connection with it shall be governed by and shall be construed in accordance with English law”. I find that strange on the basis that Britain is not a contributor because it is outside the eurozone, why is there this reference to English law?

Since the start of 2010 the Greek Government has shown its determination to address its fiscal difficulties through its three-year programme. One wonders how effective it can be when we see that it is a question of raising VAT to 21%, increasing taxes on alcohol, tobacco, petrol and diesel. A property tax is to be included and pensions are to be reformed. Most other countries in Europe have a far wider economic base than has Greece. What has it other than tourism? It has very little for export. Deputy Bruton made the contrast today in saying that while Ireland has many similarities and some of the same needs as has Greece regarding recovery, we have a very important export trade with other European countries and beyond. One wonders whether it will be possible for Greece with those efforts of reconstruction of the economy to extract itself from the difficulties in which it finds itself despite the fact that it is getting an enormous subvention of €80 billion over three years from the eurozone countries.

It is stated that the European Commission has imposed strict surveillance conditions on Greece for the first time. On many occasions the Bill provides for very interference by Europe — interference might be too strong a word. Repeatedly the EU, the Council of Ministers, the Commission or the ECB are all there on the sidelines. There is a series of watchdogs demanding serious input into the decisions made within the Greek economy. One wonders whether this is the first real establishment of the power of Europe, a power it has not had to date. This seems the first time it has the opportunity to flex its muscles and impose on member states its particular policies. I ask the Minister to comment on that.

The Minister and representatives of other governments have said that there will be a profit for the countries that have made these loans. They are bilateral loans on the one hand, while at the same time the governance is not between the lending state and the borrower. Europe is the dominant force. It needs explanation as to why it should be called bilateral.

The Bill provides that the Commission “shall open an account in the name of the Lenders with the ECB, to be used for processing all payments on behalf of the Lenders and the Borrower in the context of this Agreement”. The Commission has the power with regard to the lenders’ loans to the borrower. Will it have the same determination and power regarding the repayment of the loans? If there is default, what is the process then? I believe the Bill provides that the lender then goes after the borrower rather than the Commission, whereas in this instance it states, “The Commission shall open an account in the name of the Lenders with the ECB, to be used for processing all payments on behalf of the Lenders and the Borrower in the context of this Agreement.” Does the reverse apply when the repayments are being made?

We have reached various critical dates in early 2010, including on 25 March, in April, and on 4 May and 11 May. Tomorrow, 19 May, is the crucial day with the reception of the loans. The Bill states:

The rights of each Lender under or in connection with this Agreement shall be separate and independent rights and any debt arising under this Agreement to a Lender from the Borrower shall be a separate and independent debt. The Borrower shall not give priority to one Lender over the other Lenders.

[Deputy Ulick Burke.]

Surely as have said, there is an obligation on the Commission to move into that particular area and make a decision. Certainly no priority can be given to one rather than another. It is clear that with Germany providing €22 billion, it will have the first bite of the cherry.

In Ireland the Revenue always has first bite of the cherry in this regard.

Another issue I wish to bring to the Minister's attention concerns the scrutiny and surveillance by the Commission of activities in Greece. If we apply the same effort and endeavour to countries such as Ireland, Portugal and perhaps Spain, and if similar situations recur, there is a danger of a very serious adverse effect on the euro. Will the same degree of support continue within the EU?

We are talking essentially about the 15 members of the eurozone that are making contributions. Some member states, especially Britain, which has a huge deficit as we know from the very recent past, have not shown the same solidarity with the eurozone as have other countries that have their own currencies. One wonders therefore whether there is a two-tier Europe now because of the absence of support for Greece from these non-euro countries.

**Deputy Pat Breen:** I welcome the opportunity to contribute to this very important and topical Euro Area Loan Facility Bill 2010. The entire situation in Greece has dominated our television screens in recent months. There are very serious problems there and we have all seen the violence reported on television. Unfortunately, a number of people were killed as a result.

There has been much scaremongering in this House in recent days, with accusations of anti-European sentiments thrown across the floor at Fine Gael by Government Deputies when Deputy Enda Kenny and our finance spokesperson, Deputy Richard Bruton, raised legitimate questions regarding the future of Ireland's budgetary process. As a result of the bailout package agreed for Greece last week by the EU Finance Ministers it appears Ireland will have to have pre-clearance from the European Commission before a budget can even be discussed in this House. It is a sizable sum of money but Greece is in dire financial straits. We do not want a rollercoaster effect if Greece fails to live up to its budgetary commitments.

I reject the accusations from across the floor of the House. They are completely unjustified. It is a sad attempt by a very tired Government to deflect attention——

**Deputy Michael Ahern:** Here we go again.

**Deputy Pat Breen:** ——from the fact that the economy has been brought to its knees by the Minister of State's Government. I must say that. We are supporting this Bill and have every right to question budgetary procedures and the plans for greater EU scrutiny of our country's budget, as agreed last week. For years we have been demanding a radical overhaul and have sought greater transparency and a greater role for parliaments in the budgetary process. It is extremely important that Parliament has a role.

Nobody denies the doomsday scenario Greece is facing and the threat to the survival of the euro. Some years ago the European Commission celebrated the fact that the euro was one of the most successful currencies after being in place ten years. We are now in a very different scenario.

The €110 billion bailout agreed by the EU dwarfs any bailout ever witnessed for any other country. One might compare it to the IMF bailouts of Mexico and Argentina, of \$30 billion and \$8 billion, respectively, or that of South Korea, whose population was almost five times that of Greece, which received \$58 billion in a rescue package during the Asian financial crisis in 1997. That bailout was unprecedented in European terms and it anticipated the revelation

by the Greek Government which was elected last September that the country's deficits had been understated for a number of years by the previous Government. In other words, it had cooked the books and sent different figures to Brussels which put us in the situation we are in now. This drove the markets wild and many European countries became very concerned about their banking systems, fearing another collapse similar to what happened in Lehman's Bank in the United States some time ago. In particular, Germany had to cough up more than €22 billion for the loan to Greece. The German banks were saturated with Government bonds from Greece and it was that situation coupled with the fact that regional elections were taking place in the country which led to the reluctance on the part of the German Chancellor, Angela Merkel, to support the rescue package. Perhaps if Germany had acted sooner we might not be in this situation. However, that is politics and that is what happens when elections are coming up. There was a similar situation in the United Kingdom where hard decisions must be made now after the election.

It is important that Ireland shows solidarity for Greece. There is no doubt that the Irish taxpayer will have to pay a heavy price. The Minister stated today the money would be paid back but we are right to ask questions in this House. We must ask them on behalf of the taxpayer. That is why they elect us and that is why Deputies Kenny and Bruton asked those questions. Four billion euro was cut in last year's budget and further cuts are on the way, as we have heard from Ministers who have four weeks to come up with another €3 billion worth of spending cuts. Further tax increases are probably on the cards for 2011. As a result of last week's agreement front line services in health, education and social welfare are all expected to come under the spotlight again. Much pain has been inflicted already on the Irish taxpayer who has tolerated a lot already. Our situation is not the same as that in Greece but people are very angry. Last week there was a similar situation when the spotlight was put on old age pensioners. There are threats to cut the pension again and the situation is very uncertain for the future.

In spite of the Greek bailout the markets continue to be volatile and there is considerable uncertainty. When word filtered through of the bailout at the weekend there was an initial surge in response in the US and European stock markets. Attention quickly turned to the high level of sovereign debt and whether this would add to the debt load of already over-indebted European countries. The interest rate for the Irish Government's requirement to borrow from sovereign debt markets rose by 20 basic points, from 0.2% to 4.7% last week, the third highest rise in those markets in Europe after those for Greece and Portugal.

The austerity measures introduced in Greece and the bailout from European member states has done nothing to quell spectators, and government bonds traded in such small quantities, particularly in countries like Greece, Italy, Spain and Portugal, forced the European Central Bank to reverse a prior refusal and agree to purchase eurozone government bonds to help restore confidence in the market.

This shows how serious the position was, and some economists are worried that if the rescue package fails in calming the markets, European countries could end up footing a bill of €500 billion to save other countries. We need a strong euro and today we saw the currency hovering around its lowest level, at approximately \$1.22. We all know that a weak euro will have significant costs when we buy our barrels of oil in dollars. There will be a real effect on everybody at the petrol pumps.

Everybody agrees that saving Greece is important and it is vital that we show solidarity with our European counterparts. There is no doubt that, like here in Ireland, ordinary people in Athens, on the thousands of islands and throughout Greece will have to suffer real hardship if

[Deputy Pat Breen.]

the austerity measures are introduced. The EU governments must co-ordinate fiscal monetary policies, and Fine Gael agrees with such action.

I heard our spokesperson, Deputy Richard Bruton, arguing tonight that parliament participation is very important and must be a key element in these processes. Budgetary proposals should be scrutinised in this Parliament before any decisions are rubber-stamped at EU level. The Minister for Finance might clarify the position of this House, if any, in advance of agreeing budgets with the EU and what levels of scrutiny might be involved. Deputy Bruton said this evening that Ireland can correct the errors of the past but will not succeed if responsibility for the work is simply passed to others. More clarity is required on the implications of the agreement for the Irish taxpayer and I look forward to the response of the Minister tomorrow, as well as the contributions of others in this debate.

**Deputy John Cregan:** At the outset it would be wrong of me to say I welcome the Bill because all of us would prefer not to deal with such legislation. We are part of a team with European colleagues and there is a certain responsibility and onus to play our part at a very difficult time for many European countries, with Greece the focus tonight.

One would be forgiven for getting an impression from various commentators both within and outside the House that we are the only country in financial difficulty, although nothing could be further from the truth. We are one country of many throughout Europe and the developed world that has been hit very severely by a recession which has taken its toll. We are not unique in that sense. For the record, Fianna Fáil was not in power in any of the other countries; we were in power here but if there was a recession in Germany, the UK or the US, other governments were in power in those countries.

I am not for a moment arguing that we did not make mistakes because we did, without question. We should always own up to those mistakes and take responsibility for them.

**Deputy Kieran O'Donnell:** The Deputy's party has not quite got there.

**Deputy John Cregan:** It is very easy for any of us——

**Deputy Joe Costello:** Was the Deputy not advising those countries?

**Deputy John Cregan:** ——in the House and outside it to look back with the benefit of hindsight. Unfortunately, from time to time, Ministers from whatever parties they represent——

**Deputy Kieran O'Donnell:** The Deputy's party just happens to have been in power for the past 12 years.

**Deputy John Cregan:** ——have to make decisions——

**Deputy Michael Ahern:** What about ICI?

**Deputy John Cregan:** ——in Government.

**An Leas-Cheann Comhairle:** Members from all sides should allow the Deputy in possession to speak.

**Deputy John Cregan:** Those decisions are made in good faith with the best advice possible at any given time. From time to time such Ministers get it wrong.

**Deputy Kieran O'Donnell:** Is that an apology?

**Deputy John Cregan:** We should not have any difficulty admitting that. We should move on from the tired argument at this stage. When we made the tough decisions we were told they were wrong and would not get the country out of trouble. Now we have turned a corner and people are saying we are not doing so badly, we see a return to the old argument that this Government is responsible for the current economic position.

It is important to record that the Greeks obviously misled the European Commission and their colleagues in Europe, telling bare-faced lies. It is okay to argue that it was an election year but we had local elections last year, and our party and coalition partners faced up to very tough decisions prior to the election. Those decisions cost us many good people throughout the country who lost their seats not for their own sins, but the sins of their party in government, which was forced to make tough choices. We did not dodge the issue.

If we are to lay blame at the Taoiseach's door, and many people do, we should note that he has parked the Fianna Fáil Party and organisation, putting the focus instead on the country. He knows we must take tough decisions that will affect the party and have a negative effect that will lead to numerous percentage points being dropped in opinion polls.

**Deputy Kieran O'Donnell:** It sounds like an obituary.

**Deputy John Cregan:** To the Taoiseach's credit, and whatever is said or unsaid, history will be kind to Deputy Brian Cowen as Taoiseach and leader of my party for his bravery in putting his country first and not playing politics by looking at county council seats or gaining points in polls. He put his country first and history will be very kind to him for that reason.

We can consider many commentaries, particularly those in Europe and outside our country, which argue that Ireland has got it right. An editorial from 4 May in *The Irish Times* was headlined "Hopeful Indicators". It stated:

Count the number of ships using Dublin Bay and you get a fairly good impression of the overall health of the economy. Traffic there slowed dramatically in 2008 and 2009. But now, the good news is that trade is recovering at Dublin Port".

That is just one indicator and I could also quote Jean-Claude Trichet, who is a very well respected gentleman in his own field in Europe. He has said we got it right. Davy Stockbrokers have said the Irish economy is out of recession, and there is declining cross-Border shopping as competitiveness improves.

These are all positive indicators, although I am not saying for a moment we are out of the woods because we are not. A Member on the benches opposite correctly stated that we are facing into a very difficult budget again this year and we must make very difficult cuts. I admire the bravery of the Taoiseach and the Minister for Finance, Deputy Brian Lenihan, as well as other Ministers and colleagues on the backbenches. They have never flinched from their responsibility and have walked up these steps night after night, on the day of the budget and subsequent to the budget, to make tough decisions that were right for this country. We cannot be questioned on such actions. They are unpopular and our party is losing points in polls, which I accept, but we had little choice.

It has been mentioned that there are threats to the old age pension. I have the utmost confidence in the Minister for Social Protection, Deputy Éamon Ó Cuív, and the pensioners in this country can sleep easy in the knowledge that he is in that portfolio. That man has a fantastic tradition from his family background within our parliamentary party and he has a great feel for rural and elderly people in particular. I am sure he will do a good job.

[Deputy John Cregan.]

We do not need to be reminded of this issue by anybody else, as we have been very solid in our support for the elderly and vulnerable in our society. We have substantially increased the pension year on year for the past number of years, a fact of which I am proud. That cannot be taken from us. It will not always be dark at whatever hour of the evening it becomes dark at the moment; there will always be a better day. We should not curse the dark but light a candle instead. We should be positive and talk our country and economy up, which is very important.

I remember hearing two pensioners in conversation last year, with one saying the pension had been cut by €8. The other acknowledged that fact but said that if the IMF came in, they would not have €80 per week. That is a fair comment. We did not reach that stage. We tackled the issues in time.

We regret that we have arrived at this point. Peoples lives have become difficult. We make decisions on a weekly basis that have a direct impact on people's quality of life, but what we must discuss from now on is the creation of jobs and getting people back into the workplace. People have taken cuts in their pay, which has been difficult. Those who have received pay cuts, including every Deputy, must try to adjust their budgets accordingly. However, if someone is told on a Friday evening that his or her job is gone, having no wages the following week will be difficult. If that person's spouse or partner is told something similar the following week, it is also difficult. We would no longer be discussing pay cuts. Rather, we would be discussing the loss of a household's income, a serious situation for people to bear.

Many thousands of people have lost their jobs, but I always make the point that I do not accept the figure of 430,000 people unemployed. I am not saying the live register is lying, but when there was full employment, some 130,000 people were unemployed.

**Deputy Michael Ahern:** Signing on.

**Deputy John Cregan:** To achieve full employment, we needed to bring thousands of foreign nationals into our country to work in our service industries. For one reason or another, the 130,000 people signing on were not in a position to take up employment. As such, I always take 130,000 people away from the overall figure. I am not playing games, but being honest. While those people are considered to be signing on to the live register, they are not in a position to take up or are incapable of taking up employment, in many instances through no fault of their own. We should take this factor into account.

We must link the able-bodied people benefiting from the social welfare system with the provision of services locally, be it working for local authorities or supporting voluntary organisations. We must tie those people in. We must get them out of their beds and houses in the morning and into places of work. We must give them their dignity back and provide them with incomes. During the course of this year, the Minister, Deputy Ó Cuív, and the Government could do much with this capacity to put people back into the workplace.

As with all colleagues, I receive requests day after day from people who are trying to join community employment schemes. To them, the benefit is the restoration of their dignity and the ability to contribute to their communities. The more we do of this, the better. It is a step in the right direction. A CE scheme might not be permanent, full-time, pensionable employment, but it would take someone off the live register, give him or her a place of work and allow him or her to make a contribution to the local community and the country's economy.

Greece must make tough decisions. It does not deny that it told the European Commission lies. I understand that a part of the reason was that it was an election year. Why would the European Commission not be ultra careful in ensuring against a recurrence among the other member states? This is not just about Greece. Instead, it is about the European Community

and its further development and security. If people behave in the same manner as the Greeks, I am not surprised that the EU, which has put a rescue package for the Greek economy in place, wants to ensure proper policies are pursued. I have no difficulty in this regard.

We are the masters of our destiny. We will control it at all times. Next September, the Cabinet will agree a budget that will be introduced by the Minister for Finance in the House. The EU is not telling us it wants to see the detail of the budget. Rather, it wants to ensure we are making good on our commitment to the European Central Bank, ECB, and the EU. Last year, we committed to removing €4 billion from our economy. We did it. Our commitment this year is €3 billion. We will do it. I understand €1 billion in capital savings has already been identified, that there will be additional taxation and that further savings will be made across every spectrum. Any Minister who is asked about savings in his or her Department would be right not to rule anything out. It is the only way a Minister can operate. He or she must examine the Department's budget and then make a decision. I would have no difficulty with the Commission telling us that it wants to ensure we are honouring our commitments because I do not doubt we will do so. I have no reason to worry in this regard either, since it is not as if we are giving away our sovereignty or as if the Commission will tell us how to run our business. The Commission and our colleagues in Europe are paying the piper. For our benefit and that of every other member state, Europe must ensure the Greeks behave.

While we are making a contribution that we can ill afford and the National Treasury Management Agency will source funds of up to €1.3 billion in loans that Ireland will make available over three years, we will receive a repayment of interest. We got no return on previous bailouts that were made in this country over the years.

**Deputy Michael Ahern:** We put a 2% levy on the insurance subsidy.

**Deputy John Cregan:** I compliment the NTMA on a good morning's work.

**Deputy Michael Ahern:** Hear, hear.

**Deputy John Cregan:** It wanted to sell bonds valued at €1 billion and €1.5 billion this morning, but it was unsure how the sale would go. The full €1.5 billion in bonds were snapped up as soon as they went on offer. This says something about our economy. We have regained the respect of the financial markets and of the people who buy bonds. The NTMA has borrowed two thirds of the required funding for this year and has a further €20 billion tucked away. I admire the NTMA for what it has done, since the ability to do so is important. We are not looking for a bailout, but we must respect the fact that we are part of a team. We stand up and play our part admirably.

Given our economy, we are fortunate to be ahead of the posse. We took the tough decisions. Last week, our nearest neighbours in Britain were arguing. The outgoing Prime Minister argued that there should be no cuts this year while some of the incoming individuals argued that there should be cuts this year. If we had not cut when we did, we would have been putting off the inevitable. We have given the rest of Europe an example. On 11 May, *The Times* told its readers that if they were "deep in debt, the Irish can show you a way out". I did not write these headlines, but they are factual. What surprises me is that most favourable comment is coming from outside Ireland. I wonder why. As late as night, two economists were sitting on the same panel and the Leas-Cheann Comhairle was lucky to get a word in edgeways.

**Deputy Kieran O'Donnell:** What he did say was quality.

**Deputy John Cregan:** Absolutely.

**An Leas-Cheann Comhairle:** The Chair should not be drawn into the debate.

**Deputy John Cregan:** The economists were negative and talking us down. One remarked that since the foundation of the State, we had failed to put people into work. There are 1.8 million employed in this country.

**Deputy Michael Ahern:** There are 1.9 million in employment here.

**Deputy John Cregan:** People appear to miss that fact.

**Deputy Kieran O'Donnell:** There are 250,000 people on the live register.

**Deputy John Cregan:** We can believe the glass is half full or half empty. I have spoken already on the issue of the 430,000 people on the live register. I am saying now that there are 1.8 million people in this country in good employment, a fact which does not appear to be appreciated. One can say we blew the boom but we put 1 million people to work, decreased the national debt, increased the pension fund——

**Deputy Michael Ahern:** We built new roads.

**Deputy John Cregan:** ——and built new hospitals and schools. Before it is shouted from across the floor, we purchased electronic voting machines, which I fully accept. However, that is pretty minuscule in the overall context. As I said at the outset, Governments make mistakes. They are not infallible; they take the best advice at any given time and do not have the benefit of hindsight.

We must make tough decisions as did the British and the Greeks. Other countries will have to do likewise. We have made tough decisions. While we are far from being out of the woods, with co-operation and support from all sides, we can move forward and ensure we return to growth during the next couple of years.

**Deputy Joe Costello:** I wish to share my time with Deputy Morgan.

**An Leas-Cheann Comhairle:** Is that agreed? Agreed.

**Deputy Joe Costello:** I am glad to see Deputy Cregan is in fighting form and to learn that Fianna Fáil is not responsible for the Greek tragedy. While the Labour Party supports this Bill, it is legislation which should not have had to come before this House. The Bill commits us to support Greece up to €1.5 billion in loans on a bilateral basis. It is important we do this because Greece is currently in serious danger of defaulting on the first tranche of loans that are required to be paid by tomorrow. In that respect, some countries have already made their contribution to the fund. We require legislation to do so and so our loans cannot be given until the end of the month. I would like to hear from the Minister when replying when the first tranche is likely to be made.

While we would prefer not to have to do this, it is important to acknowledge the principle of what we are doing in solidarity with other members of the European Union. In many ways, this is what is at the heart of the European project, namely, solidarity between the member states of Europe who should seek to pursue peace and prosperity. That was the origins of the European project. Whatever else we say about what is happening now, this is a benchmark and an important moment with all countries in the eurozone coming together to bail out a member state that has fallen on hard times, harder than most. In many ways, Greece is the prodigal son because not alone did it misgovern its country, it told lies to the European Union and provided false statistics on its misgovernment. Whatever about Fianna Fáil misgoverning this country, in

so far as we can gather, it has not falsely informed the European Union of the statistics in that regard which means we would at least be able to address the issue as it stands. The Greeks went a step further than we did.

While this legislation is an urgent response, the situation can be traced back some time. The Taoiseach has during the past month been attending summits in Brussels on a fairly regular basis. Usually a summit is held once every quarter. However, the Taoiseach is away today, was away last week and will no doubt be abroad again before this economic crisis is dealt with. What I find quite unacceptable is that despite all this toing and froing to Europe by the Taoiseach he has not found time to brief this House on the discussions he has had with Heads of State in Europe in regard to Ireland's reason for supporting these measures. We are speaking here not about €1.3 billion but about the stabilisation mechanism which will require up to €7.22 billion, also committed to in principle at this time. These are large sums of taxpayers' money.

There was much debate in this House when we introduced the bank guarantee scheme and on recapitalisation of the banks. The biggest issue on the European plain is the Greek crisis, whether it will default, be forced out of the eurozone, what will be the future of the economic and monetary union if this happened and what would be the future of the European Union yet not once has the Government seen fit to come into this House or the Seanad and share with us its views or those expressed by other members states, in particular eurozone member states, on this issue, which is totally unacceptable. Parliament has a responsibility to hold Government accountable, as provided for in the Constitution, of which I am sure Deputy Mansergh is well aware. He also knows well that the Lisbon treaty places new requirements on every member state, irrespective of whether they have a constitution like ours, to hold their governments accountable for the decisions they make, yet we have not had the slightest opportunity to hold our Government to account. We are now pretty much faced with a *fait accompli*. This has been agreed by all countries, including Ireland. All that is required of us now is that we put our stamp on it. While I accept it is right that we put our stamp on it, this might not be the stamp we would put on it had we been consulted on the matter.

We are elected by the people to represent them in this House and to ensure that the Government, when it goes abroad, reflects in its decisions the views of this House. One cannot have a purely executive Government that operates on its own. I believe that this business shows a lack of respect for all things European and a lack of structures in both Houses for dealing with matters European. The manner in which the Executive behaves is totally contrary to the degree of integration that has taken place between the various states of the European Union, through various treaties since the Maastricht treaty in 1992. That is one of the fall-outs from this decision. It is hoped that the Taoiseach will, rather than expect us to quickly enact legislation within a day and a half, following which he will attend the next summit in Europe and sign up to what he wishes, address this House and keep us informed about what is going on. This is not how these matters can be addressed in the future. We will make bad decisions if this is what we continue to do.

Tonight is the first occasion on which we had an opportunity to discuss this matter. We will, as a Parliament, have to put our foot down to ensure this does not happen again in response to future crises. We understand that crises occur. Members should recall this started as €500 million euro before rising to €750 million and then to €1.3 billion. The legislation now refers to a maximum of €1.5 billion although, at the same time, the stabilisation mechanism will increase the figure further to €7.22 billion. Moreover, all this is happening at a time when we are tightening our own belt.

My concern is that the proposed measures are very harsh on Greece and others have questioned whether Greece has the requisite ability, given its narrow base. The main focus is on

[Deputy Joe Costello.]

taking money out of the economy by taking it out of people's pensions and payroll and by levying excise duties and VAT, all of which will greatly restrict the ability of the ordinary Greek citizen to make ends meet. The danger is that unless this is combined with a stimulus package to create jobs that will put money into their pockets and into the economy, we will be going down the wrong road.

I refer to the communication received recently from the Commission. Incidentally, the Commission does not appear to have recognised that it must now include all member state parliaments among the bodies to which it sends its communications. Neither this Parliament nor any other was included. The aforementioned communication appears to be going down the fiscal road solely, without consideration for the other requirements.

**Deputy Arthur Morgan:** I thank Deputy Costello and the Labour Party for sharing time. While in Barry McGuigan mode, I also thank the Minister and his officials for the briefing on this Bill last week, which I found to be useful. In addition, I regret my absence from the Chamber when the Minister for Finance made his contribution. I was caught in the Select Committee on Enterprise, Trade and Employment where I was moving amendments to a Bill in my name.

Were this Bill intended to fund essential public services in Greece for its people, I would have no problem with it. Were it aimed at providing a stimulus package to working people in Greece to try to build their way out of the economic mess, again I would have no problem with it because helping neighbours was part of the culture in which I, in common with many other Members, was reared. One always helped one's neighbour in times of need. That is not the purpose of this Bill. It is about bailing out international bondholders who are a very wealthy, elite group of people. To describe this measure as a way of helping neighbours in Greece is to mislead entirely the public and this House. This Bill is about the direct provision of funding to bondholders, the majority of which are German banks. If one opposes a bailout for bankers in Ireland, surely it similarly must be opposed at an international level. These bondholders operate within the market, which I always took to mean taking one's chances. Why is no risk or chance left to bondholders? Why must taxpayers and poor people in such economies pick up the tab when the market goes wrong for these people? Someone should provide Members with the answers.

As I noted, this primarily affects German banks. I was disappointed with the analysis of this situation by the Labour Party and Fine Gael as Opposition parties and their failure to perceive that it is just as problematic to bail out German bankers and others as it is to bail out Irish bankers. I consider it to be the same. This pertains to the market and, if it fails, that is the job they are in. There should not be an absolute guarantee for those in this wealthy club that ordinary people will carry the can for them at all times. This is completely unacceptable.

The perfect example in this regard took place in this State in the 2010 budget last December when the wrong option was taken. The Government was faced with a number of options in respect of how to build our way out of this recession. It took the wrong option because it opted for fleecing public servants, cutting pensioners' Christmas bonuses and all the rest that went with it instead of going the other way and building a stimulus package. It did so instead of introducing a wealth tax or borrowing some money from the National Pensions Reserve Fund to kick-start the economy. Sinn Féin's pre-budget submission, the Road to Recovery, outlined in a detailed and costed fashion how that option would work, and it is most unfortunate this did not happen.

It is demanded of Greece that its economy be hamstrung by pay cuts and job losses and that it should service a now increased level of debt. Deputy Costello was correct when he made a

similar point. Reducing incomes while increasing debt only enhances the risk of default and, hence, yields will continue to rise and the international bondholders again will have a field day. A crucial yet completely ignored point from Standard & Poor's when downgrading Greek and Portuguese debt was that the austerity measures have depressed activity and tax revenues. This is the complete opposite of what people should seek to achieve. One should seek to generate additional incomes and try to ensure people have sufficient funds to stimulate the economy and keep economic activity going. Instead, this Bill proposes the complete opposite and takes a slash and burn approach. While the latter phrase is a cliché, it is correct in this case. It is known that such measures are counter-productive because when budget deficits consequently increase, the rate of interest and so on rises and Government debt becomes more expensive. This is crazy.

The European Commission obviously is seeking to have a veto — I acknowledge it is called consultation at present but will, of course, end up as a veto — in respect of national budgets in the member states, which is completely wrong. Incidentally, Sinn Féin warned during the course of the Lisbon treaty debate that this is exactly what would happen. Moreover, the Lisbon treaty facilitated this taking place. I also seek an explanation from the Government on its exact attitude in respect of going to the European Commission and meeting other finance ministers of the eurozone states in particular to discuss the implications in this regard.

Members will have seen the substantial dip in the value of the euro but it certainly has not collapsed or anything like that. Arguably, a weaker euro constitutes a substantial economic advantage by virtue of the export opportunities it gives both to this State and throughout the eurozone. I acknowledge the European Central Bank has primary responsibility for the euro. It is most unfortunate that when evaluating from an Opposition perspective what is good for the Irish people and economy, Ireland's economy is approached in one way, but when it comes to dealing with Greece and this bailout for international bondholders, a completely different approach is taken. I hope this can be explained in the coming days.

One way to reduce the volume of financial transactions that are taking place as markets take advantage and attack the euro's position is the introduction of a tax on such financial transfers. The Tobin tax, which has been mooted many times, proposes the levying of a marginal percentage of a cost on financial transactions, which would eliminate the benefit to spectators in attacking the euro. I do not understand the reason this is not a central part of debate and discussion throughout the eurozone. I have not heard it being mooted substantially since the onset of this crisis, which is most unfortunate as it is a simple, low-cost and effective measure to prevent speculators from attacking currencies and the euro in particular in the manner that obtains at present.

Debate adjourned.

### **Adjournment Debate.**

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### **Home Help Services**

**Deputy Michael Ring:** I thank the Leas-Cheann Comhairle for selecting this issue for discussion. It is an important issue both nationally and locally.

I was appalled recently at a health board meeting when I was informed that in County Mayo, there will now be a review of home help hours. As soon as I heard that, I said to the officials that a review means there will be cuts. I have since read in the newspapers that they are now deciding how carers should look after someone, how much time they can spend with those they

[Deputy Michael Ring.]

look after and how while they are being asked to do an impossible job, they will be timed by the health services. We are not dealing with animals — we are dealing with people — and they cannot be timed.

How can a person in need of a home help be treated like this? This is the lowest blow this Government has struck since it came into office. There is no doubt the recent cutbacks have been hurtful and severe but this is the lowest of the low. I am surprised Fianna Fáil would do this to the most vulnerable in society, those who need help most.

I would not mind but home helps save the State a huge amount. If it was not for those who come into people's homes to give them a bit of support and backup, they would need to be in full-time care and would cost the State much more. Home help is the greatest scheme ever introduced. It has worked well but timing home helps — how fast they can get someone's breakfast and clean up their house — is inhuman. I am surprised any Minister, any Government or any politician of any party could stand over this and allow the HSE to do it.

I am saying to the Government tonight that this will be fought every step of the way. In my own county of Mayo, there is talk that they will take away 50,000 home help hours. We are a broad constituency, the third largest county in the country, with rural areas where people are very scattered. They depend on the home help service.

The person who contacted me is looked after by a home help who works beyond the call of duty. On one occasion, the home help came in when she was off duty. She gets tea for this person and painted the house and did not want to be paid for it; she wanted to help. The person, however, was delighted to have the home help hours.

This is an outrageous attack on the elderly and I am surprised the Government and the Fianna Fáil Party are letting this happen. I say shame on the Minister for Health and Children, because this is the lowest blow of all. I say to the HSE that surely to God there must be another way for it to make savings. It is not long since it was spending money in my county on conferences to make sure the budget for the year was spent. I say shame on them to the HSE and the Minister. They should stay away from the home helps, the old, the weak and the sick. If they must make cuts, they better make them somewhere else.

If the Government can find money for the banks and for everyone else, we must find it for the home helps because this is the greatest attack I have seen by Fianna Fáil and the Green Party on rural life, rural people and particularly the elderly. All I can say is shame on Fianna Fáil, it has gone to the lowest of the low.

**Minister of State at the Departments of Health and Children, Education and Skills and Justice, Equality and Law Reform (Deputy Barry Andrews):** I thank Deputy Ring for raising this issue as it provides me with an opportunity to update the House on Government policy on the home help service specifically, and community services generally, for older people.

The guiding principle of Government policy in this area is to support older people to live in dignity and independence in their own homes and communities for as long as possible. This is realised through a range of community-based supports such as home help, home care packages, meals-on-wheels and day and respite care.

The importance attached to these services is highlighted by the fact that between 2006 and 2010, over €200 million additional funding was provided to the HSE to develop such supports for older people. Without these initiatives, many older people would spend longer than necessary in acute hospitals, or would be admitted to residential care earlier than might be required.

Home care services are provided either directly by the HSE or in partnership with the community and voluntary sector, or by arrangement with private providers.

Despite the serious economic constraints experienced in recent times, we have continued to prioritise improving community services for older people. This is reflected in the €10 million additional funding provided in the last budget, to expand home care packages nationally. These packages often contain a significant home help component.

The HSE national service plan 2010, which was approved by the Minister for Health and Children last March, commits the executive to providing almost 12 million home help hours to over 54,000 people. With reference to the Deputy's question, the national target for 2010 for home help hours is unchanged from the 2009 figure. The HSE has, therefore, formally committed to delivering this year effectively the same number of home help hours as were provided in 2009. Any change to this commitment would have to be notified to the Department.

In addition to the mainstream home help provision, the current service plan is designed to deliver home care packages to around 9,600 people at any one time, or to some 13,000 clients over the course of the year. This represents an increase for this particular initiative over last year. The plan also provides for 21,300 day care places, which should facilitate an estimated 80,000 people.

Other important initiatives in relation to home care supports are also being undertaken at a strategic level. Arising from an evaluation of home care packages, commissioned by the Department of Health and Children and published in December last, the HSE established a task group to progress this year various improvements in home care provision, including the delivery of home care packages, the allocation of home help hours, and the procurement of home care services generally. The various guidelines now being prepared are intended to allow the HSE adopt a more standardised approach nationally to the provision of home care services, including home help. The draft guidelines will have to be considered by senior management in the HSE, and will be submitted to the Department of Health and Children for consideration.

The Health Service Executive has operational responsibility for the delivery of health and social services. The Deputy will appreciate that decisions in the area of home care have to be addressed in the light of the current economic and budgetary pressures. The executive has been asked to make a rigorous examination of how existing funding might be re-configured or re-allocated to ensure maximum service provision is achieved. This requires a stringent ongoing review of the application of the resources currently available.

Unfortunately, due to the current industrial action, 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 ended, I will endeavour to have the matter re-examined at that stage.

### **Children in Care**

**Deputy Alan Shatter:** I have already expressed in the House today my condolences to the family of Daniel McAnaspie on his tragic death and I repeat those condolences. It is particularly appalling that almost three months after he went missing, his remains were found in a ditch at the side of a field in County Meath. I am very conscious that a Garda murder investigation is under way and I do not want to say anything that could in any way prejudice that investigation. I hope, as no doubt do all other Members of the House, that those responsible for his appallingly violent death are brought to justice in the not too distant future.

[Deputy Alan Shatter.]

I met the family of Daniel McAnaspie shortly after he went missing and they were greatly concerned about him. They told me the story of his dealings with the HSE and their concerns about the manner in which he had been failed by the HSE. This was a troubled young man who suffered from dyslexia, who had learning difficulties and who was an orphan. He was in the care system and he was supposed to be properly provided for by the HSE. At various stages, his family did their best to be of help to him.

From the information I have, it is my understanding that having been in care, he returned to live with an aunt for a period of approximately two years. Having attended a special school, my information is that his movement out of care to reside with the aunt resulted in the place that had been available to him in the special school ceasing to be available. At a time when this child had particular needs, the lack of co-ordination between the HSE and the Department of Education and Science within the care services added to the difficulties of this family in caring for this troubled young man at home.

The HSE failed to provide the supports required. The HSE also failed to provide the special facilities needed to meet his very special needs. I am still not sure why that occurred. Clearly there were substantial failings. This is the second young person to have been murdered when under the care of the HSE, as far as we know. Melissa Mahon is another young person who was murdered while supposedly in care. It may well be that additional numbers of young people will be revealed to have died while in care when the group that the Minister appointed finally undertakes the work assigned to it and when it reports.

With regard to Daniel McAnaspie, I call on the Minister of State to ensure that there is a full independent inquiry into all of the dealings by the HSE with this tragic young man and his family. I also call on the Minister of State to appoint individuals entirely independent of the HSE to conduct such an inquiry without delay. I ask the Minister of State to ensure that such an inquiry is not delayed until the completion of the Garda investigation and the taking of any prosecution that may ensue from such investigation. There is no reason the inquiry should not commence at an early stage.

The inquiry should involve not just a review of the files and records of the HSE but should include interviews with social work personnel, care workers involved with this young man, and those in managerial positions in the HSE and the educational system who made decisions that impacted on the tragedy of this young man's life. That independent inquiry should also include interviews with members of Daniel McAnaspie's family, who can very articulately set out their concerns and worries.

I am fully conscious of the fact that along the route dealing with this tragic young man I am sure there were some dedicated social workers who did their best and tried to ensure the tragedy that has occurred would not occur. The particular concern I have is that despite everything we have learned in the past ten years, despite the publication of the reports into the deaths of Tracey Fay and David Foley — two reports which were sitting on the shelves of the HSE and in the Minister of State's office during the crucial year of Daniel McAnaspie's life immediately preceding his death — we were told lessons were learned from these reports. The lessons should have been learned 18 months, two years or maybe five years ago. Certainly, both reports——

**Acting Chairman (Deputy Jan O'Sullivan):** The Deputy's time has come to an end.

**Deputy Alan Shatter:** I will conclude with this point.

Both reports were well completed during the time that this young man was still alive when proper provision could have been made for him. I am sick of hearing the HSE say it will review what occurred to learn what went wrong. The truth is, and it seems to me, that over the past decade with all the tragedies that have resulted from the gross failures of our child care and protection services, no real lessons have been learned and nothing has changed. We need this independent investigation so the truth is known as to how this young man was dealt with and what went wrong. We in this House should then consider the radical changes necessary to ensure we put in place child protection structures that truly protect children.

The last thing I will say this evening in the restricted time I have is to ask the Minister of State to confirm to the House that before we get to the end of this week three people will be appointed to conduct the inquiry that is necessary and that the results of that inquiry will be fully published. I ask him to give serious consideration for the first time in the context of an inquiry of this nature to making it a public inquiry. Let us have full transparency and accountability for the manner in which our child care services are failing.

**Deputy Barry Andrews:** I welcome the opportunity to reply to this Adjournment matter. The tragic circumstances of the death of Daniel McAnaspie are particularly harrowing and all the more difficult for his family and friends. As Deputy Shatter mentioned, the case is the subject of a murder investigation being carried out by the Garda and therefore I am limited in what I can say about the specifics of the case.

Daniel was initially placed in the care of the HSE in 2003 and I understand that efforts were made since 2009 to stabilise his living environment. The boy went missing on 25 February 2010 and unfortunately his body was identified on 16 May 2010. The HSE has confirmed that Daniel's case will be reviewed in accordance with the recently published HIQA guidance for the HSE for the review of serious incidents including deaths of children in care.

The review will involve a full investigation into the care provided to Daniel McAnaspie and the circumstances leading up to his disappearance and death. Any concerns raised by family members, and other relevant parties, will be addressed in the course of the review, which will be conducted under an independent chairperson. The review into Daniel McAnaspie death will commence without delay, with a review team of three members, external to the HSE, drawn from a national review panel soon to be finalised. The primacy of the Garda investigation will need to be taken into account by the review group. It should be noted that I wrote to the HSE's assistant national director for children and families on March 25, when it was reported that the child was missing, requesting that a review under the HIQA guidance commence.

The HIQA guidance was produced in response a commitment in the Government's implementation plan following the publication of the Ryan report. I recently established the independent review group on child deaths. The group has been asked to examine existing information on deaths of children in care over the past ten years so as to validate the categorisation of those children who died from natural causes. The group is to examine existing reviews and reports completed by the HSE, or by others on behalf of the HSE, on children other than those who died from natural causes and based upon this information, provide an overall report for publication. The group's report will be laid before the Houses of the Oireachtas and published. The case of Daniel McAnaspie will be notified to the group.

The HSE is committed to a comprehensive review of Daniel's care to be undertaken in line with the guidance from HIQA so that any lessons can be learned in terms of the provision of services to young people in care. Deputy Shatter mentioned there may be more than 23 cases, which is the figure I mentioned in the Dáil earlier this year, and this is probably true. Part of

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this is associated with the widening of the ambit of the review to include those children notified to the child protection system but not in care as well as children who have already left the care system but are under the age of 21. This is not the only reason I dare say that the numbers may increase; it may also be due to poor record keeping on the part of the HSE. Nevertheless, this is a very challenging area and I believe the changes we introduced since the implementation plan following the Ryan report will bring transparency to this crucial area.

### **European Globalisation Fund**

**Deputy Mary O'Rourke:** I thank the Ceann Comhairle's office for permission to bring this matter to the floor of the House. This matter concerns employees of Alienware, which is in Athlone. It is a wholly-owned subsidiary of Dell, a fact I and the employees have ascertained. I understand a member of the Acting Chairman's party who is an MEP has been very helpful with regard to the European globalisation fund. A particular block of money was produced to deal with employees of Alienware. The employees wish to know how they can participate in the European globalisation fund awarded to Dell.

Alienware is slowly decreasing its employee numbers. Many have left and many others are to go. The entire exodus will be completed within a few months, which is a very sad event in the town. It was a small manufacturing company doing very good work and had a very good market.

As it is a wholly-owned subsidiary the employees cannot ascertain what is their position with regard to participation in the European globalisation fund. They cannot get any answers from Dell, even though Dell owns the company. They are listening to half-stories and stories so I thought the only way I could get clarification, if such clarification is evident in a matter such as this, was to bring it to the floor of the House so we would know exactly what is the situation.

**Deputy Barry Andrews:** I am taking this Adjournment matter on behalf of my colleague, the Tánaiste and Minister for Education and Skills, Deputy Coghlan.

I am aware of the redundancies last year and this year at the Alienware company which is located in Athlone. I understand that this company, which is an Irish limited company, is a subsidiary of the Dell Corporation, as Deputy O'Rourke has pointed out. The Department of Enterprise, Trade and Innovation received notification from Alienware on 1 April 2009 of an impending 57 redundancies at its plant in Athlone over an 18-month period.

It was clear from the notification and from subsequent inquiries made by officials of the Department at the time that, although linked to the Dell Corporation, the redundancies at Alienware were not directly linked to the 1,900 redundancies announced by Dell at its computer manufacturing facility in Raheen, County Limerick in January 2009. The subsequent application for European Union co-financing assistance made by Ireland under the European globalisation adjustment fund, EGF, was made specifically in regard to the Raheen redundancies.

Alienware is a distinct company and its business activity is in an area completely separate from that of the type of computer manufacture carried out at the Raheen plant. I understand that Alienware is involved in high-end computer gaming machines and systems. The rationale for the redundancies, as notified to the Department in April 2009 by the management, was one of infrastructural change to support the company's expansion and the streamlining of its operations by reducing costs to improve business efficiencies.

Strict criteria apply to the making of applications for co-financing assistance under the EGF regulation. The fund can provide supports where redundancies in a European Union member state result from trade related reasons. These reasons include delocalisation of production outside the European Union, a substantial increase of imports into the European Union or the rapid decline of the European Union share of the global market for a given sector. The EGF does not, however, provide supports in the case of a company restructuring or rationalisation such as that in the Alienware situation.

Applications must encompass a minimum number of 500 redundancies occurring within a four-month period in the case of a single enterprise fund. It is understood that Alienware was proposing up to 57 redundancies in a timeframe between April 2009 and October 2010. These criteria clearly militated against any application being pertinent to the case of the redundancies occurring at Alienware. Additional redundancies within the Dell company in other Irish locations have occurred since the redundancies at the Raheen plant which also were not eligible for EGF support.

Beyond the prescribed limits of EGF support, the Government continues to provide a wide and varied range of supports in terms of guidance, job search, upskilling, retraining, enterprise supports and educational opportunities for all redundant persons. These supports are delivered through the services of State agencies such as FÁS, the vocational education committees, Enterprise Ireland, the city and county enterprise boards and various educational institutions. The Government remains fully committed to upskilling the unemployed in order that they are successful in getting back into employment.

We are investing substantial resources in tackling our unemployment problem. This year more than €1 billion will be invested in the provision of a range of labour force measures. We are focusing our resources on a number of key cohorts of the unemployed which include the lower skilled, the long-term unemployed, those under 35 years of age, and those formerly employed in the manufacturing, construction and retail sectors. These cohorts have been prioritised as they are most likely to drift into very long-term unemployment.

In 2009 FÁS employment services, together with the local employment services, doubled their capacity. This means that the annual referral capacity under the national employment action plan rose from 78,000 persons in 2008 to 147,000 persons last year. The additional resources allocated by the Government to tackling the rising unemployment rate have also enabled the significant expansion of activation, training and work experience places. This year the total number of training and work experience activation places will be approximately 147,000 compared with the 66,000 places that were delivered in 2008 and the 130,000 places delivered last year. The bulk of this additional provision has been due to the increase in training places on short courses for the unemployed. FÁS now provides modular based training in order that participants can pick which modules they most require to improve their skills and increase their employability while maintaining a close link to the labour market.

Training courses are being delivered in innovative formats such as on-line, blended learning and night courses. In this way we are providing a range of delivery methods in addition to the traditional classroom approach, which enables more people access the services of FÁS. In addition to the places mentioned, Skillnets and FÁS will provide this year almost 10,400 training places for the unemployed or those on short-time working. Owing to the economic downturn, many individuals work for two or three days each week and receive social welfare payments for the days they do not work. Skillnets and FÁS provide training opportunities for these people. Individuals participating in these programmes can avail of training for the days they do not work while retaining their social welfare entitlements, subject to the normal social

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welfare rules applying. This means these individuals are able to use their reduced working week as an opportunity to upskill, thereby improving their employability.

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

The Government is acutely aware of the large numbers of people under 25 years of age who are unemployed. That is why the Government has decided this cohort will receive priority access to the State's supports for the unemployed, such as FÁS employment and training services. FÁS has been asked to make significant prioritisation of services for those under 25 years of age a key element in its provision in 2010. An initiative has been put in place to immediately activate 18 and 19 year olds instead of waiting the usual three months for this automatic activation.

The main specific provision for early school leavers continues to be training at community training centres and vocational education committees under the Youthreach programme. The Government is maintaining the 6,000 places available in this programme at a cost of approximately €110 million. Another important initiative which would be of particular relevance to this cohort is the work placement programme which has 2,000 places, of which 1,000 are for graduates. Participants on the programme gain work experience for a period of up to nine months and may retain their social welfare entitlements, subject to the normal social welfare rules applying. This work experience will significantly improve their chances of securing paid employment in future.

The Government has implemented a variety of measures which will support around 4,000 redundant apprentices to progress their apprenticeships. These measures include a new €4 million redundant apprentices placement scheme for up to 750 apprentices participating in on-the-job training at phases 3 and 5, agreeing with ESB Networks to take on 400 redundant apprentices at phases 5 and 7 over a period of 18 months, amending the rules for off-the-job training to facilitate redundant apprentices to progress their apprenticeship, and the provision by the institutes of technology of a programme for redundant apprentices which will provide them with a level 5 FETAC award which allows for access and transfer of credits to other post-apprenticeship programmes.

The education sector has been very proactive in responding to the need for increased offerings for the unemployed. This can clearly be seen in the significant increase in the number of back to education allowance recipients which has increased to more than 18,000, many of whom are participating in further and higher education programmes. In the further education sector this year an estimated 126,000 learners will benefit from part-time learning opportunities for the low skilled, the disadvantaged and the unemployed. A total of 40,000 learners will benefit from full-time further education opportunities under Youthreach, the vocational training opportunities scheme and the post-leaving certificate programme. These programmes are targeted at the unemployed or are specifically designed to enhance participants' employability.

There is clear evidence which shows that increasing numbers of people are choosing to pursue third and fourth level education. This is a welcome trend at a time of reduced opportunity for school leavers entering into the labour market. The total number of full-time enrolments in universities and institutes of technology is projected to be more than 140,000 for this academic year, an increase of 4.5% on the last academic year.

The Government has also created a €20 million labour market activation fund to support innovative proposals over and above mainstream provision for the unemployed. Several hundred proposals from the public, private, community and voluntary sectors are being assessed

and it is expected this fund will provide at least 3,500 training places this year. The activation fund targets the low skilled and those formerly employed in declining sectors such as the construction, retail and manufacturing sectors, with a particular focus on those aged under 35 and those unemployed for more than one year. Successful proposals will be those that can show they will provide the unemployed with skills that are in demand to enable them secure employment or to progress them on the pathway to employment.

The Government's core strategy in this area is one of creating jobs, supporting enterprises, protecting vulnerable jobs and providing the unemployed with upskilling opportunities to get them into employment as soon as possible. While EGF supports cannot be provided in the particular instance of the redundancies occurring at Alienware, I hope I have highlighted the wide range of alternative national supports which exist. I urge all those currently unemployed, including those at Alienware, to avail of these supports as appropriate. I thank the Deputy once again for raising this matter.

### **School Accommodation**

**Deputy Dan Neville:** I thank the Ceann Comhairle for giving me the opportunity to raise this very important issue in the parish of Herbertstown. On behalf of the board of management, principal and staff of Herbertstown national school I ask the Tánaiste and Minister for Education and Skills to sanction a devolved grant to enable the board of management to build an additional classroom, learning support room, general purpose room, staff room and office. This will enable the school to deal with the planned expansion in its number of pupils.

It is a rural school that was built in 1943. It has three classrooms and a prefabricated section which is 20 years old. It is divided into three sections. One is used by the day resource teacher, one by the learning support teacher and the other as a library and storage facility. While the boys have a cloakroom, the girls must use the corridor for their coats, sporting gear, bags, shoes and other personal effects because the original girls' cloakroom is used as an office. It has been converted to facilitate photocopying, filing cabinets and other office equipment. The room also stores art and crafts supplies, mathematics equipment and other teaching supports. It is unsuitable for storing confidential files and reports.

The school enrolment in September 2009 was 70 pupils. It has applications to enrol 82 pupils for September 2010. These numbers will entitle the school to an extra mainstream teacher for 2011. There are still more enrolment forms outstanding so it is possible that the extra mainstream teacher may be appointed in September 2010. As well as an increase in the pupils numbers, there is enrolment for a junior infant pupil with autism in September 2010. The school will apply, therefore, for a full-time support resource officer, which will create a need for a new staff room and toilet facilities to accommodate the extra staff. There is no accommodation for the new mainstream teacher or a full-time learning support resource teacher. The school has no indoor facilities for physical education for the children and, with the present emphasis on PE in the new curriculum, this is not acceptable and is unfair on the children.

I commend the board of management, principal and staff on their excellent educational facilities in the current conditions. Pressure will come with the expansion of numbers and needs of the school. Will the Tánaiste sanction a devolved grant to enable the board of management to build an additional classroom, learning support room, general purpose room, staff room and office? An adequate site is available on the school grounds to facilitate this development, so no site purchase is necessary. I urge the Minister to take our proposal seriously.

**Deputy Barry Andrews:** I am taking this matter on behalf of my colleague, the Tánaiste and Minister for Education and Skills, Deputy Coughlan. I thank the Deputy for giving me the opportunity to outline to the House the Government's strategy for capital investment in education projects and also to outline the current position on Herbertstown national school.

Modernising facilities in the existing building stock as well as the need to respond to emerging needs in areas of rapid population growth is a significant challenge. The Government has shown a consistent determination to improve the condition of school buildings and to ensure that the appropriate facilities are in place to enable the implementation of a broad and balanced curriculum. The Deputy will appreciate that the extent of the demand on the Department's capital budget is enormous, providing, as it does, accommodation for new communities, additional accommodation for extra teachers which the Government has put into the system and modernising existing schools. However, huge inroads have been made in addressing those needs.

The Deputy will also be aware that the allocation for school buildings in 2010 is approximately €579 million, which represents a significant investment in the school building and modernisation programme. This level of funding for the building programme, at a time of great pressure on public finances, is a sign of the very real commitment of the Government to investing in school infrastructure and will permit the continuation of progress in the overall improvement of school accommodation. However, the level of demand on the Department's resources is such that all projects cannot be carried out together. They will have to be carried out over time in a structured and coherent manner and that is the reasoning behind the Department's published prioritisation criteria.

Turning to Herbertstown national school in particular, the Deputy will be aware that this school's staffing complement comprises a principal, two mainstream teachers, one shared learning support teacher and one part-time resource teacher. As Deputy Neville pointed out, the school's current accommodation consists of three permanent classrooms and temporary accommodation which is used for resource teaching. The school made an application for additional accommodation, consisting of a classroom, learning support room, office, GP room, staff room and toilets. I am pleased to advise that the school was approved a devolved grant to build an additional two classrooms to meet the school's most immediate needs. The school was advised of that by letter on 7 May 2010.

I again thank the Deputy for raising the matter. I assure him that the Tánaiste is committed to meeting the needs of schools such as Herbertstown national school as resources allow.

The Dáil adjourned at 10.35 p.m. until 10.30 a.m. on Wednesday, 19 May 2010.

## Written Answers.

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**The following are questions tabled by Members for written response and the ministerial replies as received on the day from the Departments [unrevised].**

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*Questions Nos. 1 to 29, inclusive, resubmitted.*

*Questions Nos. 30 to 33, inclusive, answered orally.*

*Questions Nos. 34 to 39, inclusive, resubmitted.*

*Questions Nos. 40 to 47, inclusive, answered orally.*

### **Nursing Homes Support Scheme**

48. **Deputy Kieran O'Donnell** asked the Minister for Health and Children the number of applications received under the fair deal scheme to date; the number of applications that have been processed to date; the average time it takes to process an application; the number of applicants refused support through the fair deal; and if she will make a statement on the matter. [20294/10]

61. **Deputy Lucinda Creighton** asked the Minister for Health and Children the number of persons who have applied for the nursing home support scheme to date; the number who have applied for a nursing home loan under this scheme; and if she will make a statement on the matter. [20225/10]

128. **Deputy Liz McManus** asked the Minister for Health and Children if a review has been carried out of the administration of the financial assessment of persons applying for the nursing home fair deal scheme in view of the difficulties encountered by some hospitals in discharging patients who are ready for nursing home care but whose financial assessment has been delayed; and if she will make a statement on the matter. [20200/10]

**Minister of State at the Department of the Health and Children (Deputy Áine Brady):** I propose to take Questions Nos. 48, 61 and 128 together.

The Nursing Homes Support Scheme, *A Fair Deal*, commenced on the 27th October 2009. Its purpose is to equalise State support for public and private nursing home residents, and to offer assurance to one of the most vulnerable groups in society — those in need of long-term

[Deputy Áine Brady.]

nursing home care — that care will be affordable and will remain affordable for as long as they need it.

Under the *Nursing Homes Support Scheme Act 2009*, the HSE has statutory authority for administering the scheme. Applications are processed in accordance with the Act and the HSE's Guidelines on the Standardised Implementation of the Scheme which were approved by the Minister for Health and Children. This framework ensures a consistent approach across the HSE to the processing of applications.

Since the introduction of the scheme, the HSE has been dealing with a large volume of applications from both existing residents and new entrants. The HSE estimates that it has received over 9,000 applications and that it has processed over half of these to date. In addition over 1,400 applications for Ancillary State support have been received, of which over 600 have been completed. The HSE estimates that approximately 50 applications for State support have been refused on the basis that the applicant's assessed means exceeded the cost of care. Finally, the HSE informs me that an extremely small number of applications have been refused on the grounds that the applicant was assessed as not needing long-term nursing home care.

The normal timelines for processing applications and making a determination regarding financial support vary according to individual circumstances and complexities. It has taken longer than normal to process applications to date because of the large initial volume of applications received following the introduction of the new scheme. This should improve once the scheme has settled down.

However, I wish to emphasise that any delay in processing applications should not impact negatively on individuals due to the safeguards provided within the primary legislation.

The legislation provides that applicants 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 their subvention paid while their application is being processed. Once their application has been determined, the backdated State support will be netted off against the subvention already paid. In practice, what this means is that people will not be paid twice for the same care but will have State support under the new scheme paid from the 27th October 2009.

For new entrants to nursing home care after the 27th October 2009, financial support will be paid either from the date that the application was made or from date of admission to the nursing home, whichever is the later.

Unfortunately, due to the current industrial action, 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 Deputies 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.

### **Health Services**

49. **Deputy Joe Costello** asked the Minister for Health and Children her plans to develop a strategy on the diagnosis, treatment and care of people with Alzheimer's Disease; and if she will make a statement on the matter. [20189/10]

**Minister of State at the Department of the Health and Children (Deputy Áine Brady):** Dementia is a most distressing condition and presents a significant and growing challenge to health and social services. Alzheimer's disease represents about 70% of the cases of dementia.

People nowadays live longer and as a consequence are more likely to develop dementia or Alzheimer's disease. While dementia is not solely related to age, it does affect 5% of people over 65 years with the figure rising to 20% for people over 80 years of age.

Research and published work on dementia has outlined the complexity and range of issues involved in the effective management of dementia. This work also emphasises the need for co-ordinated, multi-layered and well-resourced services, which are responsive to the individual needs of people with dementia and of those who care for them.

Over the past number of years there has been continued development of community-based services for older persons. This is reflected in the unprecedented levels of investment in this sector — over €200 million additional funding has been provided for new service developments in recent years. These developments include community nursing, paramedical services, home help services and support to family carers. In tandem there have been significant developments, both nationally and internationally, in the diagnosis and treatment of dementia, and in the development of services to meet the needs of people with dementia and their families.

In recognition of the growing importance of these conditions, particularly in light of current demographic trends, the Department of Health and Children has started the process of developing a strategy on dementia that will support the delivery of long-term care services having regard to future demographic trends and the consequential increase in demand for long-term care.

The strategy will be developed on the basis of the best evidence available from national and international sources. We are now in discussions with relevant stakeholder groups on the first stage of the process. This will be a research phase to include relevant information on current prevalence and future trends in dementia, as well as international strategies and developments, including their outcomes and evaluations. Once this is completed and available my Department will use it as a framework to develop a national strategy.

### **Accident and Emergency Services**

50. **Deputy Seán Barrett** asked the Minister for Health and Children if she will provide details on the hospital accident and emergency units that will close or limit opening hours as a result of health service cutbacks; and if she will make a statement on the matter. [20236/10]

**Minister for Health and Children (Deputy Mary Harney):** Last year, the HSE dealt with nearly 1.2 million Emergency Department presentations and it expects to do the same again this year. About 70% of people who attended Emergency Departments last year were not admitted to hospital: they were treated and discharged. This year, the HSE is planning to increase the number who can be safely discharged home without admission to about 72%. This can be achieved by changing the way services are provided, including by providing quicker access to senior clinical decisions makers.

I am determined to move to a consultant provided, rather than a consultant led, service where consultants work on a team basis. As a result, and following agreement in 2008 on a new consultant contract, I have made it clear to the HSE that it needs to increase the number of consultants and reduce the number of NCHDs to achieve a more appropriate balance between both groups.

I am also determined to support the changes in NCHD training status and associated medical registration status being introduced by the Medical Council under the Medical Practitioners Act.

[Deputy Mary Harney.]

I have been advised that there are likely to be difficulties in filling some NCHD posts when doctors begin their next rotation in early July. The indications are that there will be a reduction in the number of applications for certain NCHD posts, especially in posts which are not part of a formal training rotation scheme and in the areas of emergency medicine, anaesthesia and general medicine. However, the extent of any shortfall will only become evident over the coming weeks.

It is because of the expected reductions in applications for some NCHD posts, and not because of any budgetary challenge, that the HSE is currently examining how best to maintain and improve the quality of services provided to patients attending Emergency Departments.

A range of possible measures are being examined including some relating to recruitment and training status. Other important measures include reductions in tiered on-call and improved cross-cover arrangements. Instead of cases being referred through successive tiers of doctors, we need to increase the extent to which consultants and other senior clinical decision makers respond to urgent or emergency cases.

Because we are serious about patient safety, we also have to ensure that complex acute care — particularly for emergency medicine, critical care and complex surgery — is provided in hospitals with a sufficiently high volume of activity to ensure the clinicians providing those services can maintain their skills. However, quality care also means accessible care and I am equally determined to ensure that the vast majority of people attending Emergency Departments, who require relatively straightforward levels of urgent care, can continue to receive this care locally.

The changes I have outlined are driven by concerns about patient safety, quality of care and financial sustainability, not by immediate budgetary issues. They are the right changes for patients — people want to access care as close to home as possible but also want to be sure they are getting safe high-quality care.

### **Hospital Waiting Lists**

51. **Deputy Dinny McGinley** asked the Minister for Health and Children if she is satisfied with the Health Service Executive collection and reporting of outpatient waiting lists; the action she will take to improve outpatient reporting and communication between hospitals and general practitioners on outpatient waiting lists; and if she will make a statement on the matter. [20284/10]

**Minister for Health and Children (Deputy Mary Harney):** The improvement of access to outpatient services, which are a key access point to the acute hospital system and involve over three million attendances annually, is a priority for the health service. It is essential that people are afforded timely access to outpatient services when they require them and that these services function effectively as part of an integrated acute hospital and primary care system.

The HSE is engaged in a number of measures to improve access to and the efficiency of outpatient services. The principal aims of the National Outpatient Department Service Improvement Programme are to:

- Increase the number of new patients seen
- Reduce the numbers who do not attend for scheduled appointments (DNAs)
- Reduce waiting times for patients and

- Ensure that all patients are seen within 30 minutes of their appointment time.

The HSE's 2010 National Service Plan contains performance targets for OPD services of a 1:2 new-to-return ratio and a non-attendance rate of not more than 10%. In its Service Plan, at my request, the HSE has also committed to work on the development of new indicators, in conjunction with National Treatment Purchase Fund (NTPF), to measure median waiting time from:

- GP referral to attendance at outpatient
- Outpatient attendance to admission where this is indicated, and
- GP referral to hospital admission.

Outpatient waiting list data is currently collected primarily at individual hospital level. The HSE is therefore working to develop a system which, on a national basis, will provide standardised and comparable national outpatient waiting list data by hospital and specialty. The availability of such information will facilitate clinicians and health service managers in further improving the performance of outpatient services.

### **Health Care Professionals.**

52. **Deputy Willie Penrose** asked the Minister for Health and Children if she will give urgent consideration to the wholesale emigration of newly qualified nurses and the loss to the Irish health service of such highly-trained young persons; if she will implement a scheme to keep at least some of them at home; and if she will make a statement on the matter. [20205/10]

**Minister for Health and Children (Deputy Mary Harney):** This year, the HSE is required to achieve a net reduction of 1,520 (or 1.4%) in its employment levels. Corresponding reductions will be required in 2011 and 2012 to achieve an overall reduction of 6,000 between March 2009 and December 2012. These reductions are an essential and unavoidable part of the measures being taken by the Government to address the gap between revenue and expenditure.

While there is provision in the HSE's Employment Control Framework for some exemptions and exceptions these are limited because of the need to achieve the required payroll savings. The alternative would be to reduce services in order to secure the necessary expenditure reductions which I assume the Deputy would not favour.

I recognise that the employment controls introduced by the Government will obviously impact on newly qualified nurses. However, the only way to ensure we have a sustainable health service in the future is to take firm action now to address the budgetary imbalance.

### **Care of the Elderly**

53. **Deputy Olivia Mitchell** asked the Minister for Health and Children if she will introduce legislation to regulate and inspect home care services; the estimated cost of regulating home care services; and if she will make a statement on the matter. [20289/10]

**Minister of State at the Department of the Health and Children (Deputy Áine Brady):** The key priorities in relation to services for older people in recent times have been the introduction of the Nursing Homes Support Scheme, and the bringing into force of new regulatory standards for the long-term residential care sector.

[Deputy Áine Brady.]

In tandem with these initiatives for the residential sector, various aspects of community based services have also been advanced by the Department and the HSE, including an expansion of Home Care Packages, and the publication in December last of an independent Evaluation of Home Care Packages commissioned by the Department.

As regards the possible regulation of home care services, the July 2008 Report of the Commission on Patient Safety and Quality Assurance recommended, *inter alia*, the extension of any licensing systems in health care to primary, community and continuing care service.

More recently, in July 2009 the Law Reform Commission published a consultation paper entitled “Legal Aspects of Carers”. This considers the legal issues surrounding home care and makes a number of provisional recommendations in the area of standards and regulations generally, including vetting, training and supervision. It also provisionally recommends giving a function to the Health Information and Quality Authority (HIQA) in relation to professional home care. Any such changes would require primary legislation and detailed stakeholder consultations.

The Department accepts the need for a more standardised approach to the regulation of home care generally, whether by public or private provision. This year the HSE intends to:

- finalise and circulate standardised access and operational guidelines for delivery of Home Care Packages;
- adopt and disseminate a voluntary code of *Quality Guidelines for Home Care Support Services for Older People*; and develop and publish a Procurement Framework for home care services.

The Department will also consider the Law Reform Commission’s recommendations in the context of possible changes to legislation and regulation in the area of home care for older persons generally.

### **Health Services**

54. **Deputy Bernard J. Durkan** asked the Minister for Health and Children the extent to which policy within the Health Service is shared, directed or dictated by or between her Department and the Health Service Executive; the degree to which any evaluation has been done as to the provision and delivery of the comprehensive range of health service in line with best practice throughout the EU; if she is concerned that the full range of services as originally intended are not being provided at many of the general hospitals throughout the country due to a combination of inadequate staffing levels, insufficient or inappropriately directed funding, repetitive, time-wasting and bureaucratic procedures, unclear responsibilities, job descriptions and management direction, the growth of which appears to be a massive bureaucracy that is not transparent, is not accountable and is hugely expensive and overloaded with management; if her attention has been drawn to the deep concern of many dedicated persons within the service who are dismayed at the degree to which services now fail to meet adequately, efficiently and cost effectively the health requirements of the public, particularly having regard to the extent of erosion in funding and delivery of services by the private sector resulting in costly duplication; and if she will make a statement on the matter. [20227/10]

**Minister for Health and Children (Deputy Mary Harney):** The annual HSE National Service Plan is the primary vehicle through which my Department monitors and evaluates the perform-

ance of the Executive to ensure that health services are delivered in accordance with Government policy. My Department is working collaboratively with the HSE to develop and refine performance measures across all service areas matched with timescales to ensure that they are as robust as possible and reflect key priorities and international best practice as well as being comparable both within the EU and further afield. My Department has an agreed monitoring framework with the HSE and receives detailed comprehensive monthly reports on all aspects of the National Service Plan. These Performance Reports are published on the HSE's website each month following approval by the HSE Board.

I approved the HSE National Service Plan 2010 on 5 February. In approving the Plan, I highlighted to the HSE the need to deliver, at a minimum, the levels of service set out in the Plan as well as operating within the limits of its Voted allocation of €14.069bn. The Government made a series of decisions that will reduce HSE costs this year by some €1bn, made up of pay savings of €630m and non-pay savings of €394m. The latter includes a target of €106m in non-pay economies to be saved by the HSE in 2010, including substantial procurement savings. I believe this is achievable without affecting client care.

The Plan commits the HSE to delivering activity levels for 2010 which are broadly in line with 2009 levels. Notwithstanding the difficult financial environment, the Government has made available additional resources to assist the HSE in responding to priority demographic and other needs and to support ongoing reform of the public health services. By reducing costs, and reforming the way services are provided, I am confident the HSE will maintain access to services and continue to improve health outcomes for the population.

Last month I received the second biannual report against the HSE Corporate Plan 2008-2011 which charts progress against desired medium and longer term objectives and priorities as set out in the Corporate Plan and implemented annually through the National Service Plan. This helps the Department and the HSE to track performance trends across the health sector and to inform future strategic and annual service planning.

I am determined to do everything possible to protect services for patients, within the resources we have available for health. To achieve this, staff at all levels will have to work together to deliver services in a more flexible way. Without that co-operation and flexibility, services for patients cannot be protected. It is not just for HSE management to protect services: there is a responsibility on everyone involved to deliver services within budget in new ways that will serve patient needs in accordance with international best practice.

### **Services for People with Disabilities**

55. **Deputy James Reilly** asked the Minister for Health and Children her views on reports that disability service providers in the West are struggling to provide basic services due to funding cuts; if her attention has been drawn to the fact that respite care will have to be cut, two community houses will have to be closed, three multidisciplinary posts cut and day services charged for and reduced from some persons; and if she will make a statement on the matter. [20302/10]

**Minister of State at the Department of Health and Children (Deputy John Moloney):** My Department and the Health Service Executive recognise the valuable contribution disability service providers make in the West. We are also very much aware of the challenges service providers are experiencing. In this context, it is very important that all providers work creatively and co-operatively with the HSE to ensure the maintenance of the maximum level of services within the funding resources available.

[Deputy John Moloney.]

I have been advised that in 2008 / 2009 there was an ongoing requirement on the HSE to review expenditure across all areas and to ensure that maximum efficiencies were achieved in service delivery. The HSE set targets for all statutory and non-statutory organisations to achieve efficiency targets in both years equal to 1% of their budgets in 2008 and 2% in 2009.

In the context of the general economic situation and the financial pressure on the disability service budgets in 2009, the HSE requested service providers to review all non-frontline expenditure, in particular staff travel, expenditure on conferences and seminars, advertising and ensuring maximum value from the procurement of goods and services. There was also a requirement on all providers to review the way in which services are delivered e.g. opportunities for amalgamating services or back office supports, reduction or elimination of expenditure on overtime and/or agency staffing.

In 2010 there is a requirement to achieve further efficiencies in disability services with the national objective of achieving a minimum of 2% efficiency savings from non frontline services.

To date, respite services throughout the West are being reviewed on an ongoing basis, and the majority of Local Health Offices have reported that services are being maintained. In all areas, Disability Managers are working closely with agencies to maintain respite at 2009 levels as far as possible, thereby ensuring that those with the most urgent need for respite services are prioritised.

The HSE is aware that a non-statutory service in Galway has proposals to close two houses as part of a planned reconfiguration of its residential services. This is in line with the current Disability Policy to relocate people to appropriate accommodation. This is an enhanced service and no current service users will be without a service in the future.

I have not received a report from the HSE about the necessity to cut multidisciplinary therapy posts in any of the Local Health Offices in the West, however I will ask the HSE to contact the Deputy directly on this issue.

With regard to charges for day services being implemented by non-statutory service providers, the HSE has no evidence that this is happening. However, the Brothers of Charity in Galway are exploring the option of introducing charges for day services but have not introduced such charges as yet. The HSE in Galway will monitor this situation.

There is no evidence to show that numbers attending day services have decreased in 2010. The HSE will make available additional funding as part of the €19.5m demography funding available nationally to provide additional capacity for new Day, Residential, Respite/PA/Home Support services. Of the €19.5m allocated nationally, a total of €4.57M has been allocated to develop disability services in the West. This will equate to 24 new residential places, 92 new day places and 32,200 home support hours.

The HSE has advised that it will continue to work in partnership with all of the agencies in the West, involving the managers of services where issues arise. This includes engagement regarding their requirements to maintain core service delivery. The HSE accepts that disability service providers in the West are struggling to manage the impact of the service efficiencies it is required to implement as outlined above. The HSE are confident that if services are examined, efficiencies and savings can be sustained without impacting on the provision of basic core services.

### **Health Service Systems**

56. **Deputy Joe McHugh** asked the Minister for Health and Children her views on reports

that the €60 million Health Service Executive Integrated Patient Management System which manages confidential patient records has been plagued by security flaws and operational problems; and if she will make a statement on the matter. [20287/10]

**Minister for Health and Children (Deputy Mary Harney):** The Health Service Executive's Integrated Patient Management System (IPMS) is currently in live operation in 26 hospitals and other community centres. The system successfully supports day-to-day patient administrative functions across all these locations as well as a range of clinical functions, which have yet to be more widely deployed. The HSE has confirmed that the system has proven to be operationally good and extremely reliable and has not suffered implementation difficulties beyond what would normally be expected in relation to any large complex IT system. It continues to be rolled out by the HSE in support of increased integration of services at regional level, which is a key aspect of health service reconfiguration. Regional deployments of the system continue to facilitate the sharing of patient records within each hospital group as an essential element of multi-site delivery of services.

I have been assured by the HSE that a recent media report claiming that IPMS has been plagued by security flaws and operational problems is completely without foundation. The report is understood to have been based on a number of HSE internal audits into the operation of IPMS, particularly at two of the HSE's hospitals. The audits did not uncover security deficiencies in the system itself, but did make some recommendations regarding improvements in management and operational procedures, which are being addressed by the HSE.

### Health Service Reviews

57. **Deputy Simon Coveney** asked the Minister for Health and Children the date by which the inquiry team set up by the Health Service Executive to investigate the non-reporting of nearly 58,000 X-rays and the failure to process thousands of general practitioner referral letters at Tallaght Hospital in Dublin 24 will complete their work; and if she will make a statement on the matter. [20250/10]

122. **Deputy Jack Wall** asked the Minister for Health and Children if she has received a final report on the unread X-rays and unopened general practitioner letters at Tallaght Hospital, Dublin 24; if investigations have been carried out in other hospitals to ensure that similar systems failure does not pertain elsewhere; and if she will make a statement on the matter. [20183/10]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 57 and 122 together.

I welcome the completion of the process of reading and reporting on x-rays that were previously not read by consultant radiologists at Tallaght Hospital and also the management of GP referral letters at the hospital. No further delayed diagnoses were found other than the two initially identified. I am satisfied that the hospital is continuing to address the issues that arose in a way that will enhance confidence in the Hospital and thus reassure patients and their families.

On the 9th March 2010, the CEO of the Health Service Executive instructed that a review be undertaken into the circumstances that led to, and the subsequent management by Tallaght Hospital of, delays in reporting radiological examinations at the Hospital during the years 2005 to 2009. The review is also examining the Hospital's management and processing of GP referral

[Deputy Mary Harney.]

letters. The CEO has specified that the Review would be chaired by a person independent of Tallaght Hospital and the HSE.

Dr. Maurice Hayes was announced as the Chair of the Review group on 18th March. The review team will prepare a report setting out the findings, conclusions and recommendations for submission to the HSE's National Director for Quality and Clinical Care, within 3 months of its first meeting, held on 23rd March.

The HSE has also been reviewing the situation regarding radiology reports in other hospitals, following the problems that emerged in Tallaght Hospital. It expects to complete its work in this regard within the next number of weeks

### **Cancer Screening Programme**

58. **Deputy Jack Wall** asked the Minister for Health and Children when colon cancer screening will be introduced; and if she will make a statement on the matter. [20220/10]

**Minister for Health and Children (Deputy Mary Harney):** I am pleased to confirm that the national colorectal cancer screening programme will commence in early 2012. A two-year preparatory period started in January 2010.

The National Cancer Screening Service (NCSS) has responsibility for the implementation of the screening programme and it is working closely with colleagues across the Health Service Executive on preparations for this.

Colorectal screening works on two fronts: it provides early detection and therefore earlier and more effective treatment, and it helps to prevent cancer in the first place by detecting pre-cancerous growths such as polyps.

The screening programme will initially be offered to men and women aged between 60 and 69 years. There are estimated to be just over 400,000 people in this age group. The programme will be extended to all those in the 55-74 year age group as logistics and resources allow.

As part of the two year pre-implementation phase for the programme, the NCSS is undertaking a series of baseline assessment visits nationwide to assess colonoscopy capacity in existing hospital services. Thirty public hospitals expressed an interest in providing colonoscopy services to support a national screening programme and all visits are due for completion by December 2010.

The NCSS is also currently finalising the job description, training and educational requirements for candidate Advanced Nurse Practitioners (ANP). It is intended that ANPs will ultimately be able to perform colonoscopies as part of the national screening programme.

Colorectal cancer is the second most commonly diagnosed cancer among both men and women in Ireland. Approximately 2,200 new cases are diagnosed and around 1,000 people die from the disease each year. A successful national colorectal cancer screening programme has the potential to significantly reduce mortality from this cancer.

I am pleased that work on this important initiative is continuing.

### **Hospital Staff**

59. **Deputy Denis Naughten** asked the Minister for Health and Children the position regarding staff discussions at Roscommon Hospital and Portiuncula Hospital, Ballinasloe, County Galway; her plans to change the management structure at these hospitals; and if she will make a statement on the matter. [19998/10]

119. **Deputy Denis Naughten** asked the Minister for Health and Children her plans to change the management structure at Roscommon Hospital, County Roscommon and Portiuncula Hospital, Ballinasloe, County Galway; and if she will make a statement on the matter. [19997/10]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 59 and 119 together.

The HSE plans to recruit a General Manager with responsibility for Galway University Hospital, Portiuncula Hospital and Roscommon County Hospital. The recruitment of a General Manager with responsibility for the three hospitals this is designed to improve good co-ordination between the hospitals and to improve clinical services for patients across the region. It is in line with the ongoing process of achieving greater collaboration between Roscommon and Portiuncula in the provision of services, for example, in the re-configuration of the surgical and anaesthetic departments of the two hospitals into a Joint Department of Surgery and Anaesthesia, which is underway.

The appointment of a General Manager with responsibility for the three hospitals concerned is also in line with the approach on the governance of acute hospitals recommended in the Health Information and Quality Authority's Report on Quality and Safety of Services at the Mid Western Regional Hospital Ennis, which was published in April 2009. This report identified integrated governance across hospital networks as an important factor in ensuring higher quality services for patients.

#### **Mental Health Services**

60. **Deputy Joanna Tuffy** asked the Minister for Health and Children the number of additional fully-staffed child and adolescent mental health teams that will be provided in 2010; and if she will make a statement on the matter. [20216/10]

**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.

*Question No. 61 answered with Question No. 48.*

#### **Hospitals Building Programme**

62. **Deputy Catherine Byrne** asked the Minister for Health and Children if building work has begun at any of the eight co-location sites in view of her plan to free up 1,000 public beds through the co-location plan; and if she will make a statement on the matter. [20242/10]

295. **Deputy Bernard J. Durkan** asked the Minister for Health and Children the full extent of the hospital co-location programme undertaken by her; the nature and extent of the costs incurred to date; the nature and extent of facilities provided thus far; the degree to which any such facilities are duplicated on adjoining sites; if this represents good value for money; the extent to which the Exchequer or private health insurance is being used in each sector in such situations; and if she will make a statement on the matter. [20732/10]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 62 and 295 together.

[Deputy Mary Harney.]

The Renewed Programme for Government re-affirms the Government's commitment to the current co-location programme.

Preferred bidders have been selected for six co-located projects at Beaumont, Cork University, Limerick Regional, St James's, Sligo and Waterford Regional Hospitals. Project agreements have been signed for the Beaumont, Cork, Limerick and St James's projects. Planning permission has been granted for the first three of these projects. Planning permission has been granted by the local authority for the St James's project but has been appealed to An Bord Pleanála. Two other projects are at earlier stages of the procurement process.

The co-location programme is a complex public procurement process. It is a matter for each successful bidder to arrange its finance under the terms of the relevant Project Agreement. The co-location initiative, like other major projects, has to deal with the changed funding environment. The HSE is continuing to work with the successful bidders to provide whatever assistance it can to help them advance the projects.

The HSE is required to undertake a rigorous value for money assessment of each co-location project. Projects, in order to proceed, must meet a value for money test which accords with a Public Sector Benchmark. This test is then verified by the National Development Finance Agency (NDFA) which acts as advisor to the Department of Health and Children. The HSE and NDFA have confirmed that the tenders received for the six projects where preferred bidders have been selected accorded with the Public Sector Benchmark. As they proceed, the projects must continue to demonstrate value for money.

There is a requirement on each of the preferred bidders to pay a non-refundable deposit to the HSE on the signing of the project agreement. The intention of this requirement is to allow the HSE to recoup the expenses that it has incurred in this context.

The Finance Act 2009 provides for the termination of the schemes of capital allowances for private hospitals and certain other health facilities, subject to transitional arrangements for projects already in development. Provided that a hospital project conforms to the requirements of these transitional arrangements, and otherwise satisfies the general requirements of the scheme of capital allowances, the tax relief will apply. This includes four of the co-location projects in respect of which planning permission had been approved by 31 December 2009, should they wish to arrange their financing on the basis of the capital allowances scheme.

No tax expenditure has been incurred so far and none will be incurred until construction is completed and services are opened. The value of the tax relief in each case will depend on the level of qualifying capital expenditure. I would add that additional revenues will accrue to the Exchequer from the extra activity generated by the construction of the hospitals, the employment arising and the related services provided on which taxes will be paid.

Arrangements with health insurers will be a matter for the private hospital in each instance.

### **Adoption Services**

63. **Deputy Michael D. Higgins** asked the Minister for Health and Children her plans to introduce tracing mechanisms for adopted persons by way of amendment to the Adoption Bill; if not, if and when she will introduce separate legislation for this purpose; if work has already commenced on the drafting of such amendments and legislation; and if she will make a statement on the matter. [20194/10]

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** The Adoption Bill, 2009, is designed to give force of law to the Hague Convention on the Protection of Children and Co-operation in Respect of Inter-country Adoption. The new legislation, which incorporates the provisions of the Hague Convention, is designed to provide a framework to ensure that appropriate procedures have been followed and that all adoptions are effected in the best interests of the child. Future intercountry adoption arrangements will be governed by the terms of the Adoption Bill 2009 when enacted.

Registration of domestic adoptions is governed by Section 22 of the Adoption Act 1952. Under that provision, an tArd Chlaraitheoir (Registrar General) is required to maintain a register of domestic adoptions (i.e. adoptions effected in Ireland, regardless of where the adopted person was born). The register is called the Adopted Children Register. An index to the register is maintained and can be searched by any person. Any person may obtain a copy of any entry in the register. The legislation also provides for an index linking the birth entry in the register of births (in the case of an Irish-born adopted person) with the entry in the Adopted Children Register. Information from this index may not be given to any person except by order of a court or the Adoption Board. The Adoption Bill 2009, which will consolidate existing adoption legislation, does not seek to make new proposals in this regard.

Since 2003, when an adoption legislation consultation paper was published by the then Minister for Children, two pieces of legislation were envisaged. The first to provide for the ratification of the Hague Convention on Intercountry Adoption and to make changes to the role and structure of the Adoption Board and the second to provide for a structured and regulated way of providing access to information and contact for those affected by adoption. I indicated during the Committee Stage of the Adoption Bill, 2009, at the Select Committee on Health and Children my intention to bring forward legislation specifically on the issue of information and tracing. The question of introducing these new legislative provisions is under consideration in the context of the complex legal, ethical and constitutional issues arising from the need to fairly balance the rights of all parties to the adoption process.

### **Health Policy**

64. **Deputy Willie Penrose** asked the Minister for Health and Children if her attention has been drawn to the self-care movement which has considerable political support in the UK and which has the potential to reduce the demand on general practitioners time and give the public more control over their own health; if she will examine the merit of these ideas in an Irish context; and if she will make a statement on the matter. [20202/10]

**Minister of State at the Department of the Health and Children (Deputy Áine Brady):** My Department has developed a national policy on chronic disease management. Central to our thinking and to the policy is the understanding of the importance of patients being educated and supported to participate fully in the management of their own conditions. Chronic illness can be managed best in this way. My Department with the HSE also recently developed a policy on service user involvement in the health services. The commitment to enable individuals and their families to contribute to the delivery of their own care is reinforced in this document.

### **Hospital Services**

65. **Deputy Pat Breen** asked the Minister for Health and Children if she will report on the future role and development of Ennis General Hospital, County Clare; if same will continue as an acute hospital; if she will report on the progress on commitments given to the hospital

[Deputy Pat Breen.]

prior to reconfiguration, namely, the development and timeframe for delivery of key infrastructure and provision of endoscopy, day surgery and geriatric services at the hospital; and if she will make a statement on the matter. [20221/10]

95. **Deputy Pat Breen** asked the Minister for Health and Children her views 12 months following the reconfiguration of services in the mid-west region; if she is satisfied that adequate resources have been put in place to support this reconfiguration; if she has any further plans for the development of the ambulance service in County Clare, particularly if she supports the concept of having a trained paramedic on-site at each ambulance station on a 24/7 basis; and if she will make a statement on the matter. [20222/10]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 65 and 95 together.

The HSE has made significant progress on reconfiguring acute hospital and related services in the Mid West region informed by the Teamwork/Horwath Report and the Health Information and Quality Authority Report on Ennis, which was published in April 2009. These Reports highlighted the need for changes to be made in the organisation and provision of acute hospital services across the Mid West region as they found services there to be too fragmented, to carry increased risks for patients and staff and to be unsustainable in their present form.

The reconfiguration of services in the Mid-West Region has involved the cessation of 24-hour Accident and Emergency services at Ennis and Nenagh and the transfer of all planned and emergency in-patient surgery from the two hospitals to Limerick Regional Hospital. Ambulance and Paramedic services in Clare and Tipperary have been enhanced. Ennis and Nenagh hospitals now provide an urgent care/minor injuries service for 12 hours a day as part of a regional Accident and Emergency structure. These hospitals also now undertake an expanded range of day case surgery and diagnostic work.

The HSE's draft capital plan is currently under consideration and details of capital projects will be made available when the plan has been approved.

### Parliamentary Questions

66. **Deputy John Deasy** asked the Minister for Health and Children the number of parliamentary questions received by her Department since the commencement of industrial action by employees; the number and percentage of questions that have not been answered due to industrial action by staff; and if she will make a statement on the matter. [20255/10]

94. **Deputy Jan O'Sullivan** asked the Minister for Health and Children if all parliamentary questions that have not been answered by her in recent months and for which Deputies have been invited to resubmit, are assumed to be resubmitted unless she is told to the contrary; and if she will answer them as soon as she is in a position to do so; and if she will make a statement on the matter. [20184/10]

237. **Deputy Chris Andrews** asked the Minister for Health and Children if the staff at the Health Service Executive Parliamentary Affairs Division intends to clear the backlog when they cease their industrial action; if questions raised over the past few months will be answered in due course; if Deputies' staff have to duplicate their work and raise the questions a second time. [20063/10]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 66, 94 and 237 together.

A total of 1083 Parliamentary Questions were taken by my Department during the period from 3rd March 2010 to 13th May 2010. Of these, 767 (71%) have not been answered due to industrial action by certain staff both within my Department and in the Health Service Executive.

Responding to the information needs of the Oireachtas is a priority for my Department and I very much regret that in recent months it has not been possible to provide a substantive response to many Parliamentary Questions due to industrial action. All Parliamentary Questions affected by the action have been answered by my Department to the effect that the industrial dispute has prevented the supply of substantive answers, and Deputies have been consistently advised to raise the question again in due course should the matter remain of ongoing concern. This approach was designed to prevent a backlog of questions building up, particularly as a significant proportion of the questions related to cases where the information being sought by the Deputy through the Parliamentary process might, in the circumstances, be obtained by alternative means.

The Department of Health and Children will handle in the region of 6,000 Parliamentary Questions this year, approximately half of which will be referred to the Health Service Executive, either for the provision of information to the Department or for direct reply to the Deputy. A considerable proportion of these will concern personal inquiries on behalf of individuals seeking services from the HSE. In such cases, the information can also be obtained by addressing the inquiry directly to the relevant service area of the Executive, and where members of the public do so on their own behalf, their inquiries are not affected by the current dispute.

I fully appreciate the frustration of Deputies who are currently unable to obtain information through the usual Parliamentary channels. While alternative access is available for individual cases, Deputies may wish to resubmit, on resolution of the dispute, any questions in respect of wider service, operational and policy issues that have not been answered and are still a cause of concern. My Department and the Parliamentary Affairs Division of the Executive will, when the current industrial action is resolved, continue to assist Deputies as before.

### **Health Services**

67. **Deputy Lucinda Creighton** asked the Minister for Health and Children if she will commission a report into the long-term health effects of the withdrawal of the dental and optical benefit schemes; and if she will make a statement on the matter. [20226/10]

279. **Deputy Joe McHugh** asked the Minister for Health and Children if she will explain the alteration in legislation that has brought about the situation whereby PRSI does not cover dental treatment and medical cards; her views on whether PRSI should cover dental treatment and medical cards; and if she will make a statement on the matter. [20544/10]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 67 and 279 together.

Responsibility for the Treatment Benefit Scheme, which provides dental, optical and aural services to insured people, rests with my colleague, the Minister for Social Protection. I have no plans to commission a report as suggested.

### Hospital Staff

68. **Deputy Charles Flanagan** asked the Minister for Health and Children the number of unfilled non-consultant hospital doctor posts in hospitals here; if her attention has been drawn to the fact that Irish hospitals face a shortage of doctors because new visa arrangements are discouraging non-EU doctors from coming here; if she will make changes to the visa requirements to address these concerns; and if she will make a statement on the matter. [20265/10]

77. **Deputy Kathleen Lynch** asked the Minister for Health and Children the action she will take to ensure that there is an adequate number of non-consultant hospital doctors from July 2010 onwards in order to provide safe care to patients; and if she will make a statement on the matter. [20198/10]

79. **Deputy Tom Sheahan** asked the Minister for Health and Children the arrangements that will be in place when non-consultant hospital doctors change job on 1 July 2010; the impact of the European Working Time Directive on NCHDs and services offered; and if she will make a statement on the matter. [20304/10]

88. **Deputy Kathleen Lynch** asked the Minister for Health and Children the discussions she has had with the Department of Justice, Equality and Law Reform and with the Department of Foreign Affairs to address the difficulty of non-EU doctors having to have their visas renewed every six months if they are transferring between hospitals in view of the fact that this is causing problems in the recruitment of non-consultant hospital doctors; her plans to address same; and if she will make a statement on the matter. [20197/10]

278. **Deputy Brendan Howlin** asked the Minister for Health and Children if her attention has been drawn to the difficulties in filling vacancies at non-consultant hospital doctor level within the Health Service Executive hospitals; if she has had discussions with the Department of Enterprise, Trade and Innovation regarding work permit or green card limitations imposed after the passing of the Employment Permits Act 2006; and if she will make a statement on the matter. [20506/10]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 68, 77, 79, 88 and 278 together.

The Health Service Executive (HSE), which has responsibility for determining the composition of its staffing complement, is anticipating that there may be some difficulties in the filling of Non-Consultant Hospital Doctor (NCHD) posts in July when doctors begin their new training rotation. Initial reports from the HSE indicate reductions in applications for these posts, especially in emergency medicine, anaesthesia, general medicine and in smaller hospitals. A range of proposals to address the situation, if there is a significant number of unfilled posts, are currently being worked on by the HSE.

A number of factors determine the extent to which the HSE can fill the full cohort of NCHD posts:

- the legal requirement under the Medical Practitioners Act — reflected in the NCHD Contract 2010 — to employ NCHDs in line with their training or non-training status and related medical registration status;
- reductions in the levels of overtime available arising from the implementation of the European Working Time Directive;

- and the ability of the HSE and HSE-funded agencies to compete in the international recruitment market for NCHDs.

I have asked the Executive to respond directly to the Deputy in relation to the number of unfilled Non-Consultant Hospital Doctor posts in hospitals. The HSE and the Government are determined that patients will continue to have hospital services that are accessible and responsive to their medical needs.

With regard to the impact of the European Working Time Directive on services, attainment of compliance is good for patient safety. It is agreed that it serves no good purpose to have overstretched, over-tired junior doctors treating patients. The use of excessive levels of overtime is not in patients' best interests.

In relation to attracting doctors from outside the EEA, concerns have been expressed that the current visa and work permit obligations for non-EEA doctors may be hindering recruitment. Discussions are in train between my Department, the Department of Justice, Equality and Law Reform, the Department of Enterprise, Trade and Innovation and the HSE. The objective is to provide a framework that facilitates the entry of non-EEA doctors while ensuring effective and appropriate visa and work permit arrangements are in place. My Department has been advised that visas are now being issued for 12 months duration and they can be renewed annually at a local Garda Station.

### **Hospital Accommodation**

69. **Deputy Aengus Ó Snodaigh** asked the Minister for Health and Children if she will make a statement on the closure of 52 beds in Beaumont Hospital, Dublin 9. [19996/10]

70. **Deputy James Bannon** asked the Minister for Health and Children her views on the impact the closure of 52 beds in Beaumont Hospital, Dublin 9, will have on patient care; the consequences that this will have for her and the Health Service Executive plans to move from inpatient to day case treatment; and if she will make a statement on the matter. [20234/10]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 69 and 70 together.

I have been assured that Beaumont Hospital will meet its service plan targets for 2010. These involve treating the same number of patients this year as last but with less reliance on inpatient stays. In turn this will involve reducing inappropriate hospital admissions, more same day of surgery admissions, more day care cases, earlier discharges and reductions in waiting times for elective surgery.

The planned changes announced by Beaumont are designed to allow it deliver its service plan targets while remaining within budget. For example, the increase in day case activity and the reduction in beds occupied by long-stay patients means the hospital can treat the same number of patients as previously with less in-patient beds. Beaumont has also assured my Department that neurosurgery, transplantation and cancer services will not be affected by the changes.

Treating people in more efficient and effective ways like this, with no reduction in access to appropriate services, is obviously the right thing to do given the very difficult financial position facing the Exchequer. However, it is also the right thing for patients — people want to access quality care as quickly as possible and be allowed go home as soon as possible. It is also the way health services around the world are moving.

[Deputy Mary Harney.]

There are constant calls inside and outside this House for a more efficient public service, changes in work practices and greater productivity. Despite this, we still hear opposition to such changes with the focus being put instead on issues like the number of in-patient beds rather than the number of patients being treated, and the achievement of best outcomes for patients.

Reforming the way services are provided, reducing costs and maintaining a clear focus on patient safety will allow us to treat people in more effective ways and protect access to appropriate services. I want to make it clear to this House that the implementation by Beaumont Hospital, and other hospitals, of this type of patient-centred reform will have my full support.

### **Hospital Staff**

71. **Deputy Phil Hogan** asked the Minister for Health and Children the details of the audit of the work of a consultant radiologist in the north east who has been placed on clinical leave; the number of patients' files that will be included in the audit; the period to which the audit will apply; if there will be a look back review of the consultant's practice; and if she will make a statement on the matter. [20275/10]

**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.

### **General Medical Services Scheme**

72. **Deputy Eamon Gilmore** asked the Minister for Health and Children the progress made to date on replacement of branded drugs with their generic counterparts in order to save money; if she will ensure that the cases made for the exclusion of certain drugs from the scheme because they are more effective than the generic will be examined by experts and fairly considered; and if she will make a statement on the matter. [20192/10]

92. **Deputy Andrew Doyle** asked the Minister for Health and Children the position regarding her plans to introduce reference pricing; the amount that will be saved from the introduction of reference pricing; her views on whether some categories of medicines are not suitable for substitution; and if she will make a statement on the matter. [20258/10]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 72 and 92 together.

The Government has decided to introduce a system of reference pricing combined with generic substitution under the GMS and community drugs schemes. This will promote price competition and deliver ongoing savings for both the State and for patients. Achieving greater value for money in this area of expenditure will ensure that patients can continue to access innovative and affordable medicines.

A working group, made up of officials and healthcare professionals from my Department and the HSE, has set out a proposed model for the implementation of this initiative. I received the report of this working group last week and it shall be published on my Department's website shortly. I expect to see significant progress on the recommendations of the report in 2010, including the identification of legislative and administrative changes required to give effect to them, where appropriate, in 2011.

There are some categories of medicines that are not suitable for substitution. In addition, there are also certain circumstances where an individual patient should receive a particular product. With a system of generic substitution, it is important that all decisions about the interchangeability of medicines are evidence-based and take into account best practice elsewhere. A key recommendation of the report is that an expert group should provide guidance on this matter.

### **Hospital Accommodation**

73. **Deputy Joe Carey** asked the Minister for Health and Children the number of beds closed to date in view of the Health Service Executive plans to close 1,100 inpatient hospital beds in 2010; the hospitals affected by these closures; her views on the impact that this will have on patients' services; and if she will make a statement on the matter. [20245/10]

91. **Deputy Olwyn Enright** asked the Minister for Health and Children the number of hospital beds closed nationally at the most recent date on which information is available; the reason these beds are closed; the details of the Health Service Executive plans to close an additional 1,100 inpatient hospital beds in 2010; the location of these beds; her views on the impact that this will have on patient services; and if she will make a statement on the matter. [20263/10]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 73 and 91 together.

The most recent information on bed closures in the acute hospital system refers to the week ended 17 January 2010. At that time, 689 inpatient beds and 37 day beds were closed for reasons of cost-containment, infection control, refurbishment and seasonal closure of facilities.

While public debate tends to focus on bed numbers, it is much more meaningful to measure the actual number of patients treated. In 2009, the combined number of inpatient and day case discharges was 3% greater than the equivalent figure in 2008, despite the difficult situation in relation to resources.

The preparation of the HSE's 2010 National Service Plan, which I approved on 5 February, maintains the focus on increased efficiency and targets broadly the same level of overall hospital activity as in 2009. This involves a shift from in-patient to day cases, a reduction in emergency admissions and a further increase in day cases.

While there is no proposal in the Service Plan to close a specific number of beds, the reduction in in-patient treatments will mean that less capacity will be required in this area during 2010. The exact number of beds available at any one time will fluctuate depending on such factors as planned activity levels, maintenance and refurbishment requirements and staff leave arrangements. Beds may also be closed from time to time in order to control expenditure, given the need for every hospital to operate within its allotted budget for the year.

Meeting the agreed efficiency targets will require increased access to the specialist skills and senior clinical decision-making available in Medical Assessment Units, to diagnostics and to other ambulatory care services. The HSE will also focus on minimising length of stay, with a particular focus on reducing the current variation across different hospitals for similar procedures. It will also work to increase same day of surgery admission and to protect inpatient beds for elective surgery in order to reduce waiting times.

[Deputy Mary Harney.]

By reforming the manner in which services are provided, I am confident that the HSE can deliver the volumes of service provided for in the plan, while at the same time continuing to improve service quality and patient outcomes.

### **Health Insurance Providers**

74. **Deputy Paul Kehoe** asked the Minister for Health and Children if the VHI fulfilled its legal obligation to achieve solvency by the end of March 2010; if the EU Competition Commissioner has contacted her concerning possible legal action and sanctions if the VHI does not meet the requirements of the Financial Regulator regarding appropriate levels of solvency; and if she will make a statement on the matter. [20277/10]

**Minister for Health and Children (Deputy Mary Harney):** Arising from a derogation under the Non-Life Insurance Directives, VHI continues to be exempt from prudential solvency requirements. The Voluntary Health Insurance (Amendment) Act 2008 provided for the VHI to acquire sufficient funding in terms of its capital reserves to enable it to make an application to the Financial Regulator for authorisation. The date originally fixed by that Act was 31 December 2008, but this was subject to the right of the Minister to appoint a later date by Order, if satisfied that there is good and sufficient reason for so doing. At the time the original date was fixed, the Supreme Court had not yet ruled in relation to the risk equalisation scheme, which it struck down in July 2008. Since then I have extended the date by which the VHI must accrue the necessary reserves on five occasions. The date is now 1 January 2012. However, it remains my firm conviction that VHI should be properly authorised and that the derogation should be lifted.

The EU Commission has commenced proceedings against the State in the European Court of Justice regarding the VHI's derogation. The State has forwarded a comprehensive written defence to the Court. The matter of sanctions would only arise in the event of an adverse judgment if nothing was then done to ameliorate the situation and further proceedings were then brought to seek financial penalties against the State.

The capital position and authorisation of the VHI are only two of many inter-related and complex issues that need to be resolved in order to achieve a stable community-rated private health insurance market.

I have been examining the broad range of issues involved with my officials, expert advisers and the Health Insurance Authority. The matter has also been considered by the Government on a number of occasions since the Supreme Court Judgement. I will make a full statement at the appropriate time on the measures required to support the Government's key policy goal of a community-rated health insurance market.

### **Hospital Services**

75. **Deputy Damien English** asked the Minister for Health and Children the number of operations cancelled to date in 2010; and if she will make a statement on the matter. [20260/10]

**Minister for Health and Children (Deputy Mary Harney):** I am conscious that the cancellation of a hospital procedure can be inconvenient and stressful for both patients and their families. Every effort is made to avoid cancellations where possible.

Unfortunately cancellations are a feature of hospital systems, in Ireland and internationally because priority must be given to emergency cases and patients in urgent need. It is important

to point out that all cancelled procedures are rescheduled. While data is not comprehensive the level of cancellations in the Irish public system appears to be broadly in line with other hospital systems internationally. In 2009, for example, it is estimated that cancellations accounted for about 1.4% of all in-patient and day case activity.

It should be noted not all cancellations are as a result of hospital capacity or availability. Cancellations also occur for clinical reasons, where a patient may not be deemed fit for surgery on a given day by the clinician. For example, the pre-admission assessment might indicate postponing a procedure for clinical reasons such as weight, immune system or blood pressure.

While it is unfortunate that any patient would have a procedure cancelled, patients waiting over three months can be referred to the National Treatment Purchase Fund (NTPF). The HSE works with the NTPF to ensure that, where appropriate, patients can avail of treatment under this scheme.

In 2010, the HSE is focusing on improving the efficiency of acute hospital services by shifting to day case care where appropriate and by seeking performance improvements such as surgery on the day of admission and reducing inappropriate lengths of stay. There will be a particular focus on reducing the variance between different hospitals for similar procedures. By reducing costs and reforming the way services are provided, I am confident the HSE will maintain access to services and continue to improve health outcomes for the population.

### **Care of the Elderly**

76. **Deputy Arthur Morgan** asked the Minister for Health and Children the policy and procedures in place to ensure that Health Service Executive facilities for older persons are upgraded, when so required by the Health Information and Quality Authority, in such a manner as to cause minimum disruption to residents; and if she will make a statement on the matter. [19995/10]

**Minister of State at the Department of the Health and Children (Deputy Áine Brady):** I regret that due to industrial action I am not in a position to provide a substantive response to your Parliamentary Question. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

*Question No. 77 answered with Question No. 68.*

### **Suicide Prevention**

78. **Deputy Emmet Stagg** asked the Minister for Health and Children the provisions she is making to improve direct access to services that are not simply based on medication but allow for talking therapies in view of the statistical data that indicates that there is a higher likelihood of suicide and attempted suicide during times of economic hardships; the progress that has been made to date on the specific proposals in Vision for Change that address issues around suicide; and if she will make a statement on the matter. [20215/10]

**Minister of State at the Department of Health and Children (Deputy John Moloney):** 'A Vision for Change' outlines a comprehensive model for mental health service provision for Ireland. It describes a framework for building and fostering positive mental health across the entire community and for providing accessible, community-based, specialist services for people with mental illness. 'Reach Out' provides a policy framework for suicide prevention activities in Ireland. The strategy calls for a multi-sectoral approach to the prevention of suicidal behav-

[Deputy John Moloney.]

our in order to foster cooperation between health, education, community, voluntary and private sector agencies. Implementation of these Strategies are a matter for the HSE.

Initiatives which have been progressed by the HSE's National Office for Suicide Prevention (NOSP) include developing and implementing national training programmes; the development of a training strategy under the direction of a Training and Development Officer; progressing the availability of self-harm services through Hospital Emergency departments; implementing recommendations arising from a review of bereavement services; dedicated suicide resource officers; the provision of funding to the National Suicide Research Foundation (NSRF); supporting voluntary organisations working in the field of suicide prevention and developing mental health awareness campaigns. The NOSP also published an information leaflet and wallet card targeted at the general public entitled '*looking after your mental health during tough economic times*'. The resources outline information on the impact unemployment and financial difficulties have on mental health and wellbeing, how people can look after their mental health, signs of common mental health problems and available support services. An information booklet called '*Suicide Prevention in the Workplace*' which provides organisations and workplaces with practical guidance on how staff can respond to and support persons who are at risk of suicidal behaviour has also been made available.

*Question No. 79 answered with Question No. 68.*

### **Misuse of Drugs**

80. **Deputy Tom Hayes** asked the Minister for Health and Children when legislation to ban the sale and distribution of substances sold in head shops and to provide for the closure of head shops will be introduced; and if she will make a statement on the matter. [20273/10]

118. **Deputy Joe Costello** asked the Minister for Health and Children her plans to introduce further measures to control items sold in head shops; and if she will make a statement on the matter. [20190/10]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 80 and 118 together.

In the light of the health risks associated with some of the products being sold in head shops, the Government made an Order on 11 May declaring a number of substances, commonly referred to as so-called "legal highs", to be controlled drugs under the Misuse of Drugs Act 1977, with immediate effect.

The substances controlled include:

- synthetic cannabinoids (contained in SPICE products),
- benzylpiperazine (BZP) and piperazine derivatives,
- mephedrone, methylone, methedrone, butylone, flephedrone, MDPV,
- Gamma butyrolactone and 1,4 Butanediol.

Under this new legislation, it is now an offence for a person to import, export, produce, supply or possess these legal high substances.

There have been reports in the media that Head Shop owners may seek to circumvent the new controls by importing other substances that are currently not subject to the Misuse of

Drugs Act. I will not hesitate to seek Government approval to ban additional substances if any of them pose a risk to public health.

I should also mention that my colleague, the Minister for Justice and Law Reform, is currently bringing forward urgent legislation that would make it a criminal offence generally to supply unregulated psychoactive substances for use by humans.

### Medical Compensation Scheme

81. **Deputy Ulick Burke** asked the Minister for Health and Children if, during her visit to New Zealand she examined their no-fault compensation scheme for injury as a result of medical negligence or treatment; her views on whether parents of children with cerebral palsy must fight for years to get compensation for injuries at birth; and if she will make a statement on the matter. [20240/10]

**Minister for Health and Children (Deputy Mary Harney):** I and my officials held a number of meetings with senior health officials and with the Minister for Health during my recent visit to New Zealand. In the course of those meetings we discussed the role of the Accident Compensation Corporation and the general no fault compensation scheme that operates there.

As the Deputy may be aware, an advisory group was established in 2001, to examine the equity, effectiveness and appropriateness of existing arrangements for compensating persons who suffer cerebral damage at, or close to the time of birth, and to make such recommendations as the Group sees fit. The Group has yet to complete its work. I will await the Group's report before giving further consideration to a wider no fault compensation scheme for the health services.

In this country, compensation in many cases involving cerebral damage is dealt with under the Clinical Indemnity Scheme of enterprise liability. Cerebral Palsy is a complex condition which can be caused by, inter alia, prematurity, developmental brain malformation, neurological damage to the developing brain, hypoxia or medical error.

I understand that the average time from the institution of proceedings to the ultimate resolution of a typical CP case is now approximately 4 years as a result of the introduction of Enterprise Liability.

### Health Services

82. **Deputy Martin Ferris** asked the Minister for Health and Children the discussions she has had with the Health Service Executive regarding proposed further cuts to the home help service; and if she will make a statement on the matter. [19993/10]

97. **Deputy Thomas P. Broughan** asked the Minister for Health and Children if she will clarify proposals on curtailing the hours that home helps will be allowed to spend on various personal support tasks for their clients; the way home helps are supposed to speed up their clients in personal tasks; and if she will make a statement on the matter. [20187/10]

106. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children if she will intervene to prevent further cuts to the home help service as proposed in the Health Service Executive's current draft plan; and if she will make a statement on the matter. [19991/10]

206. **Deputy Pat Breen** asked the Minister for Health and Children if her attention has been drawn to media reports regarding the home help service, namely that consideration is being given to having the service operate on a five-day week that is Monday to Friday, that the hours

[Deputy Pat Breen.]

for carers will be significantly reduced; the implications that this will have for carers and their families; her views regarding same; and if she will make a statement on the matter. [19910/10]

228. **Deputy Kieran O'Donnell** asked the Minister for Health and Children if she has received the Health Service Executive's new draft guidelines on Home Care and Home Help; if she approves of the proposal to reduce the hours of caring that new applicants can avail of; if she has analysed the cost benefit of the proposals; and if she will make a statement on the matter. [20018/10]

272. **Deputy Ruairí Quinn** asked the Minister for Health and Children the restrictions the Health Service Executive has proposed for home helpers and the duties they perform for the elderly and the infirm; if she will direct the HSE not to implement these proposals. [20471/10]

**Minister of State at the Department of the Health and Children (Deputy Áine Brady):** I propose to take Questions Nos. 82, 97, 106, 206, 228 and 272 together.

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

83. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children if she will instruct the Health Service Executive to withdraw its recent circular 008/10, of 26 April 2010, to dentists which cuts dental services for medical card patients; and if she will make a statement on the matter. [19990/10]

98. **Deputy Brian Hayes** asked the Minister for Health and Children the way she expects to achieve savings of €40 million in the dental treatment services scheme for medical card patients; the services that will be withdrawn or reduced for medical card holders; and if she will make a statement on the matter. [20270/10]

126. **Deputy Martin Ferris** asked the Minister for Health and Children the discussions she has had with the Health Service Executive regarding the cuts to dental services for medical card patients; and if she will make a statement on the matter. [19992/10]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 83, 98 and 126 together.

The Government's decision to limit the funding available to the Dental Treatment Services Scheme (DTSS) was made in view of the current position of the public finances and the 60% increase in expenditure in the DTSS over the past five years. The Health Service Executive (HSE) has introduced measures to contain DTSS expenditure at the 2008 level of approximately €63 million.

Under the new measures, some treatments which had previously been available in the Scheme, for example, dental cleaning and polishing have been suspended. Other treatments, such as oral examinations and fillings, will continue to be provided but will be limited in number or frequency. More complex, non-routine treatments, such as protracted periodontal treatments, will be available only in the case of clinical emergencies. These measures were introduced following consultation with my Department. The HSE will monitor the ongoing effect of these changes from a clinical and budgetary perspective. The dental and oral health services

currently provided through the HSE Public Dental Service will not be affected by these changes to the DTSS.

### **Services for People with Disabilities**

84. **Deputy David Stanton** asked the Minister for Health and Children further to Parliamentary Question No. 476 of 19 January 2010, the result of the discussions between her Department and the Health Service Executive in relation to meeting the information gathering and administrative requirements of the Disability Act, in particular section 13(2) which relates to the reporting on the aggregate unmet needs of the children assessed under the Act; and if she will make a statement on the matter. [20224/10]

**Minister of State at the Department of Health and Children (Deputy John Moloney):** Discussions are continuing between officials of my Department and the HSE in order to identify the most suitable information gathering arrangements to meet the needs of individual children defined in terms of desired outcomes, to meet the administrative obligations imposed by the Act and also to ensure that reliable service planning data is collected.

The challenges involved in complying with the requirements of section 13 of the Act in relation to information gathering and reporting on aggregate need have been set out in reply to Parliamentary Question No 476.

The Department's focus in these discussions is to ensure that, while complying with the requirements of the Act, as few clinical resources as possible are diverted from direct interventions with children to information gathering.

### **Health Service Reviews**

85. **Deputy Noel J. Coonan** asked the Minister for Health and Children if she can confirm that all X-rays in hospitals are reported by consultant radiologists; and if she will make a statement on the matter. [20248/10]

**Minister for Health and Children (Deputy Mary Harney):** The HSE has been reviewing the situation regarding radiology reports in other hospitals, following the problems that emerged in Tallaght Hospital. It expects to complete its work in this regard within the next number of weeks.

### **National Drugs Strategy**

86. **Deputy Catherine Byrne** asked the Minister for Health and Children her views on whether the drug rehabilitation services in this county are adequate to cater for the problem of addiction in our towns and cities; and if she will make a statement on the matter. [18973/10]

**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**

87. **Deputy Arthur Morgan** 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 Dáil Éireann on 8 December 2009 that stakeholders

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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. [19994/10]

**Minister for Health and Children (Deputy Mary Harney):** 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 generated from the primary and community care sector which are currently undertaken in hospital laboratories. The HSE is also having a business case/cost-benefit analysis undertaken to assess a number of options which have been put forward for the processing of cold laboratory work. Any new laboratory service arrangements will need to satisfy a range of service and quality requirements, including supporting the provision of integrated care to patients.

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.

*Question No. 88 answered with Question No. 68.*

### **Services for People with Disabilities**

89. **Deputy Pádraic McCormack** asked the Minister for Health and Children the number of adults and children residing in residential centres for people with disabilities; the list of these centres; when she will introduce legislation to regulate and inspect residential centres for people with disabilities; and if she will make a statement on the matter. [20280/10]

109. **Deputy Liz McManus** asked the Minister for Health and Children when residential centres for persons with disabilities will be subject to inspection by the Health Information and Quality Authority; and if she will make a statement on the matter. [20199/10]

**Minister of State at the Department of Health and Children (Deputy John Moloney):** I propose to take Questions Nos. 89 and 109 together.

I wish to advise the Deputies that, due to industrial action affecting the Health Service Executive, it is not possible for the Executive to supply current information in relation to the number of adults and children residing in residential centres for people with disabilities.

As the Deputies will be aware, “National Quality Standards: Residential Settings for People with Disabilities”, which relate to adult services have been published by HIQA. These standards will provide a national framework for quality, safe services for persons with disabilities in a residential setting.

Given the current economic situation, to move to full statutory implementation of the standards, including regulation and inspection, presents significant challenges at this time. However, notwithstanding the difficulties of immediate statutory implementation, my Department, the HSE and HIQA have agreed that progressive non-statutory implementation of the standards will now commence, and that they will become the benchmark against which the HSE assesses both its own directly operated facilities and other facilities that the HSE funds.

A number of preliminary processes are already in place within the HSE to facilitate this work. For example, compliance with the HIQA standards is included in the Service Level Arrangements being implemented between the HSE and service providers. As part of the ongoing review of Service Level Arrangements, service providers will now be required to demonstrate compliance with the standards through the provision of audit outcomes. I am informed by the HSE that the majority of service providers have already commenced a review of their services within the context of the HIQA standards and many service providers have also achieved external accreditation over the past number of years.

In addition, arising from the Ryan Commission report, the Minister for Health and Children will shortly be bringing detailed proposals to Government with regard to the protection of vulnerable adults with disabilities who are currently in institutional care.

Children with disabilities in generic residential centres under the Child Care Act 1991 are covered by the standards and inspection regimes already applying to those centres. There are a number of other centres providing residential or respite care to children with disabilities. Children who reside in these centres are not in the care of the State, although they are cared for by the State. The majority of these centres are run by voluntary organisations funded by the HSE and are not included in the inspection regime under the Child Care Act 1991. In relation to the children with disabilities in these other residential centres, the Ryan Commission

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report recommends that “all services for children should be subject to regular inspections in respect of all aspects of their care”. The implementation plan for the recommendations of the Ryan Commission report contains a commitment that the Health Act 2007 will be commenced to allow the independent registration and inspection of all residential centres and respite services for children with a disability by December 2010.

In addition, I am assured by the HSE that it has a robust system in place to deal with any complaints made in relation to the treatment of persons with disabilities in residential care. This includes ensuring that all HSE funded service providers of residential care have appropriate complaints procedures that are in line with HSE policy.

### **Health Service Properties**

90. **Deputy Seymour Crawford** asked the Minister for Health and Children her plans, in conjunction with the Health Service Executive, to purchase or lease any further property in Cootehill, County Cavan for the care of the elderly, either on a day service basis or long-term involvement; and if she will make a statement on the matter. [20139/10]

**Minister of State at the Department of the Health and Children (Deputy Áine Brady):** I regret that due to industrial action I am not in a position to provide a substantive response to your Parliamentary Question. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

*Question No. 91 answered with Question No. 73.*

*Question No. 92 answered with Question No. 72.*

### **Health Service Expenditure**

93. **Deputy Thomas P. Broughan** asked the Minister for Health and Children if the proposal to cut a further €200 million from the Health Service Executive budget in order to provide for possible shortfalls later in 2010 have now been abandoned in view of the agreement reached; if the original commitments on spending in the national service plan will be honoured; and if she will make a statement on the matter. [20188/10]

**Minister for Health and Children (Deputy Mary Harney):** I approved the HSE National Service Plan 2010 on 5th February. In approving the Plan, I highlighted to the Executive the need to deliver, at a minimum, the levels of service set out in the Plan as well as operating within the limits of its Voted allocation of €14.069bn. The Government made a series of decisions that will reduce HSE costs by some €1bn, made up of savings of €630m and non-pay savings of €394m. The latter includes a target of €106m in non-pay economies to be saved by the HSE in 2010, including substantial procurement savings.

The Deputy will be aware that there has been considerable difficulties in monitoring the implementation of the Plan due to an industrial relations dispute which has resulted in no performance management information being made available to the management of the HSE. Arising from a Labour Court decision last month it has now been agreed that financial information will be exempted from the ban on information. However there continues to be difficulties in respect of other management information. I have fully supported the HSE in its efforts to resolve this issue.

In the context of uncertainty regarding the financial position of the HSE the Executive indicated publicly that it was developing proposals to initiate cost reduction measures which might have the effect of reducing some of the service levels set out in the National Service

Plan, at least on a temporary basis. Any reduction in planned services would require an amendment to the approved Service Plan by the HSE Board and approved by me. No such amendment has been sought and in any event I believe that on the information currently available it would not be acceptable for patients/users to suffer service reductions in the current circumstances. I welcome the subsequent acceptance of the Labour Court recommendations by the HSE and IMPACT. This should assist in ensuring delivery of services in line with the original Service Plan and within the Executive's voted allocation.

My Department is continuing to liaise closely with the HSE on this matter.

*Question No. 94 answered with Question No. 66.*

*Question No. 95 answered with Question No. 65.*

### Medical Cards

96. **Deputy Emmet Stagg** asked the Minister for Health and Children if she will address the issue raised with her by an association (details supplied); and if she will make a statement on the matter. [20214/10]

**Minister for Health and Children (Deputy Mary Harney):** At present, medical cards are granted primarily on the basis of means and individual circumstances. Under the Health Act, 2004, determination of eligibility for medical cards is the responsibility of the Health Service Executive. The HSE has discretion, in cases of exceptional need, to provide assistance to individuals where undue hardship would otherwise be caused.

Medical cards are made available to persons and their dependents who would otherwise experience undue hardship in meeting the cost of general practitioner services. For medical card and GP visit card applications, the HSE considers an applicant's income after tax and PRSI are deducted, rather than total income. Allowances are also made for expenses on child-care, rent and mortgage costs and the cost of travel to work.

There are no plans to provide for the granting of medical cards to any particular group of patients with particular medical conditions as a whole.

*Question No. 97 answered with Question No. 82.*

*Question No. 98 answered with Question No. 83.*

### Health Services

99. **Deputy Ciarán Lynch** asked the Minister for Health and Children the discussions she has had with the Department of Finance in relation to possible incentives for general practitioners and other health professionals in relation to the building and equipping of primary care centres; and if she will make a statement on the matter. [20195/10]

**Minister for Health and Children (Deputy Mary Harney):** I take it that the Deputy is referring to the recommendations on possible incentives for general practitioners and other health professionals in the development of Primary Care Centres, made by the Joint Oireachtas Committee on Health and Children in its Report on *Primary Medical Care in the Community* published in February 2010.

At present the HSE is offering to take 25 year leases at agreed rates in Primary Care Centres which have GP involvement. GPs and health professionals entering such centres are doing so at very attractive rates which developers can only offer because of the security and value of

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the HSE lease. Given the current economic climate, the Government is unlikely to be in a position to make any further incentives available.

### **Occupational Diseases.**

100. **Deputy Brian O’Shea** asked the Minister for Health and Children if she will address the needs of former miners who have chronic health problems as a result of mining; if they can be treated as special cases; and if she will make a statement on the matter. [20204/10]

**Minister for Health and Children (Deputy Mary Harney):** My colleagues in the Department of Social Protection and the Department of Communications, Energy and Natural Resources and I agreed to a request on behalf of former coal miners that our officials would meet with them on the 5th May 2010 to listen to their concerns. Following on from that meeting my officials will report back to me and I will consider the issues raised.

### **Vaccination Programme**

101. **Deputy Eamon Gilmore** asked the Minister for Health and Children if the swine flu H1N1 vaccination programme has concluded; the amount of money spent on the vaccine programme; if there are excess vaccines that will not be needed; if so, if it has been possible to reclaim the cost of same from the manufacturers; and if she will make a statement on the matter. [20191/10]

**Minister for Health and Children (Deputy Mary Harney):** The public pandemic vaccination campaign came to an end on 31st of March, 2010. Following a full assessment of the current situation, the risks of a second wave, the availability of vaccine and other factors, the National Public Health Emergency Team decided, following advice received from the National Immunisation Advisory Committee, that those in the “at risk” group will continue to be vaccinated. This means that up to September 2010 the vaccine will continue to be available free of charge through GPs and Maternity Units to the following groups of people:

Pregnant women — from 14 weeks pregnant to 6 weeks after giving birth All those newly diagnosed in the “at risk” group i.e. Anyone aged over 6 months and under 65 years who has:

- Long-term Lung Disease (like Asthma and Cystic Fibrosis)
- Long-term Heart Disease
- Long-term Kidney Disease
- Long-term Liver Disease
- Long-term Neurological Disease (like MS, Cerebral Palsy)
- Immunosuppression e.g. cancer treatment (and their household contacts)
- Haemoglobinopathies
- Diabetes
- Morbid Obesity (check with your GP)

All those travelling to the southern hemisphere during the upcoming influenza season.

With regard to the other issues raised, 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 current information in relation to the swine flu H1N1 vaccination programme. If this matter

remains of continuing concern to you, however, I would invite you to raise it with me again in due course. The following is the latest information available.

The HSE had contracts in place for the provision of pandemic vaccine with Baxter for 4.25 million doses and GSK for 3.45 million doses. Baxter has supplied a total of 619,200 doses and the HSE terminated this contract in December 2009. GSK has supplied 2.35 million doses and the HSE is currently finalising negotiations regarding possible options for dealing with the balance.

### Medical Cards

102. **Deputy Róisín Shortall** asked the Minister for Health and Children the number of persons with a full medical card and a doctor only medical card at the end of April 2010; and if she will make a statement on the matter. [20213/10]

**Minister for Health and Children (Deputy Mary Harney):** Details of the number of medical card holders and GP visit card holders are provided to my Department each month by the Health Service Executive (HSE). The most recent figures provided by the HSE to my Department reflect the position as at 31st March 2010 and show 1,518,973 medical card holders and 103,111 GP visit card holders on that date.

### Health Care Professionals.

103. **Deputy Ruairí Quinn** asked the Minister for Health and Children if she will give consideration to the difficulty for newly-qualified physio and occupational speech and language therapists getting employment here and the loss this represents to the health services; if she will implement a scheme to keep at least some of these young persons at home; and if she will make a statement on the matter. [20206/10]

**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.

### Mental Health Services

104. **Deputy Joanna Tuffy** asked the Minister for Health and Children if money raised from the sale of psychiatric institutions will be ring-fenced for mental health services; if that funding will be specifically for capital projects; the way the necessary revenue funding for new mental health services will be ensured; and if she will make a statement on the matter. [20217/10]

**Minister of State at the Department of Health and Children (Deputy John Moloney):** ‘*A Vision for Change*’ the Report of the Expert Group on Mental Health Policy recommended that a plan to bring about the closure of all psychiatric hospitals should be drawn up and implemented, and that the resources released by these closures should be re-invested in the mental health service. The Government has accepted this recommendation and accordingly the proceeds of the sale of psychiatric lands will be ringfenced to fund new mental health capital developments. In this regard, €25m of the proceeds of the sales of psychiatric lands was returned to the HSE through the Supplementary Estimate for 2009 and this funded developments, including the new child and adolescent units in Cork and Galway, a Community Nursing Unit in Ballinasloe and a day centre in Clonmel. Budget 2010 provided for a multi-annual programme of capital investment which will provide high priority mental health projects across the spectrum of mental health facilities which will be funded from future disposals. In 2010, the HSE may dispose of surplus assets and reinvest an initial sum of €50m in the mental

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health capital programme. Provision for continued funding of the programme will be made in the 2011 Estimates and subsequent years, in the light of the previous year's programme of asset sales.

With regard to revenue funding, the position is that there are substantial resources already invested in mental health. Implementation of a '*A Vision for Change*' requires that these existing resources be remodelled and reallocated. Thus, as the old institutions close, resources will be transferred to the community to facilitate the development of a dynamic and person centred community based mental health service.

### **Hospital Services.**

105. **Deputy Seymour Crawford** asked the Minister for Health and Children when the newly supplied CAT scan at Monaghan Hospital will be put in use; if she is satisfied that personnel will be made available on an ongoing basis; and if she will make a statement on the matter. [20140/10]

**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.

*Question No. 106 answered with Question No. 82.*

### **Proposed Legislation**

107. **Deputy Pat Rabbitte** asked the Minister for Health and Children the progress she has made to date drafting legislation to control the use of sunbeds; if she plans banning them completely; and if she will make a statement on the matter. [20209/10]

**Minister for Health and Children (Deputy Mary Harney):** I intend to seek Government approval in the near future to draft Heads of a Bill to control the use of sunbeds. The proposed measures include:

- a prohibition on the use of sunbeds to those under 18 years of age;
- restrictions on the sale or hiring of sunbeds;
- a ban on unsupervised sunbed use in commercial settings;
- warning signs on premises where sunbed services are offered to the public and on sunbeds;
- a requirement on proprietors of businesses offering sunbed services to register with the HSE;
- exemptions in respect of the use of sunbeds for medical purposes;
- enforcement provisions and penalties for non-compliance.

### **Community Welfare Service**

108. **Deputy Ruairí Quinn** asked the Minister for Health and Children when it is intended to transfer the community welfare service from her Department to the Department of Social

Protection; the elements of the scheme that will remain with the Health Service Executive; and if she will make a statement on the matter. [20207/10]

**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.

*Question No. 109 answered with Question No. 89.*

### Health Services

110. **Deputy Bernard J. Durkan** asked the Minister for Health and Children the steps she has taken or proposes to take to speed up the process of medical card and rent or mortgage support applications with particular reference to the need to meet the needs of the community arising from the current economic climate; if she and or her Department has given any instructions to the relevant officers not to respond to the queries from Members or other public representatives; if her attention has been drawn to the growing practice in this context; her plans to address the issue arising; and if she will make a statement on the matter. [20228/10]

**Minister for Health and Children (Deputy Mary Harney):** The Health Service Executive (HSE), with my full support, has decided to centralise the processing of all medical cards and GP visit card applications and renewals to its Primary Care Reimbursement Service (PCRS) in Dublin. The process commenced in January 2009 when the PCRS took over the processing of all medical card applications for persons aged 70 or over. The second phase commenced in September 2009 with the transfer of the case load from two local health offices in Dublin.

The HSE has advised that when fully implemented, the initiative to centralise the processing of all medical card and GP visit card applications and renewals will ensure:

- Improved turnaround times for the processing of applications: under the new arrangements the HSE will be aiming for a turnaround time of 15 working days or less, with provision for emergency applications to be dealt with immediately;
- Consistent and equitable application of eligibility and service provision;
- Clearer governance and accountability, as well as improved management information.

In a communication to all Oireachtas members on 19th January 2010, I provided a list with the names and telephone numbers of the local health office managers and, in each case, a contact name or names and telephone numbers and e-mail addresses for enquiries from Oireachtas Members about medical card and GP visit card applications being dealt with by local health offices. The list also gave the contact details of a dedicated contact person in the PCRS for enquiries from Oireachtas Members about medical card and GP visit card applications and reviews being dealt with by the PCRS.

The Deputy will be aware that ongoing industrial action by certain HSE staff is affecting some of the Executive's work. Neither I nor officials in my Department have instructed HSE officials not to respond to queries from Oireachtas Members or other public representatives.

In relation to the other issues raised in the Deputy's question, I wish to advise that due to industrial action affecting the Health Service Executive it is not possible for the Executive to supply the information requested. If these matters remain of continuing concern to you, however, I would invite you to raise them with me again in due course.

111. **Deputy Kieran O'Donnell** asked the Minister for Health and Children the cost of rolling out retinopathy screening nationally in view of the recommendations of the Health Service Executive Expert Advisory Group on Diabetes; if the retinopathy screening programme planned for the west is operational; the position regarding the expansion of diabetic retinopathy screening to other areas; and if she will make a statement on the matter. [20295/10]

**Minister of State at the Department of the Health and Children (Deputy Áine Brady):** 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.

112. **Deputy Ciarán Lynch** asked the Minister for Health and Children the number of primary care teams that are now operational; the number that operate from a designated centre; and if she will make a statement on the matter. [20196/10]

**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 Accommodation

113. **Deputy Joan Burton** asked the Minister for Health and Children the progress that has been made on the commitments made to sufferers of cystic fibrosis; the timeframe for the completion of the facilities promised; and if she will make a statement on the matter. [20186/10]

**Minister for Health and Children (Deputy Mary Harney):** A new ward block to replace existing accommodation is being developed at St Vincent's Hospital, Dublin. This facility will provide single room en-suite inpatient accommodation (100 rooms) and a dedicated day unit for people with CF, including 10 single day treatment rooms with en-suite sanitary facilities. Tenders for this development are currently under consideration and are expected to be finalised shortly. It is estimated that the construction, equipping and commissioning of this block will take approximately 18 months. The aim is to have this new facility operational as soon as possible.

### General Practitioner Co-operatives

114. **Deputy Pat Rabbitte** asked the Minister for Health and Children if she will consider new ways to provide diagnostic services through general practitioners in view of the waiting times for X-rays, MRI scans and so on; the cost of having these carried out at acute hospitals; the potential for GPs to carry out these services; if leasing of equipment that would be accessible to the GPs, for example, has been considered; and if she will make a statement on the matter. [20208/10]

**Minister for Health and Children (Deputy Mary Harney):** I acknowledge the importance of easy access to diagnostics in the community. I understand that the Health Service Executive is examining the whole area of access to diagnostics, including the issues raised by the Deputy, and will make recommendations in due course.

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 any further information. If this matter remains

of continuing concern to you, however, I would invite you to raise it with me again in due course.

### Departmental Reports

115. **Deputy Michael D. Higgins** asked the Minister for Health and Children when she expects to receive the report of the Special Group she established to examine the way in which the health services should be funded; if the report will be published on her receipt of same; and if she will make a statement on the matter. [20193/10]

**Minister for Health and Children (Deputy Mary Harney):** I established the Expert Group on Resource Allocation and Financing in the Health Sector under the chairmanship of Professor Frances Ruane, Director, ESRI in April last year to examine how the existing system of resource allocation within the Irish public health service can be improved to support better the aims of the health reform programme. The Group was asked to report to me and the Minister for Finance in April 2010.

The Expert Group has made considerable progress on this complex issue and intends to produce a robust, evidence-based report that will inform public policy on health resourcing, with a particular emphasis on actions in the short and medium term. The Chair has recently informed me that the Group is close to finalising the report and expects to present it to me in June.

### Departmental Staff

116. **Deputy Róisín Shortall** asked the Minister for Health and Children if she has carried out a review or made any changes following the finding of the Department of Finance which indicated inefficiencies in her Department including the fact that some staff have too much work to do and others have very little; if this report will be published; and if she will make a statement on the matter. [20212/10]

**Minister for Health and Children (Deputy Mary Harney):** I take it that the Deputy's question refers to the review of my Department that was carried out last year under the Organisational Review Programme (ORP). Following receipt of the report of the review in February last, the Department set about preparing an Action Plan setting out its response to the ORP conclusions. The report and action plan will be published in due course along with similar reports and action plans for other Government Offices, following submission to the Government.

The ORP is a public service modernisation initiative under the auspices of the Department of the Taoiseach. It involves assessing the capacity of individual Government Departments and major Offices to meet their challenges over the coming years. My Department has already made it clear that it welcomes this report and is satisfied that it provides a timely and helpful review. The report acknowledges the Department's strengths and achievements including, in particular, the ability and commitment of its staff in dealing with a difficult agenda.

It also identifies areas which require improvement, which include the Department's human resource capacities. The drafting of the Action Plan is now at an advanced stage and I would anticipate that it will be sent forward to the Department of the Taoiseach shortly for submission to Government.

The process of drafting the plan has involved extensive internal consultation and it will set out an agreed set of actions designed to address the issues raised in the report and provide a roadmap for the future development of the Department to meet the challenges over the coming years.

[Deputy Mary Harney.]

I am confident that the Action Plan will be an effective response to the report and my Department will use it to build on its undoubted strengths and to further improve its performance in these changing and challenging times.

### Health Services

117. **Deputy Joan Burton** asked the Minister for Health and Children if she will clarify the rights of TDs and Senators, under legislation, to have regular briefings by the Health Service Executive in their region on acute as well as primary and community care service delivery; the frequency of such meetings; and if she will make a statement on the matter. [20185/10]

**Minister for Health and Children (Deputy Mary Harney):** There is no statutory requirement for the Health Service Executive to meet with members of the Oireachtas in order to provide briefing on local issues. However, both my Department and the Executive regard the provision of information to Oireachtas members as a priority and there are a number of channels by which briefing material and other information is provided on a regular and ongoing basis.

The Executive has arranged local area briefings for Oireachtas members on an ad hoc basis and it had been intended to hold such briefings earlier this year. However this had to be postponed due to the current industrial action by members of IMPACT. The Executive fully intends to resume this practice once the industrial action has been resolved. It should be noted that outside of such briefings it is open to Oireachtas members to contact their local Health Office Manager or Hospital Manager should they wish to discuss a particular issue. Contact details for local managers have been provided to Oireachtas members and the Executive's Parliamentary Affairs Division can also provide contact assistance if required.

The Health Act 2004 (Dealings with members of either House of the Oireachtas) Regulations 2005 (S.I. No. 798 of 2005) sets out arrangements for enabling members of the Oireachtas to contact the Executive and specifies a wide range of documentation and information which the Executive must make available to Oireachtas members. This includes:

- the Executive's Corporate Plan as approved by the Minister for Health and Children under Section 29 of the Health Act 2004;
- any Service Plan as approved by the Minister pursuant to Section 31 of the Act;
- the Annual Report as prepared by the Executive and submitted to the Minister pursuant to Section 37 of the Act;
- any reports or statistical data made available to the public by the Executive.

The Deputy will be aware that under Section 42 of the Health Act 2004, Regional Health Forums have been established in each of the Executive's administrative areas, the purpose of which is to enable city and county councillors to make representations to the Executive, as appropriate, on the range and operation of health and personal social services provided within its functional area. S.I. 798 of 2005 also provides that any record of proceedings of a Regional Health Forum, or of a committee established by a Regional Health Forum, must be made available to Oireachtas members.

The Deputy will also be aware that a vast amount of information on both local area issues and national policy issues is regularly provided to Oireachtas members by way of responses to Parliamentary Questions, Adjournment Debates and other Parliamentary business in the House. I regret that in recent months this channel of information has been curtailed due to

industrial action. However, members will again be at liberty to pursue this option once the current industrial action has been fully resolved.

*Question No. 118 answered with Question No. 80.*

*Question No. 119 answered with Question No. 59.*

### **Disability Act**

120. **Deputy David Stanton** asked the Minister for Health and Children the discussions she and her officials have had with the Health Service Executive in relation to the progress to date of Part 2 of the Disability Act with regard to the number and timescale in providing assessments and service statements for children aged zero to five years; if she is confident with the progress made in relation to this section of the Act; and if she will make a statement on the matter.

[20223/10]

**Minister for Health and Children (Deputy Mary Harney):** Part 2 of the Disability Act 2005 commenced for children aged under 5 years with effect from 1st June 2007. Significant work was undertaken by my Department and the HSE in preparation for the commencement of the Disability Act in respect of children under the age of 5 including: the development of standards for the assessment of need process; the publication of Regulations and the Commencement Order; the appointment of Assessment Officers responsible for the coordination of the Assessment of Need; and the appointment of Liaison Officers responsible for the provision of Service Statements.

Meeting the statutory deadlines on providing assessments and service statements has proved challenging to the HSE. Accordingly, my Department and the HSE have agreed a set of performance indicators relating to the implementation of Part 2 of the Disability Act 2005 for children under the age of 5 years which have been included in the 2010 HSE National Service Plan. These are reported on a quarterly basis in the HSE's performance monitoring reports.

In addition, there is ongoing liaison between officials of my Department and the HSE to monitor overall progress on all aspects relating to the implementation of Part 2 of the Disability Act 2005 for children aged under 5 years.

### **Inter-Country Adoptions**

121. **Deputy Jim O'Keeffe** asked the Minister for Health and Children the reason Ireland continues to be blacklisted by the Russian authorities in relation to adoptions from the Russian Federation arising from the failure of the authorities here to forward post placement reports of Russian children already adopted in this country; the number of post placement reports that are currently outstanding; the steps that are being taken to address the situation in order that Irish adoptive parents can again complete the adoption process. [20122/10]

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** Regions from within more than a dozen countries, including Ireland, the United States, the United Kingdom and France were recently "blacklisted" by the Russian Ministry of Education, thus suspending referrals for adoption. The issue as it pertains to Ireland relates to the provision of Post Placement Reports by adoptive parents. When adopting from Russia, adoptive parents agree to complete a series of post placement reports on the child. These reports are lodged by the adoptive parents with the Russian authorities. This is an administrative arrangement as part of the Russian adoption process and is not a legal requirement. While neither the Adoption Board nor the HSE have a statutory function in relation to the provision of the reports, they facilitate the preparation of same.

[Deputy Barry Andrews.]

The issue arose previously, in 2009, and was resolved to the satisfaction of the Russian authorities. I was surprised to learn of this latest problem as there had been recent positive feedback from the Russian authorities and there was no indication that there was to be a suspension of adoptions for Irish applicants.

Once I became aware of the problem, contact was immediately made with the Russian Embassy in Dublin to confirm the suspension of adoption activity and to seek the Embassy's assistance in identifying all outstanding reports. A list of cases where reports were considered to be outstanding was supplied by the Russian Embassy and has since been examined in detail by the HSE and the Adoption Board. It was established, and accepted by the Russian Embassy, that more than half of the reports listed by the Russian authorities as outstanding had, in fact, been previously completed by the adoptive parents and forwarded to the Russian authorities. The majority of the remaining reports had previously been completed by the HSE and are currently with the adoptive parents. In a small number of cases, adoptive parents have not engaged with the HSE, thus preventing the completion of reports. I met with diplomats from the Russian Embassy recently in order to review the position and with a view to re-opening the adoption process for Irish applicants. I am awaiting a response from the Russian Embassy on the matter.

I am very aware of the anxiety experienced by those who are waiting to adopt from Russia as a result of this issue. Parents who have already adopted from Russia are being encouraged by the health authorities to provide any outstanding information to the Russian Government in a timely fashion .

*Question No. 122 answered with Question No. 57.*

### **Foster Care**

123. **Deputy Alan Shatter** asked the Minister for Health and Children if her attention has been drawn to an article (details supplied) which revealed that Health Service Executive's Dublin North-East region received 33 complaints of physical or sexual abuse of children in foster care between 2006 and 2008; if she has been informed by the HSE of the number of such complaints received from children in foster care for each of the years 2005 to 2008 inclusive; if she will state to whom such allegations can be communicated by a child in foster care; and the action taken when such an allegation is made. [20000/10]

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** I have read and noted the contents of the newspaper report referred to by the Deputy.

The provision of foster care is central to child welfare and protection. In the course of an inspection last year, HIQA identified serious issues in the HSE Local Health Offices of Dublin North West and Dublin North Central. Key concerns included gaps in the assessment of foster carers, a lack of contact between social workers and foster care children & their families, and weaknesses in the management of records. HIQA brought their concerns to the attention of the HSE. The HSE developed an action plan to address any weaknesses identified and is in ongoing contact with HIQA in terms of addressing any deficits identified.

I met with the HSE to discuss the issues identified by HIQA arising from the inspections. I emphasised to the HSE the importance of ensuring that comprehensive plans are in place as a priority to address any weaknesses identified in the provision of foster care services, and the need to ensure that these plans are fully delivered upon in the shortest possible timeframe. It is particularly important that the HSE take all necessary steps to deliver the approved increase

of 200 social workers in the current year in order to ensure, at a minimum, that every child in care has access to an allocated social worker.

It is a positive development that inconsistencies in practice and identified problems are now being identified through the work of the HSE's own internal audit processes and through the inspection process of HIQA. The challenge facing the HSE is the need to ensure that all necessary measures are taken as a priority to address any weaknesses identified.

Any allegation of abuse of a child in the care of the State should be noted to the statutory authorities in accordance with Children First. In addition Section 10 of the National Standards for Foster Care sets out good practice in relation to dealing with issues of alleged abuse of children in foster care.

### **Proposed Legislation**

124. **Deputy Seán Sherlock** asked the Minister for Health and Children the progress that has been made to date in drafting the proposed National Vetting Bureau Bill; and if she will make a statement on the matter. [20211/10]

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** The Office of the Minister for Children and Youth Affairs, in conjunction with the Department of Justice, Equality and Law Reform, is at an advanced stage of drafting the Heads for the National Vetting Bureau Bill with a view to submitting Heads of Bill to Government shortly. Consultations have taken place with the Health Service Executive, An Garda Síochána and colleagues in other Government Departments. My Department has also received a number of public representations on the issue of “soft” information.

This area has also been considered by the Joint Committee on the Constitutional Amendment for Children and the findings of the Committee are being considered in the preparation of the legislation.

### **Ambulance Service**

125. **Deputy Brian O'Shea** asked the Minister for Health and Children if she is satisfied that private and public ambulance services are appropriately subject to standards inspection, vetting of staff and other quality control measures; and if she will make a statement on the matter. [20201/10]

**Minister for Health and Children (Deputy Mary Harney):** The Pre-Hospital Emergency Care Council (PHECC) sets educational qualifications and lays down standards for provision of ambulance services in the statutory, private and voluntary sectors.

Since its establishment in 2000, the Council has worked in particular to ensure that pre-hospital personnel in the statutory, private and voluntary sectors are appropriately trained for the roles which they carry out. It awards qualifications at three levels under the National Qualifications for Emergency Medical Technicians scheme; these levels are emergency medical technician (the minimum qualification), paramedic and advanced paramedic. PHECC registers all qualified pre-hospital practitioners, including those in private and voluntary services, and has implemented practice standards for practitioners, through clinical practice guidelines, and for emergency ambulances. In addition, the Health Information and Quality Authority is at present leading the development of response time standards for pre-hospital/ambulance services.

PHECC's functions also include the recognition of ambulance service providers, subject to compliance with a range of service standards specified by the Council. These standards require that evidence be provided of:

[Deputy Mary Harney.]

- Garda security clearance for personnel;
- Appropriately qualified and registered staff;
- English language competency assurance;
- Access to ongoing training;
- Clinical records management;
- Clinical audit;
- Medical oversight; and
- Professional liability insurance.

The HSE, Dublin Fire Brigade and all private ambulance providers have provided the Council with the required evidence on the specified matters. Inspection of private ambulance services has commenced and inspection of statutory and voluntary services is pending. All private ambulance services contracted to provide services on behalf of private health insurers or the HSE must first go through an approval process, and all have been inspected.

Ireland is the only jurisdiction where the statutory requirements for registration of practitioners, approved clinical practice guidelines and organisational approval to use them apply to the statutory, private, voluntary and auxiliary sectors. This country is also the only jurisdiction in which statutory registration applies to all three levels of Ambulance personnel (Emergency Medical Technicians, Paramedics and Advanced Paramedics).

As part of the Government's decision to rationalise a number of separate State agencies, the functions of the PHECC will be assigned as appropriate to other statutory bodies. Work is under way to identify the appropriate agency/agencies and to give legal effect to this decision.

*Question No. 126 answered with Question No. 83.*

### **National Drugs Strategy**

127. **Deputy Aengus Ó Snodaigh** asked the Minister for Health and Children if he will give details of the proposed national awareness campaign around the dangers associated with so called legal highs, including the timeframe of the campaign, the additional resources that will be made available for it and the form of media that will be employed, for example radio, billboards and so on; and if he will make a statement on the matter. [18909/10]

**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.

*Question No. 128 answered with Question No. 48.*

### **Inter-Country Adoptions**

129. **Deputy Jim O'Keeffe** asked the Minister for Health and Children if she will provide a detailed account of the commitment given to forward post-placement reports to the Russian Ministry of Education and Science in relation to adoptions from the Russian Federation; and if she will make a statement on the matter. [20123/10]

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** Regions from within more than a dozen countries, including Ireland, the United States, the United Kingdom and France were recently “blacklisted” by the Russian Ministry of Education, thus suspending referrals for adoption. The issue as it pertains to Ireland relates to the provision of Post Placement Reports by adoptive parents. When adopting from Russia, adoptive parents agree to complete a series of post placement reports on the child. These reports are lodged by the adoptive parents with the Russian authorities. This is an administrative arrangement as part of the Russian adoption process and is not a legal requirement. While neither the Adoption Board nor the HSE have a statutory function in relation to the provision of the reports, they facilitate the preparation of same.

The issue arose previously, in 2009, and was resolved to the satisfaction of the Russian authorities. I was surprised to learn of this latest problem as there had been recent positive feedback from the Russian authorities and there was no indication that there was to be a suspension of adoptions for Irish applicants.

Once I became aware of the problem, contact was immediately made with the Russian Embassy in Dublin to confirm the suspension of adoption activity and to seek the Embassy’s assistance in identifying all outstanding reports. A list of cases where reports were considered to be outstanding was supplied by the Russian Embassy and has since been examined in detail by the HSE and the Adoption Board. It was established, and accepted by the Russian Embassy, that more than half of the reports listed by the Russian authorities as outstanding had, in fact, been previously completed by the adoptive parents and forwarded to the Russian authorities. The majority of the remaining reports had previously been completed by the HSE and are currently with the adoptive parents. In a small number of cases, adoptive parents have not engaged with the HSE, thus preventing the completion of reports. I met with diplomats from the Russian Embassy recently in order to review the position and with a view to re-opening the adoption process for Irish applicants. I am awaiting a response from the Russian Embassy on the matter.

I am very aware of the anxiety experienced by those who are waiting to adopt from Russia as a result of this issue. Parents who have already adopted from Russia are being encouraged by the health authorities to provide any outstanding information to the Russian Government in a timely fashion .

### **Household Medical Expenditure**

130. **Deputy James Reilly** asked the Taoiseach the amount that each household is spending on doctors annually based on the household budget survey 2004 to 2005 adjusted for medical inflation or whatever category of inflation the Central Statistics Office deems suitable for this category; and if he will make a statement on the matter. [20002/10]

131. **Deputy James Reilly** asked the Taoiseach the amount that each household is spending on dentists annually based on the household survey 2004 to 2005 adjusted for medical inflation or whatever category of inflation the Central Statistics Office deems suitable for this category; and if he will make a statement on the matter. [20003/10]

132. **Deputy James Reilly** asked the Taoiseach the amount that each household is spending on opticians annually based on the household budget survey 2004 to 2005 adjusted for medical inflation or whatever inflation the Central Statistics office deems suitable for this category; and if he will make a statement on the matter. [20004/10]

133. **Deputy James Reilly** asked the Taoiseach the amount each household is spending on prescription medicines annually based on the household budget survey 2004 to 2005 adjusted

[Deputy James Reilly.]

for medical inflation or whatever category of inflation the Central Statistics Office deems suitable for this category; and if he will make a statement on the matter. [20005/10]

134. **Deputy James Reilly** asked the Taoiseach the amount each household is spending on other medicines annually based on the household budget survey 2004 to 2005 adjusted for medical inflation or whatever category of inflation the Central Statistics Office deems suitable for this category; and if he will make a statement on the matter. [20006/10]

135. **Deputy James Reilly** asked the Taoiseach the amount that each household is spending on pain relievers annually based on the household budget survey 2004 to 2005 adjusted for medical inflation or whatever category of inflation the Central Statistics Office deems suitable for this category; and if he will make a statement on the matter. [20007/10]

136. **Deputy James Reilly** asked the Taoiseach the amount that each household is spending on indigestion relievers annually based on the household budget survey 2004 to 2005 adjusted for medical inflation or whatever category of inflation the Central Statistics Office deems suitable for this category. [20008/10]

137. **Deputy James Reilly** asked the Taoiseach the amount that each household is spending on cough mixtures annually based on the household budget survey 2004 to 2005 adjusted for medical inflation or whatever category of inflation the Central Statistics Office deems suitable for this category; and if he will make a statement on the matter. [20009/10]

138. **Deputy James Reilly** asked the Taoiseach the amount that each household is spending on alternative or complementary medicine annually based on the household budget survey 2004 to 2005 adjusted for medical inflation or whatever category of inflation the Central Statistics Office deems suitable for this category. [20010/10]

**Minister of State at the Department of Taoiseach and Defence (Deputy John Curran):** I propose to take Questions Nos. 130 to 138, inclusive, together.

The table shows the average annual household expenditure in April 2010 for each category of medical (including dentists and opticians) expenditure listed. The data are derived from the latest available Household Budget Survey (2004/2005). The expenditure in each category has been adjusted for inflation using the change in a corresponding sub-index of the Consumer Price Index between October 2005 and April 2010.

Annual expenditures from HBS 2004/05, updated to April 2010

Category	Annual Expenditure
	€
Doctors	238.91
Dentists	190.07
Opticians	20.18
Prescription medicines	205.06
Other medicines	48.52
Pain relievers	29.94
Indigestion relievers	7.85
Cough mixtures	11.40
Alternative or Complementary Medicine	22.72

### Pension Provisions

139. **Deputy Martin Ferris** asked the Taoiseach the number of persons in his Department and Office, including any Departments and Offices under his aegis, employed in the civil and public service who are in receipt of a State pension. [21160/10]

**The Taoiseach:** Neither my Department nor any of the Offices under its aegis keep such records as requested by the Deputy unless it is relevant to the current employment of the persons concerned.

### Economic Competitiveness

140. **Deputy Leo Varadkar** asked the Minister for Enterprise, Trade and Innovation if, in view of his speech on the Competition Act Amendment Bill 2010, he will provide a full list of all Competition Authority recommendations indicating the 40% that have been implemented, the 9% which are pending and with regard to the other 51% to indicate in each case whether the recommendation has been accepted or rejected or whether it is still under consideration; and if he will make a statement on the matter. [19888/10]

**Minister for Enterprise, Trade and Innovation (Deputy Batt O’Keeffe):** The *Building Ireland’s Smart Economy* document, published in December 2008, contained a commitment to publish a whole-of-Government response to recommendations contained in Competition Authority reports within nine months of their publication. The October 2009 review of the Programme for Government, *Renewed Programme for Government*, further strengthened this pledge.

The recommendations made by the Competition Authority result from studies it carries out on various sectors or professions at regular intervals and usually contain a suite of recommendations, aimed at improving competition in the relevant area and are addressed to the responsible Government Department or body.

Following the commitment given by the Government in December 2008, my Department drew up an initial prioritised list of 21 recommendations, based on their impact on competitiveness. These 21 recommendations related, directly or indirectly, to five Government Departments.

The Government has reviewed the progress made by these Government Departments in responding to the 21 recommendations and a Government Statement to this effect issued in April 2010. In the statement the Government also noted that 40% of the total number of recommendations made by the Competition Authority between 2000 and 2009 had been implemented, with a further 9% being progressed. Since the review by Government earlier this year the Competition Authority has confirmed the following as the current position. Out of a total of 163 recommendations, 69 (42%) have been implemented with a further 13 (8%) recommendations currently being progressed.

The remaining number of recommendations (81 in total; 50%) can be classed as either not implemented; currently being considered by the relevant department or body; no longer relevant; not requiring action; or status unclear. An exercise is currently underway to clarify the precise status of all of these ‘outstanding’ recommendations in order to facilitate decisions on whether to reject or pursue each remaining recommendation. In line with a recent Government Decision, I intend to bring to Government twice-yearly updates on the implementation of these and any further recommendations made by the Competition Authority.

My Department has prepared a detailed list of the 163 recommendations made to date by the Competition Authority. The list also indicates the current status of each recommendation.

[Deputy Batt O’Keeffe.]

I have arranged for this material to be sent to the Deputy directly. The Deputy may also wish to visit the website of the Authority ([www.tca.ie](http://www.tca.ie)) on which can be found each of the market studies as well as the rationale for each recommendation.

### Departmental Agencies

141. **Deputy Leo Varadkar** asked the Minister for Enterprise, Trade and Innovation the number of persons employed in Forfás, FÁS, Office of Director Corporate Employment, Enterprise Ireland, Industrial Development Authority of Ireland, the Health and Safety Authority, the Companies Register Office, the Labour Relations Commission, the Labour Court, Science Foundation Ireland and any other agency under the remit of his Department terms of whole time equivalents employed prior to the introduction of the moratorium; the estimated number currently employed; the target number at which point the moratorium will end; and if he will make a statement on the matter. [20043/10]

**Minister for Enterprise, Trade and Innovation (Deputy Batt O’Keeffe):** The table below outlines the number of whole time equivalent staff employed in the offices and agencies of this Department prior to the Moratorium (at 25th March 2009) and currently (at 17th May 2010).

Office	25th March 2009	10th May 2010
Office of Director Corporate Enforcement	35.50	40.55*
Companies Registration Office	124.91	108.21
Labour Relations Commission	48.40	46.50
Labour Court	37.50	28.50
County Enterprise Boards	154.40	136.10
Competition Authority	51.40	43.20
Enterprise Ireland	912.00	858.00
Forfás	124.00	120.50
Health and Safety Authority	202.00	191.00
IDA Ireland	282.00	264.00
IAASA	12.00	12.00
National Consumer Agency	48.50	43.20
National Standards Authority of Ireland	200.00	190.00
Personal Injuries Assessment Board	78.00	74.00
Science Foundation Ireland	52.00	51.00
Shannon Development	133.00	118.00
InterTrade Ireland	43.91	40.91

\*6.6 Additional Staff were assigned to the Office of Director Corporate Enforcement between April 2009 and September 2009 to assist with Anglo Irish investigations.

The Moratorium provides that “until the end of 2010, no public service post, however arising, may be filled by recruitment, promotion, nor payment of an allowance for the performance of duties at a higher grade. Where vacancies arise Departments/agencies must reallocate staff or re-organise work accordingly. Any exceptions to this moratorium will require the prior sanction of the Minister for Finance”. Discussions are ongoing between my Department and the Department of Finance in relation to staffing levels in the context of agreeing an Employment Control Framework for my Department and its agencies to cover the period up to end 2012.

The position in relation to FÁS is a matter for my colleague the Minister for Education and Skills.

### EU Directives

142. **Deputy Bobby Aylward** asked the Minister for Enterprise, Trade and Innovation if he will provide an update of the Irish legislative position regarding the implementation of the Unfair Commercial Practices Directive 2005/29/EC which protects business to consumer relations and also the Misleading Advertising Directive 2006/114/EC which covers business to business transactions (details supplied). [20077/10]

**Minister for Enterprise, Trade and Innovation (Deputy Batt O’Keeffe):** Directive 2005/29/EC on unfair business-to-consumer commercial practices has been given effect in Ireland by the Consumer Protection Act 2007. The scope of the Directive, and of the provisions of the Act that give effect to it, is confined to commercial practices by a trader that are directly connected with the promotion, sale or supply of a product to consumers. Section 8(6) of the Consumer Protection Act 2007 provides, however, that, while nothing in the Act imposes a duty on the National Consumer Agency to consider whether to investigate a matter referred to it by a trader, the Agency may consider whether to do so, and may accordingly proceed to investigate the matter, where it is satisfied that the matter may affect the interests and welfare of consumers.

Directive 2006/114/EC on misleading and comparative advertising seeks to protect traders against misleading advertising and the unfair consequences thereof and to lay down the conditions under which comparative advertising is permitted. It has been given effect in Ireland by the European Communities (Misleading and Comparative Marketing Communications) Regulations 2007 (S.I No. 774/2007). Article 5 of the Regulations provides that a trader or other person may apply to the Circuit Court or the High Court for an order prohibiting a trader from engaging, or continuing to engage, in a misleading marketing communication or a prohibited comparative marketing communication, and sets out the rules governing such applications and orders.

I would draw the Deputy’s attention also to the provisions of section 48 of the Sale of Goods and Supply of Services Act 1980 on directory entries. This provides, among other things, that an order for an entry in a directory must be made by means of an order form or other stationery belonging to the person to whose business the directory entry is to relate, and that the note of a person’s agreement to a charge for a directory entry must state the charge and various details relating to the directory. A person is not liable for payment, or is entitled to recover any payment made by him, for a directory entry not made in compliance with the section. It is also an offence for a person to demand payment, or assert a right to payment, for a charge for a directory entry without knowing or having reasonable cause to believe that the entry was ordered in accordance with the section or that a proper note of agreement has been signed.

It is not possible from the initial details supplied by the Deputy to establish if the practices by the business directory companies referred to there would come within the scope of Directive 2006/114/EC and the Regulations that give effect to it, or of section 48 of the Sale of Goods and Supply of Services Act 1980. If the Deputy is in a position to furnish additional information, I would be happy to have my Department consider the matter further.

### Redundancy Payments

143. **Deputy Paul Kehoe** asked the Minister for Enterprise, Trade and Innovation if he will expedite redundancy payments in respect of a person (details supplied). [20084/10]

**Minister of State at the Department of Enterprise, Trade and Innovation (Deputy Dara Calleary):** I am pleased to advise the Deputy that my Department has processed this lump sum redundancy claim on behalf of the individual concerned and that payment in this case issued in early May 2010.

### Employment Rights

144. **Deputy Finian McGrath** asked the Minister for Enterprise, Trade and Innovation if he will support a matter (details supplied). [20425/10]

**Minister of State at the Department of Enterprise, Trade and Innovation (Deputy Dara Calleary):** My Department condemns any practices by employers that may result in non-compliance with employment rights entitlements or any other mistreatment of employees including those on employment permits. Ireland's Employment Rights Legislation establishes the statutory rights applicable to all people working in Ireland whether they are Irish citizens or otherwise. I would urge all whose employment rights are being breached by an employer or those who know of such exploitation, to contact the National Employment Rights Authority (NERA).

The Employment Permits Act 2006 sets out in legislation the rules governing employment permits. One of the main focuses of this Act was in increasing the rights and protections afforded to migrant workers and the means to ensure redress in the event of exploitative practices. The Act's provisions gave immigrants greater freedom, autonomy and control over their own employment choices by enabling workers for the first time to apply and re-apply for their own permit and allowing workers to change their employer after a period of a year and move to another employment in order to take advantage of better conditions or career options. Last year, my Department issued almost 1,500 employment permits in respect of employees changing to new employers.

A properly controlled employment permit system requires that permits be issued to a specific employee for a specific job with a specific employer. To do otherwise would not only risk abuse of the employment permit system but would make it much more difficult to ensure that employers observed the employment rights of employees. The Employment Permits Act 2006 allows for regular review of Ireland's economic migration policies and my Department keeps these policies under review, in line with the emerging needs of the labour market, on an ongoing basis.

### Enterprise Stabilisation Fund

145. **Deputy Seymour Crawford** asked the Minister for Enterprise, Trade and Innovation the number of companies in counties Cavan and Monaghan that have applied to date for assistance under the €100 million stabilisation fund; the number of applications accepted; the amount per county awarded to date; if he will have sufficient funds to cover the applications received or the €22 million cut in this fund will affect the benefits that were originally expected; and if he will make a statement on the matter. [20465/10]

**Minister for Enterprise, Trade and Innovation (Deputy Batt O'Keeffe):** The Enterprise Stabilisation Fund (ESF) was established by Government in 2009 as a 2-year scheme to support viable but vulnerable exporting companies experiencing difficulties because of the current economic climate. Over the lifetime of the scheme to date, 4 Cavan companies have been approved

for support amounting to €1,450,000 with the result that 356 jobs have been sustained in that County. There have been no approvals for companies in Monaghan to date.

At 30 April 2010, a total of 227 applications had been reviewed and 197 projects from 193 companies had been approved €72m under the ESF, of which €64m has been paid out to date. The total number of jobs sustained as a result of this funding in 2009 was in the region of 7,500.

The economic environment in which we are operating is evolving daily and the supports which government make available for company supports must change to reflect current priorities. It is in this context that the overall funding allocated to Enterprise Ireland for company supports in 2010 amounts to €278m, which represents an overall 26% increase on the outturn for 2009.

While a smaller portion of this funding is being allocated to the ESF, the overall increase is a reflection of the Government's commitment to supporting enterprise and the re-prioritisation of funding across the range of Enterprise Ireland programmes is taking account of the recovery phase which the Irish economy is now entering.

To put this re-prioritisation of funding in context, all companies applying under the ESF are assessed to ascertain whether the Fund is a suitable support for them, in the event that it is not, then the company is re-directed to the most appropriate funding mechanism from EI's other suite of funding supports.

The companies that Enterprise Ireland is now assisting includes those that are still vulnerable but just as importantly, those that have shown their potential for high growth and increased export sales. This balance between supporting those companies which are still vulnerable and those, which are ready to grow, is the key to stabilising the position of some companies while facilitating others taking advantage of the opportunities presented by the recovery in global markets.

Allocations to particular schemes are kept under constant review and adjusted to meet our economic needs at any given point in time.

### **Redundancy Payments**

146. **Deputy Joanna Tuffy** asked the Minister for Enterprise, Trade and Innovation when redundancy payment will be awarded in respect of a person (details supplied) in County Meath; and if he will make a statement on the matter. [20502/10]

**Minister of State at the Department of Enterprise, Trade and Innovation (Deputy Dara Calleary):** My Department administers the Social Insurance Fund (SIF) in relation to redundancy matters on behalf of the Department of Social and Family Affairs. There are two types of payment made from the SIF — rebates to those employers who have paid statutory redundancy to eligible employees, and statutory lump sums to employees whose employers are insolvent and/or in receivership/liquidation.

I can confirm that my Department received a lump sum claim for the individual concerned on 28 May 2009.

In instances such as this, where the employer does not formally wind the company up but goes into informal insolvency and is unable to pay the statutory redundancy entitlements, the Department seeks from the employer evidence of inability to pay the entitlements to the employees. This involves requesting a statement from the company's Accountant or Solicitor attesting to the inadequacy of assets to make the redundancy payments and, the latest set of financial accounts for the company. The employer is also asked to admit liability for the 40%

[Deputy Dara Calleary.]

liability attaching to the company arising from the redundancy payments. If this information is provided to the Department, the employees are paid their redundancy entitlement from the Social Insurance Fund. Upon payment, the Department pursues the company for the 40% share that the company would ordinarily have been expected to pay to the employees.

In the present instance, the necessary documentation has not been provided as yet. If it were, it should be possible to authorise the claim for payment shortly. If the necessary supporting documentation required from the employer is not provided to my Department, the employee will be advised by my Department to take a case to the Employment Appeals Tribunal (EAT) against the employer to seek a determination establishing the employee's right and entitlement to redundancy. Once such a determination is available, the Department is then in a position to make the payment to the employee concerned. Should the outstanding documentation be provided by the employer during the period while the case is pending a hearing before the EAT, this would allow the claim to be processed by my Department in the usual way.

### Legislative Programme

147. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Enterprise, Trade and Innovation the sections of legislation which the Director of Corporate Enforcement has raised as requiring modification; and if he will make a statement on the matter. [20534/10]

**Minister for Enterprise, Trade and Innovation (Deputy Batt O'Keeffe):** My Department maintains a close ongoing dialogue with the Director of Corporate Enforcement in regard to the operation of the Companies Acts to ensure that they are fit for purpose and any necessary modifications are made through the relevant legislative process as appropriate.

148. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Enterprise, Trade and Innovation when he will introduce a Bill to amend company law; and if he will make a statement on the matter. [20535/10]

**Minister for Enterprise, Trade and Innovation (Deputy Batt O'Keeffe):** I assume the Deputy is referring to the Companies Consolidation and Reform Bill which is currently being drafted by the Office of the Parliamentary Counsel along the lines of the General Scheme of the Companies Consolidation and Reform Bill. The proposed Bill will consolidate into a single Act, comprising more than 1,300 sections, Irish Companies Acts dating from 1963 to 2009 as well as other regulations and common law provisions relating to the incorporation and operation of companies. It is envisaged that the Bill will be published in Autumn 2011.

### EU Directives

149. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Enterprise, Trade and Innovation the number of investigations that have taken place under the provisions of the Market Abuse (Directive 2003/6/EC) Regulations; and if he will make a statement on the matter. [20538/10]

**Minister for Enterprise, Trade and Innovation (Deputy Batt O'Keeffe):** The competent authority designated under the Market Abuse (Directive 2003/6/EC) Regulations 2005 is the Financial Regulator. I have no direct function in relation to investigations undertaken under the provisions of these Regulations.

### Departmental Agencies

150. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Enterprise, Trade and Innovation

if the Office of the Director of Corporate Enforcement is satisfied that it has an adequate number of staff in order to fulfil its duties; if requests for extra staff have been made; and if he will make a statement on the matter. [20539/10]

**Minister for Enterprise, Trade and Innovation (Deputy Batt O’Keeffe):** My Department has no outstanding requests from the Director of Corporate Enforcement for additional staff for his Office.

### Industrial Development

151. **Deputy Simon Coveney** asked the Minister for Enterprise, Trade and Innovation the schemes used by his Department or its agencies specifically to attract technology companies to the Dublin Docklands area; the schemes that are no longer in existence which were used to attract sector specific companies since the Dublin Docklands regeneration project began; and if he will make a statement on the matter. [20547/10]

**Minister for Enterprise, Trade and Innovation (Deputy Batt O’Keeffe):** At present the Industrial Development agencies under the aegis of my Department use a range of schemes to attract manufacturing or internationally-traded services operations to all parts of the country. The schemes available to all such companies in Dublin Docklands are the same, and at the same aid rates, as those available elsewhere in Dublin.

For the country as a whole, schemes fall into a number of categories. Regional aid is paid, in areas where it is allowed under EU State aid rules, in the form of capital or employment grants or in the form of preference shares, and the amount payable is linked to the level of investment or to the numbers to be employed in the operation. However, since 1 January, 2007, regional aid is no longer payable in Dublin, and therefore not in Dublin Docklands. Other categories of aid are payable on a uniform basis across the country. These include grants to support Research Development and Innovation, Training grants, and SME supports such as towards the carrying out of market research or towards participation in trade fairs.

Therefore, the category of schemes no longer available in Dublin Docklands, or elsewhere in Dublin, is regional aid. The rate for regional aid in Dublin fell to 17.5% in 2000 and to 0% from 1 January, 2007.

152. **Deputy Niall Collins** asked the Minister for Enterprise, Trade and Innovation the number of site visits made by agencies under the aegis of his Department with a view to creating employment in County Limerick in the years 2007 to date in 2010; the location of these visits; and if he will make a statement on the matter. [20550/10]

**Minister for Enterprise, Trade and Innovation (Deputy Batt O’Keeffe):** There have been a total of 70 site visits made to Limerick by potential FDI investors since 2007 and to date in 2010.

The tabular statement breaks down each of these visits and gives their locations.

Location of Site Visits	2007	2008	2009	2010 to date
Limerick Only	33	8	17	9
Limerick + Askeaton	1	1	1	—
Total	34	9	18	9

[Deputy Batt O’Keeffe.]

The IDA Mid West region consists of Counties Clare, Limerick and North Tipperary. IDA Ireland’s regional strategy reflects the National Spatial Strategy, with an emphasis on the Limerick/Shannon Gateway and the hub town of Ennis. IDA Ireland’s strategy for the Mid West Region is: to transition to a knowledge economy by winning new FDI in innovation driven, high value, high skills sectors; to work with the existing company base to expand their presence by increasing the number and scale of functions being carried out and by adding further strategic functions; to promote balanced regional development; to influence the provision of modern property solutions with supporting infrastructure; to work with local authorities and other partners to influence the creation of the right infrastructural environment to help win new FDI throughout the region; and to work closely with educational institutions in the region to develop the skill sets necessary to attract high value-added employment.

The Agency cooperates with the existing base of employers to encourage additional investment, particularly in activities such as R&D, customer support and back office functions. Over the past 2 years there have been 9 project announcements for the Mid-West Region of which 6 were for Limerick with a job potential of 1,173. It should be noted however that jobs announced are typically created over a period of up to three to five years. IDA works closely with Shannon Development in the provision of suitable property solutions for potential investors to the region, including Co Limerick.

Month of Announcement	Company Name	Location	Jobs Announced
February 2008	Vistakon (Expansion)	Limerick	60
February 2008	Channel Advisor (New)	Limerick	15
February 2008	Zimmer Holdings (New)	Shannon	250
July 2008	On Semiconductor (New)	Limerick	49
September 2008	Cook Medical (Exp)	Limerick	200
November 2008	DTS (New)	Limerick	50
December 2008	Microsemi (Exp)	Clare	315
February 2009	Intel R&D (Exp)	Shannon	134
March 2010	Dell	Limerick	100

### City and County Enterprise Boards

153. **Deputy John Deasy** asked the Minister for Enterprise, Trade and Innovation the number of businesses in Waterford city that have been approved for funding by the city enterprise board in 2009 and to date in 2010; the amount of funding involved; the number of jobs created by this funding; and if he will make a statement on the matter. [20702/10]

**Minister for Enterprise, Trade and Innovation (Deputy Batt O’Keeffe):** The role of the Waterford City Enterprise Board (CEB) is to provide support for small businesses with 10 employees or fewer in the start-up and expansion phases, to promote and develop indigenous micro-enterprise potential and to stimulate economic activity and entrepreneurship at local level throughout Waterford City.

The CEB delivers a series of Programmes to underpin this role and can provide both financial (grant) and non-financial (training, mentoring and a wide range of business advice activities) assistance to a project promoter. Business growth and job creation are inherent considerations in the activities of the CEB and they continue to support enterprise development in the Waterford City area ensuring that available funds are targeted to maximise entrepreneurial development at local level. A priority for 2010 is to assist owner/managers in enhancing the

survival and sustainability of their businesses in these difficult economic times and to assist people wishing to start their own business including those made redundant.

The figures requested by the Deputy are in tabular format as follows. The figures relating to net jobs existing in CEB-supported micro-enterprises are gathered in a CEB Job Survey each year. As figures are compiled on an annual basis, figures in respect of 2010 will not be available until early in 2011.

Waterford City Enterprise Board	No. Projects Approved for Grants	Value of Grants Approved	Net jobs existing in CEB-supported Companies*
		€	
2009	30	360,867	662
2010 (to date)	8	157,500	—

\*Figures exclude jobs existing prior to CEB support.

154. **Deputy John Deasy** asked the Minister for Enterprise, Trade and Innovation the number of jobs in Waterford city in companies supported by the city enterprise board that existed in 2009; the net number of jobs existing at present in such companies; and if he will make a statement on the matter. [20703/10]

**Minister for Enterprise, Trade and Innovation (Deputy Batt O’Keeffe):** The role of the Waterford City Enterprise Board (CEB) is to provide support for small businesses with 10 employees or fewer in the start-up and expansion phases, to promote and develop indigenous micro-enterprise potential and to stimulate economic activity and entrepreneurship at local level throughout Waterford City.

The CEB delivers a series of Programmes to underpin this role and can provide both financial (grant) and non-financial (training, mentoring and a wide range of business advice activities) assistance to a project promoter. Business growth and job creation are inherent considerations in the activities of the CEB and they continue to support enterprise development in the Waterford City area ensuring that available funds are targeted to maximise entrepreneurial development at local level. A priority for 2010 is to assist owner/managers in enhancing the survival and sustainability of their businesses in these difficult economic times and to assist people wishing to start their own business including those made redundant.

The figures requested by the Deputy are in tabular format as follows. The figures relating to net jobs existing in CEB-supported micro-enterprises are gathered in a CEB Job Survey each year. As figures are compiled on an annual basis, figures in respect of 2010 will not be available until early in 2011.

Waterford City Enterprise Board	Net jobs existing in CEB-supported Companies*
2009	662

\*Figures exclude jobs existing prior to CEB support.

### Grant Payments

155. **Deputy John Deasy** asked the Minister for Enterprise, Trade and Innovation the number of applications under the propel programme received from Waterford city; the number of jobs projected to be created under this programme in Waterford city; and if he will make a statement on the matter. [20704/10]

156. **Deputy John Deasy** asked the Minister for Enterprise, Trade and Innovation the number of jobs created by agencies under his control in Waterford city in 2009 and to date in 2010; and if he will make a statement on the matter. [20705/10]

157. **Deputy John Deasy** asked the Minister for Enterprise, Trade and Innovation the number of businesses in Waterford city that have been approved for funding under the growth fund in 2009 and to date in 2010; the amount of funding involved; the number of jobs created by this funding; and if he will make a statement on the matter. [20707/10]

158. **Deputy John Deasy** asked the Minister for Enterprise, Trade and Innovation the number of businesses in Waterford city that have been approved for company expansion funding by Enterprise Ireland in 2009 and to date in 2010; the amount of funding involved; the number of jobs created by this funding; and if he will make a statement on the matter. [20708/10]

159. **Deputy John Deasy** asked the Minister for Enterprise, Trade and Innovation the number of businesses in Waterford city that have been approved for funding by Enterprise Ireland in 2009 and to date in 2010 under its schemes for exploring new opportunities; the amount of funding involved; the number of jobs created by this funding; and if he will make a statement on the matter. [20709/10]

160. **Deputy John Deasy** asked the Minister for Enterprise, Trade and Innovation the number of businesses in Waterford city that have been approved for funding by Enterprise Ireland in 2009 and to date in 2010 under its schemes for research and development; the amount of funding involved; the number of jobs created by this funding; and if he will make a statement on the matter. [20710/10]

**Minister for Enterprise, Trade and Innovation (Deputy Batt O’Keeffe):** I propose to take Questions Nos. 155 to 160, inclusive, together.

The provision of grant assistance to individual companies is a matter for the development agency or body concerned, and not one in which I have a direct function.

It should be noted that data in relation to funding is collated on a County only basis, so it is not possible to provide specific data in relation to Waterford City.

The Propel Programme is a nationwide business development programme aimed at supporting the setting up of start up companies in the information technology and life science sectors that have significant export potential. The initiative, the latest stage of Enterprise Ireland’s ‘Propel Ideas into Business’ Programme’, is geared towards providing a select number of entrepreneurs and early stage businesses with the skills and training required to take the next step in expanding their service offerings. I understand from Enterprise Ireland that two applications have been received from companies in Waterford under this Programme and are currently at the evaluation stage.

The Growth Fund, launched in 2008, is designed to assist SME clients of Enterprise Ireland to achieve greater competitiveness by improving their export potential. This will be achieved by increasing both their gross output and gross productivity, while also providing new employment or maintaining existing employment levels. In 2009 and 2010, 3 companies from across Waterford, were approved funding totalling €578,341 from the Growth Fund. Typically, this funding is paid out over a two-year period.

Funding for company expansion is designed to assist companies achieve their growth plans. This includes support in the areas of capital equipment, training/management development,

job creation, recruitment of key managers and R&D, with the focus on increasing exports. In 2009 and 2010, 16 companies were approved a total of €2,540,608 in Waterford with funding typically made available over a two to three year period.

Enterprise Ireland funding for investigating new ideas and markets is an essential aspect of business development. “Funding for Exploring New Opportunities” includes a range of different types of feasibility supports, assistance towards hiring a business mentor, attendance at trade fairs, and a range of consultancy supports. In 2009 and 2010, under this initiative, 30 companies from Waterford were approved funding totalling €523,416.

In addition, Enterprise Ireland provides critical in-company R&D funding designed to provide support for research, development and technological innovation relevant at all stages of company development, and which will enable companies to progress from undertaking an initial research project to high-level innovation and R&D activity. In 2009/10 there was one R&D project approved for €90,607 in Waterford. Innovation Vouchers give small companies access to the vast knowledge available in Irish Institutes of Technology, Universities and other public research bodies. The average Irish company can use these vouchers, worth €5,000, to bring in knowledge that is new to the company. In 2009, 10 Waterford City traders pooled their vouchers for a total of €50,000 to develop a marketing strategy for local businesses.

All EI’s supports to companies work in a complementary manner, so it is not possible to say the number of jobs created individually by these various forms of funding. Enterprise Ireland is the lead government agency responsible for the development of Irish enterprise. Its mission is to accelerate the development of world-class Irish companies to achieve strong positions in world markets. Enterprise Ireland delivers a wide range of supports to Irish companies, targeted at the specific requirements of clients throughout all regions to ensure that they develop to their full potential in terms of employment, innovation and exports, which in turn, stimulates further job creation. Across the full range of supports, EI client companies had 3,640 full time employees in Waterford during 2009.

Employment data in respect of companies supported by the Enterprise Agencies is collated by Forfás on an annual basis and accordingly no data is available for 2010. This data is compiled on a county basis only so it is not possible to provide specific data for Waterford City. In 2009, 332 new full-time jobs were created in enterprise agency assisted firms (IDA Ireland 71 and Enterprise Ireland 322) in Waterford. At the end of 2009, the numbers in permanent employment in Enterprise Agency Assisted firms in Waterford stood at 9,247.

The figures relating to net jobs existing in CEB-supported micro-enterprises are gathered in a CEB Job Survey each year. The net number of jobs existing in CEB-supported companies in Waterford (excluding jobs existing prior to CEB-support) as per the Survey for 2009 was 662. As figures are compiled on an annual basis, figures in respect of 2010 will not be available until early in 2011.

161. **Deputy John Deasy** asked the Minister for Enterprise, Trade and Innovation the number of businesses in Waterford city that have been approved for grant aid by Industrial Development Authority Ireland in 2009 and to date in 2010; the breakdown by each category of grant; the amount of funding involved; the number of jobs created by this funding; and if he will make a statement on the matter. [20711/10]

**Minister for Enterprise, Trade and Innovation (Deputy Batt O’Keeffe):** The IDA grant payments figures for companies in Waterford City and County for 2009 and to date in 2010 are outlined below. Grant payment information is provided on grants paid, not on grants approved, and broken down on a county basis only.

[Deputy Batt O’Keeffe.]

## 2009 Grant Payments to County Waterford

		€
Employment	2 companies	432,200
R&D	1 company	35,367
Training	1 company	59,767
ESS* first call	4 companies	327,600

## 2010 Grant Payments to date (17/05/10) to County Waterford

		€
Employment	1 company	369,000
ESS* first call	4 companies	327,600
ESS* 2nd call	1 company	9,620

\*Employment Subsidy Scheme.

Since the beginning of 2007 there were four announcements in Waterford City and County in relation to multinational start ups and expansions, with 438 jobs announced. The names of the companies, excluding companies who do not wish to make an announcement, are set out in the table below. Jobs announced are typically created over a period of up to three to five years and grant payments are paid as jobs are created and the company makes a claim. In this regard no comparison should be made between the table of announcements and the figures provided in the table for grant payments.

Month of Announcement	Company Name	Location	Jobs	Investment if disclosed
				€
September 2007	Genzyme	Waterford	18	20 Million
April 2008	Genzyme	Waterford	170	130 million
April 2008	Microchem/Lancaster Labs	Dungarvan	100	Not disclosed
April 2008	GlaxoSmithKline	Dungarvan	50	30 million

Waterford and the South East is a high priority for IDA and the Agency is continuing to vigorously promote the region to potential new investors through its network of overseas offices and the various teams in its operational divisions. In line with the National Spatial Strategy, IDA Ireland is focussed on advancing the economic development of the region primarily through the Gateway of Waterford City as well as Kilkenny, Wexford, Dungarvan, Carlow and Clonmel.

### Pension Provisions

162. **Deputy Martin Ferris** asked the Minister for Enterprise, Trade and Innovation the number of persons in his Department and office, including any Departments and offices under his aegis, employed in the civil and public service who are in receipt of a State pension. [21156/10]

**Minister for Enterprise, Trade and Innovation (Deputy Batt O’Keeffe):** I understand that the Deputy’s question refers to both persons in receipt of a State pension such as a Widow’s

or Widower's Pension as well as to persons in receipt of a pension arising from public sector employment. Either way, the information requested by the Deputy is not held by my Department.

The Deputy should be aware that Public Service pension entitlements may be carried from one Public Service employment to the next provided the employer is a member of the Public Service Transfer Network. Pensions are generally not payable until retirement age. Where they are being paid prior to retirement age, they will likely be subject to an actuarial reduction except in the case of the Incentivised Scheme of Early Retirement which was available to Civil and Public Servants in 2009.

### **Banking Sector Regulation**

163. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Finance his plans to introduce new regulatory rules for the banking sector concerning risk management, compliance, liquidity management and general control processes; and if he will make a statement on the matter. [20536/10]

**Minister for Finance (Deputy Brian Lenihan):** Most aspects of banking regulation are governed by the relevant EU directives, in particular the Capital Requirements Directive (CRD), which implements the Basel II capital adequacy framework in the European Union. A wide-ranging programme of reform has been mandated at international level by the G20, arising from analysis which highlighted areas where the existing Basel II framework was insufficiently prescriptive, including liquidity requirements; capital quality and capital buffers; large exposures; securitisation; supervisory coordination; and leverage ratios. These reforms are being addressed in the EU through a series of amendments to the CRD, which will have to be transposed into national legislation.

At a pan-European level, we are also seeing a change in the regulatory architecture through the implementation of the De Larosiere report which seeks to address structural "systemic and inter-connected vulnerabilities" highlighted in recent years. Under proposals which are currently being finalised, a new EU function called the European Systemic Risk Board (ESRB) will be established under the ECB. The ESRB's role will be to gather information on all macro-prudential risks in the EU. At a micro level, a new European System of Financial Supervision (ESFS) will also be established. The current Level 3 Committees — CEBS (banking), CEIOPS (insurance), CESR (securities) — will be transformed into three new European Supervisory Authorities which will have a considerably expanded role compared to their current powers including issuing binding technical standards and having a strong coordinating role in crisis situations. There will be binding cooperation with the ESRB to provide adequate prudential supervision. Ireland will be playing an active role at both a macro and micro level within this new framework.

At national level, the Government is in the process of putting in place a domestic regulatory framework for financial services, including the banking sector, that: meets the Government's objective of maintaining the stability of the financial system; provides for the effective and efficient supervision of financial institutions and markets; and safeguards the interests of consumers and investors.

The Central Bank Reform Bill 2010, which has just completed second stage in Dáil Éireann, is the first of a three-stage legislative process to create a new fully-integrated structure for financial regulation. It provides a statutory basis for a new structure which will replace the existing Central Bank and Financial Services Regulatory Authority.

[Deputy Brian Lenihan.]

A second bill, to be brought before the House in the autumn, will enhance the powers and functions of the restructured Central Bank in relation to the: prudential supervision of individual financial institutions; conduct of business, including the protection of consumer interest; and overall stability of the financial system.

Having regard to international developments, particularly at EU level, the second bill will provide an opportunity to consider what further provision might be made at that time with respect to financial institutions in national legislation in the areas mentioned in the Deputy's question.

A third bill will consolidate the statutory arrangements for the Central Bank and financial regulation in the State.

I also understand that the Financial Regulator is developing an assertive risk-based system of regulation underpinned by the credible threat of enforcement. This involves calibrating the intensity of its regulatory standards and day-to-day supervisory approach to the risk profile of the firms and sectors that are supervised. In doing this, the Regulator will focus on risk mitigation, assessing business risk, and developing and using the risk model to assess firms systematically and to set the supervisory agenda.

Where matters are not prescribed by EU legislation, the Financial Regulator will propose national standards. The Financial Regulator has already published a package of proposals covering corporate governance standards and a consultation paper on Lending to Related Parties. The proposals in both documents are expected to be implemented in autumn 2010. The Financial Regulator also intends to issue further requirements, including tougher fitness and probity requirements and guidelines on remuneration and risk taking. Many of these initiatives will extend beyond the banking sector to other categories of financial services firms but will be developed in a proportionate manner, in line with the Regulator's risk-based approach.

### Official Engagements

164. **Deputy Andrew Doyle** asked the Minister for Finance if he has met representatives of the International Monetary Fund in 2007, 2008 and 2009; the dates and times of meetings for each year; and if he will make a statement on the matter. [20546/10]

**Minister for Finance (Deputy Brian Lenihan):** I had a courtesy call with the representatives of the International Monetary Fund during their Article IV mission on Wednesday 29th April 2009 from 10.30 a.m. to 11 a.m. There was no Article IV mission to Ireland during 2008.

The Minister for Finance had a courtesy call with the IMF during their Article IV mission on Wednesday 20th June 2007 from 5.30 p.m. to 6 p.m.

The Minister of State at the Department of Finance, on behalf of the Minister for Finance, met the IMF during the IMF/World Bank Annual meetings in 2008 and 2009 (10th to 13th October 2008 and 3rd to 6th October 2009).

The Executive Director of our IMF Constituency also visits once a year to provide an update on what is happening at the Fund and at Constituency level. As part of these visits, I met him on 22 May 2008 and 29 April 2009.

### State Banking Sector

165. **Deputy Joan Burton** asked the Minister for Finance if he will provide the subscription agreement signed with Anglo Irish Bank in 2009; if he will confirm, as per Anglo Irish Bank's

annual report, that the bank is precluded under this agreement from any new lending to clients beyond its existing customer base; and if he will make a statement on the matter. [19896/10]

**Minister for Finance (Deputy Brian Lenihan):** The restriction on lending was a condition of the EU Commission approval for the provision of capital to Anglo Irish Bank. The purpose of the State aid restriction on new lending is to reduce the balance sheet and the risk weighted assets of the bank.

The Deputy will be aware that Subscription agreements are normally confidential documents. However, since much of the detail of the specific agreement between the Minister for Finance and Anglo Irish Bank Corporation is already in the public domain and the Bank has no objection to the release of the document I attach a copy of the document, excluding the annexes, for your information. The annexes are excluded for commercial reasons.

### Tax Yield

166. **Deputy Mary Upton** asked the Minister for Finance the number of hotels that have claimed tax relief under the seven-year exemption on construction costs in each of the past five years; the amount of tax forgone in each year; the expected number of hotels which will be part of the scheme in 2010; and if he will make a statement on the matter. [19909/10]

**Minister for Finance (Deputy Brian Lenihan):** I am informed by the Revenue Commissioners that the relevant information available on the amount of tax forgone in relation to hotel capital allowances is based on personal income tax returns filed by non-PAYE taxpayers and corporation tax returns filed by companies for the years 2004 to 2008, the latest year for which this information is available. The relevant figures alongside the figures for the number of claimants are as set out in the following table: Amount of Tax Forgone

Year	€m	Number of Claimants
2004	37.7	611
2005	67.0	1,038
2006	106.6	1,515
2007	118.0	1,893
2008	114.7	1,966

The estimated relief claimed has assumed tax forgone at the 42% rate for 2004 to 2006 and 41% for 2007 and 2008 in the case of individuals and 12.5% in the case of companies for all years. The figures shown correspond to the maximum Exchequer cost in terms of income tax and corporation tax.

The figures for 2008 are subject to adjustment in the event of late returns being filed or where returns already filed are subsequently amended.

I have been informed by the Revenue Commissioners that the information requested on tax returns does not require the number of qualifying hotels to be specified. Accordingly, the specific information requested by the Deputy in respect of numbers of hotels is not available.

It should be noted that any corresponding data returned by PAYE taxpayers in the income tax return form 12 is not captured in the Revenue computer system. However, any PAYE taxpayer with non-PAYE income greater than €3,174 is required to complete an income tax return form 11.

### Pension Provisions

167. **Deputy Joe Costello** asked the Minister for Finance the amount of money in the National Pension Reserve Fund in each year since the fund was established; the amount of money which has been withdrawn in recent years; the amounts withdrawn on each occasion; the purpose for which the money was withdrawn; and if he will make a statement on the matter. [19933/10]

**Minister for Finance (Deputy Brian Lenihan):** The National Pensions Reserve Fund (NPRF) was established on 2 April 2001 with the objective of meeting as much as possible of the cost to the Exchequer of social welfare pensions and public service pensions to be paid from the year 2025 until at least 2055.

No withdrawals have been made from the Fund. The Investment of the National Pensions Reserve Fund and Miscellaneous Provisions Act 2009 amended the original legislation so as to allow the Minister for Finance to direct the NPRF Commission — who control and manage the Fund — to invest in a listed credit institution and to make payments into the Fund for the purposes of such an investment, such additional contributions to be offset against the contribution liability in future years. These amendments reflected the Government decision, announced on 11 February 2009, that the recapitalisation of Allied Irish Bank (AIB) and Bank of Ireland (BoI) through the purchase of preference shares by the NPRF would be funded by €4 billion of the Fund's own resources and €3 billion from the Exchequer through the frontloading of the 2009 and 2010 Exchequer contributions to the Fund.

In March and May 2009, under the terms of this Act, the NPRF Commission invested, at my direction, a total of €7 billion in preference shares issued by BoI and AIB (€3.5 billion in each institution). I expect that this participation by the NPRF in the recapitalisation of AIB and BoI will yield a satisfactory return for the Fund over time and will assist the Fund in its purpose of meeting as much as possible of the cost to the Exchequer of social welfare pensions and public service pensions from 2025.

The NPRF Commission publishes annual reports as a statutory obligation and quarterly reports providing an update on the Fund's performance. Both the annual reports and the quarterly reports are available on the Commission's website *www.nprf.ie*

The market value of the Fund at the end of each year since 2001 was as follows:

	€ billion
2001	7.7
2002	7.4
2003	9.6
2004	11.7
2005	15.4
2006	18.9
2007	21.2
2008	16.1
2009	22.3

The most recent quarterly report, to 31 March 2010, valued the Fund at €24.5 billion.

### Health Insurance Providers

168. **Deputy James Reilly** asked the Minister for Finance the solvency reserves of each of

the health insurers here; if each of them meet the Financial Regulator's requirements; and if he will make a statement on the matter. [20026/10]

169. **Deputy James Reilly** asked the Minister for Finance the reason the required solvency reserves for health insurers in the market here is higher than the required solvency reserves for health insurers elsewhere in European Union market; and if he will make a statement on the matter. [20027/10]

189. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Finance the reason the State maintains an insurance sector solvency threshold far in excess of that required by the European Union; if this threshold applies to all insurance companies performing in the Irish market, both indigenous and foreign-based; if not, the names of the companies to which it applies; his plans to bring the Irish requirement into line with that of the European Union; and if he will make a statement on the matter. [20407/10]

**Minister for Finance (Deputy Brian Lenihan):** I propose to answer Questions Nos.168, 169 and 189 together. The Financial Regulator has informed me that the solvency margin calculation set out under the EC Directives determines the minimum acceptable requirement. In practice, in common with the Financial Regulator in Ireland, most EU supervisory authorities insist on solvency being maintained above this minimum requirement, as this allows for supervisory authorities to intervene before a company breaches the minimum requirement of 100% and becomes technically insolvent.

The application of higher solvency requirements than the minimum also reflects the fact that the existing Solvency regime (Solvency 1) is not sufficiently risk based. This explains why a new insurance directive on solvency requirements has been agreed (Solvency II) which will come into force from 1 January 2013. This regime will harmonise solvency requirements for all insurance companies across the EU.

The Financial Regulator has also advised my Department that it does not draw a distinction between health insurance and other types of general insurance as the solvency requirements for all non-life insurance companies are the same. Under the conditions of authorisation imposed by the Financial Regulator, all insurance companies must maintain a solvency margin of 200% of the EU minimum requirement for their first three years of operation due to the fact that the risk of financial difficulties arising is higher during this period. After three years they can apply to have the requirements reduced to 150% of the EU minimum requirement. This is the case for all Irish-authorised insurance undertakings.

Finally, in relation to the specific solvency reserves of individual insurers, this information is not in the public domain due to its commercially sensitive nature.

### **Motor Fuels**

170. **Deputy John Perry** asked the Minister for Finance the estimated amount of revenue lost to Irish tax and customs annually as a result of laundered fuel being sold illegally in the Twenty-six Counties; and if he will make a statement on the matter. [20034/10]

**Minister for Finance (Deputy Brian Lenihan):** I am informed by the Revenue Commissioners that they are not in a position to provide a reliable estimate on the amount of revenue lost as a result of the illegal sale of laundered fuel, as there is no proven method for determining this figure. The following table illustrates Revenue's enforcement activity regarding laundered fuel over the last four years.

[Deputy Brian Lenihan.]

Year	No. Detections	Laundered Fuel Seized — Litres	Convictions	Penalties Imposed
				€
2006	25	147,104	19	62,997
2007	16	94,895	19	54,300
2008	7	32,900	7	29,500
2009	5	155,990	5	17,900
Totals	53	430,889	50	164,697

In addition to above six heavy goods vehicles associated with laundered fuel were also seized. At 2009 excise duty rates, and on the assumption that the laundered fuel would have been sold for use in road vehicles, the revenue loss on this quantity would have been approximately €206,800.

### Civil Service Staff

171. **Deputy Leo Varadkar** asked the Minister for Finance the number of persons in terms of whole time equivalents employed in the Civil Service prior to the introduction of the moratorium; the estimated number currently employed; the target point at which point the moratorium will end; and if he will make a statement on the matter. [20044/10]

**Minister for Finance (Deputy Brian Lenihan):** The number of persons in terms of whole time equivalent who were employed in the civil service prior to the introduction of the moratorium on 27 March 2009 was 39,196. The number currently employed is 37,156 as at the end of March 2010.

In relation to the Deputy's query regarding the target number at which point the moratorium on recruitment and promotion in the public service will end, the precise ceilings in each area are subject to any future Government policy decisions and priorities in regard to public service provision. The Government will keep the application of the moratorium on recruitment and promotion under review and the matter will be revisited in each sector as the staffing levels in the Employment Control Frameworks for the sectors are achieved.

### Tax Code

172. **Deputy Michael Creed** asked the Minister for Finance if a person (details supplied) in County Cork is in receipt of the appropriate tax free allowance; and if he will make a statement on the matter. [20061/10]

**Minister for Finance (Deputy Brian Lenihan):** I am advised by the Revenue Commissioners that the tax credits currently allocated to the person in question are in accordance with the information supplied by her to the Office of the Revenue Commissioners.

If the taxpayer has any further queries she should contact her local Revenue Office on 1890 22 24 25.

### Garda Stations

173. **Deputy Charles Flanagan** asked the Minister for Finance the position regarding the purchase by the Office of Public Works of a site in Portlaoise, County Laois for the purpose

of the construction of a new Garda station; and if he will make a statement on the matter. [20099/10]

**Minister of State at the Department of Finance (Deputy Martin Mansergh):** The acquisition of a site for a new District Headquarters in Portlaoise has not yet been completed. Other property solutions for the accommodation requirements at Portlaoise are being actively examined. The proposed site acquisition will be finalised should it transpire that the best option is a new site.

### Tax Code

174. **Deputy Róisín Shortall** asked the Minister for Finance the value of capital allowances provided to landlords of private residential property and commercial property in each of the past seven years; and the cost to the Exchequer arising from these allowances. [20100/10]

**Minister for Finance (Deputy Brian Lenihan):** I am informed by the Revenue Commissioners that on the basis of the claims for capital allowances entered on tax returns filed by non-PAYE taxpayers and companies for the tax years 2002 to 2008 in respect of property used for the provision of rented accommodation, both private and commercial, the amounts of capital allowances so claimed and the estimated costs to the Exchequer are as set out in the following table. Capital allowances for rental property

Tax Year	Amount Claimed	Maximum Tax Cost
	€m	€m
2002	473	199
2003	494	183
2004	648	248
2005	650	252
2006	683	260
2007	542	200
2008	470	169

The figures shown for 2002 relate to individuals only as rental income of companies was returned as excluding capital allowances on the corporation tax return for that year.

The estimates are based on assuming that tax relief was allowed at the top income tax rate of 42% (up to 2006) and 41% (for 2007 and 2008) in respect of individuals and at the standard rate of 25% in respect of companies. The figures provided could therefore be regarded as the maximum Exchequer cost in respect of those taxpayers.

The figures for 2008 are subject to adjustment in the event of late returns being filed or where returns already filed are subsequently amended.

It should be noted that any corresponding data returned by PAYE taxpayers in the income tax return form 12 is not captured in the Revenue computer system. However, any PAYE taxpayer with non-PAYE income greater than €3,174 is required to complete an income tax return form 11. This return is the source of the figures provided in this reply.

The Deputy will no doubt be aware that the level at which interest repayments can be claimed against tax for residential rental properties was reduced from 100% to 75% in section 5 of the Finance Act 2009 at an estimated full year yield of €95 million.

175. **Deputy Róisín Shortall** asked the Minister for Finance his estimate of the savings to the Exchequer in a full year if rent relief provided to tenants was allowed only in proportion to

[Deputy Róisín Shortall.]

the duration of the year spent in rented accommodation rather than as a single tax relief regardless of the number of months spent in such accommodation. [20101/10]

**Minister for Finance (Deputy Brian Lenihan):** I am informed by the Revenue Commissioners that the information requested on tax returns does not require the duration of the year spent in rented accommodation to be specified. Accordingly, there is no basis on which the estimate requested by the Deputy could be provided.

176. **Deputy Thomas Byrne** asked the Minister for Finance the position regarding mortgage interest relief in respect of a person (details supplied) in County Meath. [20102/10]

**Minister for Finance (Deputy Brian Lenihan):** The position is that an individual's entitlement to mortgage interest relief is based on a year of assessment, which is defined in the Taxes Consolidation Act 1997 as a calendar year i.e. from 1 January to 31 December. The administration of the mortgage interest relief is a matter for the Revenue Commissioners in conjunction with the relevant financial institutions.

I am advised by the Revenue Commissioners that in this particular case the first year of assessment for which the mortgage qualified for mortgage interest relief was 2003 and that entitlement ended on 31 December 2009.

In addition, the Revenue Commissioners have advised me that contact is being made with the individual concerned to confirm that the full relief available was granted for the year 2009. If there is any additional relief due for 2009, it will be paid by the Revenue Commissioners.

177. **Deputy Richard Bruton** asked the Minister for Finance his views on whether a cohabiting couple are disadvantaged by the income tax system; his further views on amending the income tax system to provide more favourable tax treatment to cohabiting couples; and if he will make a statement on the matter. [20136/10]

**Minister for Finance (Deputy Brian Lenihan):** Generally speaking, members of cohabiting couples are treated as separate and unconnected individuals for the purpose of income tax. Each partner is a separate entity for tax purposes and credits and bands and reliefs cannot be transferred from one partner to the other. The basis for the current taxation of married couples derives from the Supreme Court decision in *Murphy v the Attorney General* (1980) which held that it was contrary to the Constitution for a married couple to pay more tax than two single people living together and having the same income. The tax treatment of unmarried couples who cohabit was unaffected by the *Murphy* Judgement. Each partner is taxed as a single person and each is entitled to the tax credits and standard rate band appropriate to single persons.

To the extent that there are differences in the tax treatment of the different categories of couples, such differences arise from the objective of dealing with different types of circumstances while at the same time respecting the constitutional requirements to protect the institution of marriage. Any change in the tax treatment of cohabiting couples would need to be addressed in the broader context of future social and legal policy development in relation to such couples.

### House Prices.

178. **Deputy James Reilly** asked the Minister for Finance further to Parliamentary Question No. 119 of 11 May 2010, when the Central Bank undertook its final stress test on the financial system prior to the recession; the amount that the price of houses would have to fall in order for the financial system to be at risk according to the stress test; and if he will make a statement on the matter. [20148/10]

**Minister for Finance (Deputy Brian Lenihan):** I am informed by the Central Bank and Financial Services Authority of Ireland (CBFSAI) that the stress-testing exercise relevant to the Deputy's question was carried out by the CBFSAI on Irish credit institutions in 2006. The findings were reported by the CBFSAI in its Financial Stability Report published on 6 November 2006. The results of this exercise were reported in a signed article in the Financial Stability Report.

The stress-testing exercise examined how Irish banks would perform as a result of simultaneous shifts in a number of economic variables. It was assumed that under the adverse scenario that house price inflation would be -13.0 per cent and -8.7 per cent in 2006 and 2007 respectively before growing by 1.1 per cent in 2008. The decline in house prices coupled with the other economic variables produced the broad findings by the banks involved that they could weather the hypothetical scenarios. In the section of the stress test examining the impact of a fall in prices in isolation the analysis found that a 25 per cent fall in house prices coupled with a 10 per cent default rate appeared to yield manageable losses in terms of banks reserves (i.e., the sum of provisions, profits and capital).

The results of the exercise drew attention to the risks faced by the Irish banking system from an assumed decline in house prices but supported the CBFSAI's central expectation at that time, as reported in the Financial Stability Report, that the current shock-absorption capacity of the banking system left it well placed to withstand pressures from possible adverse economic and sectoral developments, although vulnerabilities and risks to the economic outlook posed continuing difficulties for the banking system.

### Disabled Drivers

179. **Deputy Seán Fleming** asked the Minister for Finance the cost of the disabled drivers appeals board scheme for 2008 and 2009; the number of appeals that were received, granted or refused; the number of appeals that were still on hand at the end of the year; the cost of the appeals granted; the average cost of each appeal granted; the average time to process appeals; and if he will make a statement on the matter. [20152/10]

**Minister for Finance (Deputy Brian Lenihan):** The Disabled Drivers Medical Board of Appeal is hosted by the National Rehabilitation Hospital (NRH), Rochestown Avenue, Dun Laoghaire, Co. Dublin on behalf of the Department of Finance. The cost of the Board has been recouped to the NRH since 2005 from the Department of Finance Vote.

The amounts recouped to the NRH was €320,323 for 2008 and €371,467 for 2009. These amounts include the salary costs of the Chairperson of the Board who also works as a consultant with the NRH and Beaumont Hospital.

The number of appeals that were received, granted, refused and the number of appeals still on hand at the end of each year, is as follows:

	No. of appeals received	No. of appeals granted	No. of appeals refused	No. of appeals still on hand at year end
2008	354	60	319	49
2009	405	37	202	62

In addition to the Chairperson, two doctors from a panel of doctors attend each Appeal Board sitting. The average waiting time for an appeal, where the appellant can travel to Dublin, is approximately four to six weeks, down from six months in 2007 and for around two years in mid 2005.

### Tax Collection

180. **Deputy Phil Hogan** asked the Minister for Finance the excise duty received for tobacco products from 2005 to 2009 and the first quarter of 2010; and if he will make a statement on the matter. [20161/10]

**Minister for Finance (Deputy Brian Lenihan):** I am informed by the Revenue Commissioners that the yield from all tobacco products for the years 2005-2009 and the first quarter of 2010 is as follows

Receipts from Tobacco Products tax 2005-2010

Year	€m
2005	1,079.6
2006	1,103.3
2007	1,192.0
2008	1,171.0
2009	1,216.5
2010 (Jan to Mar)	100.7

### Counterfeit Products

181. **Deputy Phil Hogan** asked the Minister for Finance the number of seizures of counterfeit clothing, counterfeit medicine and counterfeit DVDs from 2005 to 2009 and the first quarter of 2010; and if he will make a statement on the matter. [20162/10]

**Minister for Finance (Deputy Brian Lenihan):** I am informed by the Revenue Commissioners that figures for the individually named categories of seized counterfeit goods are not available for the period prior to 2007. Furthermore, Revenue has responsibility for enforcing Intellectual Property Rights regulations on goods imported from non-EU states only.

Recorded seizures of the above-mentioned goods for the period 2007-2010 (first quarter) are as follows:

Category	Year	No.of seizures	No.of articles seized
Clothing	2007	76	5,000
	2008	83	4,114
	2009	166	2,363
	2010 to 31/03/10	44	566

Category	Year	No.of seizures	No.of articles seized
Medicines	2007	246	12,937
	2008	91	9,138
	2009	62	2,457
	2010 to 31/03/10	Nil	Nil

Category	Year	No.of seizures	No.of articles seized
DVDs	2007	79	177
	2008	180	10,185
	2009	122	7,938
	2010 to 31/03/10	24	1,331

### Tobacco Product Seizures

182. **Deputy Phil Hogan** asked the Minister for Finance the number of cigarette seizures from 2005 to 2009 and the first quarter of 2010; the monetary value of these seized cigarettes; and if he will make a statement on the matter. [20163/10]

**Minister for Finance (Deputy Brian Lenihan):** I am informed by the Revenue Commissioners that the following tables contain the information requested by the Deputy in relation to seizures by its Customs and Excise service of illicit tobacco products. The figures for 2010 cover the period 1 January to 31 March.

#### Cigarettes Seized

Year	Number of Seizures	Quantity	Estimated Retail Value	Total Duties (Excise & VAT)
			€	€
2005	13,424	51,337,485	16,240,613	12,621,321
2006	17,276	52,379,952	17,992,513	14,404,486
2007	15,481	74,520,798	25,597,894	20,493,219
2008	10,191	135,243,859	49,228,765	39,491,207
2009	10,610	218,532,960	92,057,009	73,263,175
2010	2,035	58,013,951	24,438,377	19,449,177

#### Other Tobacco Products — Roll Your Own & Pipe Tobacco Seizures

Year	Number of seizures	Quantity	Estimated Retail Value	Total Duties (Excise & VAT)
			€	€
2005	498	1,107 KGS	316,602	238,414
2006	641	2,068 KGS	591,448	445,385
2007	763	1,518 KGS	434,148	326,931
2008	1,100	3,083 KGS	995,192	765,201
2009	1,171	10,451 KGS	3,718,495	2,932,880
2010	234	1,142 KGS	409,704	323,140

### Departmental Agencies

183. **Deputy Michael McGrath** asked the Minister for Finance his plans to bring Health Information and Quality Authority within the remit of the Office of the Ombudsman under the Ombudsman Amendment Bill 2008 when it is enacted. [20376/10]

**Minister for Finance (Deputy Brian Lenihan):** Report Stage of the Ombudsman (Amendment) Bill 2008 is due to be taken in the Dáil shortly. Once enacted, the Bill will extend the powers of the Ombudsman to cover a significant number of new bodies which, at present, are outside the remit of the Ombudsman. This means that the administrative actions of many public bodies, that were previously not subject to investigation by the Ombudsman, will now be open to impartial and independent scrutiny. The primary reason to expand the Ombudsman's remit at this time is ensure that bodies that are appropriate for inclusion in the remit of the Ombudsman and that have been set up since the Office was established become reviewable.

The Health Information and Quality Authority (HIQA) was established in May 2007 as part of the government's health reform programme. HIQA is an independent Authority which is responsible for driving quality and safety in Ireland's health and social care services and its functions are based on establishing and regulating standards in health care.

Bodies with regulatory type functions are being excluded from the Ombudsman's remit, at this time, where they have little or no direct dealings with the public and where their interface is normally with commercial entities.

Given the regulatory role of HIQA and ongoing rationalisation of a number of other bodies the Government will review the bodies included within the Ombudsman's remit during the passage of the above mentioned legislation through the Oireachtas.

### Departmental Properties

184. **Deputy Mary Wallace** asked the Minister for Finance if he will provide an explanation for the suggestion this week that there are vacant offices in the town of Navan, County Meath, costing €50,000 per annum to maintain; if he can reconcile the expenditure via the Department of the Environment, Heritage and Local Government offices in the same town being rented from the private sector while there are vacant publicly funded high quality new local government offices in the town of Ashbourne, County Meath; and if he will make a statement on the matter. [20399/10]

**Minister of State at the Department of Finance (Deputy Martin Mansergh):** The former Government Offices, Kells Road, Navan, is located on a very valuable and strategic site, which will be retained by the State. In this regard, the Office of Public Works is currently evaluating a range of options for the long-term use of this property. To maintain the basic fabric of the building and prevent further deterioration, limited services are being maintained in the building at a total cost of the order of €50,000 since its vacation in 2007.

A number of Government Departments, including the Department of the Environment, Heritage and Local Government, are accommodated in a leased office building at Kilcain, Navan since 2007. The location, as between particular towns, of particular Government services is a matter for the Departments involved.

### National Lottery

185. **Deputy Jim O'Keeffe** asked the Minister for Finance the surplus available to the Exchequer after payment of prize money and administration costs from the National Lottery for each of the past five years; and the breakdown for the distribution of such surplus for each of those years. [20403/10]

**Minister for Finance (Deputy Brian Lenihan):** The surplus of the National Lottery (viz. its turnover net of prizes and all costs) is transferred to the Exchequer on a regular basis. The following table shows the surplus transferred in each of the past five years:

## National Lottery Surplus transferred to the Exchequer

Year	€m
2005	211
2006	200
2007	230
2008	265
2009	275

The transferred surplus is applied each year to part-fund the Exchequer allocations to a specified range of expenditure subheads across various Votes. Details of the amount transferred and the allocations to the relevant subheads are set out each year in Appendix 1 of the annual Revised Book of Estimates. In recent years, the total amount provided from the Exchequer to these subheads is significantly larger than the amount available from the National Lottery surplus.

**Tax Code**

186. **Deputy Paul Kehoe** asked the Minister for Finance the position regarding a refund of medical expenses claim in respect of a person (details supplied); and if he will make a statement on the matter. [20404/10]

**Minister for Finance (Deputy Brian Lenihan):** I am advised by the Revenue Commissioners that a claim for tax relief on medical expenses, incurred by the person in question during 2009 was received on 18 March 2010. In a letter to the taxpayer on 23 March 2010, the Revenue Commissioners sought further details in order to process the claim. To date, no reply to this letter has been received.

However, the position is that the person is taxed under joint assessment with their spouse for 2009. Their joint tax affairs for 2009 have now been reviewed without including the claim for medical expenses. An overpayment of €499.65 arises in respect of the person's spouse. This amount will transfer to their bank account within 5 working days. This represents all the tax deducted in relation to both taxpayers in 2009. Consequently, there is no need for the taxpayer to reply to the letter dated 23 March 2010 as there is no further refund due.

187. **Deputy Paul Kehoe** asked the Minister for Finance the position regarding a refund of tax in respect of a person (details supplied); and if he will make a statement on the matter. [20405/10]

**Minister for Finance (Deputy Brian Lenihan):** I am advised by the Revenue Commissioners that the tax affairs of the person in question for 2009 have now been reviewed. An overpayment of €499.65 arises. This amount will transfer to his bank account within 5 working days. This represents all the tax deducted in 2009.

**State Banking Sector**

188. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Finance if he will publish the full list of the bond holders involved in Anglo Irish Bank in view of the fact that Anglo Irish Bank is now in State ownership and given the extent of the Irish public's exposure; and if he will make a statement on the matter. [20406/10]

**Minister for Finance (Deputy Brian Lenihan):** Detailed information on bondholders of domestic credit institutions' senior and subordinated debt is not available. Credit institutions, including Anglo Irish Bank, do not have access to comprehensive information on the holders of their senior and junior, or subordinated debt, because such debt is publicly traded and dealt through clearing house systems. Issuers do not have access to the records of those systems and the issuer has no means of establishing the underlying ownership of its bonds at any given time. Unlike in the case of shares, the holders of credit institutions' senior and subordinated debt instruments are not subject to a disclosure regime.

Information on the debt issuance of Anglo Irish Bank is published by the institution in its annual accounts and on other occasions as appropriate. Information on the debt issuance by institutions under the Eligible Liability Guarantee Scheme is also available on the NTMA website ([www.ntma.ie](http://www.ntma.ie)).

*Question No. 189 answered with Question No. 168.*

### **Tax Code**

190. **Deputy Edward O'Keefe** asked the Minister for Finance if he will consider approving a specific tax credit in respect of a person (details supplied) in County Cork in view of the special circumstances. [20423/10]

**Minister for Finance (Deputy Brian Lenihan):** In order to qualify for the Home Carer's Tax Credit, the claimant must normally reside with the dependent relative for the tax year or reside in a neighbouring residence, i.e. within 2 kilometres of the claimant. If these circumstances apply in this case, the person in question may make a claim for the Home Carer's Tax Credit. He may do this online at [www.revenue.ie](http://www.revenue.ie) or on the application form included with Leaflet IT66 which is also available on the Revenue website or from his local Revenue office.

191. **Deputy Michael P. Kitt** asked the Minister for Finance if he has considered tax measures to help charities most in need; and if he will make a statement on the matter. [20427/10]

**Minister for Finance (Deputy Brian Lenihan):** Exemptions from a broad range of taxes are already available to bodies that are established for charitable purposes only and which apply all of their income for such purposes. Sections 207 and 208 of the Taxes Consolidation Act (TCA) 1997 provide an exemption from Income Tax and this exemption is extended to cover Corporation Tax by sections 76 and 78 of the same Act. Exemptions are also available in respect of Capital Gains Tax — section 609 TCA, Deposit Interest Retention Tax (DIRT) — section 266 TCA, Capital Acquisitions Tax — sections 17, 22 and 76 of the Capital Acquisitions Taxes Consolidation Act 2003, Stamp Duty — section 82, Stamp Duties Consolidation Act, 1999 and Dividend Withholding Tax — Chapter 8A, Part 6, TCA.

Charities engaged in non-commercial activity are exempt from VAT insofar as that they are not required to charge VAT on their services and therefore generally cannot recover VAT incurred on goods and services purchased. However, there are various specific relieving provisions in respect of VAT on vehicles, fuel, aids, appliances, crafts and equipment used by organisations or individuals in connection with disabled people, humanitarian goods for export, rescue groups and donated medical and research equipment.

Section 848A of the Taxes Consolidation Act 1997 also provides for a scheme of tax relief for donations of money or designated securities to eligible charities and other approved bodies. The precise arrangements for allowing tax relief on such donations varies, depending on whether the donor is a PAYE taxpayer, a person who is subject to self-assessment or a com-

pany. Relief from Capital Gains Tax is also available under Section 611 of the Taxes Consolidation Act 1997 in relation to the donation of assets by taxpayers to charities. A comprehensive list of the various tax exemptions available to charities and details of how these can be applied for is available on the Revenue website at [www.revenue.ie](http://www.revenue.ie).

### **State Banking Sector**

192. **Deputy Billy Timmins** asked the Minister for Finance if Anglo Irish Bank has hard and soft copy details of each individual outstanding loan made by the bank; if there are any outstanding loans accounted for on paper files; and if he will make a statement on the matter. [20428/10]

**Minister for Finance (Deputy Brian Lenihan):** The maintenance of records is an operational matter for the bank itself. I am assured that under the new management team the bank is maintaining its records in line with standard banking practice. For the information of the Deputy the Bank maintains files on all loans made by the Bank. Some, but not all, elements of the loan documentation are recorded electronically and/or scanned by the Bank. For this reason it is not possible to confirm that all records relating to individual loans outstanding in the Bank are held in both formats (i.e. soft and hard copies). However, records of loans, including personal guarantees, are held in at least one format.

Securities, including personal guarantees, are catalogued and retained in the bank's vault or in the safe keeping of solicitors who act on the bank's behalf. These securities are reviewed as part of internal audit of lending and the related securities. The lending process, including related securities, is included in the scope of the external audit of the bank.

193. **Deputy Billy Timmins** asked the Minister for Finance if he will respond to a matter (details supplied); and if he will make a statement on the matter. [20429/10]

**Minister for Finance (Deputy Brian Lenihan):** My Department has consulted with the relevant financial institution with regard to the matter raised in the Deputy's question. The financial institution has confirmed to my Department that no instances of the nature outlined by the Deputy have come to light. If the Deputy has any information in relation to specific instances of the nature described he should provide the authorities with details in order that further investigations can take place.

Securities, including personal guarantees, are catalogued and retained in the bank's vault or in the safe keeping of solicitors who act on the bank's behalf. These securities are reviewed as part of internal audit of lending and the related securities. The lending process, including related securities, is included in the scope of the external audit of the bank.

### **Local Authority Charges**

194. **Deputy Charlie O'Connor** asked the Minister for Finance his plans to take account of the new local authority charge for residential properties which is not covered in Section 97(2) of the Taxes Consolidation Act 1997 covering deductible expenses for rental income; his further views on whether a person in receipt of rental income should be entitled to have the local authority charge deducted from the net amount of rent received in respect of an individual property in the same way that other costs such as interest, maintenance, repairs, insurance, management and local authority rates are allowable; if he has had any formal or informal discussions or correspondence with officials, property owners or others on the subject; and if he will make a statement on the matter. [20452/10]

**Minister for Finance (Deputy Brian Lenihan):** Under the provisions of the Tax Acts, a person in receipt of rental income is assessed to income tax on the net amount of the rents received (i.e. the gross rents less allowable expenses incurred in earning those rents). In computing the net amount of the rents received, only those deductions that are specified in section 97(2) of the Taxes Consolidation Act 1997 are allowable. The main deductible expenses are:

- Any rent payable by the landlord in the case of a sub-lease;
- The cost to the landlord of any goods provided or services rendered to a tenant;
- The cost of maintenance, repairs, insurance and management of the property;
- Interest on borrowed money used to purchase, improve or repair the property; and
- Payment of local authority rates in the case of rateable properties used for commercial purposes.

As payment of the new local authority charge for residential properties is not included on the list of allowable deductions, it is not an allowable expense in computing taxable rental income.

### **National Asset Management Agency**

195. **Deputy Seymour Crawford** asked the Minister for Finance his plans to assist those companies with borrowings of less than €5 million that do not come under the National Asset Management Agency structures; his views on the fact that many of these are equally as important for the retention of jobs as those who have already been facilitated through NAMA; and if he will make a statement on the matter. [20467/10]

**Minister for Finance (Deputy Brian Lenihan):** The National Asset Management Agency (NAMA) has been established to remove the portfolio of risky assets from the balance sheets of relevant institutions. It has not been established for the benefit of borrowers, whether their borrowings are above or below €5 million. Borrowers whose loans are transferred to NAMA will continue to owe the full amount borrowed and the conditions of their loans will generally remain the same. NAMA will manage these loans in the best interest of taxpayers and it will have a range of options to pursue the lender including the seizure of property or other assets which are the security to the loan.

Of course, I am anxious that jobs and businesses are supported to the maximum extent possible. In that regard, I have sought to ensure that the banks, which have been supported by the State, comply with their responsibilities. In relation to small and medium enterprises, specific lending targets — not to include significant sums in respect of land development and property lending — were recently imposed by the Government on both AIB and Bank of Ireland. They will make available for targeted lending not less than €3 billion each in new or increased credit facilities to SMEs in both 2010 and 2011. This in particular must include funds for working capital for businesses. This will help to sustain the economy and foster growth. The lending targets will be reviewed as the needs of the economy change. To ensure the proper management of these funds the two banks were required to submit SME lending plans both by geography and sector for 2010 and 2011. Both banks have been informed that the plans must not include significant sums in respect of land development and property lending. Mr. John Trethowan, as our new Credit Reviewer, will be reviewing bank lending policies as part of his remit.

### **Decentralisation Programme**

196. **Deputy Niall Collins** asked the Minister for Finance the mechanism that exists for

Dublin based civil servants to transfer to the Cork or Kerry region within the civil service; to whom such applications may be made; and if he will make a statement on the matter.  
[20475/10]

**Minister for Finance (Deputy Brian Lenihan):** Transfers for grades represented by the Civil and Public Services union (mostly Clerical and Staff Officers) are arranged in accordance with formal procedures agreed with the Staff Side at General Council under the Conciliation and Arbitration Scheme for the Civil Service. Officers in these grades seeking a transfer to another Department or location may apply to the Personnel Officer of the Department in which they wish to serve. The names of officers applying for transfer to a location are entered on the particular Department's transfer lists in the order in which they are received. Vacancies which arise are then filled by the Department concerned by reference to these lists.

Transfers for other grades can be arranged on an informal, head-to-head, basis. Such transfers are arranged between the officers seeking to move and the relevant Personnel Units and require the agreement of both Personnel Officers. In addition, a Central Applications Facility (CAF) was established in 2004 and remains open for all staff wishing to apply for posts included in the Decentralisation Programme. Its purpose is:

- to give information about locations and posts;
- to allow certain public servants to apply for transfer to posts at the same or equivalent level in decentralised locations;
- to rank preferences for different locations.

CAF Applications may be made online through:

<http://www.publicjobs.ie/publicjobs/en/caf/default.do>

However, the Deputy should note that in light of the budgetary constraints and affordability issues at this time, I have decided to defer proceeding with permanent accommodation in respect of a number of locations. All deferred locations will be considered as part of the overall review of the programme in 2011.

### **Tax Code**

197. **Deputy Michael McGrath** asked the Minister for Finance the position regarding a person who is employed in the UK but lives in Ireland with their family and who wishes to pay income tax in Ireland rather than to the UK authorities. [20478/10]

I am informed by the Revenue Commissioners that it is not open to an individual to choose to pay income tax in any particular jurisdiction. Rather, the individual's income tax liabilities and obligations are governed by the domestic tax legislation of the particular jurisdiction. Relevant factors in this regard include:

- where the individual is resident for tax purposes;
- where the income arises; and
- where the duties of a trade, profession or employment are exercised. In the type of case described, there are generally two scenarios—

#### *Scenario A*

If the individual to whom the Question refers is not, under the rules of tax residency, resident in the State for tax purposes and exercises the duties of his or her employment in the UK, then the UK employment income is not taxable here.

### *Scenario B*

If the individual to whom the Question refers is, under the rules of tax residency, resident in the State for tax purposes and exercises the duties of his or her employment in the UK, then he/she has an obligation to submit a tax return in the State and is liable to tax here on his or her UK employment income. However, it is likely that the UK employment income will remain liable to UK tax. Put simply, in this scenario, the individual's UK employment income is taxable both in the UK and here.

This 'double taxation' of the same income may be relieved either under a relief found in Irish domestic tax legislation or under the terms of the Ireland / UK double taxation agreement. I am further informed by the Revenue Commissioners that the relief most likely under Irish domestic tax legislation to be relevant in such a case is the relief known as the 'transborder relief' which is designed to give income tax relief to individuals who are resident in the State for tax purposes but who commute daily or weekly to their place of work abroad and who pay tax in the other country on the income from that employment. Under the Ireland / UK double taxation agreement, in general, the double taxation is relieved by way of Revenue granting a credit against Irish tax due on the UK salary for final UK tax paid on the same salary. The individual concerned may wish to consult with the Department of Social Protection as regards the PRSI implications of his or her situation.

### **Peat Silt Deposits**

198. **Deputy Mary O'Rourke** asked the Minister for Finance if his attention has been drawn to an incident at farmland (details supplied) outside Athlone, County Westmeath, on which deposits of peat silt were deposited. [20482/10]

**Minister of State at the Department of Finance (Deputy Martin Mansergh):** Following representations on behalf of the property owner, an Office of Public Works official carried out an inspection of the lands affected by the silt deposit on 22 April. Given the peat-like composition of the material and the fact that there is a Bord na Mona extraction facility nearby, the OPW will refer the matter to that organisation for direct reply to the Deputy.

### **Public Service Staff**

199. **Deputy Martin Ferris** asked the Minister for Finance the total cost in wages of those currently employed in the civil and public service and also in receipt of a state pension. [20483/10]

**Minister for Finance (Deputy Brian Lenihan):** The gross Exchequer pay bill allocation for 2010 is €16.045 billion. The gross Exchequer pensions bill allocation for 2010 is €2.774 billion. In net terms, the respective figures are €15.092 billion and €2.237 billion. Full details are available in the Revised Estimate Volume for 2010.

The Deputy should also be aware that there are some civil and public servants whose employment costs are not met directly from Voted Exchequer expenditure. The largest single category to which this applies is Local Authority staff with the remainder mainly occurring in Non-Commercial Semi-State Bodies such as regulators. Information on the employment costs in these areas may be obtained from the relevant Minister in each case or from the bodies themselves.

### **Pension Provisions**

200. **Deputy Róisín Shortall** asked the Minister for Finance his plans regarding the way in which retirement increases for existing public service pensioners are awarded. [20489/10]

**Minister for Finance (Deputy Brian Lenihan):** Budget 2010 announced that the Government would be considering using the Consumer Price Index as the basis for post-retirement increases for both existing and future public service pensioners. The CPI linkage would displace the linking of public service pensions to earnings, also known as “pay parity”. The Government is conscious of the substantial long-term saving for the Exchequer which would be expected to materialise were this change to proceed and that it demonstrates a significant level of administrative and fiscal reform.

The draft Public Service Agreement provides that there will be discussions on the method of pension increases for serving staff and current pensioners in the context of discussions on the review of pay in Spring 2011. The clarification of the Draft Public Service Agreement issued recently by the facilitators separately indicated that, while I announced in Budget 2010 that I am reviewing the arrangements around indexation of Public Service pensions and considering linking Public Service pensions increases to the cost of living, no change in the indexation arrangements for the indexation of Public Service pensions for serving public servants and current public service pensioners will be implemented during the period of the agreement.

### **Labour Court Recommendations**

201. **Deputy Emmet Stagg** asked the Minister for Finance if he will ensure that approval to implement a Labour Court recommendation (details supplied) will issue. [20552/10]

**Minister for Finance (Deputy Brian Lenihan):** The Deputy’s question refers to Labour Court Recommendation LCR 19764 relating to the closure of the Finglas Child and Adolescent Centre operated by the Irish Youth Justice Service of the Department of Justice, Equality and Law Reform. The Centre closed on 31 March 2010 and the staff and residents moved to the Irish Youth Justice Service facility at Oberstown in Lusk, Co. Dublin.

My Department has examined the Recommendation and has sought some clarification from the Labour Court on issues arising from it. A final decision on the matter will be taken in light of that clarification.

### **Tax Clearance Certificates**

202. **Deputy Michael Creed** asked the Minister for Finance if he will arrange for the issue of a tax clearance certificate in respect of a person (details supplied) in County Cork; and if he will make a statement on the matter. [20741/10]

**Minister for Finance (Deputy Brian Lenihan):** I am advised by the Revenue Commissioners that the issue of a tax clearance certificate to the person in question will be considered on receipt of an application. A tax clearance application may be made online at [www.revenue.ie](http://www.revenue.ie) or by completing a Form TC1 and forwarding it to the Office of the Revenue Commissioners, Tax Clearance Section, Revenue House, Cork.

### **Departmental Staff**

203. **Deputy Michael Creed** asked the Minister for Finance the timeframe for the recruitment of 1,000 third and fourth level graduates to provide additional capacity and skills across the public service and in Departments to provide valuable work experience as contained in the revised programme for Government 2009; and if he will make a statement on the matter. [20746/10]

**Minister for Finance (Deputy Brian Lenihan):** The Renewed Programme for Government provides for the taking on of 1,000 Third and Fourth level graduates to provide additional

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capacity and skills across the Public Service and in Government Departments and to provide valuable work experience. These are work placements as distinct from additional posts in the Public Service.

My Department would be directly concerned with recruitment to the Civil Service and indirectly with recruitment to the wider public service. Bearing in mind the Moratorium, Employment Control Frameworks and other factors such as reductions in programme expenditure the scope for graduate recruitment to permanent positions would be limited to small numbers in specialist areas such as taxation, audit, economic/financial skills and IT sections service wide and a few casual vacancies in other disciplines.

Government Departments will be encouraged to support the FÁS Work Placement Programme. The Work Placement Programme, under the auspices of FÁS, provides valuable work experience for nine months to 2,000 unemployed individuals of which 1,000 of the places are for graduates. The programme is already available to employers in the public and private sectors.

The Draft Public Service Agreement 2010-2014 (“Croke Park” agreement) provides for the following: “There will be full support in the Civil Service and State Agencies with programmes and initiatives to support and assist the unemployed, including the rollout of the FÁS placement programme. This Programme will not displace existing graduate placement programmes”.

Once that agreement is ratified my Department will write to Personnel Officers endorsing the Programme and setting out various operational details. Department and State Agencies will be able to proceed with placements at that stage.

### **Tax Code**

204. **Deputy Olivia Mitchell** asked the Minister for Finance his plans on extending the 12 month period of grace during which a person is exempt from capital gains tax on the former family home when a new family home has been purchased in view of the fact that families are currently facing difficulties disposing of homes within that 12 month timeframe; his further plans on allowing a two year period of grace; and if he will make a statement on the matter. [20748/10]

**Minister for Finance (Deputy Brian Lenihan):** A gain accruing to an individual on the disposal of an interest in a private residence and grounds of up to one acre, which has been occupied by him/her throughout the period of ownership as his/her only or main residence, is fully relieved from Capital Gains Tax (CGT). Certain periods of absence are treated as periods of occupation for the purposes of the relief. For example, the last twelve months of ownership is counted as a period of occupation, which can facilitate an individual who has purchased another private residence and is in the process of selling the previous residence.

Where an individual occupies a property as his/her principal private residence for part of the period of ownership, any gain made on the disposal of the premises is apportioned and the portion related to periods of occupation or deemed occupation is relieved from CGT. For example, if an individual occupied a private residence for twenty years, moved to a new home and the old home was not sold for two years, the full period of occupation and the last twelve months of ownership are relieved from CGT and only 1/22 of any gain made on the disposal of the premises is taxable.

This is already a generous relief and I have no plans at this time to make changes in line with the Deputy’s suggestion.

### Pension Provisions

205. **Deputy Martin Ferris** asked the Minister for Finance the number of persons in his Department and office, including any Departments and offices under his aegis, employed in the civil and public service who are in receipt of a State pension. [21157/10]

**Minister for Finance (Deputy Brian Lenihan):** By “State pension”, I understand the Deputy to refer to an occupational pension as a result of previous service in the civil or public service. I further understand the Deputy to refer to the full or part time employment of retired public servants as part of the staffing of the Department. As I indicated in a reply to Parliamentary Question No. 149 on 5 May, 2010, records of past employments of new recruits are not captured in such a way as to provide a dedicated basis for compiling the information requested by the deputy. Accordingly, the specific information requested is not available. In relation to Offices under the aegis of my Department, I am advised that this is also the position.

Retired public servants are, however, engaged by the Department from time to time for specific tasks or projects. Such engagements are normally remunerated on a fee basis (provision exists for fees to be abated, where appropriate, by reference to pension payments) but in some cases, indeed, retired public servants have provided their services without any additional remuneration.

*Question No. 206 answered with Question No. 82.*

### Child Care Services

207. **Deputy Joe Costello** asked the Minister for Health and Children if she will reconsider the decision to refuse payment for child care in respect of a person (details supplied); and if she will make a statement on the matter. [19936/10]

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** I have responsibility for implementing the free Pre-School Year in Early Childhood Care and Education (ECCE) scheme, which was introduced in January of this year.

Children will qualify for a free pre-school year place when they are aged more than 3 years 2 months and less than 4 years 7 months at 1 September each year. This means that children born between 2 February 2005 and 30 June 2006 qualified for the scheme in January 2010 and children born between 2 February 2006 and 30 June 2007 will qualify in September 2010. From the information provided by the Deputy, the child in question was not eligible for the scheme in January this year but will be eligible in September 2010.

The objective of the ECCE scheme is to make early learning in a formal setting available to all children in the key developmental year before they commence primary school. To achieve this, services participating in the pre-school year will be expected to provide appropriate age related activities and programmes to children within a particular age cohort. Targeting the pre-school year at a particular age cohort is clearly fundamental to the scheme and it is necessary, therefore, to set minimum and maximum limits to the age range within which children will participate in the scheme each year.

In setting the minimum and maximum age limits, account was taken of a number of factors, including the fact that the majority of children commence primary school between the ages of 4 years 6 months and 5 years 6 months. Notwithstanding this, the ECCE scheme provides for an eligibility range of almost 17 months. The upper age limit does not apply where children are developmentally delayed and would benefit from participating in the pre-school year at a later age.

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As in the case of any scheme introduced, cases will arise where individuals fall outside the conditions which apply. However, it is necessary that the scheme is delivered within a structure which supports the best delivery of pre-school education and it is considered therefore that the age range provided for is appropriate.

### **Health Insurance Providers**

208. **Deputy James Reilly** asked the Minister for Health and Children the position regarding the European Commission on the solvency requirements for the VHI; the financial implications to the State of postponing solvency requirements for the VHI until January 2012; and if she will make a statement on the matter. [20028/10]

209. **Deputy Richard Bruton** asked the Minister for Health and Children if she will comment on the difference in solvency requirements imposed on the VHI compared with Quinn Direct or Aviva in terms of an even and fair playing pitch for regulation and competition. [20553/10]

223. **Deputy Olivia Mitchell** asked the Minister for Health and Children the reason Voluntary Health Insurance is still permitted to operate in breach of the EU solvency requirements for insurance companies when it is expected that this practice will cease; and if she will make a statement on the matter. [19960/10]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 208, 209 and 223 together.

Arising from a derogation under the Non-Life Insurance Directives, VHI continues to be exempt from prudential solvency requirements. The Voluntary Health Insurance (Amendment) Act 2008 provided for the VHI to acquire sufficient funding in terms of its capital reserves to enable it to make an application to the Financial Regulator for authorisation. The date originally fixed by that Act was 31 December 2008, but this was subject to the right of the Minister to appoint a later date by Order, if satisfied that there is good and sufficient reason for so doing. At the time the original date was fixed, the Supreme Court had not yet ruled in relation to the risk equalisation scheme, which it struck down in July 2008. Since then I have extended the date by which the VHI must accrue the necessary reserves on five occasions. The date is now 1 January 2012. However, it remains my firm conviction that VHI should be properly authorised and that the derogation should be lifted.

The EU Commission has commenced proceedings against the State in the European Court of Justice regarding the VHI's derogation. The State has forwarded a comprehensive written defence to the Court. The matter of sanctions would only arise in the event of an adverse judgment if nothing was then done to ameliorate the situation and further proceedings were then brought to seek financial penalties against the State.

Quinn and Aviva both offer a broad range of insurance products across different areas and markets. Private health insurance constitutes only one aspect of their business, unlike VHI which is restricted in the type and range of insurance it can offer. Both companies are, quite rightly, subject to regulation by the Financial Regulator in the normal way.

The capital position and authorisation of the VHI are only two of many inter-related and complex issues that need to be resolved in order to achieve a stable community-rated private health insurance market.

I have been examining the broad range of issues involved with my officials, expert advisers and the Health Insurance Authority. The matter has also been considered by the Government

on a number of occasions since the Supreme Court Judgement. I will make a full statement at the appropriate time on the measures required to support the Government's key policy goal of a community-rated health insurance market.

### **Vaccination Programme**

210. **Deputy Jan O'Sullivan** asked the Minister for Health and Children the staffing arrangements that have been made to administer the cervical cancer vaccine in the coming year both in the holiday period for the girls who receive their first vaccine before the summer break and in the autumn when there will be two cohorts of girls to be vaccinated in the majority of schools; if an assessment has been made of the staffing that will be necessary to administer the vaccine; if arrangements have been made to ensure that this staffing will be in place and will not deprive other services of necessary staff; and if she will make a statement on the matter. [20561/10]

**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.

### **Medical Compensation Scheme**

211. **Deputy James Reilly** asked the Minister for Health and Children if, during her visit to New Zealand, she examined its no fault compensation scheme for injury as a result of medical negligence or treatment; her views on the fact that parents of children with cerebral palsy must fight for years to get compensation for injuries at birth; and if she will make a statement on the matter. [20718/10]

**Minister for Health and Children (Deputy Mary Harney):** I and my officials held a number of meetings with senior health officials and with the Minister for Health during my recent visit to New Zealand. In the course of those meetings we discussed the role of the Accident Compensation Corporation and the general no fault compensation scheme that operates there.

As the Deputy may be aware, an advisory group was established in 2001, to examine the equity, effectiveness and appropriateness of existing arrangements for compensating persons who suffer cerebral damage at, or close to the time of birth, and to make such recommendations as the Group sees fit. The Group has yet to complete its work. I will await the Group's report before giving further consideration to a wider no fault compensation scheme for the health services.

In this country, compensation in many cases involving cerebral damage is dealt with under the Clinical Indemnity Scheme of enterprise liability. Cerebral Palsy is a complex condition which can be caused by, inter alia, prematurity, developmental brain malformation, neurological damage to the developing brain, hypoxia or medical error.

I understand that the average time from the institution of proceedings to the ultimate resolution of a typical CP case is now approximately 4 years as a result of the introduction of Enterprise Liability.

### **Hospital Services**

212. **Deputy James Reilly** asked the Minister for Health and Children the number of operations cancelled to date in 2010; and if she will make a statement on the matter. [20719/10]

**Minister for Health and Children (Deputy Mary Harney):** I am conscious that the cancellation of a hospital procedure can be inconvenient and stressful for both patients and their families. Every effort is made to avoid cancellations where possible.

Unfortunately cancellations are a feature of hospital systems, in Ireland and internationally because priority must be given to emergency cases and patients in urgent need. It is important to point out that all cancelled procedures are rescheduled. While data is not comprehensive the level of cancellations in the Irish public system appears to be broadly in line with other hospital systems internationally. In 2009, for example, it is estimated that cancellations accounted for about 1.4% of all in-patient and day case activity.

It should be noted not all cancellations are as a result of hospital capacity or availability. Cancellations also occur for clinical reasons, where a patient may not be deemed fit for surgery on a given day by the clinician. For example, the pre-admission assessment might indicate postponing a procedure for clinical reasons such as weight, immune system or blood pressure.

While it is unfortunate that any patient would have a procedure cancelled, patients waiting over three months can be referred to the National Treatment Purchase Fund (NTPF). The HSE works with the NTPF to ensure that, where appropriate, patients can avail of treatment under this scheme.

In 2010, the HSE is focusing on improving the efficiency of acute hospital services by shifting to day case care where appropriate and by seeking performance improvements such as surgery on the day of admission and reducing inappropriate lengths of stay. There will be a particular focus on reducing the variance between different hospitals for similar procedures. By reducing costs and reforming the way services are provided, I am confident the HSE will maintain access to services and continue to improve health outcomes for the population.

### **Medical Aids and Appliances**

213. **Deputy Seán Power** asked the Minister for Health and Children if she will examine the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [19905/10]

**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.

### **Patient Charges**

214. **Deputy Leo Varadkar** asked the Minister for Health and Children the anticipated income from the statutory inpatient charge and the statutory outpatient charge to date in 2010; if she will provide a breakdown of same; and if she will make a statement on the matter. [19906/10]

**Minister for Health and Children (Deputy Mary Harney):** As set out in the Health Service Executive National Service Plan 2010, anticipated income from the statutory inpatient and outpatient charge is budgeted at €216m and €32m respectively. The outpatient charge refers to the €100 which is payable by people who attend A&E departments without a referral letter from a GP. Medical card holders do not pay this charge.

The Executive has responsibility for collection of these charges and my Department does not routinely collect information on income raised to date. Accordingly my Department has requested the Parliamentary Affairs Division of the HSE to have a reply issued directly to the

Deputy on this matter. I wish to advise the Deputy that, due to an intensification of industrial action in the public service by members of IMPACT, the HSE may not be in a position to provide a response to this Parliamentary Question at this time. However, if the issue remains of continuing concern you are invited to raise the matter again in due course.

### **Accident and Emergency Services**

215. **Deputy Pat Breen** asked the Minister for Health and Children if her attention has been drawn to media reports which suggest that the hours of operation of the accident and emergency departments will be reduced or closed from this summer; her views regarding these reports; and if she will make a statement on the matter. [19913/10]

**Minister for Health and Children (Deputy Mary Harney):** My Department is not aware of any proposals by the HSE to move from the service commitments given in its National Service Plan 2010. Their Service Plan for 2010 has, as a key result area, the reconfiguration of emergency services to ensure that they serve an appropriate population catchment, and are resourced to provide comprehensive emergency services and care for other urgent needs and minor injuries. Plans to meet that objective continue to be developed by the HSE.

### **Health Services**

216. **Deputy Dan Neville** asked the Minister for Health and Children the reassurances she will give to persons in County Limerick who have family members attending a charity (details supplied) in view of the fact that they are concerned at the effect that the proposed cuts to their services will have on their abilities to continue providing the necessary services; and if she will make a statement on the matter. [19922/10]

**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.

### **Nursing Homes Support Scheme**

217. **Deputy Beverley Flynn** asked the Minister for Health and Children if applicants for the nursing home support scheme who have been in a nursing home for over three years before applying for the scheme will be subject to the 5% levy on their assets for the first three years they are in the scheme; if not, if they have to supply evidence of their assets other than their State pension with their application for the scheme when they previously disclosed these as part of their subvention application. [19939/10]

**Minister of State at the Department of the Health and Children (Deputy Áine Brady):** A person's contribution to care under the Nursing Homes Support Scheme is worked out based on 80% of their assessable income and 5% of the value of their assets per annum. The first €36,000 of a person's assets, or €72,000 in the case of a couple, is not included at all in the assessment.

A person's home is only included in the financial assessment for their first three years in long-term nursing home care. Time spent in nursing home care prior to applying for the Nursing Homes Support Scheme is taken into account in calculating the three years. Assets other than a person's home are taken into account for the duration of their stay in nursing home care.

Finally, evidence of all assets, e.g. valuations or bank statements, is required to be submitted with a person's application for the scheme. If a person has previously disclosed assets in connec-

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tion with an application for subvention, they must still provide evidence of these assets when submitting an application under the Nursing Homes Support Scheme. This enables the HSE to take account of money that has been spent since the application for subvention to ensure that the person's contribution towards their care is fair.

### Medical Cards

218. **Deputy Ciarán Lynch** asked the Minister for Health and Children when an application for a medical card in respect of a person (details supplied) in County Cork will be determined; and if she will make a statement on the matter. [19944/10]

**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.

### Medical Aids and Appliances

219. **Deputy Ciarán Lynch** asked the Minister for Health and Children when a person (details supplied) will be provided with a hearing test, first applied for on 20 April 2009; and if she will make a statement on the matter. [19948/10]

**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

220. **Deputy Joe Carey** asked the Minister for Health and Children the reason for the delay in accessing speech and language therapy sessions in respect of a person (details supplied) in County Clare; and if she will make a statement on the matter. [19954/10]

**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 Aids and Appliances

221. **Deputy Pat Breen** asked the Minister for Health and Children when a person (details supplied) in County Clare will be facilitated; and if she will make a statement on the matter. [19956/10]

**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.

222. **Deputy Pat Breen** asked the Minister for Health and Children when a person (details supplied) in County Clare will be facilitated; and if she will make a statement on the matter. [19957/10]

**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.

*Question No. 223 answered with Question No. 208.*

### **Services for People with Disabilities**

224. **Deputy Terence Flanagan** asked the Minister for Health and Children if she will deal with the following matter (details supplied); and if she will make a statement on the matter. [19961/10]

**Minister of State at the Department of Health and Children (Deputy John Moloney):** It is not possible to disaggregate the amount spent on the quality of disability services from the overall total spent on disability services annually.

As the Deputy may be aware, “National Quality Standards: Residential Settings for People with Disabilities”, which relate to adult services have been published by HIQA. These standards will provide a national framework for quality, safe services for persons with disabilities in a residential setting.

Given the current economic situation, to move to full statutory implementation of the standards, including regulation and inspection, presents significant challenges at this time. However, notwithstanding the difficulties of immediate statutory implementation, the Department of Health and Children, the HSE and HIQA have agreed that progressive non-statutory implementation of the standards will now commence, and that they will become the benchmark against which the HSE assesses both its own directly operated facilities and other facilities that the HSE funds. The Minister for Health and Children will shortly be bringing detailed proposals to Government with regard to the protection of vulnerable adults with disabilities who are currently in institutional care.

Children with disabilities in generic residential centres under the Child Care Act 1991 are covered by the standards and inspection regimes already applying to those centres. There are a number of other centres providing residential or respite care to children with disabilities. Children who reside in these centres are not in the care of the State, although they are cared for by the State. The majority of these centres are run by voluntary organisations funded by the HSE and are not included in the inspection regime under the Child Care Act 1991. In relation to the children with disabilities in these other residential centres, the Ryan Commission report recommends that “all services for children should be subject to regular inspections in respect of all aspects of their care”. The implementation plan for the recommendations of the Ryan Commission report contains a commitment that the Health Act 2007 will be commenced to allow the independent registration and inspection of all residential centres and respite services for children with a disability by December 2010.

### **Medical Cards**

225. **Deputy Ciarán Lynch** asked the Minister for Health and Children the grounds for refusal of the appeal of an application for a medical card by a person (details supplied) in County Cork; if an oral hearing will be granted; and if she will make a statement on the matter. [19966/10]

**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 Execu-

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tive 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 Accommodation.**

226. **Deputy Finian McGrath** asked the Minister for Health and Children if she will support a matter (details supplied). [19975/10]

**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**

227. **Deputy Pat Breen** asked the Minister for Health and Children if a person (details supplied) in County Clare will be facilitated; and if she will make a statement on the matter. [20016/10]

**Minister of State at the Department of the Health and Children (Deputy Áine Brady):** I regret that due to industrial action I am not in a position to provide a substantive response to your Parliamentary Question. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

*Question No. 228 answered with Question No. 82.*

### **Health Service Staff**

229. **Deputy Denis Naughten** asked the Minister for Health and Children if she will lift the staff moratorium at a charity (details supplied) in County Galway which is having a direct impact on the retention of respite services; the reason for the different policy on the moratorium for section 38 and section 39 funded agencies; and if she will make a statement on the matter. [20025/10]

**Minister for Health and Children (Deputy Mary Harney):** I understand the agency in question is funded by the Health Service Executive (HSE) under section 38 of the Health Act 2004. Existing employment control arrangements for the health services include the HSE and section 38 agencies.

The Government has made clear that a critical part of its strategy to restore the public finances is to achieve sustainability in the cost of delivering public services relative to State revenues. To help achieve this goal, it will be necessary to restructure and reorganise the public service and to reduce public service numbers over the coming years. This requires that the moratorium on recruitment and promotion in the health service will continue to apply until the numbers have fallen to the level set out in the Employment Control Framework for the health sector. The Framework for 2010-2012 gives effect to the Government decision on employment policy in the public sector and provides that there will be a net reduction in employment to 2012. This includes a target reduction in numbers in 2010 to achieve the overall reduction of 6,000 from March 2009 to the end 2012 and consequential pay roll savings. Based on numbers reductions already achieved in 2009, the net target reduction to end 2012 is 4,560 WTE (or 1,520 per annum). Similar to 2009, there are a number of grades exempted from the

moratorium to maintain key front line services and to support the development of policies in relation to disability, mental health, cancer, and child care.

Grant aided agencies (funded under Section 39 of the Health Act 2004) are not directly affected by the pay adjustments provided for under the Financial Emergency Measures in the Public Interest (No 2) Act 2009. Section 39 agencies are not public service bodies as defined in that Act and their employees are not public servants. Therefore, the Employment Control Framework 2010-2012 (including the moratorium on recruitment) does not cover section 39 agencies.

However, the grant funding of Section 39 Agencies is subject to the general efficiency savings for the health sector provided for in the Budget. Accordingly, it is entirely appropriate that Section 39 Agencies and other HSE funded voluntary providers take appropriate measures to ensure that they continue to provide the same level of service in 2010 as previously, notwithstanding the reductions in their funding. It is the responsibility of each individual employer to decide exactly what mix of actions should be taken to achieve this goal, to take appropriate legal and other advice, to consult and inform its employees/trade unions as necessary and to manage the HR and industrial relations implications of its decisions.

230. **Deputy Leo Varadkar** asked the Minister for Health and Children the number of doctors within the health service in terms of whole time equivalents employed prior to the introduction of the moratorium; the estimated number currently employed; the target point at which point there moratorium will end; and if she will make a statement on the matter. [20049/10]

231. **Deputy Leo Varadkar** asked the Minister for Health and Children the number of nurses within the health service in terms of whole time equivalents employed prior to the introduction of the moratorium; the estimated number currently employed; the target point at which point there moratorium will end; and if she will make a statement on the matter. [20050/10]

232. **Deputy Leo Varadkar** asked the Minister for Health and Children the number of physiotherapists within the health service in terms of whole time equivalents employed prior to the introduction of the moratorium; the estimated number currently employed; the target point at which point the moratorium will end; and if she will make a statement on the matter. [20051/10]

233. **Deputy Leo Varadkar** asked the Minister for Health and Children the number of porters within the health service in terms of whole time equivalents employed prior to the introduction of the moratorium; the estimated number currently employed; the target point at which point the moratorium will end; and if she will make a statement on the matter. [20052/10]

234. **Deputy Leo Varadkar** asked the Minister for Health and Children the number of household staff within the health service in terms of whole time equivalents employed prior to the introduction of the moratorium; the estimated number currently employed; the target point at which point the moratorium will end; and if she will make a statement on the matter. [20053/10]

235. **Deputy Leo Varadkar** asked the Minister for Health and Children the number of nurses aides within the health service in terms of whole time equivalents employed prior to the introduction of the moratorium; the estimated number currently employed; the target point at which point the moratorium will end; and if she will make a statement on the matter. [20054/10]

236. **Deputy Leo Varadkar** asked the Minister for Health and Children the number of staff within the health service in terms of whole time equivalents employed prior to the introduction of the moratorium; the estimated number currently employed; the target point at which point the moratorium will end; and if she will make a statement on the matter. [20056/10]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 230 to 236, inclusive, together.

In order to implement savings measures on public service numbers, the Government introduced a moratorium on recruitment, promotion, or payment of an allowance for the performance of duties at a higher grade, with effect from 27 March 2009. The Employment Control Framework for 2010-2012 gives effect to the Government decision on employment policy in the public sector. It provides that there will be a net reduction in employment to 2012. This includes a target reduction in numbers in 2010 to achieve the overall reduction of 6,000 from March 2009 to the end 2012 and consequential pay roll savings. Based on numbers reductions already achieved in 2009, the net target reduction to end 2012 is 4,560 WTE (or 1,520 per annum).

Similar to 2009, there are a number of grades exempted from the moratorium to maintain key front line services and to support the development of policies in relation to disability, mental health, cancer, and child care.

The numbers of relevant grades cited in the question are set out in the table below:

Numbers (WTE excld. career break) employed in the public health service

	31/12/2008	31/03/2009	31/12/2009	31/03/2010
Medical grades	7,763.55	7,788.97	7,737.26	7,717.08
Nursing grades	38,107.92	38,789.00	37,466.03	37,720.50
Physiotherapist grades	1,448.91	1,464.21	1,468.83	1,486.54
Porter grades	1,642.43	1,650.95	1,525.54	1,526.81
Theatre Technician/Porter/Attendant	49.16	51.34	50.75	49.71
Domestic grades	3,359.48	3,307.25	3,250.25	3,173.88
Nurses Aides	167.34	174.32	157.12	155.41

*Notes:*

- (i) Medical grades includes all the grades of the Medical/Dental grade category excluding the dental grades.
- (ii) Student nurses are included in the 2008 employment ceiling on the basis of 3.5 students equating to 1 wholtime equivalent. The employment level for nursing grades (adjusted for student nurses on the above basis) is 38,084 WTEs (Dec 08).
- (iii) In the case of some agencies, data for March may not have been returned due to industrial action. Where this occurs, data has been rolled forward from the previous census.

The numbers of staff employed in the public health service are set out in the table below:

Numbers (WTE excld. career break) employed in the public health service

31/12/2008	31/03/2009	31/12/2009	31/03/2010
111,025.30	111,769.97	109,752.90	109,754.74

- (1) Excludes Home Helps.
- (2) Student nurses are included in the 2008 employment ceiling on the basis of 3.5 students equating to 1 wholtime equivalent. The employment level adjusted for student nurses on the above basis is 111,001 WTEs (Dec 08).
- (3) In the case of some agencies, data for March may not have been returned due to industrial action. Where this occurs, data has been rolled forward from the previous census.

In addition, a full list of the grades in the public health service and the numbers employed in each (for the dates above) will be forwarded to the Deputy.

*Question No. 237 answered with Question No. 66.*

### Medical Cards

238. **Deputy Deirdre Clune** asked the Minister for Health and Children when a person (details supplied) in County Cork will receive their over-70 years medical card; and if she will make a statement on the matter. [20065/10]

**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.

239. **Deputy Deirdre Clune** asked the Minister for Health and Children the systems that exist to reimburse persons who are entitled to an over-70 years medical card, the medical expenses they may have incurred in the period between their 70th birthday and receipt of their medical card; and if she will make a statement on the matter. [20066/10]

**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.

### Departmental Agencies

240. **Deputy Aengus Ó Snodaigh** asked the Minister for Health and Children her plans to implement the findings of a recent report funded by the Family Support Agency, which recommended that she set up 37 specialist centres to facilitate meetings between children and parents who face difficulties following relationship breakdown. [15488/10]

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** As Minister for Children and Youth Affairs, I have responsibility for a broad range of policies and services which impact directly on children and young people's well being. In this context, I recently launched the research report by One Family on the Need for Child Contact Centres in Ireland. I understand that One Family was supported in carrying out this research with funding from the Family Support Agency.

Child and Family Contact Centres are intended to provide safe and reliable environments for parents and children to maintain family contact, often where difficult circumstances or family breakdown apply. I am strongly aware that the Ryan Report recommended that children in care should not, save in exceptional circumstances, be cut off from their families and priority should be given to supporting ongoing contact with family members for the benefit of the child.

In giving consideration to the best way to meet the recommendations, I think it is important that the potential role in this regard of Child and Family Contact Centres is looked at. For this reason, I have asked officials in my Office to bring forward a detailed proposal to establish a Child and Family Contact Centre on a pilot basis, with a view to considering the best model for future service provision on a wider scale.

### Mental Health Services

241. **Deputy John McGuinness** asked the Minister for Health and Children if an investigation

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will be conducted into the death of a person (details supplied) in County Kilkenny; and if she will make a statement on the matter. [20095/10]

**Minister of State at the Department of Health and Children (Deputy John Moloney):** It is understood that the Health Service Executive will conduct a review into this matter; the findings of the review will, in due course, be considered by the Inspector of Mental Health Services.

### Hospital Waiting Lists

242. **Deputy Róisín Shortall** asked the Minister for Health and Children the number of patients awaiting cancer treatment services, including pre-operative, surgery and post-operative services, in the greater Dublin area; if waiting times are compatible with targets as set out under the National Cancer Strategy; and if she will make a statement on the matter. [20116/10]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter, the question would in the normal course of events be referred to the Health Service Executive for direct reply. This is not possible due to industrial action.

However, I can advise that waiting times for referrals to symptomatic breast services were set by the Health Information and Quality Authority (HIQA) in its 2007 National Quality Assurance Standards for Symptomatic Breast Disease Services. The most recently-available performance indicator statistics for urgent and routine referrals showed the standards being exceeded across all cancer centres as a whole (standards are for 95% of urgent referrals to be seen within two weeks and 95% of routine referrals to be seen within 12 weeks).

In relation to the greater Dublin area specifically, both cancer centres in the Dublin North East region exceeded the standard for urgent referrals and in Dublin Mid-Leinster, one of two centres exceeded the standard. For routine referrals, in Dublin North East one of two centres exceeded the standard while in Dublin Mid-Leinster, both centres exceeded the standard. In February 2010, HIQA published its Report into the Quality and Safety of Symptomatic Breast Disease Services in Ireland. It found that the centres were meeting the key requirements of the National Quality Assurance Standards.

### Health Service Staff

243. **Deputy James Reilly** asked the Minister for Health and Children her plans to reduce health service employees by 5,740 by 2012; if she will provide a breakdown of the categories of staff included in this reduction; and if she will make a statement on the matter. [20125/10]

**Minister for Health and Children (Deputy Mary Harney):** The Government has made clear that a critical part of its strategy to restore the public finances is to achieve sustainability in the cost of delivering public services relative to State revenues. To help achieve this goal, it will be necessary to restructure and reorganise the public service and to reduce public service numbers over the coming years. This requires that the moratorium on recruitment and promotion in the health service will continue to apply until the numbers have fallen to the level set out in the Employment Control Framework for the health sector. The Employment Control Framework for 2010-2012 gives effect to the Government decision on employment policy in the public sector. It provides that there will be a net reduction in employment to 2012. This includes a target reduction in numbers in 2010 to achieve the overall reduction of 6,000 from March 2009 to the end 2012 and consequential pay roll savings. Based on numbers reductions already achieved in 2009, the net target reduction (for the Health Sector) to end 2012 is 4,560 WTE (or 1,520 per annum).

The table below sets out the net target reduction for the Health Group of Votes:

Vote Group	Net Target Reduction 2010-2012 (in whole-time equivalents)
Health Sector (HSE and voluntary bodies)	4,560
Non-Commercial State Sponsored Bodies	60
Department of Health and Children	60
Total	4,680

There is no breakdown, by grade category, of staff included in the target reduction. However, the following table sets out actual employment by grade category:

Numbers (WTE excld. career breaks) employed in the public health service

	31/12/2008	31/03/2009	31/12/2009	31/03/2010
Medical/ Dental	8,109.48	8,149.07	8,083.03	8,052.26
Nursing	38,107.92	38,789.00	37,466.03	37,720.50
Health & Social Care Professionals	15,979.73	16,027.32	15,972.85	15,974.43
Management/ Admin	17,967.47	17,953.95	17,610.70	17,578.01
General Support Staff	12,630.55	12,612.52	11,906.34	11,786.06
Other Patient & Client Care	18,230.15	18,238.11	18,713.95	18,643.48
Total	111,025.30	111,769.97	109,752.90	109,754.74

(1) Excludes Home Helps.

(2) Student nurses are included in the 2008 employment ceiling on the basis of 3.5 students equating to 1 wholetime equivalent. The employment level adjusted for student nurses on the above basis is 111,001 WTEs (Dec 08).

(3) In the case of some agencies, data for March may not have been returned due to industrial action. Where this occurs, data has been rolled forward from the previous census.

### Care of the Elderly

244. **Deputy Jimmy Devins** asked the Minister for Health and Children if she proposes to take any action regarding the correspondence from a person (details supplied); and if she will make a statement on the matter. [20131/10]

**Minister of State at the Department of the Health and Children (Deputy Áine Brady):** This question refers to the inspection of a nursing home in Co. Donegal. Under the Health Act, 2007, statutory responsibility is given to the Chief Inspector of Social Services, part of HIQA for inspecting and registering residential services for children, older people and people with disabilities. I will pass on the information supplied by the Deputy to the Chief Inspector for appropriate attention.

### Mental Health Services

245. **Deputy P. J. Sheehan** asked the Minister for Health and Children the number of children on waiting lists for psychological services; her plans to expand the number of councillors that would be available for children referred by a general practitioner with a need for psychological services and emotionally-related issues; and if she will make a statement on the matter. [20137/10]

**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

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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

246. **Deputy James Reilly** asked the Minister for Health and Children when construction will commence on the proposed primary care centre at Glenamaddy, County Galway (details supplied); the amount of funding available for the project to proceed; and if she will make a statement on the matter. [20144/10]

290. **Deputy Bernard J. Durkan** asked the Minister for Health and Children the extent to which she proposes to provide funding for upgrading, improvement of facilities or otherwise extending the various health centres throughout County Kildare; the time scale for same; and if she will make a statement on the matter. [20727/10]

291. **Deputy Bernard J. Durkan** asked the Minister for Health and Children when she will approve the extension and or upgrading of Johnstownbridge health centre, County Kildare; and if she will make a statement on the matter. [20728/10]

292. **Deputy Bernard J. Durkan** asked the Minister for Health and Children the extent of the discussions to date in respect of Johnstownbridge health centre, County Kildare; if provision is being made to upgrade or extend the facility in line with population requirements; the degree to which she has studied the submissions made in this regard; the extent of costing undertaken; when it is expected that she will be in a position to make the necessary funding available; and if she will make a statement on the matter. [20729/10]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 246 and 290 to 292, inclusive, together.

I wish to advise the Deputies that due to industrial action affecting the Health Service Executive it is not possible for the Executive to supply the information requested. If these matters remain of continuing concern to you, however, I would invite you to raise them with me again in due course.

### Hospital Services

247. **Deputy Jack Wall** asked the Minister for Health and Children the position regarding a surgical procedure at Tallaght Hospital, Dublin 24, in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [20149/10]

**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.

### Departmental Bodies

248. **Deputy Phil Hogan** asked the Minister for Health and Children the recommendations that the Office of Tobacco Control has made to her Department for tackling the consumption of illicit and counterfeit cigarettes; and if she will make a statement on the matter. [20160/10]

**Minister of State at the Department of the Health and Children (Deputy Áine Brady):** My Department has not received any such recommendations from the Office of Tobacco Control as the Office has no function in this matter.

### Hospital Waiting Lists

249. **Deputy Bernard Allen** asked the Minister for Health and Children further to Parliamentary Question No. 130 of 1 December 2009 the position regarding an appointment for a surgical procedure at Cork University Hospital in respect of a person (details supplied) in County Cork. [20174/10]

**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. However, in the meantime, 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.

### Health Services

250. **Deputy Bernard J. Durkan** asked the Minister for Health and Children if provision of additional speech and language sessions will be arranged in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [20310/10]

**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

251. **Deputy Bernard J. Durkan** asked the Minister for Health and Children when a medical card will issue to a person (details supplied) in County Kildare; and if she will make a statement on the matter. [20311/10]

**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

252. **Deputy Bernard J. Durkan** asked the Minister for Health and Children when residential care will be offered to a person (details supplied) in County Wexford; and if she will make a statement on the matter. [20312/10]

**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

253. **Deputy Bernard J. Durkan** asked the Minister for Health and Children when a medical card will be awarded in respect of persons (details supplied) in County Kildare; and if she will make a statement on the matter. [20313/10]

**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 Execu-

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tive 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.

254. **Deputy Bernard J. Durkan** asked the Minister for Health and Children when a medical card will issue to persons (details supplied) in County Kildare; and if she will make a statement on the matter. [20314/10]

**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.

#### **Services for People with Disabilities**

255. **Deputy Bernard J. Durkan** asked the Minister for Health and Children the full extent of support services available to a person (details supplied) in County Kildare; and if she will make a statement on the matter. [20319/10]

**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.

#### **Hospital Services**

256. **Deputy Bernard J. Durkan** asked the Minister for Health and Children when a rheumatology outpatient department review appointment will be offered to a person (details supplied) in County Kildare; and if she will make a statement on the matter. [20342/10]

**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**

257. **Deputy Bernard J. Durkan** asked the Minister for Health and Children when a person (details supplied) in County Kildare will be accepted onto a drug rehabilitation course; and if she will make a statement on the matter. [20343/10]

**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. I would also recommend that you inform the individual mentioned that it is open to him to contact his local health office directly.

#### **Hospital Services**

258. **Deputy Bernard J. Durkan** asked the Minister for Health and Children if she has received correspondence from a person (details supplied) in County Kildare regarding their stay in the Adelaide and Meath Hospital, Tallaght, Dublin 24; her plans to address and respond to this matter; and if she will make a statement on the matter. [20344/10]

**Minister for Health and Children (Deputy Mary Harney):** Correspondence was received in my Department on 29 March from the person concerned. As this is a service issue, the matter was referred to the Health Service Executive (HSE) for direct reply on 31 March and the person concerned was also informed of this on 31 March. My Department is looking at the issues raised in this correspondence in the broader clinical governance context.

### **Vaccination Programme**

259. **Deputy David Stanton** asked the Minister for Health and Children if she or the Health Service Executive have carried out a detailed cost analysis before making the decision to provide the HPV vaccine through schools and special HSE clinics as opposed to making it available through general practitioner network or primary care centres; the cost of staffing and location of the HSE clinics who will provide the HPV vaccine to girls in July, 2010; and if she will make a statement on the matter. [20351/10]

260. **Deputy David Stanton** asked the Minister for Health and Children the reason the HPV vaccine will not be provided to girls free through the general practitioner network when this network is used to provide smear tests through the national cervical screening programme; and if she will make a statement on the matter. [20352/10]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 259 and 260 together.

Matters such as the staffing and funding of the HPV vaccination programme are, in the first instance, the responsibility of the HSE and I wish to advise the Deputy that, due to industrial action affecting the HSE, 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.

However, the HPV vaccine will be provided free to first year girls in secondary school rather than a specific age group. The vaccination schedule requires three doses of the vaccination to be given over the course of a six month period. Evidence from other countries (UK and Australia) has shown that the highest uptake rates are achieved when HPV vaccine is administered in schools (3rd dose uptakes of over 80% versus less than 65% for GP administration). I am satisfied that the policy of delivering the vaccination programme mainly in school settings is the most appropriate one.

### **Substance Misuse Strategy**

261. **Deputy Jan O'Sullivan** asked the Minister for Health and Children her views on the below cost selling of alcohol in off-licences that is widely consumed by young persons; if she will initiate public health measures to address this issue; and if she will make a statement on the matter. [20365/10]

**Minister of State at the Department of the Health and Children (Deputy Áine Brady):** Below-cost selling of alcohol products was one of the areas examined by the Government Alcohol Advisory Group in 2008. However, due to the complex pricing systems which it encountered during its examination of the issue, the Group was unable to establish any standard costs for the purposes of prohibiting below-cost sales of such products. On 31st March, 2009 the Government agreed to include alcohol in a National Substance Misuse Strategy that would be co-ordinated jointly by the Department of Community, Equality and Gaeltacht Affairs and my Department. A Steering Group has been established to develop the alcohol element of the National Substance Misuse Strategy. It will base its recommendations on evidence based

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measures to deal with the significant public health issue of alcohol in areas such as supply, pricing, prevention, treatment, awareness and education. The Steering Group is currently meeting on a monthly basis and it is expected that its Report will be submitted to Government by the end of this year.

### **Services for People with Disabilities**

262. **Deputy Olwyn Enright** asked the Minister for Health and Children the communications that have taken place between her Department, the Health Service Executive and an organisation (details supplied) regarding the decrease in the funding to the organisation; if her attention has been drawn to the effect such a funding decrease will have on this organisation; her views on same; and if she will make a statement on the matter. [20367/10]

**Minister of State at the Department of Health and Children (Deputy John Moloney):** I wish to inform the Deputy that the Minister for Health and Children and myself will attend a meeting with the Jack and Jill Foundation later this month. I understand that the HSE will be represented at that meeting.

The Department of Health and Children is undertaking a review of the efficiency and effectiveness of the health and personal services provided to people with disabilities. This review is part of the Government's Value for Money and Policy Review programme. The review will focus, in particular, on the scope for achieving greater efficiency and effectiveness from the substantial resources expended on services for people with disabilities, and will support the future planning and development of such services.

In the current economic situation, there is a need to ensure that all developments are planned and implemented to give best value for money and with the most appropriate mix of national, regional and local services.

### **Mental Health Services**

263. **Deputy Seán Sherlock** asked the Minister for Health and Children the steps she will take to combat depression and isolation amongst members of the farming community; and if she will make a statement on the matter. [12041/10]

**Minister of State at the Department of Health and Children (Deputy John Moloney):** The HSE, the Department of Agriculture, Fisheries and Food and the Department of Health and Children are working together to develop a protocol for addressing mental health issues that arise among the farming community.

### **Child Protection**

264. **Deputy Eamon Gilmore** asked the Minister for Health and Children if she will make a statement on the recent report of the special rapporteurs on child protection appointed arising from the recommendation of the Sullivan Report following the A Case in 2006. [16718/10]

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** The Government recently published the third report of Mr. Geoffrey Shannon, Special Rapporteur on Child Protection.

Mr. Shannon was appointed in the aftermath of the 'CC case' (sometimes referred to as the 'A Case') and was required to review and audit national and international legislative developments for the protection of children, and to prepare, annually from 2007 to 2009, a report setting out the results of the previous year's work.

In his 2009 report Mr. Shannon makes a number of recommendations and observations in relation to areas under the remit of the Office of the Minister for Children and Youth Affairs (OMCYA), including:

- the *Children First* National Guidelines;
- HIQA inspections;
- evaluation of child care services;
- the use of a ‘Differential Response Model’ as an alternative model for the promotion of child welfare and protection;
- mandatory reporting;
- future inquiries into matters concerning children.

The OMCYA is actively engaged in all the aforementioned matters. Mr. Shannon’s report also considers issues of relevance to the Department of Justice and Law Reform. Mr. Shannon’s three reports have helped to inform the approach to strengthening the policy and legislative framework covering child welfare and protection. The Government has re-appointed Mr. Shannon for a further term of three years.

#### **Nursing Home Support Scheme**

265. **Deputy Edward O’Keeffe** asked the Minister for Health and Children the position regarding an application in respect of a person (details supplied) in County Cork. [20383/10]

**Minister of State at the Department of the Health and Children (Deputy Áine Brady):** I regret that due to industrial action I am not in a position to provide a substantive response to your Parliamentary Question. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

#### **Hospital Services**

266. **Deputy Edward O’Keeffe** asked the Minister for Health and Children if she will assist in having an appointment arranged for a person (details supplied) in County Cork. [20385/10]

**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. However, in the meantime, 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.

#### **Health Services**

267. **Deputy Edward O’Keeffe** asked the Minister for Health and Children if she will arrange to have a person (details supplied) considered for long term care at a hospital in County Cork. [20388/10]

**Minister of State at the Department of the Health and Children (Deputy Áine Brady):** I regret that due to industrial action I am not in a position to provide a substantive response to your Parliamentary Question. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

### Health Insurance

268. **Deputy Pat Rabbitte** asked the Minister for Health and Children her plans to introduce risk equalisation legislation; and if she will make a statement on the matter. [20394/10]

**Minister for Health and Children (Deputy Mary Harney):** Following the Supreme Court decision of July 2008, which found the Irish Risk Equalisation Scheme to be *ultra vires*, the Government decided to introduce an interim scheme of loss compensation. This was provided for under the Health Insurance (Miscellaneous Provisions) Act 2009, covering the period 2009 to early 2012.

In any community rated health insurance market, a comprehensive risk equalisation or loss compensation system is required in order for the market to operate in the best interests of all consumers. Without a risk equalisation or loss compensation system, insuring older or ill people will be loss making. As a result, insurers that cover a higher proportion of older people will be at a significant competitive disadvantage and insurers will seek to avoid insuring older people. It follows that, without risk equalisation or loss compensation, competition will not function properly and the market will operate counter to the interests of ill and older people. This is why it is the international norm for risk equalisation or loss compensation to apply in community rated markets.

At my request, the Health Insurance Authority has started work on preparing a comprehensive risk equalisation scheme to replace the interim scheme of loss compensation when it expires. Risk equalisation is one of a number of key elements in a community rated system. I have raised this and the other key issues relating to the private health insurance market with Government and I will make a further statement on the matter at the appropriate time.

### Nursing Homes Support Scheme

269. **Deputy Edward O’Keeffe** asked the Minister for Health and Children the position regarding an application in respect of a person (details supplied) in County Cork. [20413/10]

**Minister for Health and Children (Deputy Mary Harney):** I regret that due to industrial action I am not in a position to provide a substantive response to your Parliamentary Question. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

### Medical Cards

270. **Deputy Edward O’Keeffe** asked the Minister for Health and Children the position regarding an application in respect of a person (details supplied) in County Cork. [20421/10]

**Minister for Health and Children (Deputy Mary Harney):** I understand that the Deputy’s question is referring to a medical card application. I wish to advise 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.

### Departmental Investigations

271. **Deputy Fergus O’Dowd** asked the Minister for Health and Children the position regarding the non-statutory report into the death of a person (details supplied) at a nursing home in County Dublin; if she will request a copy of this report and place it before the Houses of the Oireachtas in view of the fact that the family of this person have been asked to sign a non

disclosure agreement in relation to its contents by the Health Service Executive; and if she will make a statement on the matter. [20436/10]

**Minister for Health and Children (Deputy Mary Harney):** The Health Service Executive engaged Counsel in 2007 to carry out the non-statutory inquiry referred to by the Deputy. The Inquiry's Report was delivered to the HSE in October 2009. Following receipt of the report two of the parties requested that they be allowed make further submissions and these requests were granted. The submissions were made in early 2010 and were considered by the inquiry. It is my clear understanding, from the HSE, that none of the parties are now being asked to sign a non disclosure agreement. The question of dissemination of the Report is a matter for the Executive and I understand that it is considering a number of options for the release of the Report.

*Question No. 272 answered with Question No. 82.*

### Health Services

273. **Deputy Edward O'Keeffe** asked the Minister for Health and Children if she will assist in providing assistance to a person (details supplied) in County Cork. [20474/10]

**Minister for Health and Children (Deputy Mary Harney):** I regret that due to industrial action I am not in a position to provide a substantive response to your Parliamentary Question. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

### Medical Cards

274. **Deputy Michael Ring** asked the Minister for Health and Children when a decision will issue on an appeal for a full medical card in respect of a person (details supplied) in County Mayo. [20476/10]

**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.

### Missing Persons

275. **Deputy Michael D. Higgins** asked the Minister for Health and Children her views on the possible roll out of a 116000 EU wide hotline for missing children. [20486/10]

**Minister for Health and Children (Deputy Mary Harney):** I have discussed the proposal to put in place a hotline for missing children that is operational in some EU Member States with members of charitable organisations and non-governmental organisations with a view to providing some level of service. I will keep the Deputy informed of developments in this regard.

### Medical Cards

276. **Deputy Liz McManus** asked the Minister for Health and Children if she will include products (details supplied) in the prescribed list of products available on the medical card which are used by cancer patients in view of the cost of these products and the hardship it is for people on low incomes; and if she will make a statement on the matter. [20487/10]

**Minister for Health and Children (Deputy Mary Harney):** Pharmaceutical companies must apply to the Health Service Executive (HSE) for products to be reimbursed under the General Medical Services (GMS) Scheme and the community drugs schemes. In order for a medicinal product to be considered for reimbursement it must meet specified criteria. These include the following:

- The product must be an ‘allopathic’ medicinal product authorised by the Irish Medicines Board or the European Commission.
- The product must be such that it is ordinarily supplied to the public only on foot of a medical prescription.
- The product should not be advertised or promoted to the public.

I am advised that the products referred to by the Deputy do not meet the above criteria as they are generally available over-the-counter and may be advertised directly to the public.

### **Health Service Allowances**

277. **Deputy Joanna Tuffy** asked the Minister for Health and Children the position regarding an application for mobility allowance in respect of a person (details supplied) in Dublin 22; and if she will make a statement on the matter. [20500/10]

**Minister for Health and Children (Deputy Mary Harney):** I regret 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, I would invite you to raise it with me again in due course. However, I would also recommend that you inform the individual mentioned that it is open to them to contact their local health office directly.

*Question No. 278 answered with Question No. 68.*

*Question No. 279 answered with Question No. 67.*

### **Youth Services**

280. **Deputy Willie Penrose** asked the Minister for Health and Children if there are vacancies on the National Youth Work Advisory Committee; if so, if a recommendation has being made by a nominating authority to fill any such vacancy; and if she will make a statement on the matter. [20548/10]

**Minister for Health and Children (Deputy Mary Harney):** The membership of the National Youth Work Advisory Committee is appointed by the Minister for Health and Children under the provisions of Sections 17 and 18 of the Youth Work Act, 2001. As provided for under the Act, arrangements are currently in train to have new nominees appointed to vacant positions on the Committee.

### **Medical Cards**

281. **Deputy Michael Ring** asked the Minister for Health and Children the reason persons (details supplied) in County Mayo are being assessed for a medical card under the national income guidelines instead of begin assessed according to the over 70s guidelines; and if she will make a statement on the matter. [20568/10]

**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 Execu-

tive 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.

282. **Deputy Michael Creed** asked the Minister for Health and Children if she will review a decision to refuse a medical card in respect of a person (details supplied) in County Cork; and if she will make a statement on the matter. [20570/10]

**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.

283. **Deputy John Deasy** asked the Minister for Health and Children the number of persons in Waterford City possessing medical cards in each of the years from 2002 to 2009; the number in Waterford City in possession of such cards; the breakdown of the number between full medical cards, general practitioner only cards and over 70 years cards; and if she will make a statement on the matter. [20720/10]

**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**

284. **Deputy John Deasy** asked the Minister for Health and Children the number of home help hours allocated in County Waterford for each year since 2005 and to date in 2010; the number of persons benefiting in each year; the budget allocated in each year in Waterford City; if the allocation was used in each year; and if she will make a statement on the matter. [20721/10]

**Minister for Health and Children (Deputy Mary Harney):** I regret that due to industrial action I am not in a position to provide a substantive response to your Parliamentary Question. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

#### **Hospital Services**

285. **Deputy Bernard J. Durkan** asked the Minister for Health and Children the full extent of facilities available at Naas General Hospital, County Kildare; the extent to which this is in accord with the objectives set out in the original enhanced development plan for the hospital; the number of procedures, medical, and surgical undertaken at the hospital in each of the past five years to date; the bed occupancy over the same period; the extent and range of surgical and medical procedure available at the hospital over this period; the degree to which the various supportive staffing levels have fluctuated during the time in the same period; the number of orthopaedic procedures in the same period; the extent to which each of the operating theatres have been utilised on a daily basis and are or will be utilised; the total patient throughput in respect of each of the procedures or facilities available at the hospital; and if she will make a statement on the matter. [20722/10]

**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 Execu-

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tive 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.

286. **Deputy Bernard J. Durkan** asked the Minister for Health and Children the extent of medical and surgical procedures undertaken at Tallaght Hospital, Dublin 24 on a monthly basis in each of the past years to date in 2010; the areas in respect of which activities or procedures have been curtailed or increased including staffing levels in the same period; the bed occupancy throughout the hospital on a monthly basis in the same period; the extent to which previous commitments given have been honoured to date; the extent to which procedures and facilities are shared with Naas General Hospital, County Kildare; the extent to which all theatres and facilities at both hospitals are in continuous use, currently and over the period in question; the number and nature of procedures at both hospitals in the period in question; and if she will make a statement on the matter. [20723/10]

**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.

### Care of the Elderly

287. **Deputy Bernard J. Durkan** asked the Minister for Health and Children the number of persons in long-stay care or beds in both the public and private sectors throughout the country; the total such requirement; the degree to which waiting lists exists; and if she will make a statement on the matter. [20724/10]

**Minister of State at the Department of the Health and Children (Deputy Áine Brady):** It is estimated that 23,750 older people are in long term residential care with a total provision, public, private and voluntary, of approx 30,000 places altogether. The overall place number includes long-stay, respite, convalescence and palliative care beds. These consist of over 10,000 public places in Health Service Executive (HSE) facilities and 20,000 places in private and voluntary settings nationally.

The Health Information and Quality Authority had registered 593 designated centres for older people in accordance with the Health Act 2007 (Registration of Designated Centres for Older People) Regulations, 2009 (S.I. no. 245 of 2009) on 31 December, 2009. These consisted of 450 private nursing homes, 124 nursing homes run by the Health Services Executive (HSE) and 19 nursing homes run by voluntary organisations.

As the Deputy is aware, the Nursing Homes Support Scheme is now the single system of financial support for individuals who require long-term nursing home care. The scheme applies to public, private and voluntary nursing homes. The HSE is provided with a set level of funding for the scheme each year. While it is hoped that there would be sufficient funding to support everyone, there may be situation where a person's name must go onto a waiting list until funding becomes available. If this is the case, the HSE will notify the individual. There is no waiting list for funding at present.

### Hospital Waiting Lists

288. **Deputy Bernard J. Durkan** asked the Minister for Health and Children the extent to which patients have to wait for hip operations at all relevant public and private hospitals,

excluding Tallaght Hospital, Dublin 24 and Naas General Hospital, County Kildare; and if she will make a statement on the matter. [20725/10]

**Minister for Health and Children (Deputy Mary Harney):** Statutory responsibility for the collection, collation and validation of data on waiting times and numbers of persons waiting for hospital treatment rests with the National Treatment Purchase Fund. My Department has, therefore, asked the Chief Executive of the Fund to reply directly to the Deputy in relation to the information requested.

289. **Deputy Bernard J. Durkan** asked the Minister for Health and Children the extent to which patients have to wait for hip operations at Tallaght Hospital, Dublin and at Naas Hospital, County Kildare; and if she will make a statement on the matter. [20726/10]

**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.

*Questions Nos. 290 to 292, inclusive, answered with Question No. 246.*

### Medical Cards

293. **Deputy Bernard J. Durkan** asked the Minister for Health and Children the number of medical card holders in each of the regions throughout the country in each of the past five years to date; and if she will make a statement on the matter. [20730/10]

**Minister for Health and Children (Deputy Mary Harney):** I set out below a table showing the end of year national figure for medical card holders for each of the past five years. The table also shows the position for the 31st March 2010, which is the most recent figure received by my Department from the Health Service Executive.

Year	Number of Medical Card Holders
31st December 2005	1,155,727
31st December 2006	1,221,695
31st December 2007	1,276,178
31st December 2008	1,352,120
31st December 2009	1,478,560
31st March 2010	1,518,973

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 specific 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

294. **Deputy Bernard J. Durkan** asked the Minister for Health and Children the number of orthodontic treatment requirements identified in the course of school medical examinations in each of the past five years to date; the number of such requirements met in full to date through the public or private sectors; and if she will make a statement on the matter. [20731/10]

**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.

*Question No. 295 answered with Question No. 62.*

### Hospitals Building Programme

296. **Deputy Bernard J. Durkan** asked the Minister for Health and Children the full extent of expenditure to date including associated costs in respect of the new National Children's Hospital; and if she will make a statement on the matter. [20733/10]

**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

297. **Deputy Bernard J. Durkan** asked the Minister for Health and Children the number of patients dealt with or procedures provided at or through the entire public and private hospital sectors in each of the past five years to date; the costs associated therewith through public funding or private health insurance annually during his period in each case; and if she will make a statement on the matter. [20734/10]

**Minister for Health and Children (Deputy Mary Harney):** Activity data in private hospitals is not collected or verified by the Department of Health and Children or by the HSE. In relation to public acute hospital activity I attach in tabular format the information sought by the Deputy.

	2005	2006	2007	2008	2009***
ED Attendances	1,249,659	1,245,001	1,296,091	1,150,674	1,119,719
Outpatient Attendances	2,453,000	2,796,331	3,087,448	3,298,494*	3,320,729
In-Patient Discharges	564,844	582,800	598,776	594,824	593,359
Day Case Discharges**	443,657	662,092	718,851	770,265	674,949

\*Provisional figure for 2008.

\*\*From 2006 the HIPE system includes data on day case patients admitted for dialysis in dedicated dialysis units.

\*\*\*The data for 2009 is provisional and has yet to be validated.

Information on the costs associated with these activity headings is not available within my Department. I therefore regret that due to industrial action in the Health Service Executive I am not in a position to provide a substantive response on this issue.

In relation to any comparison between the costs of public and private hospitals as regards costs or claims, it should be noted that I do not have any role in relation to the day-to-day operation of private hospitals and private health insurers. The negotiation of fees between private hospitals and health insurance providers is a commercial matter for the parties themselves. However, the Health Insurance Authority has provided some information for the health insurance market as a whole which relates to all private health insurance business, not just hospital costs.

In 1998, claims incurred per insured person in VHI (which constituted almost the entire market at the time), was €287. In 2008, (the latest year for which the Financial Regulator has

published data), the incurred claims per insured person in the market was €624. This equates to an annualised increase over the 10 year period of 8.1% per annum.

298. **Deputy Bernard J. Durkan** asked the Minister for Health and Children the position regarding the future of St. Luke's Hospital, Dublin; the decisions taken to date which are ultimately likely to have a lasting impact on the hospital, its future and location; and if she will make a statement on the matter. [20735/10]

**Minister for Health and Children (Deputy Mary Harney):** Under the National Plan for Radiation Oncology (NPRO), there will be a network of four radiotherapy centres and two satellite centres by 2014. The four main centres will be located at Beaumont, St James's, Cork and Galway plus two satellite centres at Limerick and Waterford. It is intended that services at the existing facility in St Luke's in Dublin will have transferred in full to Beaumont and St James's by the end of 2014. This decision is based on expert advice and is designed to ensure that radiation oncology is integrated with all other aspects of cancer care, including surgery and medical oncology. This is in line with best international practice.

The Board of St. Luke's Hospital and its Executive Management Team are fully committed to supporting the Government's decision in relation to the development of radiation oncology and a Transition Team has been established to oversee developments.

Phase 1 of the NPRO involves the construction of new facilities at St. James's Hospital and Beaumont Hospital and is currently under way and on target for completion by the end of this year. Some staff and resources will transfer from St Luke's to the new centres in the latter half of this year. St Luke's will continue to provide radiation oncology services for the period up to the completion of the NPRO in 2014. During this period St Luke's will, together with the new facilities, form a Radiation Oncology Network for Dublin and the East. To facilitate the operation of the Network, St Luke's will be incorporated into the HSE from July this year.

These developments will ensure increased radiation oncology capacity in the Dublin and Eastern region from the end of this year. Additional linear accelerators were also provided at St Luke's in 2008 in order to provide sufficient capacity in the interim before completion of the NPRO in 2014.

No decisions have yet been taken in relation to the future use of the site and facilities at St. Luke's. However, I am anxious to ensure that these resources are utilised in the best interest of the health services. I understand that the Friends of St. Luke's are preparing a report on possible future uses of the site and facilities and I hope to receive a copy of this report shortly.

### **Hospital Accommodation**

299. **Deputy Bernard J. Durkan** asked the Minister for Health and Children the number of hospital wards or beds currently closed in both the public and private health sectors at the present time for whatever reason; and if she will make a statement on the matter. [20736/10]

**Minister for Health and Children (Deputy Mary Harney):** I regret that due to industrial action I am not in a position to provide a substantive response to your Parliamentary Question. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

### **Health Insurance**

300. **Deputy Bernard J. Durkan** asked the Minister for Health and Children the extent private health care insurance costs and premiums have increased in each of the past ten years to date in 2010; the extent to which claims have grown over the same period; the proportion

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of such claims originating in both the private and public hospitals; and if she will make a statement on the matter. [20737/10]

**Minister for Health and Children (Deputy Mary Harney):** As indicated in my response to PQ Reference No. 17571/10, the information sought in this question is detailed. A comprehensive reply is being prepared and will be submitted directly to the Deputy as soon as possible.

### **Nursing Homes Support Scheme**

301. **Deputy Michael Creed** asked the Minister for Health and Children if she has received a fair deal application in respect of a person (details supplied) in County Cork; when the application will be activated; and if she will make a statement on the matter. [20739/10]

**Minister of State at the Department of the Health and Children (Deputy Áine Brady):** I regret that due to industrial action I am not in a position to provide a substantive response to your Parliamentary Question. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

### **Health Services**

302. **Deputy Willie Penrose** asked the Minister for Health and Children if she will take immediate steps to have a detailed assessment carried out for a person (details supplied) in County Westmeath; and if she will make a statement on the matter. [20751/10]

**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. I would also recommend that you inform the parent or GP that it is open to them to contact their local services directly.

### **Hospital Services**

303. **Deputy Willie Penrose** asked the Minister for Health and Children if she will take steps to have a person (details supplied) in County Westmeath immediately admitted to the Ear, Nose and Throat Department of the Midland Regional Hospital, Tullamore for assessment; and if she will make a statement on the matter. [20752/10]

**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.

If the patient's medical condition continues to cause concern it is open to their general practitioner to contact the hospital directly in relation to the case.

### **Medical Cards**

304. **Deputy Michael Creed** asked the Minister for Health and Children if she will review her decision to refuse a medical card to a person (details supplied) in County Cork; and if she will make a statement on the matter. [20754/10]

**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 Execu-

tive 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**

305. **Deputy Liz McManus** asked the Minister for Health and Children the number of occupational health departments here; the locations of same, per hospital and on a county basis; and if she will make a statement on the matter. [20755/10]

**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.

### **Pension Provisions**

306. **Deputy Martin Ferris** asked the Minister for Health and Children the number of persons in her Department and Office, including any Departments and Offices under her aegis, employed in the civil and public service who are in receipt of a State pension. [21158/10]

**Minister for Health and Children (Deputy Mary Harney):** I assume the Deputy is referring to the State Pension (Transition, Contributory and Non-Contributory) which is administered and paid by the Department of Social Protection and based on pay related social insurance contributions. As such, the information requested by the Deputy is not available to my Department.

### **State Airports**

307. **Deputy Pat Breen** asked the Minister for Transport further to Parliamentary Question No. 72 of the 6 May 2010, when he expects his Department's consideration of the Dublin Airport Authority's business case for the Lynx Cargo Project to be finalised; and if he will make a statement on the matter. [19974/10]

**Minister for Transport (Deputy Noel Dempsey):** This proposal is the subject of ongoing consideration by my Department in conjunction with the DAA and the Lynx Group. This involves the evaluation by the parties concerned of a number of commercial matters. I expect that this process will be concluded in the near future.

### **EU Regulations**

308. **Deputy Mary Wallace** asked the Minister for Transport the position regarding the delays and cancellations in relation to the rights and options under the EU regulation 2004 in acting upon refunds, rerouting, care and assistance for passengers that have been impacted by the ash cloud; and if he will make a statement on the matter. [19985/10]

**Minister for Transport (Deputy Noel Dempsey):** Regulation (EC) 261/2004 established common European rules on compensation and assistance to passengers in the event of cancellation or long delay of flights or in the event of being denied boarding.

The Regulation has direct application in Member States and the Commission for Aviation Regulation (CAR) has been designated as the National Enforcement Body for the Regulation in the State. The CAR is the competent body to enforce the provisions of the Regulation arising from cancellations due to depart from Ireland; for travellers whose cancelled flights

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were due to depart from other Member States, the relevant national enforcement body will be the body designated by that Member State.

Passengers must apply to their airline in the first instance to claim their entitlements. If airlines do not comply with the law and passengers fail to receive their entitlements, the relevant national enforcement body can then take enforcement action. The list of all EU national enforcement bodies is available on the CAR's website [www.aviationregulation.ie](http://www.aviationregulation.ie) along with all other relevant information on the provisions of the Regulation.

### Departmental Agencies

309. **Deputy Leo Varadkar** asked the Minister for Transport the number of persons in the National Roads Authority, Road Safety Authority, the Medical Bureau of Road Safety and any other agency under the remit of his Department in terms of whole time equivalents employed prior to the introduction of the moratorium; the estimated number currently employed; the target number at which point the moratorium will end; and if he will make a statement on the matter. [20040/10]

**Minister for Transport (Deputy Noel Dempsey):** The information requested is set out in the table.

Non Commercial Semi State Body	Number of WTEs employed prior to the introduction of the moratorium	Estimated number of WTEs currently employed
National Roads Authority	145.0	139.80
Road Safety Authority	312.9	306.54
Medical Bureau of Road Safety	34.0	33.00
Commission for Aviation Regulation	22.5	18.70
Dublin Transportation Office/ National Transport Authority	34.0	36.00
Railway Safety Commission	14.0	12.00
Commission for Taxi Regulation	37.5	34.50

The Department is in discussions with the Department of Finance in relation to an Employment Control Framework governing staff numbers for the Department and its agencies and setting out the targets for reductions in overall numbers.

### Road Network

310. **Deputy Deirdre Clune** asked the Minister for Transport the support he will provide to Cork County Council to proceed with the construction of the western relief road in Carragaline, County Cork; the funding available for this project; the interest groups he has met with to discuss this project; and if he will make a statement on the matter. [20069/10]

**Minister for Transport (Deputy Noel Dempsey):** The improvement and maintenance of regional and local roads is the statutory responsibility of each local authority, in accordance with the provisions of section 13 of the Roads Act 1993. Works on those roads are funded from local authorities own resources supplemented by State road grants paid by my Department. The initial selection and prioritisation of works to be funded is also a matter for the local authority.

On 22nd February, I announced the 2010 regional and local road grant allocations. A total of €411.409 million is being provided to local authorities this year for the maintenance and improvement of regional and local roads.

In deciding on allocations for 2010 the first priority was to ensure the protection of the existing road network and, particularly the massive Exchequer investment of €6 billion in regional and local road grants since 1997. It is important that resources are therefore targeted to address, on a priority basis, the most urgently required repairs resulting from the extensive damage caused by the prolonged severe weather.

Local authorities have been asked to carefully re-assess their planned road programmes for 2010 having regard to these priorities.

In August 2009, Cork County Council submitted a proposal for funding the land acquisition and construction of this project in 2010 and beyond. The estimated cost of this project is approximately €18.5 million.

Since then I have met with local representatives and Deputy Michael McGrath regarding this issue. I recently wrote to Cork County Council (through local Deputy Michael McGrath) raising a number of issues and I am awaiting their response.

### **Search and Rescue Service**

311. **Deputy Joanna Tuffy** asked the Minister for Transport the role of the Air Corps in providing the Marine Search and Rescue Coast Guard Helicopter Service; the funding provided to the Air Corp, in each of the past three years for the delivery of this service; if there are plans to downgrade this service; if there are plans to outsource this service; and if he will make a statement on the matter. [20078/10]

**Minister for Transport (Deputy Noel Dempsey):** Delivery of aeronautical maritime search and rescue commenced in Ireland in September 1991 with the transfer of the Shannon base to civilian service delivery. The entire national aeronautical maritime search and rescue service has been fully transferred to contract delivery since 2004. The Air Corps provides support to the Coast Guard as the need arises and within their available capability, in accordance with the roles assigned by Government in the White Paper on Defence. The Air Corps was withdrawn from maritime search and rescue in 2004 and there are no plans to reconsider this decision. Current Air Corps helicopter assets are not configured for maritime search and rescue nor does it have pilots or winch men with the required training and experience to support such operations.

Air Corps funding is a matter for my colleague the Minister for Defence. However I am advised that there are no specific funds allocated from the Defence Vote for the provision of search and rescue services by the Air Corps.

The Government has recently approved a continuance of the current arrangements for provision of maritime search and rescue capability in Ireland using modern helicopters. The new contract, which will run to 2023, will represent a stepped improvement in the capacity, range, speed and capability of the service. It is a major advancement for search and rescue in Ireland at a time of serious budgetary constraints.

### **State Airports**

312. **Deputy Pat Breen** asked the Minister for Transport the number of air traffic movements, taking account of the directional split at either end, on each runway at Dublin and Cork airports for each of the years from 2003 to 2009, in tabular form; and if he will make a statement on the matter. [20156/10]

**Minister for Transport (Deputy Noel Dempsey):** This concerns day to day operational matters of the two airports for which the Dublin and Cork Airport Authorities are responsible. I have no function in the matters.

### Services for People with Disabilities

313. **Deputy David Stanton** asked the Minister for Transport further to Parliamentary Question No. 108 of 10 February 2010, when he plans to reach a decision on the proposals to improve taxi services for persons with disabilities submitted by the Commission for Taxi Regulation to his Department to incentivise the upgrading of the wheelchair accessible fleet in view of the new standards for accessible taxis; his further plans to introduce subsidies to allow for the upgrading of wheelchair accessible taxis and hackneys in view of the already low base of accessible vehicles in operation; the funding he plans to make available under the subsidy scheme; and if he will make a statement on the matter. [20350/10]

**Minister for Transport (Deputy Noel Dempsey):** The proposal by the Commission for Taxi Regulation (CTR) for a scheme to incentivise the provision of wheelchair accessible taxis and hackneys is currently being considered by the National Transport Authority (NTA) given its wider public transport remit and in terms of the options for future funding of the proposed scheme. Among the potential funding options to be considered include the use of surplus funds held by the Commission, Transport 21 accessibility funding currently held within the NTA purse or a combination of both.

Officials from my Department will be meeting with both the NTA and the CTR in the coming week to discuss these options and I will consider the CTR proposals within the context of these deliberations and within the overall public transport priorities.

### Traffic Management

314. **Deputy Maureen O’Sullivan** asked the Minister for Transport if animal rescue ambulances can use the quality bus corridors when transporting sick or rescued animals to and from their veterinary units such as the Cat Protection Society or any other animal societies that may need to hurry their animals for medical attention. [20369/10]

**Minister for Transport (Deputy Noel Dempsey):** The current rules governing use of bus lanes were established through the Road Traffic (Traffic and Parking) Regulations 1997-1998. Large public service vehicles (buses) are permitted to use all bus lanes. Several exemptions are provided in the regulations. Pedal cyclists are regarded as being vulnerable road users and, on road safety grounds, are permitted to use with-flow bus lanes. Taxis are available for hire on-street to the public at large and are regarded as being an element of the public transport service. They are, accordingly, permitted to use with-flow bus lanes.

Emergency services — Gardaí, fire brigade and ambulances for persons — may also avail of bus lanes when in performance of their duties. These services are, like bus services, for the benefit of the general public.

I have no proposals to extend further the types of vehicles permitted to use bus lanes.

### Departmental Expenditure

315. **Deputy Michael McGrath** asked the Minister for Transport if he will consider a proposed project (details supplied) under his Department’s smarter travel initiative. [20378/10]

**Minister for Transport (Deputy Noel Dempsey):** I would refer the Deputy to the reply to Question No. 47 of 5 May 2010, which outlines how funds available in 2010 for Smarter Travel initiatives have been allocated. I am not, at this stage, in a position to commit funding to other proposals.

### Pension Provisions

316. **Deputy Martin Ferris** asked the Minister for Transport the number of persons in his Department and Office, including any Departments and Offices under his aegis, employed in the civil and public service who are in receipt of a State pension. [21162/10]

**Minister for Transport (Deputy Noel Dempsey):** My Department does not hold information on the number of staff in receipt of a state pension. Accordingly, I am not in a position to provide the information requested to the Deputy.

### Closed Circuit Television Systems

317. **Deputy James Bannon** asked the Minister for Justice, Equality and Law Reform the steps he is taking to alleviate the problems facing Granard, County Longford regarding the delay in providing the necessary funding for the installation of closed circuit television in the town. [20410/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The Community-based CCTV Scheme was launched in 2005 to provide financial assistance towards the capital costs of establishing a community CCTV system. To date two major rounds of this Scheme have been advertised, in 2005 and 2007. I am advised by Pobal who administer the scheme on behalf of my Department that no application was received in response to either of these rounds in respect of Granard, County Longford.

Any further plans for extension of CCTV are dependent on a number of factors, including the progression of the schemes already grant aided, the availability of funding and overall policy considerations.

### Visa Applications

318. **Deputy Willie Penrose** asked the Minister for Justice, Equality and Law Reform the position regarding an application for a visa to visit Ireland in respect of a person (details supplied); if same will be expedited; and if he will make a statement on the matter. [19889/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** An application for a 'Join Spouse (Irish National)' visa for the person concerned was created on my Department's on-line visa application system on 22 March 2010. At present, there are no papers for assessment in my Department and the applicant should contact the relevant consulate and file papers there. On receipt of the necessary papers a decision will issue in due course.

### Deportation Orders

319. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Justice, Equality and Law Reform if he will grant leave to remain in respect of a person (details supplied). [19892/10]

**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 Deportation Order is that the person concerned must leave the State 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 him was made, there remains the option of applying to me for revocation of his Deportation Order pursuant to the

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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.

320. **Deputy Joe Costello** asked the Minister for Justice, Equality and Law Reform if he will revoke the deportation order in respect of a person (details supplied); if he will grant them leave to remain; and if he will make a statement on the matter. [19908/10]

**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 Deportation Order is that the person concerned must leave the State 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.

#### **Registration of Title**

321. **Deputy Dan Neville** asked the Minister for Justice, Equality and Law Reform the position regarding the case of a person (details supplied); and if he will make a statement on the matter. [19912/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I can inform the Deputy that under the Registration of Deeds and Title Act 2006, the Property Registration Authority (PRA) was established as and from 4 November, 2006. The PRA replaces the Registrar of Deeds and Titles as the registering authority in relation to property registration in Ireland and, subject to the above Act, is independent in the performance of its functions.

The Deputy will be aware of the service to T.D.s and Senators which provides information on the current status of applications, such as the subject of this question, which was introduced in May 2006. The service provides a speedier, more efficient and more cost effective alternative to submitting Parliamentary Questions. It is operated by the PRA and is available all year round. I can further inform the Deputy that his query has been forwarded to the PRA for attention and direct reply via the above mentioned service.

#### **Asylum Applications**

322. **Deputy James Reilly** asked the Minister for Justice, Equality and Law Reform the progress that has been made on an application for residency in respect of a person (details supplied); and if he will make a statement on the matter. [19928/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** This person's case 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 or whereby an asylum seeker has been granted a visa to enter another Regulation State and has entered that other State before entering Ireland and making an asylum application here. 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), determined on 27 February, 2009, in accordance with the terms of the Dublin II Regulation, that Spain is responsible for examining this person’s asylum application. A Transfer Order was signed in respect of this person on 10 March, 2009, and they were requested to present themselves to the Garda National Immigration Bureau (GNIB) on 16 March, 2009. He failed to present as requested and is now recorded as having evaded his transfer. He is currently illegally present in this State and is liable to be arrested and detained without further notice. He should make himself known to the Garda National Immigration Bureau without further delay so that final arrangements can be made for his transfer to Spain.

### Visa Applications

323. **Deputy Michael Ring** asked the Minister for Justice, Equality and Law Reform when an official from his Department will meet with a person (details supplied) in County Mayo. [19981/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The Visa section of my Department can find no record of correspondence of 5th and 15th February 2010 having been received from the person referred to by the Deputy. However, the person referred to can resubmit the correspondence to the Visa section to allow for any issues raised to be addressed.

While officials of my Department regularly meet with representative bodies who act on behalf of groups of stakeholders in the area of immigration generally and visas in particular, resource constraints dictate that it is quite rare for meetings to take place with individual businesses, including individual schools or colleges. Most routine issues raised in relation to visa matters are more appropriately and efficiently dealt with by way of written correspondence, e-mail or by telephone. Exceptions to this general rule may occasionally be made if matters of unusual importance or urgency are raised. It is open to the person referred to by the Deputy to write to the Visa section outlining any such exceptional or urgent issues and the reasons why they feel that a meeting is warranted.

### Residency Permits

324. **Deputy Michael Ring** asked the Minister for Justice, Equality and Law Reform when a decision on an application for long-term residency will issue in respect of a person (details supplied) in County Mayo. [19982/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** An application for Long Term Residency from the person referred to by the Deputy was received in April 2009 and is currently being processed by my officials. It is likely that a decision will be reached in the coming months. As soon as a decision is made, the person concerned will be notified.

### Visa Applications

325. **Deputy Brian Hayes** asked the Minister for Justice, Equality and Law Reform further to Parliamentary Question No. 232 of 5 May 2010, the reason a person (details supplied) was refused a holiday visa; and if he will make a statement on the matter. [20020/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I refer the Deputy to my previous reply to Question 232 of the 5 May 2010 including the reasons for the refusal of the visa application in question. As also outlined in my reply, this application was refused on the 30 March 2010 and mention was made that it was open to the person concerned to appeal the decision of the Visa Officer within two months of the date of refusal, in this case before the 30 May 2010.

On 13 May 2010, an appeal letter which contains information in line with the details supplied by the Deputy was received from the person concerned by the Visa section of my Department, in Dublin. This letter has been forwarded for the attention of the Visa Appeals Officer at the Irish Embassy in Cairo. A decision regarding this matter will issue in due course.

### **Crime Levels**

326. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Justice, Equality and Law Reform the number of domestic violence incidents that the Garda Síochána responded to in each of the past five years; and if he will make a statement on the matter. [20029/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** In the time available it has not been possible for the Garda authorities to provide the information requested by the Deputy. I will be in contact with the Deputy when the information is to hand.

### **Garda Stations**

327. **Deputy Joe Carey** asked the Minister for Justice, Equality and Law Reform further to Parliamentary Question No. 401 of 23 March 2010, the progress made to date; and if he will make a statement on the matter. [20030/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I am advised by the Garda authorities that the official accommodation attached to Lahinch Garda Station has been vacated as of the 16th April 2010. Local Management will meet with the Office of Public Works, which has responsibility for the provision and maintenance of Garda accommodation, in the coming weeks to determine the scale and the costs of works, if any, to be undertaken to the building prior to its re-allocation to another member.

### **Garda Transport**

328. **Deputy Joe Carey** asked the Minister for Justice, Equality and Law Reform the number of cars in the Garda fleet; and if he will make a statement on the matter. [20031/10]

329. **Deputy Joe Carey** asked the Minister for Justice, Equality and Law Reform the number of cars in the Garda fleet that are more than four years old; and if he will make a statement on the matter. [20032/10]

330. **Deputy Joe Carey** asked the Minister for Justice, Equality and Law Reform his plans to upgrade the Garda fleet of cars; and if he will make a statement on the matter. [20033/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I propose to take Questions Nos. 328 to 330, inclusive, together.

I am informed by the Garda authorities that as at 6 May 2010, the number of cars within the Garda fleet is 2,014, of which 957 are over four years old. Over the last number of years there has been a sustained programme of investment in Garda vehicles in terms of maintenance, running expenses and new purchases amounting to some €72 million in the period 2007 to

2009. This level of investment has resulted in both the expansion of the fleet and the lowering of its age profile with consequent benefits to Garda members in terms of health and safety and lower maintenance costs.

I am further advised by the Garda authorities that they are developing a Request for Tender with a view to purchasing more new vehicles later this year. The Garda Commissioner has stated that the benefits of these investments in the Garda fleet will be sustained into 2011 and beyond.

### Departmental Bodies

331. **Deputy Leo Varadkar** asked the Minister for Justice, Equality and Law Reform the number of persons employed in the Human Rights Commission, the Legal Aid Board, the National Disability Authority, the Office of the Data Protection Commissioner and any other agency under the remit of his Department; the number of persons in terms of whole-time equivalents employed prior to the introduction of the moratorium; the estimated number currently employed; the target number at which point the moratorium will end; and if he will make a statement on the matter. [20036/10]

332. **Deputy Leo Varadkar** asked the Minister for Justice, Equality and Law Reform the number of gardaí in terms of whole-time equivalents employed prior to the introduction of the moratorium; the estimated number currently employed; the target point at which point the moratorium will end; and if he will make a statement on the matter. [20058/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I propose to take Questions Nos. 331 and 332 together.

My Department is responsible for staffing its Head Office and a large number of agencies under its remit, including the Office of the Data Protection Commissioner. Separately, the Human Rights Commission, Legal Aid Board, National Disability Authority, An Garda Síochána, Irish Prisons Service, Courts Service and Property Registration Authority recruit their own staff. The whole-time equivalent number of staff employed in these bodies prior to the Moratorium on recruitment and promotion, and currently, is as follows:

Body	Staffing number prior to Moratorium	Current staffing number
Irish Human Rights Commission	16	12
Legal Aid Board	274	258
Garda Síochána Ombudsman Commission	94	89
National Disability Authority	41	37
An Garda Síochána (attested members)	14,552	14,523
Garda Civilians	2,109	2,077
Irish Prison Service	3,619	3,538
Courts Service	1,081	1,020
Property Registration Authority	695	615

The question of the lifting of the Moratorium is a matter for the Department of Finance in the first instance.

### Visa Applications

333. **Deputy Mary Upton** asked the Minister for Justice, Equality and Law Reform if an

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appeal for a visa in respect of a person (details supplied) will be processed; and if he will make a statement on the matter. [20062/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The Visa Section of my Department confirms that an appeal has been received from the person referred to. The appeal is being processed and a decision will issue in due course.

### Departmental Appointments

334. **Deputy Dan Neville** asked the Minister for Justice, Equality and Law Reform the position regarding an application in respect of a person (details supplied) in County Limerick; and if he will make a statement on the matter. [20072/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I wish to confirm to the Deputy that his representations on behalf of the person concerned were received by my office on the 18th March 2010. A number of standard procedures need to be followed before I can make a decision on this appointment and my officials are currently attending to these matters. I expect to be in a position to make a decision in the near future.

### Asylum Applications

335. **Deputy Willie O’Dea** asked the Minister for Justice, Equality and Law Reform if a person (details supplied) in County Limerick can have their application expedited. [20109/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The person concerned applied for asylum on 11 February 2005. 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 7 March 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. Representations have been received on behalf of the person concerned.

The position in the State of the person concerned will now be decided by reference to the provisions of Section 3(6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement. All representations submitted will be considered before the file is passed to me for decision. Once a decision has been made, this decision and the consequences of the decision will be conveyed in writing to the person concerned.

Due to the high volume of cases on hand, it is not possible to expedite the case of the person concerned. However, a commitment has been given to have his case finalised by 29 April 2011 at the latest with every effort being made to have it finalised in advance of that date.

### Proposed Legislation

336. **Deputy Willie O’Dea** asked the Minister for Justice, Equality and Law Reform his plans

to introduce legislation to abolish or modify fee farm grants; and if he will make a statement on the matter. [20114/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The position is that section 12 of the Land and Conveyancing Law Reform Act 2009, which entered into effect on 1 December 2009, prohibits the creation of a fee farm grant at law or in equity. From that date, any instrument purporting to create a fee farm grant, or to grant a lease for life or lives renewable for ever or for any period which is perpetually renewable, vests in the purported grantee or lessee a legal or equitable fee simple.

### **Citizenship Applications**

337. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding an application for citizenship in respect of a person (details supplied) in County Cork; and if he will make a statement on the matter. [20327/10]

**Minister for Justice, Equality 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 December 2007.

All valid applications are dealt with in chronological order as this is deemed to be the fairest to all applicants. The average processing time from application to decision is now at 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. However, I understand that the person concerned is a refugee. In accordance with the Government's obligations under the United Nations Convention relating to the Status of Refugees, every effort is made to ensure that applications from persons with refugee status are dealt with as quickly as possible. Officials in the Citizenship Division inform me that processing of the application is at an advanced stage and the file will be submitted to me for a decision in due course.

The length of time taken to process each application should not be classified as a delay, as the length of time taken for any application to be decided is purely a function of the time taken to carry out necessary checks. There is a limit to the reduction in the processing time that can be achieved as applications for naturalisation must be processed in a way which preserves the necessary checks and balances to ensure that it is not undervalued and is only given to persons who genuinely satisfy the necessary qualifying criteria.

### **Residency Permits**

338. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding 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. [20328/10]

**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 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.

339. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding an application for residency in respect of a person (details supplied) in Dublin 15; and if he will make a statement on the matter. [20329/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I am informed by the Irish Naturalisation and Immigration Service that the person referred to is the subject of a Family Reunification application made by his wife in April 2010.

The application has been forwarded to the Refugee Applications Commissioner for investigation as required under Section 18 of the Refugee Act 1996.

On completion of the investigation the Commissioner will prepare and forward a report to the Irish Naturalisation and Immigration Service and on receipt of the Commissioner's report the application will be considered further.

### **Citizenship Applications**

340. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding an application for citizenship in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [20330/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I refer the Deputy to my reply to Parliamentary Questions 512 on 20 April, 2010 & 196 on 29 April, 2010. The position remains as stated.

### **Asylum Applications**

341. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding an application for subsidiary protection in respect of a person (details supplied) in County Wexford; and if he will make a statement on the matter. [20331/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The person concerned applied for asylum on 11 April 2007. 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 21 August 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 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.

### Citizenship Applications

342. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding an application for citizenship or naturalisation in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [20332/10]

**Minister for Justice, Equality 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 April 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. Officials in the Citizenship Division inform me that processing of the application is ongoing and the file will be submitted to me for a decision in due course.

The length of time taken to process each application should not be classified as a delay, as the length of time taken for any application to be decided is purely a function of the time taken to carry out necessary checks. There is a limit to the reduction in the processing time that can be achieved as applications for naturalisation must be processed in a way which preserves the necessary checks and balances to ensure that it is not undervalued and is only given to persons who genuinely satisfy the necessary qualifying criteria.

### Residency Permits

343. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding an application for residency in respect of a person (details supplied) in Dublin 1; and if he will make a statement on the matter. [20333/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The person concerned has been granted Leave to Remain in the State for a three year period, to 7 February 2013. This decision was conveyed in writing to the person concerned by letter dated 8 February 2010, re-issued on 8 March 2010.

### Citizenship Applications

344. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding an application for residency in respect of a person (details supplied) in County Laois; and if he will make a statement on the matter. [20334/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I refer the Deputy to my detailed Reply to his earlier Parliamentary Question, No 126 of Thursday, 18 June 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.

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

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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.

### Asylum Applications

345. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding an application for residency in respect of a person (details supplied) in County Galway; and if he will make a statement on the matter. [20335/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** Currently, there is no application for residency from this applicant, however, this applicant applied for asylum on the 30th August, 2002, his application was refused and a Deportation Order was made on the 11th September, 2003.

The applicant instituted Judicial Review proceedings on the 25 April, 2008 challenging the Deportation Order made in respect of him and accordingly, as the matter is sub judice, I do not propose to comment further.

### Citizenship Applications

346. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding an application for citizenship in respect of a person (details supplied) in County Cork; and if he will make a statement on the matter. [20336/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** Officials in the Citizenship section of my Department inform me that there is no record of an application for a certificate of naturalisation from the person referred to in the Deputy's Question.

### Deportation Orders

347. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if he will revoke on humanitarian and human rights grounds the deportation order of a person (details supplied) who has been victim of physical and racial abuse; and if he will make a statement on the matter. [20337/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The person concerned is the subject of a Deportation Order following a comprehensive and thorough examination of his asylum claim and of his application to remain temporarily in the State. He has been evading his deportation since 19 May 2005 and should he come to the notice of the Gardaí, he would be liable to arrest and detention. He should, therefore, present himself to the Garda National Immigration Bureau without any further delay.

As a matter of policy, I do not intend to reward persons who have failed a very fair and comprehensive asylum process, and who have thereafter proceeded to evade their deportation for several years, by granting such persons residency in the State. Notwithstanding the foregoing, if there has been a change in the circumstances of the person concerned, or new information has come to light which has a direct bearing on his case, 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.

### Prison Building Programme

348. **Deputy Michael McGrath** asked the Minister for Justice, Equality and Law Reform the

position regarding the planned development of the new prison at Thornton Hall; and the timeline for the completion of the project. [20348/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The Government has re-affirmed its commitment to developing a new prison campus at Thornton Hall, County Dublin and also approved the launch of a new tendering process for the construction of a more affordable and better value prison campus at Thornton. The aim is to provide good quality, regime focussed prison accommodation with appropriate support and rehabilitative facilities for prisoners to prepare them for re-integration back into society.

As previously stated, the new prison facility will provide accommodation for 1,400 cells with operational flexibility to accommodate up to 2,200 in a range of security settings and facilities. The Irish Prison Service is satisfied that the scope and scale of the project is appropriate given the current level of committals.

The development of the new prison at Thornton Hall, County Dublin is proceeding on a phased basis. Phase one comprises essential enabling works required for the prison development. These works include the construction of the dedicated access road, perimeter security wall and various off-site services. Phase two of the project comprises the various prisoner accommodation blocks, workshops, education facilities and administration buildings.

Tenders for the design and construction of the access road to serve the prison development were issued in March of this year. The competition is still in progress and it is anticipated that contract award will take place in June with construction work commencing on site in July.

It is intended that tender documents for various off-site works will be issued later this month with construction work expected to commence in September this year. The tender documentation for the design and construction of the perimeter wall of the prison is currently at an advanced stage of preparation. It is intended to invite tenders for this phase of the project by the end of September with the construction work commencing immediately following the completion of the access road in January 2011. The construction of the perimeter wall is estimated to take about 12 months to complete.

In relation to the main prison development, the National Development Finance Agency acting on behalf of the Irish Prison Service, has initiated an EU wide tender competition for the appointment of multi-disciplinary technical advisors for the project. The technical advisors will develop the output specification and other tender documents which will be the subject of a tender competition later this year. It is anticipated that the prison will be operational within 3 years from the commencement of the construction of the main prison campus.

The detailed design of the new prison has not yet been finalised. When designing a new prison, the Irish Prison Service must take into consideration a wide range of factors. These include the need to provide sufficient accommodation to meet current and future committals from the courts, the need to provide safe, secure custody for offenders and, the provision of appropriate rehabilitation services in order to prepare offenders for re-integration back in to society on completion of their sentence.

### **Asylum Applications**

349. **Deputy Maureen O'Sullivan** asked the Minister for Justice, Equality and Law Reform the position regarding an application in respect persons (details supplied); and when a decision on this application will issue. [20368/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The family referred to by the Deputy comprise a husband and wife and their four children, all of whom are

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Romanian citizens. The first named person applied for asylum on 17 June 2002 and this application included two of the children. The second named person applied for asylum on 22 July 2002 and this application included the couple's other two children.

Arising from the refusal of their respective asylum claims, and in accordance with the provisions of Section 3 of the Immigration Act 1999 (as amended), they were separately notified, she by letter dated 14 July 2005 and he by letter dated 23 September 2005, that the Minister proposed to make Deportation Orders in respect of them and their children. They were each given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of Deportation Orders or of making representations to the Minister setting out the reasons why Deportation Orders should not be made against them and their children. Representations were received on their behalf at that time.

As stated already, the persons concerned are Romanian citizens and, since the accession of Romania to the European Union (EU) on 1 January 2007, citizens of Romania are, in terms of immigration controls, covered by the provisions of the European Communities (Free Movement of Persons) (No. 2) Regulations, 2006. This means they have the same rights of access to the Republic of Ireland as a citizen of an existing EU Member State, with the exception of access to the labour market. As a result, since that date no further consideration can be given to a Romanian citizen's case under the provisions of Section 3 of the Immigration Act 1999 (as amended). This position has been confirmed by the High Court in the Judgment of Mr. Justice Cooke in *B & Anor v MJELR* [2009] IEHC 333, 16th July 2009. In this case the High Court was satisfied that the Minister has no power since 1 January 2007 to make a decision under Section 3 of the Immigration Act 1999 (as amended) in relation to a Romanian national. Therefore, no further consideration can or will be given to the cases of the persons concerned in the context of Section 3 of the Immigration Act 1999 (as amended).

### Legal Costs

350. **Deputy Michael D'Arcy** asked the Minister for Justice, Equality and Law Reform the legal costs incurred to date by the publicly funded Commission as a respondent in a case (details supplied) lodged with the Equality Tribunal, such case now being closed, a decision notified to the complainant and respondent respectively by the Equality Officer assigned to the case and no appeal lodged to the Labour Court within the 42 day time limit; and if he will make a statement on the matter. [20380/10]

352. **Deputy Pat Rabbitte** asked the Minister for Justice, Equality and Law Reform the legal and other associated costs incurred to date by the Garda Síochána Ombudsman Commission as a respondent in a case (details supplied) lodged with the Equality Tribunal; if his attention has been drawn to the fact this case is now being closed and a decision notified to the complainant and respondent respectively by the Equality Officer assigned to the case; and if he will make a statement on the matter. [20395/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I propose to take Questions Nos. 350 and 352 together.

I understand from the Garda Síochána Ombudsman Commission that it incurred approximately €34,000 in legal costs in defending itself in this case.

As a matter of fact I believe it is appropriate to point out that the Equality Tribunal actually found against the claimant and in favour of the Commission in this case.

### Departmental Correspondence

351. **Deputy Fergus O'Dowd** asked the Minister for Justice, Equality and Law Reform if he will respond to representations (details supplied); and if he will make a statement on the matter. [20381/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I have received the correspondence to which the Deputy refers. Information in respect of the matters raised has been sought from the Garda authorities and when that information is to hand a reply will issue to the correspondent.

*Question No. 352 answered with Question No. 350.*

### Asylum Applications

353. **Deputy Bernard Allen** asked the Minister for Justice, Equality and Law Reform the position regarding an application for residency in respect of a person (details supplied) in County Cork. [20396/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The person concerned applied for asylum on 29 June 2005. 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 7 November 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. In addition, he was notified of his entitlement to apply for Subsidiary Protection in the State in accordance with the European Communities (Eligibility for Protection) Regulations 2006 (S.I. No. 518 of 2006).

The person concerned submitted an application for Subsidiary Protection in the State in accordance with these Regulations and this application is under consideration at present. When consideration of this application has been completed, the person concerned will be notified in writing of the outcome.

In the event that the 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.

354. **Deputy Michael D. Higgins** asked the Minister for Justice, Equality and Law Reform if he will confirm the way in which matters concerning asylum and immigration are being managed within his Department. [20440/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** Overall responsibility for Immigration and Asylum matters rests with the Minister. Within this framework a number of agencies and bodies both statutory and non-statutory, administer the various aspects of the service. These include the Office of the Refugee Applications Commissioner (ORAC),

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the Refugee Appeals Tribunal (RAT), the Reception and Integration Agency (RIA), the Irish Naturalisation and Immigration Service (INIS) and the Garda National Immigration Bureau (GNIB). In addition, funding is provided to the Refugee Legal Service under the auspices of the Legal Aid Board who provide legal services to asylum claimants.

If the Deputy has a specific query in relation to any particular aspect of service, it may be addressed directly to the Irish Naturalisation and Immigration Service, 13–14 Burgh Quay, Dublin 2 who will coordinate a response from the various agencies as appropriate.

### Prison Accommodation

355. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform further to Parliamentary Question No. 582 of 20 April 2010, the number of hours the prisoners referred to have out of their cells each day. [20441/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I refer to further to Question No. 582 of 20 April 2010.

It is not possible to provide the exact number of out of cell hours for each of the 317 prisoners referred to in my previous answer as the length of time these prisoners will have out of their cells changes on a daily basis. However, all prisoners on protection are being offered a daily minimum of one hour outdoor exercise.

The majority of these cases are prisoners who require protection and whose regimes have to be restricted for their own safety. There are also a number of prisoners who are subjected to a restricted regime because of medical conditions.

356. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the capacity of each prison here. [20442/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The information requested by the Deputy is set out in the table below which provides the bed capacity per prison/institution for 17 May 2010.

Prison/ Place of Detention	Bed Capacity
Arbour Hill Prison	148
Castlerea Prison	351
Cloverhill Prison	431
Cork Prison	272
Dóchas Centre	85
Limerick Prison (male)	290
Limerick Prison (female)	20
Loughan House	150
Midlands Prison	516
Mountjoy Prison	590
Portlaoise Prison	359
Shelton Abbey	100
St. Patrick's Institution	217
Training Unit	107
Wheatfield Prison	430
Total	4,066

### Sexual Offences

357. **Deputy Ruairí Quinn** asked the Minister for Justice, Equality and Law Reform if, in view of the remarks made by a person (details supplied), he will consider the creation of commissions of inquiry into each Roman Catholic diocese around the country following the revelations of the Ryan and Murphy reports; and if he will make a statement on the matter. [20449/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** As the Deputy will be aware, the Commission's report on the Catholic Archdiocese of Dublin was published last November. The Commission is at present examining the Diocese of Cloyne, and the Government extended the Commission's term to 30 June to allow this work to be completed.

I am informed by the Garda authorities that the investigations of the Assistant Commissioner appointed by the Garda Commissioner to examine the findings of the Dublin Archdiocese report relating to the handling of complaints and investigations by both Church and State authorities are ongoing. He will complete his investigations expeditiously with a view to reporting to the Commissioner as early as possible. When he reports to the Commissioner with his recommendations, the Commissioner will consult with the DPP as to what issues arise in the context of criminal liability.

I am informed by my colleague the Minister for Children and Youth Affairs that the Health Service Executive (HSE) is currently in the process of completing its audit of Catholic dioceses to ensure that it, as the statutorily responsible body, is fully aware of all cases of clerical child sex abuse known to the Church. It is hoped that the HSE will submit its report to the Minister for Children and Youth Affairs in the near future. Consideration of the results of all these investigations will include consideration of what further actions require to be taken, including a possible extension of the Commission's remit.

### Proposed Legislation

358. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform his plans to introduce amending legislation on the matter of the age restrictions as pertaining to An Garda Síochána, with particular reference to recruitment and retirement ages; and if he will make a statement on the matter. [20473/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The recruitment age for entry to An Garda Síochána was considered as recently as 2004 when, on the recommendation of the Garda Commissioner, the maximum recruitment age was increased from 26 to 35 years. The standard retirement age in An Garda Síochána is 60 years of age. I have currently no plans to amend either the recruitment or the retirement age.

### EU Directives

359. **Deputy Pat Rabbitte** asked the Minister for Justice, Equality and Law Reform his policy in relation to the EU anti-trafficking directive; and if he will make a statement on the matter. [20479/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The Government recognises that human trafficking is a violation of human rights and a crime and it is committed to doing everything in its power to prevent this despicable crime, punish the perpetrators and protect the victims. Arrangements are in train to seek the approval of both Houses of the Oireachtas to opt in to the measure referred to by the Deputy.

### Citizenship Applications

360. **Deputy Pat Rabbitte** asked the Minister for Justice, Equality and Law Reform the number of citizenship applications awaiting a decision; and if he will make a statement on the matter. [20480/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The number of applications for certificates of naturalisation currently pending a decision is circa 19,600.

### Visa Applications

361. **Deputy Joanna Tuffy** asked the Minister for Justice, Equality and Law Reform the position regarding a visa application in respect of a person (details supplied) in County Dublin; when a decision will issue on the application; and if he will make a statement on the matter. [20484/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I have been informed by the Irish Naturalisation and Immigration Service (INIS) that the person in question has lodged an application to remain in the State to study English. This application is currently under consideration and a decision will issue to the person concerned in the near future.

### Gaming Industry

362. **Deputy Mary Upton** asked the Minister for Justice, Equality and Law Reform if he will undertake to carry out a survey into the prevalence of problem gambling; the supports in place for persons with problem or addictive gambling; the responsibility and contribution of the industry towards supporting those with problem or addictive gambling; and if he will make a statement on the matter. [20493/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** As Minister for Justice, Equality and Law Reform, I have responsibility for the regulation of Gaming and Lotteries under the Gaming and Lotteries Acts 1956 to 2003. My colleague, the Minister for Finance has responsibility for Betting under the Betting Acts 1931 and 1994, as amended and for the National Lottery under the National Lottery Act 1986.

The current arrangements governing gaming and lotteries do not provide me with the facility to conduct the type of research — some of which could be of a clinical nature — envisaged by the Deputy. However, as the Deputy is aware, I have initiated a major review of gambling from within my own Department. The review will provide Government with options for a new and comprehensive legal and organisational framework governing the gambling architecture in the State. Three important considerations which are the hallmark of most well-regulated gambling codes inform the review. These are:

- that young people and the vulnerable are protected
- that gambling should in all respects be fairly and openly conducted and
- that gambling is kept free of crime.

The consultation phase of the review has now been completed. Following the settling of policy in relation to a new gambling architecture for the State, the House can expect the publication of legislative proposals in the normal course. I envisage that the costs associated with ensuring adherence to standards are met by the industry as part of the licensing arrangements, and that in that context the industry contributes the cost of properly commissioned and independently

undertaken research into aspects of gambling, particularly into problem and compulsive gambling.

### **Citizenship Applications**

363. **Deputy Phil Hogan** asked the Minister for Justice, Equality and Law Reform when a decision will issue on an application for naturalisation in respect of a person (details supplied) in County Waterford; and if he will make a statement on the matter. [20498/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** Officials in the Citizenship section of my Department inform me that there is no record of an application for a certificate of naturalisation from the person referred to in the Deputy's Question.

### **Temporary Release of Prisoners**

364. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform the number of persons currently on temporary release from prison; the offences for which those persons currently on temporary release were convicted; and if he will make a statement on the matter. [20507/10]

365. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform the number of persons who were given early release from prison in the past 24 months; the offences for which these persons given early release were convicted; and if he will make a statement on the matter. [20508/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I propose to take Questions Nos. 364 and 365 together.

I wish to inform the Deputy that on 17 May 2010 there were 859 prisoners on temporary release. With the exception of certain categories of prisoner, most notably those serving life sentences, all prisoners are entitled to remission of their sentence at a rate of 25% of the term they have been sentenced to. It is not possible to provide figures and a breakdown of offences to the Deputy as requested as this would require the manual examination of records going back over a considerable time period. Such an examination would require a disproportionate and inordinate amount of staff time and effort and could not be justified in current circumstances where there are other significant demands on resources.

The Criminal Justice Act 1960, as amended by the Criminal Justice (Temporary Release of Prisoners) Act 2003 provides that the Minister may approve the temporary release of a sentenced prisoner. This discretionary instrument assists in gradually preparing suitable offenders for release, in administering short sentences, in addressing humanitarian issues and can be an incentive to well-behaved prisoners. It should be noted that a prisoner on temporary release is still subject to his or her sentence and may be returned to prison without any court intervention.

Temporary release arrangements are an important vehicle for re-integrating an offender into the community in a planned way. The generally accepted view is that the risk to the community is reduced by planned re-integration of offenders compared with their return to the community on the completion of their full sentence. Each case is examined on its own merits and the safety of the public is paramount when decisions are made. In addition, all releases are subject to conditions, which in the vast majority of cases include a requirement to report on a regular basis to the offender's Garda Station. Of course, any offender who breaches his or her conditions may be arrested and returned to prison immediately by the Gardaí.

### Asylum Applications

366. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform, further to Parliamentary Question No. 312 of 16 February 2010, when a response may be expected; and if he will make a statement on the matter. [20514/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I have been informed by the Garda National Immigration Bureau that the table below outlines the number of non-nationals who were refused permission to enter the State and the number of whom were subsequently permitted to enter the State having made an application pursuant to the Refugee Act, 1996 (as amended).

	Refused Permission to Land	Permitted after application under Refugee Act 1996.
2009	3,857	317
2008	5,390	345

The table below outlines the number of non-nationals, not being exempt, by virtue of an order under Section 17, from the requirement to have an Irish visa, who were refused permission to land in the State in 2008 & 2009, due to not being the holder of a valid Irish visa.

Number of non-nationals, not being exempt from the requirement to have an Irish visa, who were refused permission to land

Year	Number
2009	1,009
2008	1,221

A decision to refuse leave to land for any of the reasons outlined in Section 4 of the Immigration Act 2004 could have been based, or partly based, on the inadequacy of documentation produced to an immigration officer. The number of non-nationals who were refused permission to land in the State based on having inadequate documentation to satisfy the requirements of the Immigration Act, 2004, is not readily available and would require a disproportionate level of Garda resources to collate.

### Immigration Procedures

367. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform, further to Parliamentary Question No. 313 of 16 February 2010, when a response may be expected; and if he will make a statement on the matter. [20515/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I have been informed by the Garda National Immigration Bureau that there is no requirement or obligation on Immigration Officers, nor is it common practice, to ensure that the attention of non visa required nationals is drawn to the requirements that can be asked of them by Immigration officers at a point of entry. However, if a person has a specific enquiry regarding the immigration requirements of this State, it is open to them to visit the Irish Naturalisation and Immigration Service website; [www.inis.gov.ie](http://www.inis.gov.ie).

### Garda Stations

368. **Deputy Jimmy Deenihan** asked the Minister for Justice, Equality and Law Reform if

the evaluation process for the provision of a new Garda station at Castleisland, County Kerry, has been completed; if so, when a contract will be put in place; and if he will make a statement on the matter. [20516/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I am advised by the Office of Public Works that the evaluation of tenders for the provision of a new Garda station at Castleisland is at an advanced stage. It is expected that a contract will be issued in the near future.

### **Garda Investigations**

369. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Justice, Equality and Law Reform the steps he has taken to address white collar crime this year; his plans to address it in future; and if he will make a statement on the matter. [20533/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I am advised by An Garda Síochána that the Garda Bureau of Fraud Investigation (GBFI) is currently investigating a wide range of cases of what might be regarded as white collar crime and, where appropriate does so in collaboration with other statutory authorities. I am further advised that the Bureau has sufficient resources available to it to investigate this type of criminality, and where additional personnel are required they have been made available to the appointed senior investigating officers. The GBFI has also recently trained additional personnel attached to divisions outside the Dublin Metropolitan Region in fraud investigation techniques to enable them to investigate less serious cases locally and support GBFI in its national responsibilities.

I have informed the Garda Commissioner that I am prepared to bring forward any changes to the criminal law which would enhance the ability of An Garda Síochána to investigate white collar crime, and, in this context, I have asked him to look at the law in this area and let me have any proposals he might consider desirable in the public interest. The issue of white collar crime will also be addressed as part of the process of the preparation of a White Paper on Crime, which is taking place at present.

### **Pension Provisions**

370. **Deputy Martin Ferris** asked the Minister for Justice, Equality and Law Reform the number of persons in his Department and office, including any departments and offices under his aegis, employed in the civil and public service who are in receipt of a State pension. [21159/10]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I assume that the Deputy is referring to an occupational pension. The position of my Department on this matter is as outlined in my response to Parliamentary Question No. 260 of 5th May 2010.

### **Passport Applications**

371. **Deputy Willie O'Dea** asked the Minister for Foreign Affairs if he will expedite a passport application in respect of a person (details supplied). [20104/10]

**Minister for Foreign Affairs (Deputy Micheál Martin):** A passport application for the named person was registered with the Passport Office in London on 12 April, 2010. As a direct result of the industrial action, significant arrears of passport applications have arisen within the passport service. Applications, other than those that are prioritised on the basis of demonstrable urgent humanitarian need, are being processed on a first come first served basis. It is presently taking up eight weeks to process Passport applications in London. However, I understand that

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the application in question will be issued in time for travel. Every effort is being made to reduce the waiting time for applications, pending the resolution of the industrial action which is preventing the recruitment of temporary staff to address the seasonal surge in demand for passports.

372. **Deputy Charlie O'Connor** asked the Minister for Foreign Affairs the action that is being taken to ensure that the public is satisfied with the service being provided by the passport office; and if he will make a statement on the matter. [20453/10]

**Minister for Foreign Affairs (Deputy Micheál Martin):** As a direct result of ongoing industrial action by the Civil Public and Services Union (CPSU), significant arrears of passport applications have arisen within the Passport Service. There are currently approximately 66,000 passport applications waiting to be processed within the system and it is presently taking up to twenty two working days to process individual applications. Applications, other than those that are prioritised on the basis of demonstrable urgent humanitarian need, are being processed on a first come first served basis. The dispute is having a severe impact on the travelling public. Unfortunately, there are citizens whose trips abroad have had to be cancelled and holiday and work plans severely disrupted.

Every effort is being made to reduce the waiting time for applications, pending the resolution of the industrial action which is preventing the recruitment of temporary staff to address the seasonal surge in demand for passports. Staff have been working overtime for some weeks and this has kept the level of increase in the backlog to a minimum and in recent days seen a marginal reduction in this level.

However, the backlog in passport applications can and will be overcome when the CPSU call off their industrial action and co-operate with the recruitment of temporary staff normally engaged at this time of year. My Department has obtained the necessary sanction to recruit the temporary staff and arrangements have been made for staff to commence work at short notice. I would once again call on the CPSU to withdraw this restriction and to allow a significant number of currently unemployed workers to take on paid employment and assist in reducing the sizeable backlog of passport applications.

The Department's current advice to passport applicants is available on the website [www.passport.ie](http://www.passport.ie):

1. Before making any overseas travel plans, customers should check passport expiry dates and submit any applications in sufficient time before the intended date of travel.
2. Photocopy the photograph page of any existing passport being renewed, include with the application form and retain the existing passport.
3. The recommended method for submitting passport applications is via the Passport Express service or Royal Mail NIPX service, available through local post offices.
4. Applications submitted through this service are currently being processed up to 22 working days from the date of receipt. The turnaround time for applications submitted through Irish Embassies abroad should in the 1st instance be checked on the relevant Embassy website.
5. Projected turnaround times for the issuing of passports are regularly updated and available at [www.passport.ie](http://www.passport.ie)

6. The public counters and out of hours services should only be used by those who have a necessity to travel for reasons of family emergency. i.e. travel is necessitated by the death, illness or welfare of a family member.
7. All other applications should be submitted through the Passport Express channel.
8. Customers should retain the barcode number on their passport application and use this number to check the status of their application on the Passport Service website: [www.passport.ie](http://www.passport.ie). This should be the primary contact point for information and the site is updated several times a day.
9. Any queries on applications should be e-mailed using the contact details page on the website and should include the barcode number. These e-mails will be dealt with in order of receipt.
10. Customers who have made arrangements to collect their passport, should not call to the public counter until they have confirmed on the website that the relevant passport is ready for collection.

### Overseas Development Aid

373. **Deputy Joanna Tuffy** asked the Minister for Foreign Affairs the amount of money given by Irish Aid to all Irish non-governmental organisations for the years 2008 and 2009; the predicted amount for 2010, in tabular form; and if he will make a statement on the matter.

[20505/10]

**Minister of State at the Department of Foreign Affairs (Deputy Peter Power):** Cooperation with development Non-Governmental Organisations (NGOs) represents a very important element of the Government's aid programme, administered by Irish Aid. We consistently channel a higher proportion of our overall assistance through the non-governmental sector than most other international donors, reflecting the strong support of the Irish people for the work of NGOs and missionaries.

So far this year, Irish Aid has provided €56 million in funding to Irish NGOs. I expect that total funding for 2010 will be over €100 million. In 2009, over €114 million was provided to Irish development NGOs, and in 2008 over €145 million. This funding is provided to support the long term development work of NGOs, in accordance with the central objective of the Government's aid programme, to make an effective Irish contribution to the fight against global poverty and hunger. Funding is also provided to support emergency and humanitarian assistance, and work in the area of development education. Through Irish Aid, the Government provided funding to over 170 Irish NGOs last year. The following is an outline of all funding to Irish NGOs in 2008 and 2009, and funding provided to date in 2010.

NGO Name	2010 (to date)	2009	2008
	€	€	€
80:20 Educating & Acting for a better world	195,074	207,600	416,929
Action Aid		850,000	1,603,331
Afghan Social and Cultural Ctr			14,975
AFRI Ltd — Action from Ireland		89,400	103,000
Africa Centre		75,000	75,000
Africa Direct Ltd			20,000

[Deputy Peter Power.]

NGO Name	2010 (to date)	2009	2008
	€	€	€
Africa Solidarity Centre			9,000
AIDLINK		960,000	1,200,000
AIDS Partnership Africa	127,191	460,940	185,000
AKIDWA		3,190	14,033
Amawele Ltd	12,000	6,000	224,000
Amnesty International Irish Se	70,000	115,000	100,000
AONTAS			48,480
Apostolic Work		82,560	166,080
Arts for Peace Foundation			30,000
ASHA Community Health & Development Society			75,038
ASTI General Fund	9,600	947	9,844
A-Z Children's Charity		2,000	27,037
Ballyfermot Travellers' Action		4,000	16,000
Banúlacht	100,000	155,000	151,000
Bawnogue Womens Development Group			2,000
Bóthar Ltd.		92,882	71,656
British Irish Rights Watch			18,000
Burma Action Ireland		13,968	13,337
Camara Education Ltd.		400,000	500,000
Cambodia Education Fund			19,620
Cambodia Trust Ireland			28,980
Cara Malawi			69,192
Carmona Services			18,488
Centre for Global Education		86,163	90,000
Chernobyl Children's project International		277,677	44,666
Child Aid Ireland			52,311
Childfund Ireland		731,000	983,876
Children in Crossfire		787,000	1,035,100
Children's Educational Dev Fund			20,000
Christian Aid Ireland	2,343,666	3,199,920	3,680,772
Christian Blind Mission Ireland		982,000	1,059,592
Church Mission Society Ireland	495,856	167,229	382,907
City of Dublin YMCA			60,000
COHAB Initiative			10,000
Comhlámh		725,690	703,679
Concern Universal		200,000	
Concern Worldwide	15,997,000	24,812,620	33,395,950
Council for Education in World Citizenship, Northern Ireland			1,260
Cradle Ltd			6,300
Crosslinks	101,899		239,745
Debt & Development Coalition	33,600	15,841	73,363
Development Perspectives	20,000	20,000	
Dóchas		250,000	250,000
Donegal Peace Centre		44,065	
East Africa Medical Trust			20,000

NGO Name	2010 (to date)	2009	2008
	€	€	€
ECO-UNESCO		80,000	80,000
Edith Wilkins Foundation		51,000	92,250
EIL International Learning	24,000	8,000	39,000
Environmental Foundation Africa			37,500
Ethical Development Action		2,000	10,500
Foundation Romanian Children's			123,680
Friends in Ireland		46,154	249,598
Friends of Hospice Uganda (Ireland)	298,368		388,430
Friends of Londiani Ireland		129,915	123,406
Friends of the Earth Ireland	18,400		10,000
Front Line		450,000	450,000
Galway One World Centre		113,000	105,000
Glenree Centre for Reconciliation		151,344	
Global Education Network Europe		59,200	32,000
GOAL	9,960,720	16,596,722	20,197,526
Guidestar Ireland Ltd		200,000	
Habitat for Humanity Ireland	172,636	12,800	179,686
Hope Foundation		163,520	156,847
Housing for Boaco			78,000
ICTU Irish Congress of Trade Unions (Global Solidarity Campaign)		87,000	105,000
IDEA — Irish Development Education Association		169,547	191,997
International Service Ireland		443,001	221,269
Interserve Ireland	25,586		129,471
Irish Association of the Order of Malta		64,000	64,000
Irish Council for Overseas Students		1,356,129	1,830,710
Irish Ethiopian Friendship Association			18,507
Irish Fair Trade Network		3,925,000	3,340,000
Irish Forum for Global Health		40,000	
Irish Friends of Albania			163,000
Irish Medical Aid for Palestinians			4,800
Irish Quaker Faith in Action			20,000
Irish Social Finance Centre Ltd			18,750
Jampa Ling Trust			192,000
Just Forests		54,400	46,800
KADE -Kerry Action for Development Education		105,000	82,201
Latin America Solidarity Centre		90,000	85,420
Law Society of Ireland		44,600	64,300
LEPRA Ireland	87,567	211,052	198,725
Link Community Development	32,000	208,126	252,229
Livability Ireland		151,360	
LORETO Education Trust Co. Ltd	20,000	6,000	24,000
Louisburgh Community Project		8,000	1,500
Lourdes Youth & Community Services		142,000	150,000
Louth Youth Federation		5,000	23,578
Mayfield Community Arts Centre	80,000	100,000	93,000
Medicins Sans Frontieres	200,000	995,000	1,183,965

[Deputy Peter Power.]

NGO Name	2010 (to date)	2009	2008
	€	€	€
Methodist Missionary Society	174,680		198,000
misean cara -formerly Irish Missionary Resource Services	11,200,000	16,000,000	20,000,000
Mission Alive		8,000	2,000
National Council YMCA Irl		80,000	95,000
National Youth Council of Ireland		277,508	309,806
Nepal Leprosy Trust		108,349	106,045
Nepalese Childrens Foundation			20,000
Northern Memorial Trust Fund			20,000
Northside Learning Hub		12,000	
Ogra Chorcai	28,000	42,000	41,794
ORBIS		200,000	200,000
Oxfam Ireland		2,385,000	3,678,231
Partners in Mission		5,000	20,000
PLAN International Ireland	249,994	1,482,563	1,681,699
Playing for Life Ltd	134,900		121,700
Power4good Ireland Ltd	125,827	124,328	
Progressio		700,000	994,371
Protea Education Development Programme		105,396	165,529
Realt Africa Teaching Programme		2,000	9,200
Realta Global AIDS Foundation			87,300
Right to Sight	100,000		100,000
Samaritan's Purse Ireland		150,216	150,216
Schools Across Borders		135,000	142,000
Seachange Foundation			20,000
Seeds One World Centre		2,100	
Self Help Africa	933,333	2,800,000	3,500,000
SERVE in Solidarity Ireland		270,190	350,268
Shanty Educational Project Ltd	28,000	58,000	
Sight Savers International		780,000	1,531,558
Skillshare International Ireland		271,732	785,328
Sli Eile — Zamcraft			5,250
Social + Health Education Project		115,176	104,543
Social Innovations Foundation		100,000	20,000
South Inner City Community			57,800
Special Olympics Ireland			210,500
Sponsor an African Scholar			60,000
SUAS Educational Development		510,000	300,000
Sue Ryder Foundation Ire Ltd		35,988	58,054
Sustainable Ireland Co-operation		5,000	26,000
Tearfund Ireland		4,000	16,000
Tekera Resource Centre Ireland			19,165
The Billy Riordan Memorial Trust			20,000
The Football Village of Hope		55,000	45,000
The Hollies Centre for Practical Sustainability			3,000
The Leprosy Mission Ireland	548,078		746,494

NGO Name	2010 (to date)	2009	2008
	€	€	€
The Rose Project	200,000		200,000
The Support Africa Foundation	100,000	100,000	200,000
The Volunteer Missionary Movement		8,000	1,000
The West Cork Scrapstore	16,000	4,000	20,000
Tools for Solidarity		22,306	
TRAIDLINKS	450,000	1,250,000	1,320,000
Transparency Int. Ireland		1,985	8,000
Trócaire	11,200,000	19,524,452	23,999,837
Twinning the Kingdoms Ltd	8,000	8,000	20,000
UCD Volunteers Overseas			98,559
Valid Nutrition		676,000	525,000
Value Added In Africa			20,000
VITA-Refugee Trust International		700,000	1,075,000
Voluntary Service International		25,000	25,000
Volunteering Ireland			69,800
Volunteers in Irish Veterinary Assistance — VIVA	32,340		57,275
VSO Ireland Limited		960,000	1,299,084
War On Want NI		400,000	
Warrenmount CED Centre			1,240
Waterford One World Centre		120,000	115,000
Waterford Youth Arts		8,000	2,400
West Papua Action			2,340
World Vision Ireland	200,000	1,624,075	3,394,200
Youth Work Ireland			20,000

### Departmental Agencies

374. **Deputy Leo Varadkar** asked the Minister for Tourism, Culture and Sport the number of persons in Tourism Ireland, Fáilte Ireland, Irish Sports Council, the National Museum of Ireland, the Irish Film Board and any other agency under the remit of her Department in terms of whole time equivalents employed prior to the introduction of the moratorium; the estimated number currently employed; the target number at which point the moratorium will end; and if she will make a statement on the matter. [20042/10]

**Minister for Tourism, Culture and Sport (Deputy Mary Hanafin):** The moratorium on staffing in the public service was introduced from 27 March 2008 to end 2010. The table below sets out the numbers, in terms of whole time equivalents, employed in the State bodies under the aegis of my Department as at 31 December 2008 and 31 December 2009.

Name of Agency	Number of staff serving at end 2008	Number of staff serving at end 2009
Arts Council	62.00	58.50
Irish Film Board	16.00	16.00
Chester Beatty Library	36.40	35.40
Faillte Ireland	389.19	356.69
Irish Museum of Modern Art	94.00	93.00

[Deputy Mary Hanafin.]

Name of Agency	Number of staff serving at end 2008	Number of staff serving at end 2009
Irish Sports Council	29.40	28.40
National Concert Hall	67.50	66.29
National Library of Ireland	123.15	104.05
National Museum of Ireland	180.92	175.51
National Sports Campus Development Authority	5.60	4.60
SFADCo. (Tourism)	30.50	30.50
Tourism Ireland Ltd.	161.50	159.00
Crawford Art Gallery	13.00	14.00
Total	1,209.16	1,141.94

The objective is to reduce the total number of staff, in terms of whole time equivalents, across all the agencies listed above to 1,118 by end 2010.

### European Council Meetings

375. **Deputy Lucinda Creighton** asked the Minister for Tourism, Culture and Sport if she will provide a table of attendance of tourism Ministers, junior Ministers or officials at each of the Education, Youth and Culture Councils in the past three years, or at any other Council meetings related to arts, tourism, sports or culture; and if she will make a statement on the matter. [20520/10]

**Minister for Tourism, Culture and Sport (Deputy Mary Hanafin):** The requested information in respect of formal meetings of the Council of the European Union for the past three years is as set out in tabular form as follows.

#### Education, Youth and Culture Council

Date of Meeting	Attendance
24 May 2007	Deputy Permanent Representative, Permanent Representation of Ireland to the European Union, Brussels
16 November 2007	Deputy Permanent Representative, Permanent Representation of Ireland to the European Union, Brussels
21 May 2008	Minister Éamon Ó Cuív (deputising on behalf of Mr. Martin Cullen, then Minister for Arts, Sport and Tourism)
21 November 2008	Deputy Permanent Representative, Permanent Representation of Ireland to the European Union, Brussels
12 May 2009	Deputy Permanent Representative, Permanent Representation of Ireland to the European Union, Brussels
27 November 2009	Deputy Permanent Representative, Permanent Representation of Ireland to the European Union, Brussels
10 May 2010	Deputy Permanent Representative, Permanent Representation of Ireland to the European Union, Brussels

Tourism issues are normally dealt with by the Competitiveness Council which my colleague, the Minister for Enterprise, Trade and Innovation attends.

Since my appointment as Minister for Tourism, Culture and Sport in March this year, there was one formal meeting of the Education, Youth and Culture Council which I was entitled to attend on 10th May 2010. I had planned to attend this meeting but unfortunately I was unable to do so due to pressing domestic tourism commitments relating to the volcanic ash disruption.

As set out above the Deputy Permanent Representative, Permanent Representation of Ireland to the European Union, Brussels deputised on my behalf at this meeting.

For the Deputy's information, I participated in an ad hoc video conference with EU Tourism Ministers on 28th April to discuss the impact on tourism business across the EU as a result of the volcanic ash disruption.

### **Pension Provisions**

376. **Deputy Martin Ferris** asked the Minister for Tourism, Culture and Sport the number of persons in her Department and office, including any Departments and Offices under her aegis, employed in the civil and public service who are in receipt of a State pension. [21161/10]

**Minister for Tourism, Culture and Sport (Deputy Mary Hanafin):** I presume that the Deputy is referring to occupational pensions paid to staff employed in the Department or in the agencies under the aegis of the Department.

The specific information requested is not available for all departmental staff as records of past employments of new recruits are not captured in such a way as to provide a dedicated basis for compiling the information requested by the Deputy.

However, I can confirm that none of my political staff or my special adviser are currently drawing down pension payments on foot of previous public sector employment.

Retired public servants are occasionally engaged by the Department for specific tasks or projects. Such engagements are normally remunerated on a fee basis where provision exists for the fees to be abated, where appropriate, by reference to pension payments.

Details in relation to staff employed by the agencies under the aegis of my Department is a matter for the agencies themselves.

### **Dormant Accounts Fund**

377. **Deputy Joan Burton** asked the Minister for Community, Rural and Gaeltacht Affairs the position regarding the balance of the Dormant Accounts Fund; if the Dormant Accounts Fund will be wound up; if so, the way the remaining balance will be dispersed and the areas in which income from this source will be directed in the future; and if he will make a statement on the matter. [20096/10]

**Minister for Community, Rural and Gaeltacht Affairs (Deputy Pat Carey):** As the Deputy is aware, the Dormant Accounts Fund Acts provides for an annual transfer by credit institutions and insurance undertakings of monies in accounts determined to be dormant into the Dormant Accounts Fund (DAF). Since its establishment in May 2003 to end-March 2010, the net transfers to the DAF have totalled some €326m.

The value of the DAF at end-March 2010, net of liabilities, was some €42m. This excludes the amount of some €46m currently maintained in a Reserve Account to meet reclaims and to cover expenses. The reserve is currently set at 15% of the total monies received by the Fund and not yet reclaimed.

There are no plans to wind up the DAF but the Deputy may wish to note that the Government plans to publish legislation in the coming months dissolving the Dormant Accounts Board.

Further details of the projects to which funding has been allocated to date and a summary of the status of the DAF are available on my Department's website

[www.pobail.ie/en/DormantAccounts](http://www.pobail.ie/en/DormantAccounts).

For the Deputy's convenience, I am arranging to have a copy of the summary table forwarded directly to her.

### Departmental Agencies

378. **Deputy Leo Varadkar** asked the Minister for Community, Rural and Gaeltacht Affairs the number of persons in Údarás na Gaeltachta, An Foras Teanga, Waterways Ireland, the Western Development Commission and any other agency under the remit of his Department in terms of whole-time equivalents employed prior to the introduction of the moratorium; the estimated number currently employed; the target number at which point the moratorium will end; and if he will make a statement on the matter. [20039/10]

**Minister for Community, Rural and Gaeltacht Affairs (Deputy Pat Carey):** The following table sets out the details requested by the Deputy in relation to the number of persons employed in Údarás na Gaeltachta, An Foras Teanga, Waterways Ireland, the Western Development Commission and other agencies funded from my Department's Vote Group.

In relation to the Deputy's query regarding the target number at which point the moratorium on recruitment and promotion in the public service will end, the precise ceilings in each area are subject to any future Government policy decisions and priorities in regard to public service provision. The Government will keep the application of the moratorium on recruitment and promotion under review and the matter will be revisited in each sector as the staffing levels in the Employment Control Frameworks for the sectors are achieved.

The Deputy also requested details in relation to An Foras Teanga and Waterways Ireland, both of which are North/South Implementation Bodies that come under the remit of my Department. Details in relation to numbers employed in those Bodies are also reflected in the following table. However, I must stress to the Deputy that these bodies are exempt from the requirements of the moratorium on recruitment and promotion in the public service and other public service number reducing measures. It should also be noted that neither of the Bodies have yet met their approved staffing complement and are in the process of recruiting staff, in line with approvals from the Departments of Finance in both jurisdictions and the North/South Ministerial Council.

Whole-Time Equivalents Employment Numbers

Agency Name	Number employed prior to moratorium introduction End-March 2009	Number currently employed End-March 2010	Target number at end 2012
Family Support Agency	42.1	39.10	37.1
Office of the Commissioners for Charitable Donations and Bequests	7.4	5.80	5.8
Western Development Commission	17.6	14.40	13.4
Údarás na Gaeltachta	110.0	100.00	95.0
An Coimisinéir Teanga	7.0	6.00	6.0
<b>North / South Bodies<sup>1</sup></b>			
<i>An Foras Teanga, comprising:</i>			
<i>Ulster-Scots Agency</i>	14.5	18.80	19
<i>Foras na Gaeilge</i>	49.0	49.00	71.0
Waterways Ireland	352.8.0	352.42	381.0

<sup>1</sup>The moratorium on recruitment and promotion in the public service and other numbers reducing initiatives do not apply to North/South Implementation Bodies.

### Inland Waterways

379. **Deputy Seymour Crawford** asked the Minister for Community, Rural and Gaeltacht Affairs the progress that has been made on the reopening of the Ulster Canal as already agreed from Belturbet to Clones; if he will indicate when same will go to contract or when he expects work to commence; and if he will make a statement on the matter. [20464/10]

**Minister for Community, Rural and Gaeltacht Affairs (Deputy Pat Carey):** I am advised by Waterways Ireland that the requisite physical survey has been completed and that work on the necessary environmental assessments is due for completion in autumn 2010. Following completion of these studies and final design estimates, it is anticipated that planning permission will be sought towards the end of the year. Following a successful outcome to the planning process, it is anticipated that the land acquisition process could then commence and the contract for construction could be awarded in 2011.

### Caiteachas Roinne

380. D'fhiafraigh **Deputy Dinny McGinley** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta an eol dó go bhfuil fógra iomarcaíochta tugtha ag Glór na nGael do sheachtar dá gcuid fosaithe de bharr na héiginnteachta atá ag baint le cúrsaí maoinithe agus an gcuirfidh sé na hacmhainní cuí ar fáil sa dóigh go dtig le Glór na nGael leanúint ar aghaidh lena gcuid oibre go héifeachtach. [20571/10]

**Minister for Community, Rural and Gaeltacht Affairs (Deputy Pat Carey):** Tá Glór na nGael ar cheann de 19 n-eagras deonach Gaeilge a bhí ag fáil bunmhaoiniú bliantúil ó Fhoras na Gaeilge trí sholáthar airgid a chuirtear ar fáil don Fhoras ó mo Roinn féin agus ón Roinn Cultúir, Ealaíon agus Fóillíochta ó thuaidh.

In Aibreán 2008 chuir an Foras tús le hathbhreithniú seachtrach ar na eagraíochtaí sin le cinntiú go mbeadh an luach airgid is fearr le fáil ón gcaiteachas poiblí ar earnáil na Gaeilge sa todhchaí. Cuireadh an t-athbhreithniú i gcrích le linn 2009 agus ba é tátal na tuarascála ná go raibh roinnt roghanna éagsúla ag Foras na Gaeilge i dtaobh bhainistiú straitéiseach na n-eagraíochtaí bunmhaoinithe d'fhonn sochair shuntasacha a bhaint amach i dtaca le luach ar airgead.

Ag glacadh thorthaí na tuarascála san áireamh agus an gá go ndéanfaidh Bord Fhoras na Gaeilge tuilleadh breithnithe ar an tuarascáil, chomhaontaigh na hAirí ag cruinniú den Chomhairle Aireachta Thuaidh Theas ar 2 Nollaig 2009 go ndéanfaí athchumrú ar bhunmhaoiniú na hearnála deonaí Gaeilge ó Fhoras na Gaeilge ar an mbonn go leagfadh Foras amach tosaíochtaí straitéiseacha ard-leibhéil. Dá réir sin, bheadh iarratais mhaoinithe le lorg ag dá leibhéal sa todhchaí, eadhon:

- (i) ón earnáil dheonach Ghaeilge, laistigh de na tosaíochtaí straitéiseacha, ó eagraíocht amháin (nó b'fhéidir líon teoranta eagraíochtaí), ag a mbeadh ról ionadaíochta, scaipeadh eolais, abhcóideachta agus soláthar acmhainní agus tacaíochta, don earnáil go hiomlán, agus
- (ii) ag an leibhéal áitiúil, ó ghrúpaí a ghlacfaidh cur chuige comhtháite i ndáil le cur chun cinn na Gaeilge, lena n-airítear obair i suímh éagsúla — pobal, teaghlach, oideachas agus an óige.

Déanfaidh an t-athchumrú seo cur chuige níos éifeachtaí, níos sruthlínithe agus níos costas-éifeachtaí a chinntiú i dtaobh mhaoiniú na hearnála.

[Deputy Pat Carey.]

De réir chinneadh na nAí, caithfear na socrúithe nua a a aontú faoi lár 2010. Ach é sin a bheith déanta, áfach, aithnítear go tógfaidh sé tamall le haghaidh na moltaí a chuir i bhfeidhm agus, ar ndóigh, go mbeidh gá le maoiniú eatramhach do na heagraíochtaí. Tuigim ó Fhoras na Gaeilge gurb é an staid reatha ná go bhfuiltear ag cur bailchríoch le moltaí sonracha le cur os comhair chruinniú an Bhoird ar 21 Bealtaine 2010 ionas go bhféadfar cinneadh críochniúil a chur ar aghaidh chuig an dá Roinn urraíochta gan mhoill.

### **Pension Provisions**

381. **Deputy Martin Ferris** asked the Minister for Community, Rural and Gaeltacht Affairs the number of persons in his Department and office, including any Departments and Offices under his aegis, employed in the civil and public service who are in receipt of a State pension. [21154/10]

**Minister for Community, Rural and Gaeltacht Affairs (Deputy Pat Carey):** I understand the Deputy to refer to the employment of retired public servants as part of the staffing of my Department and Office, including offices under the aegis of my Department. Records of past employments of new recruits are not captured in such a way as to provide a dedicated basis for compiling the information requested by the Deputy. Accordingly, the specific information requested is not available.

Retired public servants are, however, engaged by my Department and offices under the aegis of my Department, from time to time for specific tasks or projects. Such engagements are normally remunerated on a fee basis (provision exists for fees to be abated, where appropriate, by reference to pension payments) but in some cases, indeed, retired public servants have provided their services without any additional remuneration.

### **Social Welfare Benefits**

382. **Deputy Michael Creed** asked the Minister for Social Protection the position regarding entitlement to rent allowance in respect of a person (details supplied) in County Cork; and if he will make a statement on the matter. [19924/10]

**Minister for Social Protection (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.

383. **Deputy Edward O’Keeffe** asked the Minister for Social Protection the position regarding an application for an increased subsidy in respect of persons (details supplied) in County Cork. [20387/10]

**Minister for Social Protection (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.

### **Social Insurance**

384. **Deputy Joe Carey** asked the Minister for Social Protection the position regarding the introduction of the proposed employer’s PRSI scheme; when same will come into operation; and if he will make a statement on the matter. [20753/10]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** Full details of the Employer Job (PRSI) Incentive Scheme, including the application procedure, will be announced shortly. It will be administered by the Department of Social Protection.

The scheme will run for the calendar year 2010 only. However, any qualifying employment created in 2010 will be eligible for the scheme, which will be structured so that employment created prior to the launch can participate for 12 months forward from the time of launch and employment created later in the year will participate for 12 months to the corresponding date in 2011.

### **Social Welfare Benefits**

385. **Deputy Brian Hayes** asked the Minister for Social Protection if a person (details supplied) in Dublin 7 is entitled to supplementary welfare; if the person's State pension will be affected by any private pension the person may have when the person turns 65 years in 2011; and if he will make a statement on the matter. [19893/10]

**Minister for Social Protection (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 in relation to any entitlement under the supplementary welfare allowance scheme for the person in question.

The State pension (transition) payable from age 65 is not a means-tested payment. In order to qualify for state pension, a claimant must satisfy a number of qualifying conditions including meeting the contribution conditions. As this pension is insurance based it would not be affected by any supplementary pension.

### **Social Welfare Appeals**

386. **Deputy Terence Flanagan** asked the Minister for Social Protection if he will support the case of a person (details supplied) in Dublin 13; and if he will make a statement on the matter. [19894/10]

**Minister for Social Protection (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.

### **Social Welfare Benefits**

387. **Deputy Michael Ring** asked the Minister for Social Protection if the fuel allowance will be awarded in respect of a person (details supplied) in County Mayo. [19920/10]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** A Deciding Officer has awarded a fuel allowance payment to the person concerned from the 7 January, 2010. All arrears due will issue to her shortly.

### **Flood Relief**

388. **Deputy Kieran O'Donnell** asked the Minister for Social Protection the amount of money allocated to persons in Limerick city and county from the humanitarian assistance scheme for flood victims as announced last winter; the number of applications made for the fund; the number of successful applications; the amount of money allocated to a county basis; the number of applicants on a county basis; the number of successful applications on a county basis, in tabular form; and if he will make a statement on the matter. [19959/10]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** The HSE's Community Welfare Service has been providing support to households under the Humanitarian Aid Scheme since last November's flooding. Up to the 7th May 2010 they had made 2,976 payments to 1,276 individuals to the value of €1,270,547 throughout the country. The HSE has advised that only

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6 applications were refused. The following tabular statement gives a county by county breakdown of expenditure and payments.

Value and Number of payments made and individuals assisted — week ending 7th May 2010 under the Humanitarian Assistance Scheme

Expenditure by County	County	Number of Payments Made	Individuals Assisted
€			
323,667	Cork	858	486
387,953	Galway	821	335
243,201	Clare	453	100
103,525	Westmeath	413	86
74,789	Tipperary	128	77
23,774	Roscommon	65	28
5,171	Carlow	32	28
16,115	Limerick	33	23
17,681	Wicklow	22	15
12,883	Kildare	35	15
6,666	Waterford	11	10
55,121	Other*	105	73
1,270,547	Total	2,976	1,276

\*There were fewer than 10 individuals assisted in each of the other counties.

### Social Welfare Appeals

389. **Deputy Joanna Tuffy** asked the Minister for Social Protection if he will expedite an appeal against a decision not to award disability allowance in respect of a person (details supplied) in County Dublin; if he will grant an early oral hearing; the reason for the delay; and if he will make a statement on the matter. [19963/10]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** 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. As part of this consideration the Appeals Officer will determine if an oral hearing is warranted in this case.

The Social Welfare Appeals Office functions independently of the Minister of Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

390. **Deputy Joanna Tuffy** asked the Minister for Social Protection the grounds on which an appeal of an application for carer's allowance was turned down in respect of a person (details supplied) in County Dublin; if same will be re-opened; and if he will make a statement on the matter. [19964/10]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** I am advised by the Social Welfare Appeals Office that an Appeals Officer, having considered all the available evidence, disallowed the appeal on the grounds that the person concerned does not satisfy the statutory means conditions and she does not provide full-time care and attention as defined in legislation.

Under Social Welfare legislation, the decision of the Appeals Officer is final and conclusive and may only be reviewed by the Appeals Officer in the light of new evidence or new facts. If there is any new evidence or new facts pertinent to this case that was not brought to the attention of the Appeals Officer during the determination of this appeal, they may be submitted to the Social Welfare Appeals Office for further consideration.

The Social Welfare Appeals Office functions independently of the Minister of Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

### Social Welfare Benefits

391. **Deputy Kathleen Lynch** asked the Minister for Social Protection the number of persons who are eligible for family income supplement but who are not availing of the scheme; the number of persons who have availed of the scheme in each year for the past five years; the measures he is taking to increase awareness and take up of the scheme; and if he will make a statement on the matter. [19970/10]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** It was not possible to estimate the number of families who would be eligible but do not apply for family income supplement (FIS) entitlements.

The department completed a research project in 2008 to examine factors behind the level of take up for the scheme. This research project included a survey of over 3,000 families which appeared to satisfy conditions for receipt of FIS. From over 1,000 valid responses received the survey identified that 23% might be eligible for this scheme.

The research also found that overall awareness of family income supplement among potential recipients is high with nearly three in four claiming to have heard of the scheme. Despite high levels of awareness, there was a lack of awareness and understanding of the eligibility requirements with only one in three claiming to be aware of the qualifying criteria for FIS.

The report recommends that the department needs to ensure that information about the scheme is advertised in a focused way with the eligibility and qualification criteria communicated as clearly as possible. The department is addressing this by ensuring such information is highlighted as part of its ongoing information strategy.

Numbers in payment at the end of the last 5 years are as follows;

Year	2005	2006	2007	2008	2009
Numbers	17,448	21,800	22,823	27,798	25,963

In terms of new FIS claims being received by the Department, **21,173** new FIS claims were received in 2009. This figure compares to **14,400** new FIS claims received in 2008 and **13,423** in 2007 — an increase of almost 58 % on 2007 and 47% on 2008. These figures demonstrate the increasing awareness of the scheme among the public.

392. **Deputy Kathleen Lynch** asked the Minister for Social Protection the number of new applications for family income supplement that are awaiting approval; the number of persons reapplying and awaiting approval; the average waiting time for applicants seeking approval; and if he will make a statement on the matter. [19973/10]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** There are currently some 5,427 new family income supplement (FIS) applications and some 3,410 renewal applications awaiting approval.

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The average waiting time for both new and renewal FIS applications is currently approximately 10 weeks.

### **Pension Provisions**

393. **Deputy Finian McGrath** asked the Minister for Social Protection the position regarding a matter (details supplied). [19976/10]

418. **Deputy Mary Upton** asked the Minister for Social Protection his plans to raise the pension retirement age in 2014; his views on whether this provides enough lead-in time for persons; and if he will make a statement on the matter. [20497/10]

421. **Deputy Róisín Shortall** asked the Minister for Social Protection if his attention has been drawn to confusion among persons in their early 60s on the way the proposed changes to pension age will affect them, the confusing way in which the proposal is set out in the National Pensions Framework document and the conflicting reports in the media about persons aged 61 years and 62 years of age; and the various cut-off points for pension age increases based on date of birth. [20749/10]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** I propose to take Question Nos. 393, 418 and 421 together.

The challenges facing the Irish pension system are significant. In particular, the task of financing increasing pension spending will fall to a diminishing share of the population. There are currently six workers for every pensioner and this ratio is expected to decrease to less than two to one by 2050.

Increasing state pension age is one of the ways in which we can sustain the pensions system and also maintain the value of the State Pension at 35% of average earnings. People are living longer and healthier lives with average life expectancy set to rise even further in the future, up to 89 years for women and 83 for men. People will still, therefore, be spending at least the same amount of time in retirement as they are today, even with a later State pension age.

Therefore, as announced as part of the National Pensions Framework, the State pension age will be increased gradually to 68 years. This will begin in 2014 with the removal of the State pension (transition), thereby standardising State pension age at 66. This means that the last group of people to receive the State pension (transition) will be those who reach 65 years of age in 2013. State pension age will be increased to 67 years in 2021 and to 68 in 2028.

The details and timeframes for these changes are set out in the National Pensions Framework, which was published on 3 March 2010. The Government's plan for future pension reform in Ireland encompasses all aspects of pensions, from social welfare to private occupational pensions and public sector pension reform. The aim of the framework is to deliver security, equity, choice and clarity for the individual, the employer and the State. It also aims to increase pension coverage, particularly among low to middle income groups and to ensure that state support for pensions is equitable and sustainable.

Implementation group chaired by my Department has been established to develop the legislative, regulatory and administrative infrastructure required to put the necessary reforms into operation.

### **Social Welfare Benefits**

394. **Deputy Michael Ring** asked the Minister for Social Protection when a child dependant

will be added to a farm assist payment in respect of a person (details supplied) in County Mayo. [20060/10]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** A Deciding Officer has awarded an increase in respect of a qualified child dependant for the person concerned. Arrears of €938.90 covering the period from 21 September 2009 to 11 May 2010 will issue to him shortly.

*Question No. 395 withdrawn.*

### **Social Welfare Appeals**

396. **Deputy Willie O’Dea** asked the Minister for Social Protection when a person (details supplied) in County Limerick will receive a response on their invalidity pension appeal. [20107/10]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** Payment of invalidity pension, to the person concerned, was disallowed by a Deciding Officer following an examination by a Medical Assessor of the Department who expressed the opinion that she was capable of work. An appeal was opened and in the context of that appeal, her case was reviewed by a second Medical Assessor who also expressed the opinion that she was capable of work.

I am informed by the Social Welfare Appeals Office that, in the light of this second medical opinion, that office decided to afford her an opportunity of setting out the complete and up to date grounds of her appeal. The person concerned has submitted additional medical evidence which has been forwarded to the Chief Medical Advisor for his opinion.

### **Social Welfare Benefits**

397. **Deputy Paul Kehoe** asked the Minister for Social Protection the reason a person (details supplied) is not entitled to medical appliance benefit; and if he will make a statement on the matter. [20108/10]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** The person concerned made a claim for medical appliance benefit under his own PPS Number. As he does not have sufficient reckonable PRSI contributions in his own right, his claim was rejected. Based on the PRSI qualifying conditions alone, he may still be eligible under the Dependent Spouse scheme. However, there are also other (i.e. non-PRSI) conditions which must be met before payment can issue. As it is not clear from his original application that these conditions are met, the Department will contact him for further information in order to establish his eligibility for payment.

398. **Deputy Willie Penrose** asked the Minister for Social Protection the assistance that is available to young persons who turn 18 years of age and who are still in full-time education but who have had the child benefit payment discontinued to them due to recent budget statements; and if he will outline the proposals he will make to assist such young persons; and if he will make a statement on the matter. [20129/10]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** Child Benefit assists parents in the cost associated with raising children and it contributes towards alleviating child poverty. Between 2000 and 2009, overall expenditure on Child Benefit grew from just €638 million to approximately €2.5 billion per year. However, with tax revenues having fallen dramatically, we cannot afford to maintain spending at this level.

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It was decided in Budget 2009 to limit spending on Child Benefit by lowering the upper age limit that currently applies from 19 years to 18 years. The impact of this measure was phased in, with payment for existing children being halved from January 2009 and payment stopping from the 18th birthday from January 2010.

Budget 2009 provided for a compensatory payment of €15 to be made to people receiving a social welfare payment which included an increase in respect of an 18 year old child or a Family Income Supplement payment which includes payment in respect of that child.

In recognition of the need to target limited available resources at persons on low incomes with children in full-time education a number of provisions have been introduced including:

- The extension of entitlement to Increase for Qualified Child, payable to social welfare recipients in respect of qualifying child dependants, to age 22 where the parent of a full-time student (including third level) is in receipt of either:
  - A long-term social welfare payment, or
  - A short-term social welfare payment for six months or more (short-term schemes include such payments as Jobseeker's Benefit and Assistance, Illness Benefit and Supplementary Welfare Allowance), and
- The provision of a weekly payment to low paid employees with families, through the Family Income Supplement (FIS) scheme. Under this scheme, a qualified child is any child under the age of 18 or aged 18 to 22 in full-time education. This supplement is paid where a family's weekly income is below a specified amount for the family size, and is calculated at 60% of the difference between the net family income (i.e. gross pay less tax, PRSI, health contribution, superannuation) and the relevant income limit.

Low income families may also be entitled to a Back to School Clothing and Footwear Allowance, which is administered by the Health Service Executive and operates from the beginning of June to the end of September each year.

### Social Insurance

399. **Deputy Noel Ahern** asked the Minister for Social Protection the reason for the delay in awarding an application for optical benefit in respect of a person (details supplied); and when optical benefit will be granted. [20158/10]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** This Department has not received an application for Optical Benefit from the person concerned. It is possible that she has made her application under the Medical Card scheme, in which case she should contact the HSE for further information.

If she wishes to make an application for Optical Benefit under the PRSI scheme to this Department, she should complete an application form (O2) at her opticians and forward it to the Department's offices in Letterkenny.

### Family Support Services

400. **Deputy Aengus Ó Snodaigh** asked the Minister for Social Protection further to Parliamentary Question No. 73 of 20 April 2010, the additional moneys and resources that will be put into employment and enabling services, that is, back to education and training schemes

and child care provision prior to the proposed cuts to the lone parent scheme due to be made in 2011. [20159/10]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** The Government is conscious that many lone parents will need access to education, training and enabling services such as child-care provision in order to acquire the skills they will need to gain employment. My Department has been working closely with other Departments and Agencies to ensure that the broader needs of lone parent families are met and that the changes to the One-Parent Family Payment due to be introduced in the forthcoming Social Welfare (Miscellaneous Provisions) Bill 2010, will be progressed in that context.

My Department provides a wide range of education opportunities for disadvantaged and low-income groups such as lone parents to strengthen their qualifications and skills base and thus maximise their chances of meeting the requirements of the modern labour market and gaining employment. The Back-to-Education Allowance Scheme currently assists some 3,220 people who are in receipt of the One-Parent Family Payment (out of a total of some 20,800 participants). Expenditure on the Scheme amounted to €107.3 million in 2009 and a further €169.7 million has been allocated to it for this year.

With regard to training opportunities, at present, all lone parents who present to FÁS Employment Services are automatically provided with a one-to-one guidance interview with an Employment Services Officer who either advises them on suitable labour market opportunities such as current work vacancies and suitable training/employment programme places or refers them to other FÁS supports.

Furthermore, a new support approach, the Social Inclusion Model, to help people to overcome barriers and to increase their opportunities to access training, employment programmes and, ultimately the labour market, is currently being tested by FÁS with lone parents.

The Social Inclusion Model is an inter-agency approach (involving FÁS, my Department, the Irish Vocational Education Association and lone parent organisations) that includes outreach information and recruitment and a part-time “Paving Your Way to Work” programme concerned with the provision of information supports regarding welfare to work, budgeting, personal coaching and training education and work options. It also includes basic IT training. The programme is aimed at individuals who are parenting alone who want to get a job or improve their job prospects and who need to access a wide range of information and/or learn new skills through training and/or to return to education in order to achieve this.

An expanded range of opportunities is also available in the area of childcare provision. The Government has invested some €1 billion throughout the last decade in developing the national childcare infrastructure by creating an additional 65,000 childcare places under the Equal Opportunities Childcare Programme 2000-2006 (EOCP) and the National Childcare Investment Programme 2006-2010 (NCIP). This investment has facilitated the recent introduction of the free Early Childhood Care and Education (ECCE) year for pre-school children — which will be particularly helpful to those parenting alone.

In addition, the Community Childcare Subvention Scheme (CCSS) funds a nationwide network of almost 1,000 community childcare facilities to enable them to charge reduced childcare fees to disadvantaged and low-income families. A revised CCSS is being introduced in September 2010, with a supplementary focus on labour activation. The subvention rates for low-income working parents are being enhanced and the existing level of childcare supports that are specific to lone parents is being maintained. Lone parents can avail of affordable childcare under the CCSS in the form of full or part-time day-care services and sessional plays-

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chool services for younger children. Equally importantly for lone parents, after-school services and homework clubs are included in the services provided.

### **Social Welfare Appeals**

401. **Deputy Michael Ring** asked the Minister for Social Protection 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. [20168/10]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** The Social Welfare Appeals Office has advised me that an appeal by the person concerned was registered in that Office. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by the Social Welfare Services on the grounds of appeal be sought. When received the appeal in question will be referred to an Appeals Officer for consideration.

The Social Welfare Appeals Office functions independently of the Minister of Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

402. **Deputy Michael Ring** asked the Minister for Social Protection when an oral hearing will be scheduled to finalise a carer's allowance appeal in respect of a person (details supplied) in County Mayo. [20169/10]

**Minister for Social Protection (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 informed when arrangements have been made.

The Social Welfare Appeals Office functions independently of the Minister of Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

403. **Deputy Michael Ring** asked the Minister for Social Protection when a jobseeker's allowance appeal in respect of a person (details supplied) in County Mayo will be finalised. [20170/10]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** 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 functions independently of the Minister of Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

404. **Deputy Michael Ring** asked the Minister for Social Protection when a carer's allowance appeal will be reviewed and finalised by the Social Welfare Appeals Office in respect of a person (details supplied) in County Mayo. [20171/10]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** I am advised by the Social Welfare Appeals Office that, an Appeals Officer, having considered all the available evidence, including that adduced at an oral hearing, disallowed the carer's allowance appeal of the person concerned.

However, following the submission of additional medical evidence the Appeals Officer agreed to review the case. The Appeals Officer has forwarded the medical evidence to the Chief Medical Advisor for his opinion. Following the Chief Medical Advisors determination the case will be referred back to an Appeals Officer for further consideration. The person concerned will be contacted when the appeal has been finalised.

The Social Welfare Appeals Office functions independently of the Minister of Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

405. **Deputy Michael Ring** asked the Minister for Social Protection when a carer's allowance appeal will be finalised in respect of a person (details supplied) in County Mayo. [20172/10]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** The Social Welfare Appeals Office has advised me that an appeal by the person concerned was registered in that Office. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by the Social Welfare Services on the grounds of appeal be sought. When received the appeal in question will be referred to an Appeals Officer for consideration.

The Social Welfare Appeals Office functions independently of the Minister of Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

#### **Social Welfare Benefits**

406. **Deputy Michael Ring** asked the Minister for Social Protection if a person who has been awarded jobseeker's allowance for over two years can now opt to get their payment lodged to their bank account, rather than having to call each week to collect the payment; and if he will make a statement on the matter. [20173/10]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** Since June 2008, jobseekers must collect their payment in person at a post office of their choice. If the payment is not collected by the customer within the week, it is cancelled and the person must then go to the Social Welfare Local Office to have it reissued. This arrangement is considered necessary to minimise the risk of abuse and overpayment of benefits.

I have no plans to alter the current payment arrangements for jobseekers.

407. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the entitlement to disability allowance or alternative in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [20315/10]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** The person concerned applied for Disability Allowance on 11 December 2009. His claim has been assessed by a Medical Assessor. In order to determine the person's weekly means his file was forwarded to a Social Welfare Inspector and I understand that the means assessment has now been completed. A decision on the person's entitlement will be made shortly and the person concerned will be notified directly of the outcome.

408. **Deputy Bernard J. Durkan** asked the Minister for Social Protection if assistance will be offered to persons (details supplied) in County Kildare; and if he will make a statement on the matter. [20317/10]

**Minister for Social Protection (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.

409. **Deputy Bernard J. Durkan** asked the Minister for Social Protection when rent support will be awarded in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [20318/10]

**Minister for Social Protection (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.

### Social Welfare Appeals

410. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the length of time in respect of disability allowance or similar payment the appeals process will take in the case of a person (details supplied) in County Meath; and if he will make a statement on the matter. [20325/10]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** 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 number of appeals received in the Social Welfare Appeals office has increased substantially in recent years. To deal with the increased workload, two additional Appeals Officers were appointed during 2009. The possibility of assigning further additional resources on a temporary basis is currently under consideration.

In addition, changes have recently been made to processes in the Social Welfare Appeals Office with a view to achieving additional productivity. I am assured by the Chief Appeals Officer that she is keeping the outcome of these changes under continuous review to ensure the optimum throughput of appeals with full regard to due process in terms of the rights of appellants and adherence to the requirements of natural justice.

The Social Welfare Appeals Office functions independently of the Minister for Social and Family Affairs and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

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411. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the reason carer's allowance was refused in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [20326/10]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** On 24 April 2010, the person concerned was refused Carer's Allowance on the grounds that he is working outside the home for more than 15 hours per week. He was notified of this decision, the reasons for it and of his right of review or appeal to the Social Welfare Appeal's Office.

412. **Deputy Bernard J. Durkan** asked the Minister for Social Protection when rent allowance will be reinstated in respect of a person (details supplied) in Dublin 1; and if he will make a statement on the matter. [20339/10]

**Minister for Social Protection (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.

413. **Deputy Bernard J. Durkan** asked the Minister for Social Protection when rent arrears will be paid in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [20341/10]

**Minister for Social Protection (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.

#### **Social Welfare Appeals**

414. **Deputy Bernard J. Durkan** asked the Minister for Social Protection when an appeal for an invalidity pension will be heard in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [20345/10]

**Minister for Social Protection (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 functions independently of the Minister of Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

#### **Social Welfare Benefits**

415. **Deputy Seymour Crawford** asked the Minister for Social Protection his plans to change the time from 12 months to six months waiting for persons who want to avail of the back-to-education allowance in view of the fact that there are 433,000 unemployed; his views on the fact that it is more realistic and for the long-term benefit of young persons to get their benefits through back to education allowance rather than through jobseeker's benefit in view of the fact that it would be a transfer of funds from one section to another; and if he will make a statement on the matter. [20468/10]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** Under the Back to Education allowance (BETA) scheme, the qualifying period for jobseekers is now three months for participation in a second level course. A twelve month qualifying period applies to third level courses but this is reduced to nine months for those who are participating in the National Employment Action Plan process or engaging with the Department's facilitator programme. People who are awarded statutory redundancy may access the scheme immediately, provided an entitlement to a relevant social welfare payment is established prior to commencing an approved course of study.

Conferring eligibility for access to the BTEA scheme on unemployed people is not simply a matter of a transfer of funds from Jobseeker schemes. It is a condition of Jobseeker's Benefit and Jobseeker's Allowance that a recipient must be available for employment and genuinely seeking work. Participants in BTEA are exempted from these requirements.

The maximum duration of Jobseeker's Benefit is 12 months whereas participation in BTEA is not limited to any specific period. A student who fulfils the qualifying conditions can avail of BTEA to progress through courses of education from second level to a third level postgraduate course. In some cases this could extend payment cumulatively to five years or more. In the case of Jobseeker's Allowance, payment can continue while a recipient is unemployed provided their means do not exceed the prescribed limit. For both Jobseeker's Allowance and Job-

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seeker's Benefit, any change in the income of a recipient's spouse or partner may affect the rate payable for a qualified adult. BTEA, however, is paid at a standard weekly rate equivalent to the maximum rate for the scheme from which the unemployed person transfers. It is not means-tested and changes in a participant's personal or family financial circumstances do not affect entitlement. In addition, an annual cost of education allowance of €500 is payable.

The potential for further changes in certain areas was identified by my predecessor to the Joint Committee on Social and Family Affairs. These concerned duration, access to post-graduate courses, appropriateness of courses and progression. The final shape and scope of such changes are currently under consideration.

The Back to Education Allowance scheme has an important role to play in enhancing the employability skills of jobseekers. The nature and structure of the scheme will continue to be monitored in the context of the objectives of the scheme and changes in the economic climate.

### Proposed Legislation

416. **Deputy Joe Carey** asked the Minister for Social Protection further to Parliamentary Question No. 104 of 6 May 2010, when will the required amendments to the Civil Registration Act 2004 come before the Houses of the Oireachtas which will allow for the registration in this country of deaths of Irish persons which occur outside this country; and if he will make a statement on the matter. [20488/10]

417. **Deputy Joe Carey** asked the Minister for Social Protection further to Parliamentary Question No. 104 of 6 May 2010, when will he have completed the review which he committed to in this reply; if he intends to publish an amendment Act or if it is his intention to deal with the issue with other legislation; and if he will make a statement on the matter. [20490/10]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** I propose to take Questions Nos. 416 and 417 together.

The review of the provisions of the Civil Registration Act, 2004 is expected to be completed by the end of this year. The review will include the provisions relating to the registration of deaths. As the Deputy is aware, there is a number of steps to be taken before any legislation might come before the Oireachtas and it is not possible to be definite as to timescales at this juncture.

*Question No. 418 answered with Question No. 393.*

### Social Welfare Appeals

419. **Deputy Michael D. Higgins** asked the Minister for Social Protection his views on the case of a person (details supplied) in County Galway. [20519/10]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** 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 functions independently of the Minister of Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

420. **Deputy Willie O’Dea** asked the Minister for Social Protection when a decision will issue on an application for illness benefit in respect of a person (details supplied). [20545/10]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** Payment of Illness Benefit to the person concerned was disallowed by a Deciding Officer following an examination by a Medical Assessor of the Department who expressed the opinion that she was capable of work. An appeal was opened and in the context of that appeal, her case was reviewed by a second Medical Assessor who also expressed the opinion that she was capable of work.

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 functions independently of the Minister of Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

*Question No. 421 answered with Question No. 393.*

### **Pension Provisions**

422. **Deputy Thomas Byrne** asked the Minister for Defence the position regarding members of the Air Corps who may be considering retirement in 2010, 2011 or generally; their pension entitlements; their lump sum entitlements; the taxation position of both; his plans to change the position in view of his recent announcement; and if he will make a statement on the matter. [20121/10]

**Minister for Defence (Deputy Tony Killeen):** Retirement benefits in the public service are usually calculated by reference to the rates and scales of pay applicable at the time of retirement. However, in *Budget 2010*, the Minister for Finance announced that the pension entitlements of public servants — including members of the Permanent Defence Force — retiring in 2010 would not be affected by the cuts in public service pay implemented from 1 January 2010.

The pay cuts were provided for in the Financial Emergency Measures in the Public Interest (No. 2) Act 2009. That legislation also provided that the pay cuts shall be disregarded when calculating the retirement benefits (pension and lump sum) of any person leaving the public service during 2010. This was to prevent a de-stabilising level of retirements in the public service. The legislation empowers the Minister to extend by order this arrangement to persons who retire later than 2010.

Under the *Draft Public Service Agreement: 2010-2014*, detailed transformation programmes in the form of sectorial agreements have been drawn up for each area, including the Permanent Defence Force (PDF). Paragraph 1.17 of the draft agreement provides that “*There will be an extension of the period by a year within which the January 2010 pay reductions will be disregarded for the purposes of calculating public service pension entitlements*”. This would extend the period of disregard to the end of 2011. Its actual implementation is dependent on the agreement being ratified.

As also announced by the Minister for Finance in *Budget 2010*, existing public service pensioners were not affected by the pay cuts. The recent clarification of the Draft Public Service Agreement indicated that, while the Minister for Finance is reviewing the arrangements around indexation of public service pensions and is considering linking public service pensions to increases in the cost of living, “*no change in the current indexation arrangements for serving public servants and current public service pensioners will be implemented during the period of the agreement*”.

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As regards the taxation position, the *Commission on Taxation* recommended that pension lump sums below €200,000 should not be taxed. As indicated in the *National Pensions Framework* published recently, the Government has accepted this recommendation and decided that arrangements for the tax treatment of lump sums above this level would be considered and developed during the implementation of the Framework. Occupational pensions continue to be subject to income tax in the normal way.

### Defence Forces Recruitment

423. **Deputy Deirdre Clune** asked the Minister for Defence if there will be a Defence Forces cadet class in 2010; if the public sector recruitment freeze will have any impact on a cadet class for 2010; and if he will make a statement on the matter. [19951/10]

427. **Deputy Seán Power** asked the Minister for Defence the position regarding the recruitment of cadets to the Defence Forces in 2010; and if he will make a statement on the matter. [20064/10]

**Minister for Defence (Deputy Tony Killeen):** I propose to take Questions Nos. 423 and 427 together.

Within the available resources, the Government is committed to maintaining the strength of the Permanent Defence Force at a level of 10,000 all ranks, for which Government approval has been secured in the context of Budget 2010. This reflects the reductions in personnel recommended in the Report of the Special Group on Public Service Numbers and Expenditure Programmes.

A range of promotions and acting up appointments, along with recruitment of enlisted personnel for the Naval Service and the 2009 cadet class have been approved since the moratorium was put in place. The question of a cadet class in 2010 will be considered in the context of the review of structures and posts required to meet the operational requirements of the Defence Forces and the Government decision to maintain a complement of 10,000 personnel.

I intend, with the support of the Chief of Staff and within the resources available, to retain the capacity of the organisation to operate effectively across all roles while contributing to the necessary public service economies. I am advised that at this time the Defence Forces retain the capacity to undertake the tasks laid down by Government at home and overseas.

424. **Deputy Deirdre Clune** asked the Minister for Defence the way a person who is now 27 years of age can apply to be part of the Defence Forces cadet training in 2010; and if he will make a statement on the matter. [19952/10]

**Minister for Defence (Deputy Tony Killeen):** The position is that applicants for a Cadetship in the Permanent Defence Force must be not less than 17 years of age and under 28 years of age, by a specified date, in the competition year. The upper age limit requirement, for the Cadetship Competition 2009, was under 28 years of age on the 1 November 2009.

Within the available resources, the Government is committed to maintaining the strength of the Permanent Defence Force at a level of 10,000 all ranks, for which Government approval has been secured in the context of Budget 2010. This reflects the reductions in personnel recommended in the Report of the Special Group on Public Service Numbers and Expenditure Programmes.

A range of promotions and acting up appointments, along with recruitment of enlisted personnel for the Naval Service and the 2009 cadet class have been approved since the moratorium

was put in place. The question of a cadet class in 2010 will be considered in the context of the review of structures and posts required to meet the operational requirements of the Defence Forces and the Government decision to maintain a complement of 10,000 personnel.

### Departmental Agencies

425. **Deputy Leo Varadkar** asked the Minister for Defence the number of persons in Coiste an Asgard and any other agency under the remit of his Department in terms of wholetime equivalents employed prior to the introduction of the moratorium; the estimated number currently employed; the target number at which point the moratorium will end; and if he will make a statement on the matter. [20041/10]

**Minister for Defence (Deputy Tony Killeen):** The agencies under the aegis of the Department are the Civil Defence Board, the Army Pensions Board and the Board of Coiste an Asgard. The number of staff employed currently and prior to the moratorium is contained in the following table.

Name of Agency	Civil Defence Board	Coiste an Asgard	Army Pensions Board
Whole Time Equivalents employed prior to Moratorium	24.6	2	2
Whole Time Equivalents currently employed	24.6	2	2

The approved staff level for 2010 approved as part of the employment control framework has been attained. This includes the above agencies. No changes to the above staff numbers are anticipated during 2010.

### Departmental Staff

426. **Deputy Leo Varadkar** asked the Minister for Defence the number of persons within the Defence Forces in terms of wholetime equivalents employed prior to the introduction of the moratorium; the estimated number currently employed; the target point at which point there moratorium will end; and if he will make a statement on the matter. [20057/10]

**Minister for Defence (Deputy Tony Killeen):** The Moratorium on Recruitment and Promotions in the Public Service was implemented by the Government on 27 March 2009 until the end of 2010. It is a matter for Government to decide whether or not to extend the Moratorium beyond 2010.

Strength returns for the Defence Forces are prepared on a monthly basis. The strength of the Permanent Defence Force as at 31 March 2009, when the moratorium was introduced, was 10,325 full time personnel, comprising 8,433 Army, 833 Air Corps and 1,059 Naval Service. The strength of the Reserve Defence Force was 7,513, comprising 7,218 Army and 295 Naval Service.

The strength of the Permanent Defence Force as at 30 April 2010, the latest date for which figures are available, was 9,856, comprising 8,036 Army, 797 Air Corps and 1,023 Naval Service. The strength of the Reserve Defence Force on the same date was 6,304, comprising 6,035 Army and 269 Naval Service.

I am acutely aware of the impact of the moratorium on the Permanent Defence Force, particularly in light of the very high turnover rate that is part of any military organisation. Within the available resources, the Government is committed to maintaining the strength of the Permanent Defence Force at a level of 10,000 all ranks, for which Government approval

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has been secured in the context of Budget 2010. This figure reflects the reductions in personnel recommended in the Report of the Special Group on Public Service Numbers and Expenditure Programmes.

Targeted recruitment will be carried out in 2010 to maintain the operational capability of the Defence Forces. In this regard, advertisements were recently placed for recruitment to the Naval Service and some further recruitment to the Defence Forces is also under consideration in the same context. In addition, officials from the Department are continuing to engage with the Military Authorities in relation to the review of structures and posts required to meet the operational requirements of the Permanent Defence Force in light of the Government decision to maintain a complement of 10,000 serving personnel.

Within the Reserve Defence Force, limited recruitment to fill vacancies arising due to existing members resigning, or being discharged in the normal manner, is continuing, subject to the overall strength level that existed at 1 January 2009 (7,671) not being exceeded. This ongoing limited recruitment is being closely monitored and will be kept under review in the light of the future budgetary provision available to the Department of Defence.

I am advised by the military authorities that the Defence Forces retain the capacity to undertake the tasks laid down by Government, both at home and overseas.

*Question No. 427 answered with Question No. 423.*

### **Defence Forces Property**

428. **Deputy Pat Breen** asked the Minister for Defence further to Parliamentary Question No. 319 of 5 May 2010, if he will confirm whether it was his Department or Dublin County Council that introduced the restricted zone around Baldonnell Aerodrome, County Dublin, in 1955; if he will outline the statutory mechanism through which the restricted area in question was designated; and if he will make a statement on the matter. [20155/10]

**Minister for Defence (Deputy Tony Killeen):** The Department of Defence introduced the restricted zone around Baldonnell in 1955. This zone was subsequently incorporated into the various development plans of the relevant local authority following the introduction of the Planning and Development Act. There was no statutory mechanism by which the zone was designated.

429. **Deputy Jack Wall** asked the Minister for Defence the method available to a person (details supplied) in County Kildare to seek to lease property from his Department; and if he will make a statement on the matter. [20402/10]

**Minister for Defence (Deputy Tony Killeen):** The person concerned should make a written application to Property Management Branch, Department of Defence, Colaiste Caoimhin, St. Mobhi Road, Glasnevin, Dublin 9.

### **Grant Payments**

430. **Deputy Jimmy Deenihan** asked the Minister for the Environment, Heritage and Local Government when hen harrier scheme payment will be awarded in respect of a company (details supplied); and if he will make a statement on the matter. [20013/10]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** My Department's National Parks and Wildlife Service has no record of a Hen Harrier farm plan being submitted for the company concerned. No payment can be made without a plan firstly being submitted and approved.

### **Foreshore Licences**

431. **Deputy Michael Ring** asked the Minister for the Environment, Heritage and Local Government when a decision will be made on a foreshore licence application in County Mayo to facilitate the Killala Sewerage Scheme. [20164/10]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I refer to the reply to Question No. 309 of 27 April 2010. The position is unchanged.

### **Social and Affordable Housing**

432. **Deputy Joe Carey** asked the Minister for the Environment, Heritage and Local Government if he will seek to amend the conditions preventing former home owners from applying for an affordable house under the affordable scheme in view of the number of persons losing their homes; and if he will make a statement on the matter. [19901/10]

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran):** While first-time buyers are a particular target group for affordable housing, current legislation provides that previous ownership of a house does not render an applicant ineligible for an affordable home. It is a matter for the local authority concerned to consider the priority to be given to a person's application for affordable housing having regard to that person's housing need and to the availability of a suitable affordable home. Detailed eligibility criteria for purchase of an affordable home are determined by each local authority in their priority schemes, and include housing need, income and financial circumstances of applicants. A local authority must also take account of the ability of a prospective affordable purchaser to repay the relevant mortgage or local authority home loan.

### **Water and Sewerage Schemes**

433. **Deputy Joe McHugh** asked the Minister for the Environment, Heritage and Local Government the quantity, in miles, of condemned piping that was bought in Britain and laid in County Donegal; if this piping contains an asbestos compound; and if he will make a statement on the matter. [19902/10]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** Donegal County Council, as the contracting party in the provision of water services in the county, has not notified my Department of any instance where piping for water or wastewater schemes did not meet the standards set out in contract specifications.

Water conservation is a key element of my Department's Water Services Investment Programme 2010-2012. The primary objective of water conservation is to reduce water loss in the distribution networks to an economic level and to address unacceptably high levels of unaccounted for water. Local authorities are required to give top priority to water conservation works as an alternative to new infrastructure provision. Pipeline rehabilitation is an integral part of water conservation strategies, whereby water distribution pipelines are relined or replaced. Details of funding for water conservation contracts underway or due to proceed

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are set out in the Water Services Investment Programme, a copy of which is available in the Oireachtas Library.

### **Voluntary Housing Sector**

434. **Deputy Jan O’Sullivan** asked the Minister for the Environment, Heritage and Local Government when letters of approval will be issued to voluntary housing associations following an announcement (details supplied) on 4 February 2010 of €157 million in respect of 75 housing projects for persons with specific categories of need; and if he will make a statement on the matter. [19945/10]

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran):** My Department’s involvement with the voluntary and co-operative housing schemes relates primarily to the provision of funds for individual projects. The detailed administration of the schemes, and the certification that projects comply with the terms and conditions of the funding schemes, are the responsibility of the local authority.

On 4 February I announced funding of €157 million, under my Department’s capital funding schemes, for some 75 voluntary and co-operative housing projects which will be progressed through the appraisal, planning/design and construction stages over 2010 and 2011. These projects are currently at various stages of development, ranging from preliminary appraisal to tender stage.

Local authorities were advised of the projects which have been approved to progress under the funding schemes and to advance these in accordance with the relevant procedures. Funding approval has issued in respect of a number of projects and in other instances my Department has requested the local authority to submit further information or supporting documentation, with a view to progressing the scheme to the next stage in the project life cycle.

### **Water and Sewerage Schemes**

435. **Deputy Seán Sherlock** asked the Minister for the Environment, Heritage and Local Government when approval will be given for a new water scheme (details supplied) in County Cork; and if he will make a statement on the matter. [20024/10]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The Mallow / Ballyvinter Regional Water Supply Phase 1 (Box Cross) Scheme is included as a scheme to start construction during the period of the Water Services Investment Programme 2010-2012, a copy of which is available in the Oireachtas Library. My Department is currently examining Cork County Council’s tender submission for the work proposed and a decision in relation to this will be conveyed to the Council shortly.

### **Departmental Agencies**

436. **Deputy Leo Varadkar** asked the Minister for the Environment, Heritage and Local Government the number of persons employed in Private Residential Tenancies Board, the Environmental Protection Agency, the Radiological Protection Institute of Ireland, An Bord Pleanála, the Rent Tribunal, the Heritage Council and any other agency under the remit of his Department; the number of persons in terms of whole time equivalents employed prior to the introduction of the moratorium; the estimated number currently employed; the target number

at which point the moratorium will end; and if he will make a statement on the matter. [20037/10]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):**

The information requested in relation to the State Agencies under the aegis of my Department is set out in the following table, at end March 2009 prior to the introduction of the moratorium and at end December 2009.

Agency	End March 2009		End Dec 2009	
	Staff	WTE*	Staff	WTE*
Affordable Homes Partnership	24	23.00	16	16.00
An Bord Pleanála	185	177.90	177	168.90
Dublin Docklands Authority	53	51.00	37	36.00
Environmental Protection Agency	370	362.70	351	343.50
Heritage Council	19	18.00	16	15.50
Housing Finance Agency	14	12.00	12	10.60
Irish Water Safety Association	6	6.00	6	6.00
Limerick Northside Regeneration Agency	6	6.00	6	6.00
Limerick Southside Regeneration Agency	10	10.00	9	9.00
Local Government Computer Services Board	99	94.30	90	86.90
Local Government Management Services Board	34	32.60	33	31.10
National Building Agency	63	50.89	57	49.27
Private Residential Tenancies Board (PRTB)**	41	40.30	42	41.40***
Radiological Protection Institute of Ireland	52	47.80	50	46.80
<b>Total</b>	<b>976</b>	<b>932.49</b>	<b>902</b>	<b>866.97</b>

\*Whole time equivalent (WTE).

\*\*The administrative functions of the Rent Tribunal were transferred to the PRTB with effect from 1 October 2009.

\*\*\*There are an additional 30 agency staff employed on temporary contracts through Employment Agencies at December 2009.

With regard to target numbers for employment in Agencies, the Government will keep the application of the moratorium on recruitment and promotion under review with a view to ensuring that the staffing levels in the Employment Control Frameworks (ECF) for the sectors are achieved. My Department expects shortly to finalise the Environment Vote Group ECF which will include an employment ceiling for the Agencies under the Department's aegis.

### Local Authority Staff

437. **Deputy Leo Varadkar** asked the Minister for the Environment, Heritage and Local Government the number of staff employed by local authorities in terms of whole time equivalents employed prior to the introduction of the moratorium; the estimated number currently employed; the target point at which point the moratorium will end; and if he will make a statement on the matter. [20059/10]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):**

The number of permanent and temporary staff employed by local authorities at 31 March 2009 expressed as whole time equivalents is 34,178. The corresponding figure for 31 December 2009 is 32,250.

With regard to target numbers for employment in local government, the Government will keep the application of the moratorium on recruitment and promotion under review with a

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view to ensuring that the staffing levels in the Employment Control Frameworks (ECF) for the sectors are achieved. My Department expects shortly to finalise the Environment Vote Group ECF which will include an employment ceiling for the local government sector.

### **Water and Sewerage Schemes**

438. **Deputy Deirdre Clune** asked the Minister for the Environment, Heritage and Local Government the support he will provide to Cork County Council to proceed with the lower harbour sewerage scheme in County Cork; the funding available for this project; if the project is a priority; the estimated cost of this project to his Department and Cork County Council; and if he will make a statement on the matter. [20068/10]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The Cork Lower Harbour Sewerage Scheme is amongst the schemes included in the recently published Water Services Investment Programme 2010-2012, for progression through planning in the period covered by the programme. A copy of the Programme is available in the Oireachtas Library. The most recent estimated cost of the scheme is over €70 million. However, its precise scope, phasing and cost will be determined during the planning phase and this cost will be apportioned, in accordance with Water Pricing Policy arrangements, between my Department and Cork County Council.

### **Local Authority Housing**

439. **Deputy Caoimhghín Ó Caoláin** asked the Minister for the Environment, Heritage and Local Government his plans to develop a standard scheme of letting priorities across each local authority; the timescale for same; if he will allow local authorities to amend the scheme as they see fit; and if he will make a statement on the matter. [20082/10]

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran):** Proposals to reform allocation policy, including schemes of letting priorities, are provided for under section 22 of the Housing (Miscellaneous Provisions) Act 2009. The detailed arrangements, and required regulations, are currently being developed in my Department in consultation with the City and County Managers Association. It is intended that section 22 will be commenced in summer 2010 and thereafter local authorities will have one year to put in place an appropriate allocation scheme. The making of a scheme and the amending of that scheme is a reserved function of the housing authority.

440. **Deputy Ciarán Lynch** asked the Minister for the Environment, Heritage and Local Government the person with whom legal responsibility rests for re-housing tenants under the social housing leasing initiative at the expiration of the lease period; and if he will make a statement on the matter. [20103/10]

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran):** The responsibility for the provision of social housing support for those eligible for, and in need of, housing lies with the housing authority.

### **Election Management System**

441. **Deputy Róisín Shortall** asked the Minister for the Environment, Heritage and Local Government the guidelines or statutory requirements in place in relation to the recruitment, training and remuneration of polling and count staff for elections; and if he will make a statement on the matter. [20106/10]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):**

The primary role of my Department in electoral matters is to provide an appropriate policy and legislative framework for a modern and efficient electoral system. Within that framework, local returning officers are responsible for all matters in connection with the actual conduct of elections and referenda, including the selection, appointment and training of polling station and count staff in accordance with the relevant provisions of electoral law. Section 31 of the Electoral Act 1992 sets out the general duty of returning officers including ascertaining and declaring the results of an election while section 95 of the Act contains the legislative provisions relating to the appointment of presiding officers and poll clerks. Returning officers are independent in the performance of their duties.

To assist returning officers, my Department issues guidance to them in advance of each election and referendum. The guidance emphasises that the smooth conduct of polls is dependant on maintaining a cadre of sufficiently skilled and experienced people. Having regard to that overall objective, returning officers are advised to employ competent and efficient persons as polling staff and asked to give consideration, where possible, to employing suitable persons who are unemployed. In addition, my Department issues guidance to presiding officers in advance of each election and referendum outlining the duties and functions presiding officers are expected to perform on polling day in accordance with the relevant provisions of electoral law.

**Recycling Policy**

442. **Deputy Billy Timmins** asked the Minister for the Environment, Heritage and Local Government his plans to bring forward legislation obliging the manufacturers of drinking cans, disposable bottles and plastic bottles to accept the return of these items; and if he will make a statement on the matter. [20113/10]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):**

Drinking cans, disposable bottles and plastic bottles are covered by the scope of Directive 94/62/EC of the European Parliament and of the Council on packaging and packaging waste (the Packaging Directive). This Directive is based on the concept of producer responsibility, which effectively requires producers to contribute to the waste management costs of products which they have placed on the market.

Under the Directive, Ireland was required to achieve a 25% recovery rate of packaging waste by 1 July 2001, increasing to a 50% recovery rate by 31 December 2005. Directive 2004/12/EC of the European Parliament and of the Council, amending the Packaging Directive, introduces a new increased packaging waste recovery target of 60% (with 55% by way of recycling).

The National Waste Report 2008 states that packaging waste recovery increased to 65% in that year, indicating that Ireland has met and exceeded the target recovery rate of 60% set by the Packaging Directive for 2011.

At present, the arrangements for recovering packaging waste from consumers and householders consist principally of segregated collections for dry recyclables and an extensive network of bring banks and civic amenity sites. Practical implementation of the Directive in Ireland is organised mainly through a collective industry-based compliance scheme operated by Repak Limited, which is operating successfully.

I am conscious that despite progress on recycling we need to continue to improve our performance. The 2007 Programme for Government contained a commitment to carry out an

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international review of waste management plans, practices and procedures and act on its conclusions, and in November 2009 consultants delivered a major international report on waste management policy. I am utilising the report's recommendations, with a key focus on waste prevention, reuse and recycling, in developing a new policy statement on waste management, which I will bring to Government and publish for public consultation shortly.

### **Planning Issues**

443. **Deputy Joanna Tuffy** asked the Minister for the Environment, Heritage and Local Government if there is a timeframe in legislation within which planning conditions attached to granted retention planning permissions must be fulfilled, from the grant date; if not, his views on introducing such legislation as part of the forthcoming Planning Bill; and if he will make a statement on the matter. [20118/10]

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Ciarán Cuffe):** Development which is not carried out in compliance with the terms of the planning permission for the development is unauthorised development which is an offence under the Planning and Development Act 2000. The Act provides that enforcement action may not be taken in respect of a development for which permission has been granted after seven years beginning on the expiration of the duration of the permission. I am considering what further amendments of these provisions may be required, in relation to quarrying, in the Planning and Development (Amendment) Bill 2009. The Planning and Development Act also provides that proceedings may be commenced at any time in respect of any condition concerning the use of land to which the permission is subject.

### **Water and Sewerage Schemes**

444. **Deputy Willie Penrose** asked the Minister for the Environment, Heritage and Local Government the steps he will take to provide additional funding to Westmeath County Council to enable it to commence two small new group water schemes (details supplied) which are ready to start, with tenders in place in view of the fact that no moneys were provided in the recent allocation to allow new group water schemes to proceed; and if he will make a statement on the matter. [20130/10]

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran):** I notified County Councils of their block grant allocations under the Rural Water Programme last month, and €0.820 million was allocated to Westmeath County Council. These block grant allocations cover both funding for group water schemes and small public water and sewerage schemes. The major part of the funding for the group water sector is directed at investment required under the Rural Water Action Plan developed in response to an adverse ruling against Ireland by the European Court of Justice.

Responsibility for the administration of the Rural Water Programme has been devolved to local authorities since 1997. The selection and approval of individual group water schemes for advancement under the programme, within the overall priorities set by my Department and subject to the block grant funding provided, is therefore a matter for the local authorities. I have no proposals at present to increase these block grant allocations. However, the position will be kept under review during the course of the year.

### **Local Authority Housing**

445. **Deputy P. J. Sheehan** asked the Minister for the Environment, Heritage and Local Government the progress he has made to date on a housing strategy for persons with mental health issues; and if he will make a statement on the matter. [20138/10]

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran):** The Government's Housing Policy Statement, Delivering Homes, Sustaining Communities, reflects the commitment in Towards 2016 to develop a national housing strategy for people with a disability which will have particular regard to the housing needs of people with a mental health disability. The strategy, on which work is advanced, is being developed in conjunction with a National Advisory Group, chaired by my Department and involving the Department of Health and Children, the HSE, social partners and other relevant stakeholders, including the National Disability Authority. It is expected that the work of the National Advisory Group will be completed shortly.

### **Building Regulations**

446. **Deputy Seán Sherlock** asked the Minister for the Environment, Heritage and Local Government his plans to legislate for or regulate the construction industry with respect to the structural engineering design of building structures; and if he will make a statement on the matter. [20145/10]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The national Building Regulations, which are operative since 1992, set out the legal requirements for the construction of new buildings and the extension of, material alteration to, and certain changes of, use of existing buildings. The comprehensive set of related Technical Guidance Documents (TGDs) provide detailed information on how to comply with the Regulations. The Regulations are subject to review and improvement in the light of ongoing technical progress and developments within the construction industry, in consultation with the Building Regulations Advisory Body (BRAB). BRAB was established under the Building Control Act 1990 to advise me on matters relating to building regulations.

Part A of the Building Regulations sets out the legal requirements for the structural performance of buildings. It covers issues such as loadings on buildings, ground movements and disproportionate collapse. TGD-A provides guidance on how to comply with Part A and calls up structural design standards, for example the Eurocodes (which includes EN 1990). Designs carried out to these Standards and their accompanying National Annexes will, prima facie, indicate compliance with Part A.

A Fire Safety Certificate (FSC) is currently required before construction work commences on new non-domestic buildings and apartment blocks and extensions to or material alterations/changes of use of, existing buildings. The FSC is issued by the Building Control Authority and certifies that the building, if constructed in accordance with the plans and documentation submitted, will comply with the requirements of Part B of the Building Regulations.

Section 5 of the 2007 Act contains a new provision for the submission of a 7 Day Notice to a Building Control Authority, before grant of the relevant Fire Safety Certificate (FSC), where a person intends to commence work on the construction of a building, or an extension of, or a material alteration to, a building. It must be accompanied by a valid application for an FSC and by a Statutory Declaration stating that the application for the relevant FSC has been completed in all respects and complies with the requirements of the Building Regulations; that

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any works commenced before the FSC is granted will comply with the Regulations; and that the person will carry out any modifications which may be required by the FSC, when granted, within such period as may be specified by the Building Control Authority.

There is also a new provision for a Revised Fire Safety Certificate where an application for an FSC is made before the grant of planning permission, for any works required by the permission ultimately granted, or where significant revision has been made to the design or works of a building for which an FSC has been granted.

In addition, there is provision for a Regularisation Certificate where a building has been commenced or completed without an application for an FSC, where such Certificate is required. An application for a Regularisation Certificate must include a Statutory Declaration from the applicant that the works carried out are in compliance with the requirements of the Building Regulations. The Building Control Authority may issue the Certificate having considered the application and carried out an inspection of the building. The Authority is empowered to specify that the Regularisation Certificate will not have effect unless any conditions/additional works required by the Authority are carried out within a period of 4 months after it is granted.

Section 5 of the Act also provides for a prohibition on the opening, occupation or use of a building which has not been granted the necessary certificates by the Building Control Authority, as required, including the certificates referred to above.

Responsibility for compliance with the Building Regulations is a matter for the owner or builder of a building. Enforcement of the Building Regulations is the responsibility of individual Building Control Authorities which are empowered to carry out inspections and initiate enforcement proceedings, where considered necessary. The careful selection of competent building professionals and contractors should help to ensure that buildings are designed and constructed in accordance with the Regulations. Where the construction of a building is the subject of a contract between the client and the builder compliance is also a contractual obligation.

Compliance with the Building Regulations is kept under constant review by my Department. I understand that BRAB has completed a report on enforcement of the regulations and that this report is to be submitted to me shortly. I expect this to be an important input to my Department's ongoing consideration of the building regulations regime.

### **Local Authority Housing**

447. **Deputy Seymour Crawford** asked the Minister for the Environment, Heritage and Local Government when funding will be made available for the reconstruction of the old people's dwellings (details supplied) at Cloughvalley, Carrickmacross, County Monaghan; his views on whether it is unfair that some of the original residents of this housing area have been moved to completely different areas in Carrickmacross, some even in rented accommodation and all away from their own home surroundings; his further views on whether the empty houses in Cloughvalley are a health hazard and an accident waiting to happen for young people; and if he will make a statement on the matter. [20151/10]

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran):** My Department received a further submission in relation to this scheme from Monaghan County Council on 30 April 2010. This is being examined at present and my Department will respond to the Council's proposals as soon as possible with a view to progressing the scheme.

### **Water and Sewerage Schemes**

448. **Deputy Dan Neville** asked the Minister for the Environment, Heritage and Local Government the position regarding Adare sewerage scheme, Adare, County Limerick. [20357/10]

451. **Deputy Dan Neville** asked the Minister for the Environment, Heritage and Local Government the position regarding the Askeaton sewerage scheme, Askeaton, County Limerick; and if he will make a statement on the matter. [20439/10]

454. **Deputy Dan Neville** asked the Minister for the Environment, Heritage and Local Government further to Parliamentary Question No. 434 of 23 February 2010, the position regarding the Kilmallock sewerage scheme, Kilmallock, County Limerick. [20470/10]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I propose to take Questions Nos. 448, 451 and 454 together.

A comprehensive range of new water services infrastructure has been approved for County Limerick in my Department's Water Services Investment Programme 2010 -2012, a copy of which is available in the Oireachtas Library. The total value of contracts underway and those proposed for commencement during the period of the Programme in County Limerick is €23.186 million. The Programme provides for the commencement of contracts relating to the Askeaton and Kilmallock Sewerage Schemes whereas the Adare Sewerage Scheme is not included in the new Programme.

My Department is currently examining Limerick County Council's Design Build Operate contract documents for the wastewater treatment plant for the Kilmallock Sewerage scheme and a decision will be conveyed to the Council as soon as possible. The Department is also examining a Preliminary Report for a bundle of five sewerage schemes, including Askeaton. The other schemes included in the bundle, the Athea, Foynes, Glin and Shanagolden Sewerage Schemes, are not included among the contracts and schemes in County Limerick to be progressed under the new Programme. A decision on the Preliminary Report will be conveyed to the Council as soon as possible.

The new Programme aims to prioritise projects that target environmental compliance issues and support economic and employment growth as envisaged in the Government's policy document Building Ireland's Smart Economy — A Framework for Sustainable Economic Revival.

A key input to the development of the Programme was the assessment of needs prepared by local authorities, including Limerick County Council, in response to my Department's request to the authorities in 2009 to review and prioritise their proposals for new capital works in their areas. These were subsequently appraised in the Department in the context of the funds available and key criteria that complemented those used by the authorities. Inevitably, through this process, certain projects that had been proposed had to give way to others that are more strategically important at this time.

### **Social and Affordable Housing**

449. **Deputy Terence Flanagan** asked the Minister for the Environment, Heritage and Local Government his plans to lift the 20 year clawback for affordable housing homeowners who are in negative equity; and if he will make a statement on the matter. [20398/10]

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran):** Houses sold to first time buyers under the various affordable housing schemes at a significant discount from market value contain a clawback provision, in order to prevent short-term profit taking on the resale of the house to the detriment of the objectives of the schemes. There are no plans to abolish the clawback arrangements under the existing affordable housing schemes.

However, where a person is selling an affordable home and the clawback amount payable would reduce the proceeds of resale below the initial price actually paid, the legislation provides for the amount of the clawback payable to be reduced to the extent necessary to avoid that result.

### **Local Authority Expenditure**

450. **Deputy Mary Wallace** asked the Minister for the Environment, Heritage and Local Government the amount of funding being spent on renting offices from the private sector in Navan, County Meath, for local authorities under his Department; the reason high quality new offices in the ownership of Meath County Council and funded by his Department lie idle in Ashbourne, County Meath while the local authority under his Department continue to rent office space from the private sector in Navan; and if he will make a statement on the matter. [20400/10]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The information requested in regard to the expenditure by local authorities on renting offices from the private sector on the lines set out in the Question, is not available in my Department. Local authority office accommodation is a matter in the first instance for local authorities themselves. However, they are expected to provide such accommodation in the most cost effective manner possible having regard to their needs and resources. In that context, future plans for the Council office in Ashbourne are a matter for Meath Co Council.

*Question No. 451 answered with Question No. 448.*

### **Urban Regeneration Schemes**

452. **Deputy Jan O'Sullivan** asked the Minister for the Environment, Heritage and Local Government if amended plans have been submitted regarding the Northside and Southside Regeneration of Limerick; if not, when they will be considered; the funding that has been set aside in 2010 for Limerick Regeneration; and if he will make a statement on the matter. [20444/10]

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran):** In December 2009, the Government re-affirmed its commitment to the regeneration programme for Limerick and endorsed the programme's overall vision for a ten-year transformation of the Limerick Regeneration areas. The Government also requested that the Limerick Regeneration Agencies prepare a detailed plan for the first phase of the implementation process. A proposed Phase One Implementation Plan was completed and adopted by the Agencies' Boards in April. This has since been provided to my Department, and will be submitted to Government shortly.

The Phase 1 plan provides a road map for, in particular, the physical, as well as the social and economic, regeneration of these communities for the period to December 2014, with a total estimated cost of public projects amounting to some €337 million. It proposes strategic

infrastructure projects of benefit to the wider Limerick region, and other key community facilities for the regeneration areas. The Plan identifies a range of new housing projects for each of the areas, as well as refurbishment and infill projects to retain certain areas of existing good quality housing. The plan also notes the importance of delivering mixed tenure housing, and the clustering of projects in the various phases to deliver new communities, within the wider strategic planning context.

In terms of enterprise development, the plan identifies an opportunity for the regeneration to act as a catalyst for economic development in the region. It specifically proposes a focus on developing “green industries” in the areas. The Agencies have identified a range of funding and investment considerations and the Inter-Departmental Group, established to review options for the incentivisation of the essential private investment required to underpin the overall success of the regeneration programme, will work to advance a package of measures to deliver such investment.

With investment of over €50 million in Limerick regeneration to date, I am providing a further €25 million from my Department’s 2010 Vote for a programme of enabling works, including relocation, acquisitions, demolition and site clearances, community stabilisation, and social inclusion activities. Work is progressing on the detailed planning and design of two “new build” housing projects which will provide up to 100 new homes, primarily for older people living in the Moyross and Ballinacurra Weston areas, with a view to advancing these projects to tender in 2010. Design work is also underway on two similar projects for Southill and St. Mary’s Park.

My Department’s funding is supplemented by significant additional investment from other Departments and State Agencies, in terms of both Garda resources and other State interventions in the areas of education, youth, sport, health, training, childcare and community facilities. This whole of Government approach, essential for delivery of successful regeneration, will continue to be at the centre of our work on the implementation plan for the Limerick regeneration programme.

### **Social and Affordable Housing**

453. **Deputy Róisín Shortall** asked the Minister for the Environment, Heritage and Local Government the amount of money so far expended on promoting and advertising the home choice loan scheme; and the planned expenditure for 2010. [20456/10]

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran):** The table below sets out the amounts spent on advertising and promoting Home Choice Loan since the announcement of the scheme in October 2008. These costs, as with all other costs incurred to date in the roll-out of the scheme, have been met from within the existing resources of the Affordable Homes Partnership.

Year	Amount Spent
	€
2008	11,000
2009	25,200
2010	20,000 (projected)

*Question No. 454 answered with Question No. 448.*

### Water Services

455. **Deputy Jan O’Sullivan** asked the Minister for the Environment, Heritage and Local Government if he will assist Limerick City Council in addressing serious water pressure problems in a housing estate (details supplied) which has been causing hardship to residents, many of them elderly and ill; and if he will make a statement on the matter. [20492/10]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):**

The operation, maintenance and management of water supply in the St Mary’s Park area is a matter for Limerick City Council. There are no proposals with my Department relating to improvements in the water infrastructure in this area. However, St. Mary’s Park Estate is included under the Limerick Regeneration Programme and all future development and refurbishments in the area, including associated service upgrades, will be considered in that context.

### Farm Planning Schemes

456. **Deputy Paul Connaughton** asked the Minister for the Environment, Heritage and Local Government if a proposed new cap of €5 million on Dúchas farm plans will mean that there will be no new applicants accepted into this scheme; when existing plans will expire at farm level, will a farmer be eligible to apply to continue in the scheme; if farmers are prohibited from being involved in the scheme, will the restrictions that apply to their land then be lifted; and if he will make a statement on the matter. [20511/10]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):**

The further expansion of my Department’s National Parks and Wildlife Service farm plan scheme has been restricted as a result of budgetary constraints.

In future my Department will accept new applicants to the scheme based on available funding. Calls for submissions will be announced annually. Applications to join the scheme will be screened on the basis of conservation priorities, biodiversity added value and overall cost. This screening will be undertaken by a steering group within my Department and successful applicants will be allowed to proceed to plan completion stage. Existing plans can continue for their contracted period. No farmers, including farmers completing existing farm plans, will be prohibited from applying to enter the scheme. Farmers will also have the alternative option of applying for the Agri-Environment Options Scheme implemented by the Department of Agriculture, Fisheries and Food, which has significantly more funding resources available to it than are available to my Department’s scheme.

There will be no removal or relaxation of necessary restrictions arising from the designation of lands as Special Areas of Conservation, Special Protected Areas or Natural Heritage Areas.

### Foreshore Licences.

457. **Deputy Michael McGrath** asked the Minister for the Environment, Heritage and Local Government the position regarding an application for a foreshore licence (details supplied) in County Cork. [20532/10]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):**

Cork County Council submitted a revised application for a foreshore licence at the location referred to in the Question in November 2009. The relevant State bodies have been consulted on the application and my Department will shortly advise the local authority on arrangements for public consultation.

### Motor Taxation.

458. **Deputy Joanna Tuffy** asked the Minister for the Environment, Heritage and Local Government the number of persons, countrywide and in County Meath, who are paying car tax every three months, six months and annually in 2008 and 2009; and if he will make a statement on the matter. [20542/10]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The information requested is set out in the table below.

Number of Tax Discs Issued 2008 and 2009 by Licence Type

Licence Type	2008 National	2008 Meath	2009 National	2009 Meath
Annual	1,630,459	39,789	1,528,384	32,739
Half-yearly	803,338	20,761	778,361	17,532
Quarterly	1,964,038	49,655	2,204,004	46,752
Total	4,397,835	110,205	4,510,749	97,023

### Planning Issues.

459. **Deputy Willie Penrose** asked the Minister for the Environment, Heritage and Local Government if, in the context of the Planning and Development Bill 2009, it is proposed to extend the periods of planning permissions which have been granted, and where the particular development works have not commenced by the end of the expiry period for the said permissions due to the non availability of finance or the ill health of the applicant; and if he will make a statement on the matter.

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Ciarán Cuffe):** The Planning and Development (Amendment) Bill, published in June 2009, provides an amendment to section 42 of the Planning and Development Acts, which currently provides that the duration of a planning permission must be extended, subject to certain conditions, where substantial works have been carried out before the expiration of the original permission.

The proposed amendment provides for the extension of permission (for a period of up to 5 years) in circumstances where substantial works have not been carried out, but there are commercial, economic or technical considerations, beyond the control of the applicant, which substantially militated against either the commencement of development or the carrying out of substantial works.

### Public Sector Recruitment

460. **Deputy Phil Hogan** asked the Minister for the Environment, Heritage and Local Government his response to a request from a local authority seeking an easing of restrictions which are preventing the introduction of work placement and training programmes; and if he will make a statement on the matter. [20567/10]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** With effect from 24 March 2009 until the end of 2010, no public service post, however arising, may be filled by recruitment, promotion, nor payment of an allowance for the performance of

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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.

My 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 my Department in exceptional circumstances including where posts are of a statutory nature or for posts associated with front line 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.

Requests for staffing sanction of specific posts for work placement and training programmes operated by the Minister for Social Protection, received from South Dublin County Council and other local authorities, will be assessed on an individual basis by my Department.

#### **Planning Issues.**

461. **Deputy Ciarán Lynch** asked the Minister for the Environment, Heritage and Local Government his plans to rectify an anomaly arising under the provisions of the Planning and Development Act 2000 in relation to one off housing, whereby the owner is restricted for seven years regarding those to whom the property can be sold, whereas, if the owner defaults as a result of job loss and so on the financial institution which repossesses the house is unrestricted and may profit at the owner's expense; if he will consider a relaxation of this rule on a case by case basis; and if he will make a statement on the matter. [20569/10]

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Ciarán Cuffe):** Section 39 of the Planning and Development Act 2000 provides that a condition may be attached to a grant of planning permission for a house, specifying that the house must be occupied by persons of a particular class or description, with provision to that effect to be incorporated in an agreement under section 47 of the Act.

My Department's 2005 Guidelines for Planning Authorities on Sustainable Rural Housing state that such conditions are only appropriate in order to control development in rural areas close to cities and towns which are under considerable pressure for development and in areas which are under pressure for holiday home or second home development. The Guidelines recommend that applicants demonstrate roots or links to such areas within the local need criteria set out in the development plan in order to facilitate a positive approach to applications from such persons in areas where an application might have to be ordinarily refused.

The Guidelines recommend a seven-year occupancy condition period for a dwelling. Nonetheless, within this period, it is open to the dwelling owner, with the consent of the planning authority, to sell the house to another person who would satisfy the local need criteria for the area.

The Guidelines further recommend that lending institutions should not be bound by occupancy conditions if they foreclose on a mortgage and wish to sell the property. As it would be questionable whether a lending institution would advance funding if in any way restricted in the event of foreclosure, exempting lending institutions from occupancy conditions is intended

not to put obstacles in the way of persons who wish to source funding to build a house because of a separate legal agreement they may have with the planning authority.

While the enforcement of such planning conditions is a matter for each planning authority, having regard to national policy, I understand that planning authorities consider requests for non-enforcement of occupancy conditions on a case-by-case basis from dwelling owners who are in compelling situations for the sale of their dwelling.

### **Local Authority Housing.**

462. **Deputy John Deasy** asked the Minister for the Environment, Heritage and Local Government the funding allocated to Waterford City Council for social housing in each of the past five years to 2009; the amount allocated for 2010; the number of social houses provided in Waterford city in each of those years; the number of social houses planned for Waterford city in 2010; and if he will make a statement on the matter. [20581/10]

470. **Deputy John Deasy** asked the Minister for the Environment, Heritage and Local Government the funding provided to Waterford City Council under the local authority extensions scheme in each of the past five years to 2009; the amount allocated for 2010; the number of houses in Waterford city extended under this scheme in each of those years; the number of extensions under this scheme planned for Waterford City in 2010; and if he will make a statement on the matter. [20589/10]

471. **Deputy John Deasy** asked the Minister for the Environment, Heritage and Local Government the funding provided to Waterford City Council under the central heating scheme in each of the past five years to 2009; the amount allocated for 2010; the number of households in Waterford city that benefited under this scheme in each of those years; the number of households in Waterford city planned to benefit under this scheme in 2010; and if he will make a statement on the matter. [20590/10]

472. **Deputy John Deasy** asked the Minister for the Environment, Heritage and Local Government the funding provided to Waterford City Council under the low cost sites scheme in each of the past five years to 2009; the amount allocated for 2010; the number of sites provided in Waterford city under this scheme in each of those years; the number of sites in Waterford city being provided under this scheme in 2010; and if he will make a statement on the matter. [20591/10]

473. **Deputy John Deasy** asked the Minister for the Environment, Heritage and Local Government the funding provided to Waterford City Council under the remedial works scheme in each of the past five years to 2009; the amount allocated for 2010; the number of households in Waterford city that benefited under this scheme in each of those years; the number of households in Waterford city planned to benefit under this scheme in 2010; and if he will make a statement on the matter. [20592/10]

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran):** I propose to take Questions Nos. 462 and 471 to 473, inclusive, together.

Under Section 58 of the Housing Act, 1966, the management and maintenance of the local authority housing stock is a matter for individual authorities. In general this is to be financed from their own resources. My Department, in order to assist local authorities in the implementation of their housing programmes, provides certain funding for certain works to be carried out.

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The information sought is set out in tabular format below.

Waterford City Council

	2005	2006	2007	2008	2009	2010
<i>Social Housing Allocation</i>	€15,000,000	€22,000,000	€22,000,000	€21,000,000	€15,000,000	€6,455,000
Completions, Acquisitions & Part Vs	89	94	172	235	11 <sup>1</sup>	103 <sup>2</sup>
<i>Extensions Allocation</i>	(a)	(a)	(b)	(b)	(b)	€250,000
No. of houses extended	—	—	Not available	Not available	Not available	52
<i>Low Cost Sites Allocation</i>	(a)	(a)	(b)	(b)	(b)	(b)
No. of Sites provided	—	—	Not available	Not available	Not available	
<i>Central Heating Allocation</i>	€503,000	€891,000	€610,000	€196,325	(c)	(c)
No. of Units	122	249	85	49		
<i>Remedial Works Scheme Allocation</i>	€6,000,000	€8,000,000	€4,000,000	€4,000,000	€4,000,000	€3,500,000
Completions	100	175	224	258	258	1,302

(a) Included in above Allocation.

(b) Funded under Internal Capital Receipts.

(c) Central Heating Programme ended in 2008.

<sup>1</sup>Denotes January-June 2009.

<sup>2</sup>Anticipated in 2010.

**Rental Accommodation Scheme.**

463. **Deputy John Deasy** asked the Minister for the Environment, Heritage and Local Government the number of families that have been housed in Waterford city under the rental accommodation scheme in each the past five years to 2009 and to date in 2010; and if he will make a statement on the matter. [20582/10]

464. **Deputy John Deasy** asked the Minister for the Environment, Heritage and Local Government the funding provided to Waterford City Council under the rental accommodation scheme in each of the past five years to 2009 and to date in 2010; and if he will make a statement on the matter. [20583/10]

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran):** I propose to take Questions Nos. 463 and 464 together

Since the Rental Accommodation Scheme (RAS) became operational in September 2005 to the end of Quarter One of 2010, some 697 households in Waterford City have been transferred from rent supplement. Of these, 434 are housed directly in RAS accommodation and a further 263 are accommodated under other social housing options.

A breakdown by year of these transfers is set out in the table below:

Year	RAS Transfers	Other Social Housing Options	Total
2005	0	0	0
2006	183	43	226
2007	57	83	140
2008	38	80	118
2009	136	45	181
2010 (Qtr. 1)	20	12	32

Over the same time period, €3,749,017 in RAS funding was recouped to Waterford City Council and a year-by-year breakdown is set out in the table hereunder.

Year	Amount Paid
	€
2005	0
2006	263,532
2007	672,239
2008	929,869
2009	1,367,877
2010 (Qtr. 1)	515,500

### Local Authority Housing

465. **Deputy John Deasy** asked the Minister for the Environment, Heritage and Local Government the number of homes in Waterford City that have been made available for social housing under the long-term leasing scheme; and if he will make a statement on the matter.

[20584/10]

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran):** To date, no units have been provided by Waterford City under the long-term leasing initiative.

### Social and Affordable Housing.

466. **Deputy John Deasy** asked the Minister for the Environment, Heritage and Local Government the funding provided to Waterford City Council under the affordable housing scheme in each of the past five years to 2009; the amount allocated for 2010; the number of houses in Waterford city provided under this scheme in each of those years; the number that will be provided under the scheme in Waterford city in 2010; and if he will make a statement on the matter. [20585/10]

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran):** Under the 1999 affordable housing scheme houses are acquired by a local authority by means of borrowing through the Housing Finance Agency (HFA). In the five year period 2005 to 2009 €1,507,000 was drawn down by Waterford City Council from the HFA in respect of the provision of affordable housing.

Exchequer funding in respect of the affordable housing scheme is confined to:

- the payment of mortgage subsidy to local authorities to reduce the monthly outgoings of purchasers with household income below €28,000 in the previous tax year; and,
- the payment of a site subsidy to local authorities which enables them to provide housing under the 1999 scheme at an affordable price and at a discount from the market value of similar houses in their areas. Site subsidy is demand led and depends particularly on the price paid by a local authority for land and on those authorities applying for subsidy in the first place. In the years 2005-2009 no site subsidy was paid to Waterford City Council.

The table below sets out the amount of mortgage subsidy paid to Waterford City Council from 2005 to 2009.

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Year	Mortgage Subsidy
	€
2005	Nil
2006	10,950
2007	Nil
2008	75,246.63
2009	50,614.53

Information on annual affordable housing activity in each local authority is available on my Department's website at [www.environ.ie](http://www.environ.ie). Information is also published in my Department's Housing Statistics Bulletins, copies of which are available in the Oireachtas Library.

### Housing Grants.

467. **Deputy John Deasy** asked the Minister for the Environment, Heritage and Local Government the funding provided to Waterford City Council under the housing adaptation grant for people with a disability scheme in each of the past five years to 2009; the amount allocated for 2010; the number of houses in Waterford city adapted under this scheme in each of those years; the number that will be adapted under the scheme in Waterford city in 2010; and if he will make a statement on the matter. [20586/10]

468. **Deputy John Deasy** asked the Minister for the Environment, Heritage and Local Government the funding provided to Waterford City Council under the mobility aids housing grant scheme in each of the past five years to 2009; the amount allocated for 2010; the number of houses in Waterford city adapted under this scheme in each of those years; the number that will be adapted under the scheme in Waterford city in 2010; and if he will make a statement on the matter. [20587/10]

469. **Deputy John Deasy** asked the Minister for the Environment, Heritage and Local Government the funding provided to Waterford City Council under the housing aid for older people grant scheme in each of the past five years to 2009; the amount allocated for 2010; the number of houses in Waterford city benefiting under this scheme in each of those years; the number that will benefit under the scheme in Waterford city in 2010; and if he will make a statement on the matter. [20588/10]

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran):** I propose to take Questions Nos. 467 to 469, inclusive, together

My Department's involvement with the Housing Adaptation Grant Schemes for Older People and People with a Disability relates primarily to the recoupment of a proportion of local authority expenditure on the payment of individual grants. The grant schemes, introduced in November 2007, are funded by 80% recoupment available from my Department together with a 20% contribution from the resources of the local authority. The new suite of grants replaced the discontinued Disabled Persons Grant Scheme, the Essential Repairs Grant Scheme and the Special Housing Aid for the Elderly Scheme, administered by the Health Service Executive.

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.

Details of the annual Exchequer allocations to Waterford City Council and the number of grants paid under each scheme for the period 2005 to 2009 are set out in the table below. Data for 2005 and 2006 relate to the discontinued Disabled Persons and Essential Repairs Grant Schemes. Data for 2007 onwards include the new Housing Adaptation Grant Scheme for People with a Disability, the Housing Aid for Older People and the Mobility Aids Grant Schemes.

Suite of Grants for Older People and People with a Disability

Year	Allocation	Housing Adaptation Grant No. paid	Housing Aid for Older People No. paid	Mobility Aids Grant No. paid	Disabled Persons Grant No. paid	Essential Repairs Grant No. paid
	€					
2005	254,221	—	—	—	42	4
2006	304,866	—	—	—	41	4
2007	293,958	—	—	—	34	13
2008	481,126	—	48	—	25	1
2009	580,000	8	117	24	10	—

On 5 March 2010 my Department notified Waterford City Council of an Exchequer allocation of €680,000 for the grant schemes this year.

*Questions Nos. 470 to 473, inclusive, answered with Question No. 462.*

### **Fisheries Compensation Schemes**

474. **Deputy Michael Noonan** asked the Minister for Communications, Energy and Natural Resources if he will provide the names and addresses of the 20 drift net and draft net licence holders who have not been paid compensation to give up their licences in the Shannon Estuary area; and if he will make a statement on the matter. [20372/10]

475. **Deputy Michael Noonan** asked the Minister for Communications, Energy and Natural Resources if a small number of salmon fishermen (details supplied) who refused compensation from his Department for the drift net and draft net licences will be allowed to return to salmon fishing or if he will offer them an improved compensation package; and if he will make a statement on the matter. [20373/10]

**Minister of State at the Department of Communications, Energy and Natural Resources (Deputy Conor Lenihan):** I propose to take Questions Nos. 474 and 475 together.

The Government created a salmon hardship fund for those affected by the cessation of mixed stock fishing in 2006. The Salmon Hardship Scheme, which was administered by BIM, provided a measure of relief to individuals in line with the level of hardship likely to be experienced. The scheme, participation in which was voluntary, is closed since the end of April 2007. The Department is not the issuing authority for licences and does not have the details sought by the Deputy of those who did not participate in the scheme.

The harvest of salmon by any means is permitted only in those rivers that are meeting their conservation limits and have an identified surplus following appropriate assessment. The

[Deputy Conor Lenihan.]

Standing Scientific Committee has advised that stocks of salmon in the River Shannon are below conservation limits.

It is not possible to relax the conservation measures other than where river stocks recover and it is established from the results of the scientific analysis that significant numbers of fish destined for other rivers are not intercepted. It should be possible, in those circumstances, to exploit the identified surplus in rivers, bays and estuaries, within the constraints permitted by the Habitats Directive.

Those salmon licence holders who did not avail of the Salmon Hardship Scheme will be able to apply for a licence to fish in the future, while those who did receive a payment under the scheme gave an undertaking not to apply for a licence in the future.

### **Grant Payments**

476. **Deputy Seymour Crawford** asked the Minister for Communications, Energy and Natural Resources if he will consider providing grant aid towards solar energy for first time buyers or young persons building their own homes; his views on the fact that current arrangements are unfair to such groups; and if he will make a statement on the matter. [20466/10]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** The Greener Homes Scheme supports the installation by householders of renewable energy heating technologies including wood-pellet and chip stoves and boilers, gasification boilers, solar panels and geothermal heat pumps. The grant is a fixed amount, based upon the particular technology selected, towards the cost of purchase and installation of the chosen scheme. Products and installers must be selected from published Sustainable Energy Authority of Ireland (SEAI) registered lists. The net number of applications from 2006 to date under the Scheme is 29,000. Nearly 25,000 installations have been completed under the Scheme. Exchequer funding to date has amounted to just under €62m.

The Greener Homes Scheme has created a stable market in domestic renewable energy technologies and has supported the development of the renewable heating industry.

The current phase of the scheme was launched in July 2008. New homes ceased to be eligible with the introduction of the new building regulations under which it is now compulsory to include a component of renewable energy in new housing developments.

The scheme is supporting a range of objectives, including more competitive offerings for the consumer, enhanced product standards, quality assurance and improved training standards and certainty for the renewable heating industry.

The third phase of the Greener Homes Scheme is limited to existing houses defined as residences that are over one year. This was introduced to align the scheme with the mandatory changes to Part L of the Building Regulations in 2008.

### **Broadcasting Services**

477. **Deputy Liz McManus** asked the Minister for Communications, Energy and Natural Resources the areas, by county, that will be covered when digital terrestrial television is introduced; if he will provide an update on the introduction of DTT; and if he will make a statement on the matter. [19953/10]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** My priority, in accordance with national policy, is to provide for the closure, in 2012, of the analogue “free-to-view” broadcasting service.

In this regard I have recently signed an Order, Statutory Instrument 85 of 2010, under section 129 of the Broadcasting Act, 2009. This Order requires RTÉ to launch a “free-to-view” DTT service to approximately 90% of the population by 31st October 2010.

The 2009 Act also requires RTÉ to provide the full national “free-to-view” digital service, capable of carrying RTÉ 1, RTÉ 2, TG4 and TV3, by the end of 2011 or such date as I may specify. In this regard I have informed RTÉ that the date for the provision of a national service is 31st December 2011.

The exact areas to be covered in each county, is dependent on a number of factors including transmitter location, signal strength and topography. I have however, been informed by RTÉ that the list of sites shown in appendix I below, are the transmitter sites that will provide coverage on 31st October 2010 and that construction of two sites remain to be completed. This will be dependent on weather conditions.

RTÉ and RTÉNL have informed me that they have comprehensive communications plans in preparation for the autumn and these will be published in due course. The information communications plan for DTT will be timely and appropriate, and will be made available to the Irish public through a variety of methods.

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Appendix I

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1	Mullaghanish	Co. Cork
2	Truskmore	Co. Sligo
3	Clermont Carn	Co. Louth
4	Three Rock	Co. Dublin
5	Mount Leinster	Co. Carlow
6	Cairn Hill	Co. Longford
7	Kippure	Co. Wicklow
8	Maghera	Co. Clare
9	Woodcock Hill	Co. Limerick
10	Spur Hill	Co. Cork
11	Dungarvan	Co. Waterford
12	Holywell Hill	Co. Donegal
13	Greystones	Co. Wicklow
14	Castlebar	Co. Mayo
15	Forth Mountain	Co. Wexford
16	Arklow	Co. Wicklow
17	Gorey	Co. Wexford
18	Suir Valley	Co. Waterford
19	Waterford	
20	Tonabrocky	Co. Galway
21	Collins Barracks	Cork City
22	Crosshaven	Co. Cork
23	Mitchelstown	Co. Cork
24	Knockmoyle	Co. Kerry
25	Drogheda	Co. Louth

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**Missing Persons**

478. **Deputy Olivia Mitchell** asked the Minister for Communications, Energy and Natural

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Resources if he will consider the introduction of the EU recommended hotline number for missing persons 116000; and if he will make a statement on the matter. [20071/10]

483. **Deputy Jimmy Deenihan** asked the Minister for Communications, Energy and Natural Resources if the EU hotline number for missing children will be made available in this country; and if he will make a statement on the matter. [20517/10]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** I propose to take Question Nos. 478 and 483 together.

The European Commission published a Commission Decision dated the 15th February 2007 entitled “Reserving the national numbering range beginning with “116” for harmonised numbers for harmonised services of social value”.

The allocation of specific numbers in the 116 number range in Ireland is managed by the Commission for Communications Regulation (ComReg), which published (July 2007) and advertised (November 2007) the existence of the number range and invited suitable applicants to apply for the setting up of services.

I am advised by ComReg that Childline commenced a service using the telephone number 116111 in April 2009 and that the number 116123 has been allocated to the Samaritans.

It is open to other organisations to apply to ComReg for the allocation of additional numbers from this numbering range. I am informed by ComReg that no organisation has yet applied for the missing children hotline number 116000.

#### **Alternative Energy Projects**

479. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources the position regarding renewable energy feed in tariff price; if he and or his Department have received correspondence from interested groups in relation to same; his plans to deal with his matter in the short to medium term; and if he will make a statement on the matter. [20338/10]

480. **Deputy Pat Breen** asked the Minister for Communications, Energy and Natural Resources further to Parliamentary Questions Nos. 324 and 325 of the 11 May 2010, if his attention has been drawn to the fact that the Renewable Energy Feed In Tariff price announcement was due in January 2010; when he expects to make a decision regarding same in view of the fact that the continued delay in announcing the REFIT price is putting the industry here in jeopardy with the potential loss of jobs; his views on whether miscanthus is an important growth industry; if the government will reach its target for biomass of 30% by 2015; and if he will make a statement on the matter. [20382/10]

481. **Deputy Seymour Crawford** asked the Minister for Communications, Energy and Natural Resources the number of biomass plants in operation here; the amount of energy they supply; if he is satisfied that sufficient support is available to encourage such operations in view of the situation in Germany and in other countries; and if he will make a statement on the matter. [20463/10]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** I propose to take Questions Nos. 479 to 481, inclusive, together.

The Government has set the targets for the contribution from renewable energy sources to electricity at 40% by 2020. The 40% electricity target is consistent with the new EU target

addressed to Ireland in the Renewable Energy Directive 2009/28/EC, which requires Ireland to increase the contribution from renewable sources to 16% of all energy consumed (encompassing electricity, transport and heating) by 2020.

Reflecting the need to support the development of biomass, I announced in February 2008 a Renewable Energy Feed In Tariff (REFIT) for biomass of 12 cent per kilowatt hour.

I have received representations on behalf of stakeholders in relation to the REFIT price for biomass. Under the auspices of the Renewable Energy Development Group, which is chaired by my Department, the Bioenergy Working Group is currently finalising a Bioenergy Road Map to 2020, which will underpin the contribution of bioenergy, including biomass to Ireland's Renewable Energy target for 2020. The Working Group is reviewing the current REFIT for the various categories of biomass Combined Heat and Power plants, having regard to the particular challenges for the sector and I expect that work to be finalised within the next few weeks.

The provisional Energy Balance for 2009 indicates that biomass provided 165 ktoe to final energy consumption in 2009. This includes the panel board mills, sawmills, and end users in the domestic and commercial sectors.

Under the Sustainable Energy Authority of Ireland (SEAI) ReHeat Deployment Programme, 164 biomass boilers have been supported, with a total installed capacity of 72 MW, or an average size of about 400 kW per boiler. Based on an average annual operation of 3500 hours these boilers provide about 22 ktoe of final energy.

The Government's Energy Policy Framework 2007 sets out a target for co-firing in peat stations of 30% by 2015. Both ESB and Bord na Móna have been conducting a programme of research and development, including large scale co-firing trials with a variety of materials. The trials have also encompassed laboratory tests on the chemical and physical properties of various materials.

Decisions by ESB and Bord na Móna on what material to co-fire and the timing of the move to introduce large scale co-firing will be taken in light of the ongoing trials.

Both companies have been in discussions with a number of market players around sourcing potential supplies for the co-firing material. The companies themselves will be responsible for making the commercial decisions to award any such contracts.

The objective is to utilise domestically produced biomass as much as possible, and my Department is working closely with the Department of Agriculture, Fisheries and Food to ensure that its support schemes for energy crops and forestry are in alignment with the scale of demand that may ultimately arise as a result of the co-firing process.

The Miscanthus Pilot Demonstration Programme is a newly launched programme funded under the Renewable Energy Research Development and Demonstration Programme, which provides assistance for the deployment of renewable heating systems fuelled by miscanthus in commercial, industrial, services and public sectors and also community organisations and Energy Supply Companies (ESCOs), in Ireland. The programme, which was launched on 30th April 2010, is administered by SEAI.

The use of miscanthus as a fuel to date is very limited in Ireland, due to a number of issues including limited experience with its use as a boiler fuel. The Miscanthus Pilot Demonstration Programme is intended to support the establishment of a number of exemplar boiler sites, between five and 15 depending on the mix of size ranges and costs submitted. These exemplar sites will serve to provide important information on the supply chain logistics and suitability of miscanthus as a boiler fuel in an Irish context, as well as providing a solid basis for creating market confidence.

### Telecommunications Services

482. **Deputy Dinny McGinley** asked the Minister for Communications, Energy and Natural Resources if his attention has been drawn to the unsatisfactory national broadband service in an area (details supplied) in County Donegal; if he will investigate the matter with a view to improving the provision of this service. [20504/10]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** My Department entered into a contract with “3”, a Hutchison Whampoa company, for the delivery of the National Broadband Scheme (NBS) in late December 2008. Since then, 3 has progressed its network rollout and NBS broadband services are now available in more than 60% of the 1,028 designated Electoral Divisions (ED) to be covered under the Scheme.

The general area of Magheraroarty/Gortahork, County Donegal, will be covered by the NBS. While it is not possible to predict at this stage when precisely broadband services under this Scheme will become available in this area, under the NBS contract, all EDs in the NBS Coverage Area are required to have broadband connectivity by the end of September 2010. The current status of each area to be covered by the NBS is available at [www.three.ie/nbs](http://www.three.ie/nbs).

*Question No. 483 answered with Question No. 478.*

### Meat Imports

484. **Deputy Seymour Crawford** asked the Minister for Agriculture, Fisheries and Food the tonnage of meat that has been imported in each of the past four years on a category basis that is beef, chicken and so on; and if he will make a statement on the matter. [20469/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The Statistics below are provided by the Central Statistics Office (CSO). In certain cases the record of import may include the re-import of Irish products that were originally the subject of an export from this country. Where every effort is made to ensure accuracy, these returns may stand to be adjusted marginally as data is rechecked by the CSO

	2006	2007	2008	2009
	Tonnes	Tonnes	Tonnes	Tonnes
Beef	29,132	30,434	33,769	34,148
Lamb	2,610	2,618	3,282	4,860
Pork	64,864	67,851	65,110	61,921
Poultry	73,251	74,837	76,595	74,895
Other	23,587	23,358	24,251	25,164
Grand Total	193,444	199,098	203,007	200,988

*Source: CSO.*

EU rules stipulate that food products of animal origin traded from an EU source must be from approved food business establishments and be accompanied to destination by a commercial document or a health certificate signed by an official veterinarian of the competent authority of the Member State of origin. Imports from Third countries must be sourced from countries the EU regards as operating controls on production and processing that give equivalent guarantees to those in the EU. Such imports must be accompanied by the appropriate EU model health certification provided by the competent authorities of the country of origin. Following prior notification to the Border Inspection Post (BIP) of import, all consignments must be presented for veterinary examination which will include documentary, identity and physical

checks in accordance with EU requirements. The EU Food & Veterinary Office (FVO) monitors and inspects each Member State's controls on Food Safety including the operation of BIPs to ensure the conditions for import and placing of animal products on to the market, as provided under the harmonized legislation, are being correctly applied.

Any imports failing to comply with these veterinary control checks may be detained for further examination. Where non-compliance is established they may be returned to the exporting country or destroyed at the importers cost.

### **Grant Payments**

485. **Deputy Michael Ring** asked the Minister for Agriculture, Fisheries and Food if a person (details supplied) in County Mayo will be allocated single payment scheme entitlements from the national reserve. [19895/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The person named does not currently hold any Single Payment entitlements. He submitted an application for an allocation of entitlements from the 2005 National Reserve under category B.

Category B of the 2005 National Reserve catered for farmers, who made an investment between 1 January 2000 and 19 October 2003, in production capacity in a farming sector for which a direct payment under Livestock Premia and/or Arable Aid schemes would have been payable during the reference period 2000 — 2002. Investments included the purchase or long-term lease of land, purchase of suckler and/or ewe quota or other investments such as buildings.

The application was in respect of the purchase of land and other investments. The person named did not submit sufficient information to enable the processing of his application despite a number of requests for the required information. His application was therefore rejected and he was notified of this decision on 20 April 2006.

### **Departmental Agencies**

486. **Deputy Leo Varadkar** asked the Minister for Agriculture, Fisheries and Food the number of persons employed in Teagasc, An Bord Bia, Marine Institute, An Bord Iascaigh Mhara, the Sea Fisheries Protection Authority and any other agency within under the remit of his Department; the number of persons in terms of whole time equivalents employed prior to the introduction of the moratorium; the estimated number currently employed; the target number at which point the moratorium will end; and if he will make a statement on the matter. [20035/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The numbers of staff employed in the State bodies that come within the remit of my Department and the number currently employed are listed below.

In relation to the Deputy's query regarding the target number at which point the moratorium on recruitment and promotion in the public service will end, the precise ceilings in each area are subject to any future Government policy decisions and priorities in regard to public service provision. The Government will keep the application of the moratorium on recruitment and promotion under review and the matter will be revisited in each sector as the staffing levels in the Employment Control Frameworks for the sectors are achieved.

The moratorium did not apply to commercial state bodies. Accordingly the figures given in respect of those bodies are the staff currently employed.

Details of staff employed by the subsidiaries of Horse Racing Ireland will be forwarded to the Deputy as soon as possible.

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Name of Body	No. of whole time equivalent staff employed prior to Moratorium i.e. 27 March 2009	No. of whole time equivalent staff currently employed
Teagasc	1,524.0	1,345.0
Bord Bia	97.0	97.0
National Milk Agency	6.0	6.0
Veterinary Council of Ireland	3.0	3.0
Bord Iascaigh Mhara (BIM)	143.3	128.1
Marine Institute	143.0 permanent 68.0 temporary	142.0 permanent 45.0 temporary
Sea-Fisheries Protection Authority (SFPA)	102.5	98.5
Aquaculture Licensing Appeals Board (ALAB)	2.0	1.0
Coillte Teoranta (figures relate to Group)		1,022.0
The Irish National Stud Company Ltd.		70.0
Bord na gCon		272.0
Horse Racing Ireland (HRI)		64.0 HRI employees

### Grant Payments

487. **Deputy Denis Naughten** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Roscommon will be awarded a payment; the reason for the delay; and if he will make a statement on the matter. [20355/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** This file is currently being examined and my officials have written to the person named.

### Departmental Offices

488. **Deputy Paul Connaughton** asked the Minister for Agriculture, Fisheries and Food the position regarding the decision to relocate his Department offices at Dockgate Street, Galway City to Mellows Agriculture College campus, Athenry, County Galway; if problems have arisen regarding the conditions of the rental agreement between the Department of Agriculture, Fisheries and Food and the owner occupiers of the Dockgate Street building; when the relocation is to take place; and if he will make a statement on the matter. [20359/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** My Department is completing the current phase of the reorganisation of its network of local offices. When this phase has been completed, arrangements for the final phase, to include Galway, will be finalised.

In the meantime my Department has asked the Office of Public Works to report on the cost of refurbishing the offices in Mellows College, Athenry. When this report is to hand the position in regard to the relocation will be finalised.

In relation to the Department's accommodation in Dockgate the Office of Public Works deal with rental arrangements for my Department.

### Grant Payments

489. **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 scheme payment for 2009. [20477/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The person named has 15 animals for consideration under the 2009 Suckler Welfare Scheme. One of the conditions of the Scheme, as is set out in the Terms and Conditions, is that the calves must be introduced to concentrate (meal) feeding a minimum of 4 weeks before weaning. According to the information supplied to my Department by the applicant none of the animals were fed meal for the required four weeks before weaning. Consequently, as the required condition was not adhered to, no payment can issue. A letter has issued to the applicant advising her of the Department's decision on her application.

### Animal Welfare

490. **Deputy Róisín Shortall** asked the Minister for Agriculture, Fisheries and Food if his attention has been drawn to the problem of uncontrolled horses in urban areas, particularly parts of Dublin; the steps he will take to reduce the supply of such horses (details supplied) in view of the fact that the current situation places a burden on local authorities as well as leading to widespread horse neglect. [20491/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** It is clear from on-going liaison between officials of my Department and representatives of relevant stakeholders including Local Authorities, Animal Welfare Organisations and the Horse Industry that horse welfare problems continue to be reported including a risk of abandonment of horses.

My Department provides annual funding in the region of €2m to Local Authorities to assist in their work in implementing the Control of Horses Act. Through the auspices of the Farm Animal Welfare Advisory Council, my officials are continuing to work with the ISPCA in an effort to intervene in potential horse welfare situations before they become critical. Mindful of the valuable work being done by the welfare organisations and as a contribution towards the cost of their activities, I provided funding of €1.185 million in December 2009 towards their work in 2010. Some €100,000 was provided to Dublin SPCA to assist its work in 2010 including the valuable work it undertakes at the horse fair referred to by the Deputy. In providing funding to welfare bodies I also urged those welfare organisations that have the capacity to deal with larger animals to consider placing greater resources in promoting horse welfare.

As regards reducing the supply of horses at the horse fair referred to by the Deputy, this is an issue that is outside of my control. The problems associated with the holding of this fair are only partly related to animal welfare, with public safety issues also featuring. I have no legislative power in this matter.

### Rural Environment Protection Scheme

491. **Deputy David Stanton** asked the Minister for Agriculture, Fisheries and Food the number of REP scheme 4 applications received to date; the number accepted; the number not accepted; and if he will make a statement on the matter. [20499/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** Before REPS was closed to new applications in July 2009, 31,264 applications had been received including some 1,800 which are eligible to begin their contracts this year. The acceptance of REPS 4 applications is governed by EU Regulations which require exhaustive administrative checks and on-the-spot inspections. In a significant number of the applications received, the administrative checks raised issues and queries which required further detailed examination. My Department's

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staff have been working to resolve these as quickly as possible. Many of these cases required the applicants' planners to amend the farm plans that were submitted originally. The applicants concerned were made aware of the position and the applications are being further processed without delay on receipt of amended plans. So far, 23,640 applicants have received full payment for 2009 and work is continuing to process the remainder as quickly as possible.

My officials have also been in contact with the 119 applicants whose plans had been rejected, to inform them of their right to appeal the decision. Alternatively, unless the application had been found to be fundamentally ineligible, applicants were given the opportunity to submit a new REPS 4 plan and application form on or before 17 May 2010. The latter cases will be dealt with as a priority.

### Grant Payments

492. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Cork will receive payment under REP scheme and the suckler cow scheme; and if he will make a statement on the matter. [20503/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The person named applied for 24 animals in 2009. Payment issued on 26 January 2010 in respect of 9 calves. There are a number of outstanding queries on the profile and an official from the Department has been in direct contact with the herd owner regarding the resolution of these queries. The REPS payment application belonging to the person named is at an advanced stage of processing and the person named will be notified of the outcome shortly.

493. **Deputy Paul Connaughton** asked the Minister for Agriculture, Fisheries and Food if a person (details supplied) in County Galway, currently entering the new agri-environment options scheme, will be eligible for an extra grant on land they have committed to forestry and for which they were getting grant aid in addition to payment under REP scheme 3, which they exited on 31 September 2009; and if he will make a statement on the matter. [20513/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** I understand that the person in question was in receipt of payments under the Forest Environment Protection Scheme (FEPS) while he was a participant in REPS. As he is no longer in REPS, payments under FEPS will cease although he will continue to receive annual premiums under the Afforestation Scheme. There are no proposals to link the FEPS scheme to the new Agri Environment Options Scheme (AEOS).

494. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food the reason a person (details supplied) in County Cork has not received payment under the REP scheme or single farm payment for some years; if, in view of documented ill health which adversely impacted on their continued participation in REPS, he will arrange for payment of all outstanding monies; and if he will make a statement on the matter. [20740/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The person named joined REPS 1 on 1 January 1997 and received three years payment. He did not lodge an application for payment for his fourth year. Under the terms and conditions of REPS 1, this led to the termination of his contract and the recoupment of all the payments he had received.

My officials have been in contact with the person named and have considered documentation which he submitted relating to his health. However as the health issues he put forward had already existed when he joined the scheme, my officials concluded that there were no grounds

to allow him to terminate his contract without recoupment. His Single Payment Scheme applications in respect of each year were processed for full payment, but payments were held against the REPS debt.

It is open to the person named to seek a further review of his case. If he wishes to do so, he should communicate directly with my Department's REPS Debt Recovery Section at Johnstown Castle Estate, Co Wexford.

495. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food his plans to reintroduce grants for investment in dairy facilities; if so, the funding available for these works in 2010; and if he will make a statement on the matter. [20743/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** My Department recently received EU Commission approval for the various targeted on-farm investment schemes announced by my Department in 2009. Due to the relatively short time-frames for completion of the investment works concerned, my priority is to introduce the Sow Welfare and Poultry Welfare Schemes first. Arrangements will then be made to introduce the three remaining schemes, including the Dairy Equipment Scheme.

Discussions are ongoing with the relevant farming organizations in regard to the terms and conditions of the Schemes concerned. These should be completed in the near future and I hope to be in a position to make an announcement regarding the new Schemes at that stage. A sum of €1 million has been made available in the 2010 Estimates for the new targeted on-farm investment schemes.

#### **Farm Waste Management**

496. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food if, in view of the operation of the farm waste management scheme and the level of grant aid approved, he has given consideration to reviewing the level of entitlement on foot of an increase in construction costs, particularly steel costs which in many instances meant that farmers did not receive the percentage level of grant aid approved for them when final costs were calculated; and if he will make a statement on the matter. [20747/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** I have no plans to review the system of grant calculation which was applicable under the Farm Waste Management Scheme. As the Deputy will be aware, the Nitrates version of that Scheme was introduced by my Department in March 2006 and all the investment works concerned had to be completed by farmers by the closing date of 31 December 2008. I do not propose, therefore, to revise either the levels of grant or my Department's Standard Costings which were applicable under the Scheme at this stage.

#### **Pension Provisions**

497. **Deputy Martin Ferris** asked the Minister for Agriculture, Fisheries and Food the number of persons in his Department and office, including any agencies and offices under his aegis, employed in the civil and public service who are in receipt of a State pension. [21153/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** No civil servant employed in my Department is in receipt of a civil service pension. My Department, however, does not have information on the number of staff who may be in receipt of a State pension. The corresponding information requested by the Deputy in respect of the agencies under my remit is a matter for the agencies themselves as part of their day-to-day activities.

### Redundancy Payments

498. **Deputy Eamon Gilmore** asked the Tánaiste and Minister for Education and Skills when the full redundancy payments, as recommended by the Rights Commissioner, will be awarded to two former employees of a company (details supplied); and if she will make a statement on the matter. [19916/10]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** In line with the requirements of the Department of Enterprise, Trade and Innovation and Department of Finance FÁS discontinued funding for the Carrick-on-Suir Jobs Club on 21st November 2008 because it was unable to achieve the nationally agreed targets set up for these programmes.

The two staff members were consequently entitled to a redundancy payment. The amount for both staff members was calculated and available to them. I understand that one staff member has accepted the redundancy payment. In regard to the other staff member FÁS has advised that the payment remains available should he decide to accept same.

### Third Level Qualifications

499. **Deputy Emmet Stagg** asked the Tánaiste and Minister for Education and Skills if in view of the response (details supplied) to Parliamentary Question No. 234 of 27 April 2010 she will amend the FETAC qualification to include either English or Irish in order that qualified candidates are not excluded from various public sector posts that require leaving certificate standards. [20132/10]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** The National Craft Certificate is an award at Level 6 of the national framework of qualifications. It is designed to prepare apprentices for employment in a range of trades such as aircraft mechanic, plumber, electrician, joiner etc. It usually consists of seven phases over a four year period incorporating placement with industry, training with FAS, and study in the Institutes of Technology. It was not designed to equip students for employment as Prison Officer, and there are no plans to include Irish or English as specific subjects within it.

It is open to any person to apply to the State Examinations Commission to sit Irish or English or any other subject or subjects in the Leaving Certificate as an external candidate should they wish to do so. Learners may also seek to sit major, minor or special purpose awards in a wide range of disciplines which are certified by the Further Education and Training Awards Council. The Leaving Certificate is placed at Levels 4 and 5 of the national framework of qualifications. While the National Craft Certificate is at a higher level of the framework, it is specialised in nature and is not comparable in terms of content or breadth with the Leaving Certificate.

### Psychological Service

500. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Education and Skills if a psychological review will be undertaken in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [20323/10]

535. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Education and Skills if a psychological review will be undertaken in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [20324/10]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** I propose to take Questions Nos. 500 and 535 together.

The Deputy will be aware that all primary and post primary schools have access to psychological assessments either directly through the National Educational Psychological Service (NEPS), or through the Scheme for Commissioning Psychological Assessments (SCPA), full details of which are on the Department's website. Where there is no psychologist available through NEPS, a school may access psychological assessments through the Scheme for Commissioning Psychological Assessments (SCPA). Under the SCPA, such schools can have an assessment carried out by a member of the panel of private psychologists approved by NEPS, and NEPS will pay the psychologist the fees for this assessment directly.

It should also be noted that in common with many other psychological services, NEPS encourages a staged assessment process, whereby each school takes responsibility for initial assessment, educational planning and remedial intervention, in consultation with their assigned NEPS psychologist. Only if there is a failure to make reasonable progress in spite of the school's best efforts, will a child be referred for individual psychological assessment.

Your question does not state which school the child, concerned in this question, currently attends so I am unable to advise on whether the school is covered directly by NEPS. However it is the responsibility of the school Principal in the first instance to identify and prioritise pupils for assessment under the process described above. I would suggest that the parents of the child in question should discuss the matter with the school Principal who will advise them as to the appropriateness of a referral in this instance and the process for accessing same. Should school authorities have specific difficulties with regard any of the foregoing I would suggest that they should contact the relevant local NEPS Regional Director, for whom contact details are available on my Department's website.

### **FÁS Training Programmes**

501. **Deputy Joanna Tuffy** asked the Tánaiste and Minister for Education and Skills if an unemployed person who participates in a FÁS placement programme but who is not in receipt of any social welfare payments is entitled to any allowance; if not, the reason for same; and if she will make a statement on the matter. [20370/10]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** FÁS training courses are open to all unemployed persons. However, if a participant is not entitled to a benefit from the Department of Social Protection at the commencement of the course then he/she would not receive a FÁS training allowance. FÁS liaises closely with the Department of Social Protection in relation to entitlements and conditions with regard to social welfare supports and a system is in place, since changes were introduced by Government in the most recent Budget, whereby participants confirm their entitlement with the Department of Social Protection prior to commencing a FÁS course.

502. **Deputy John Deasy** asked the Tánaiste and Minister for Education and Skills the number of applications in Waterford city that have been received under the work placement programme; the number that have been approved; and if she will make a statement on the matter. [20706/10]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** The Work Placement Programme provides up to 9 months work experience for up to 2,000 unemployed individuals, including graduates. To date 136 clients have applied for vacancies advertised under the Work Placement Programme in Waterford City. Out of the 136 applicants, 21 have started positions with companies under the programme. Currently, there are 16 vacancies available to

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be filled under the Work Placement Programme in Waterford City. To date, 34 employers have advertised vacancies with FÁS under the programme for Waterford City.

### Job Losses

503. **Deputy John Deasy** asked the Tánaiste and Minister for Education and Skills the number of job losses in Waterford city in the past four years and to date in 2010; and if she will make a statement on the matter. [20712/10]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** Unemployment is measured by the Quarterly National Household Survey or QNHS and published by the Central Statistics Office. It does not provide data on particular counties but only on Regions. Employment in the South East Region, which includes Waterford, has decreased by 9,600 while unemployment has also increased by 24,900 in the period Quarter 4 2006 to Quarter 4 2009 (September-November).

QNHS Quarter 4	Unemployment	Year on Year Change Unemployment	Employment	Year on Year Change Employment
2006	10,300	-1,000	217,600	+14,000
2007	12,000	+1,700	226,300	+8,700
2008	21,200	+9,200	219,900	-6,400
2009	36,200	+15,000	194,000	-25,900
Total		+24,900		-9,600

In relation to the numbers of jobs lost, there is no exact measure, however, the Department of Enterprise Trade and Innovation records the number of redundancies notified to them on a monthly basis. The table below sets out the number of redundancy notifications received for County Waterford for the years 2006 to date.

### Redundancies in County Waterford

Year	2006	2007	2008	2009	Jan-April 2010	Total
Numbers	675	631	1,572	2,457	552	5,887

### FÁS Training Programmes

504. **Deputy John Deasy** asked the Tánaiste and Minister for Education and Skills the number of persons in Waterford city who have received an offer of training from FÁS each month in 2009 and to date in 2010 under the National Employment Action Plan; and if she will make a statement on the matter. [20713/10]

505. **Deputy John Deasy** asked the Tánaiste and Minister for Education and Skills the number of persons in Waterford city who have been given job placements by FÁS each month in 2009 and to date in 2010 under the National Employment Action Plan; and if she will make a statement on the matter. [20714/10]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** I propose to take Questions Nos. 504 and 505 together.

I am advised by FÁS that 755 National Employment Action Plan clients in Waterford City received an offer of training during 2009. To date in 2010, 399 National Employment Action Plan clients in Waterford City have received an offer of training.

I am advised by FÁS that 158 National Employment Action Plan clients in Waterford City were given job placements during 2009. To date in 2010, 66 National Employment Action Plan clients in Waterford City have been given job placements.

A breakdown of this material are contained in tables 1 and 2.

Table 1

Month	2009	2010	Total
January	30	69	99
February	111	90	201
March	15	81	96
April	67	109	176
May	41	50	91
June	37		37
July	41		41
August	58		58
September	153		153
October	90		90
November	85		85
December	27		27
Overall Total	755	399	1,154

Table 2

Month	2009	2010	Total
January	9	7	16
February	12	17	29
March	6	16	22
April	10	19	29
May	10	7	17
June	15		15
July	16		16
August	8		8
September	21		21
October	23		23
November	16		16
December	12		12
Overall Total	158	66	224

### Community Employment Schemes.

506. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Education and Skills if she will accept the recommendations of the Labour Court regarding pensions for community employment scheme supervisors; and if she will make a statement on the matter. [19903/10]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** Further to the answer given by my colleague the Minister for Labour Affairs and Public Service Transformation to the Deputy on 27 April 2010, I can confirm that my Department is considering with FÁS the implications of the Labour Court recommendation.

507. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Education and Skills the number of persons participating in community employment schemes; the number of same who are in receipt of other social welfare payments including one parent family, disability allowance, disability benefit and deserted wives benefit; her plans to review the practice of paying double payments in this way; and if she will make a statement on the matter. [19904/10]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** Community Employment (CE) is an active labour market programme designed to provide eligible long term unemployed people and other disadvantaged persons with an opportunity to engage in useful work within their communities on a fixed term basis. CE helps unemployed people to re-enter the active workforce by breaking their experience of unemployment through a return to work routine and to assist them the enhance/develop both their technical and personal skills. The reviewing of allowances is a budgetary matter. The information requested by the Deputy is contained in the following table.

Description	No.
Those in receipt of FÁS-funded CE allowances only	11,720
Blind Pension	19
Disability Allowance	2,272
Illness Benefit	900
Invalidity Pension	1,706
One Parent Family Payment	4,808
Deserted Wife's Benefit	186
Participants Total	21,611
Supervisors	1,425
Overall Total	23,036

### Special Educational Needs

508. **Deputy James Reilly** asked the Tánaiste and Minister for Education and Skills if there has been a change in policy whereby the guideline that children should be performing at or below the second percentile in order to access to a specific learning disability Unit is now being strictly adhered to; her views on whether boards of management should be able to evaluate each individual case on its own merits in order that vulnerable children are not written off by the system; and if she will make a statement on the matter. [19919/10]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** I wish to confirm for the Deputy that the qualifying criteria for pupil enrolment in specific learning disability (SLD) special classes has not changed. The enrolment of a child in such classes is a matter in the first instance for the parents of the child and the Board of Management of the school concerned. Schools are required to observe Department policy in enrolling children in these classes. This includes having a professional assessment confirming that the child's attainment levels meets the Department's criteria and a recommendation for special class placement. Schools are eligible for resources for SLD classes when the pupils enrolled meet the Depart-

ment's criteria. These classes operate at a reduced pupil teacher ratio and pupils attending the classes attract a special increased rate of capitation grant. Schools are also required to liaise with the local Special Educational Needs Organiser (SENO) in the context of any proposed placements in such classes.

The Deputy is aware that a key focus and priority of my Department is to provide for resources in schools to support pupils with special educational needs, including those with a SLD. I wish to advise the Deputy that my Department implemented a General Allocation System of learning support/resource teachers to mainstream primary schools in September 2005. This model ensures that mainstream primary schools have the additional teaching resources already in place to enable them cater for children with high-incidence special educational needs, including pupils with SLD. A comprehensive circular, SP ED 02/05, was issued to schools to provide guidelines and advice on the manner in which they should use the resources that have been allocated to them to best effect.

The National Council for Special Education (NCSE), through the local SENOs, is responsible for processing applications from primary and post primary schools for special educational needs support. The NCSE operates within the Department's criteria in allocating such support. The responsibility also includes identifying appropriate educational placements for children with special educational needs. All schools have the names and contact details of their local SENO. Parents may also contact their local SENO directly to discuss their child's special educational needs, using the contact details available on [www.ncse.ie](http://www.ncse.ie).

### School Accommodation

509. **Deputy Jan O'Sullivan** asked the Tánaiste and Minister for Education and Skills when a decision will be made on an application for a devolved grant by a school (details supplied) in County Limerick; and if she will make a statement on the matter. [19946/10]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** I am pleased to inform the Deputy that the school to which she refers was recently approved for funding for the provision of additional accommodation for two Mainstream Classrooms.

### School Staffing

510. **Deputy Jan O'Sullivan** asked the Tánaiste and Minister for Education and Skills if she will grant a full-time learning support and resource teacher to a school (details supplied) in County Limerick; and if she will make a statement on the matter. [19947/10]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** The general allocation model was introduced in primary schools in September 2005 to ensure that each school has learning support/resource teaching support available to meet the needs of children with high incidence special educational needs. The allocation system under the general allocation model was linked to the school's enrolment in 2005 and it was decided not to review this aspect until the model had been in operation for three years. The allocation to schools is however enhanced in the case of schools experiencing large increases in enrolment and which satisfy the conditions under my Department's Developing School Criteria. The review of the General Allocation is at an advanced stage and is being considered within my Department. Schools decide themselves how best to use this allocation based on the needs of the pupils and how to adjust their support in line with the changing needs of pupils as they mature. The Department provided a circular SP ED 02/05 to schools to assist them in deploying the General Allocation Model resources.

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You will be aware that the Department's policy is to support the inclusive education of students with special educational needs across the schools system. In this context, a range of supports are provided to schools to enable them to cater for pupils with special educational needs. The supports available include additional teaching support, special needs assistant support, school transport and grants for the purchase of teaching materials and specialised equipment.

The National Council for Special Education (NCSE), through local Special Educational Needs Organisers (SENOS), is responsible for processing applications from primary and post primary schools for special educational needs supports. All schools have the names and contact details of their local SENO. Parents may also contact their local SENO directly to discuss their child's special educational needs, using the contact details available on [www.ncse.ie](http://www.ncse.ie).

### Departmental Programmes

511. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Education and Skills his views to allowing participants on the work placement programme who lose their jobseeker's benefit while in the programme and fail the means test for jobseeker's allowance to continue to receive some payment while they are still participating on this programme; and if she will make a statement on the matter. [20017/10]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** The Work Placement Programme provides up to 9 months work experience for 2,000 unemployed individuals. The fact that a person is participating in the Programme does not in itself affect their social welfare entitlements.

### Departmental Agencies

512. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Education and Skills the number of persons in the State Examinations Commission, the Higher Education Authority, the National Education Welfare Board and any other agency under the remit of his Department in terms of whole-time equivalents employed prior to the introduction of the moratorium; the estimated number currently employed; the target number at which point the moratorium will end; and if she will make a statement on the matter. [20038/10]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** The details requested by the Deputy are set out in the following table. The issue of the duration of the staffing moratorium with regard to those agencies under the aegis of my Department is being addressed in the context of the employment control frameworks being put in place across the public service.

Agency Name	WTE No's End 2008	WTE No's Qtr 1 2010	Comment
Commission to Inquire into Child Abuse	18.00	3.00	
Residential Institutions Redress Board	29.00	27.00	
Residential Institutions Review Committee	1.00	1.00	On Contract (Not public Sector employee)
An Chomhairle um Oideachas Gaeltachta agus Gaelscolaíochta (COGG)	4.00	3.00	
EFB (Education Finance Board)	3.00	4.00	Two temps (on contract) & two secondments from VECs

Agency Name	WTE No's End 2008	WTE No's Qtr 1 2010	Comment
FÁS (Foras Áiseanna Saothair)	2,272.14	2,027.25	2,075.25 is total number current staff in FÁS
FETAC (Further Education and Training Awards Council)	47.00	41.00	
GDA (Grangegorman Development Agency)	6.00	4.00	
HEA (Higher Education Authority)	63.00	56.00	
HETAC (Higher Education and Training Awards Council)	32.00	32.00	
IRCHSS (Irish Research Council for the Humanities and Social Sciences)	7.00	5.00	
IRCSET (Irish Research Council for Science, Engineering and Technology))	6.00	5.00	
Leargas — The Exchange Bureau	41.10	38.70	Excluding the NCGE
NCCA (National Council for Curriculum and Assessment)	37.00	30.00	
NCGE (National Centre for Guidance in Education)	8.00	7.00	The NCGE operates under the aegis of Léargas
NCSE (National Council for Special Education)	105.00	105.00	
NCTE (National Centre for Technology in Education)	25.00	19.00	
NEWB (National Educational Welfare Board)	100.00	102.00	
NQAI (National Qualifications Authority of Ireland)	25.00	27.00	
SEC (State Examinations Commission)	170.00	162.00	
The Teaching Council	28.50	28.50	The Teaching Council has been self-financing since March 2008

*Note 1:* These figures are primarily based on quarterly returns provided by the agencies to my Department's Finance Unit.

*Note 2:* FÁS under aegis of my Department from May 2nd 2010.

### School Staffing

513. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Education and Skills the number of primary school teachers in terms of whole-time equivalents employed prior to the introduction of the moratorium; the estimated number currently employed; the target point at which point the moratorium will end; and if she will make a statement on the matter.

[20045/10]

514. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Education and Skills the number of secondary school teachers in terms of whole-time equivalents employed prior to the introduction of the moratorium; the estimated number currently employed; the target point at which point the moratorium will end; and if she will make a statement on the matter.

[20046/10]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** I propose to take Questions Nos. 514 and 513 together.

Public service pay is a huge element of public expenditure and the total bill is determined by the number of public servants and the pay rates payable to them. The moratorium which was introduced in March 2009 is a key control measure aimed at reducing the number of public servants. The duration of the moratorium will be a matter for Government to decide in the context of budgetary savings to be achieved. In contrast to what is happening in other areas of the public service, the Government has already tapered application of the moratorium to schools by providing for a growth in teacher numbers and allowing from the outset the automatic filling of principal and deputy principal posts of responsibility.

The public sector numbers for 31 March 2009 for primary teachers was 31,134 and for post-primary teachers was 28,262. The public sector numbers for 31 March 2010 for primary teachers

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was 31,860 and for post-primary teachers was 27,860. The introduction in September 2009 of the part-time payroll for primary teachers facilitated the inclusion of those part-time teachers in public sector numbers from that date onwards.

### **Third Level Staff**

515. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Education and Skills the number of persons in terms of whole-time equivalents employed in third level institutions prior to the introduction of the moratorium; the estimated number currently employed; the target point at which point the moratorium will end; and if she will make a statement on the matter. [20047/10]

516. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Education and Skills the number of third level lecturers in terms of whole time equivalents employed prior to the introduction of the moratorium; the estimated number currently employed; the target point at which point the moratorium will end; and if she will make a statement on the matter. [20048/10]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** I propose to take Questions Nos. 515 and 516 together.

The total number of whole time equivalent staff employed in third level institutions at 31 December, 2008 was 21,149. It is estimated that at 31 March, 2010 the number employed was 20084 whole time equivalents. Disaggregated data on the number of lecturers that are included in these figures are not available in my Department. However the information has been sought and will be forwarded to the Deputy as soon as it is available. The purpose of the Government decision to implement a recruitment and promotion moratorium in the public sector is to facilitate a permanent, structural reduction in the numbers of staff serving in the public sector and is intended to contribute significant and ongoing savings to the Exchequer. In applying this moratorium generally, teaching and research activities in the education sector have been afforded significant exemptions relative to other areas of public expenditure. Nonetheless, the Deputy will appreciate that the sector has to contribute towards overall public sector numbers reductions.

In the area of higher education, the Government agreed that an employment control framework be developed to provide for the application of the moratorium arrangements to higher education institutions, subject to the continued oversight and review by the HEA and both my Department and the Department of Finance. The Government is anxious to work with the publicly funded higher education institutions in achieving necessary reductions in public expenditure within the sector as an essential part of overall budgetary strategy. The employment control framework aims to enable this while providing a greater flexibility around recruitment in the filling of posts, on the basis of achieving a minimum 6% reduction in the number of overall core staff by end of 2010 as compared with the numbers in place at 31 December 2008. It is a matter for the individual higher education institutions to manage their staffing resources in the context of implementing the framework.

### **School Closures**

517. **Deputy Dan Neville** asked the Tánaiste and Minister for Education and Skills the position regarding a school (details supplied) in County Limerick; and if she will make a statement on the matter. [20073/10]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** Officials in my Department have had a series of meetings with the Trustees of the school to which the Deputy refers. The Trustees expressed some concern about the future of the school and it is my understanding that they are considering a number of options in this regard. The Department understands that the Trustees have met with the Board of Management, staff and representatives of parents from the school to inform them of their concerns on its viability. When the Trustees have formally notified the Department of their intentions in relation to the future of the school, the matter will be considered further.

#### **Departmental Schemes.**

518. **Deputy Ruairí Quinn** asked the Tánaiste and Minister for Education and Skills the reason 19 fee-paying schools will receive €1 million from her Department's summer works scheme; if her attention has been drawn to the fact that these schools have substantial private income which is paid for better facilities; if she will restore a level of equity and fairness into the education system by restricting fee-paying schools access to the summer works scheme; and if she will make a statement on the matter. [20074/10]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** All schools with permanent recognition from my Department and in non-rented accommodation were eligible to apply to my Department for funding under the Summer Works Scheme for 2010. In my announcement of 19 April last, 1490 successful applicants under the scheme were announced. This included 19 fee-charging schools. This represents less than 1.3% of the total number of successful applicants. The Circular governing the operation of the scheme sets out in order of priority the nature of the works which are eligible for grant assistance under the scheme in order to ensure that works of most urgent need receive priority in the awarding of funding under the scheme.

519. **Deputy Ruairí Quinn** asked the Tánaiste and Minister for Education and Skills the number of schools that have applied for funding for water conservation measures under her Department's summer works scheme; the number of these schools that will receive funding for water conservation measures; the number that were rejected; and if she will make a statement on the matter. [20075/10]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** As the Deputy will be aware, schools were invited to apply for funding for water conservation measures as part of the Summer Works Scheme for 2010. Some 2,300 applications, in total, were received under the Scheme. I announced details of the 1,490 successful applicants under the mainstream Summer Works Scheme on 19 April last. It is intended that the applications for water conservation measures aspect of the Scheme will be processed separately and I hope to announce details of the successful applicants for those measures later this year.

#### **Departmental Staff**

520. **Deputy Róisín Shortall** asked the Tánaiste and Minister for Education and Skills the reason for the delay in issuing a person (details supplied) in Dublin 11 with an income levy certificate; if she will ensure that this documentation will be forwarded. [20080/10]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** My officials are currently making arrangements for the issue of more than 100,000 income levy certificates to teaching and non-teaching staff — both serving and retired who are paid through my Depart-

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ment's centralised payroll system. I understand that the certificates are issuing on a phased basis over the next week.

### Higher Education Grants

521. **Deputy Ulick Burke** asked the Tánaiste and Minister for Education and Skills if she will clarify the position in which students who had applied for a higher education maintenance grant who already have a primary degree and higher diploma in education and want to progress to further studies by undertaking a careers guidance diploma and have been informed by their local authority that they are not eligible for a grant in view of the fact that these two courses are classified at the same level while the National Qualifications Authority's opinion differs; and if she will make a statement on the matter. [20124/10]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** Financial assistance is available to students under the maintenance grant schemes, which are administered by the local authorities and Vocational Education Committees on behalf of my Department. Students who are entering approved courses for the first time are eligible for grants where they satisfy the relevant conditions as to age, residence, means, nationality and previous academic attainment. Under the terms of the Higher Education Grant Scheme a student is not eligible for grant assistance in respect of a second period of study at the same level, irrespective of whether or not a grant was paid previously. However, financial assistance is available to eligible candidates who already hold a postgraduate qualification and who wish to enter a further postgraduate course, at a higher level, which represents progression from the level at which the first qualification was attained. The progression route at postgraduate level, for grant purposes, is as follows: Higher Diploma/Postgraduate Diploma ? Masters ? PhD/Doctorate. Candidates who hold a diploma qualification and are pursuing a second diploma qualification cannot be considered for funding.

### An Ghaeilge san Ardteist

522. D'fhiafraigh **Deputy Dinny McGinley** den Tánaiste agus Aire Oideachais agus Scileanna cad é ainm agus seoladh gach meánscoile sa tír a bhfuil níos mó ná deich ndalta inti ag fáil díolúine ó staidéar na Gaeilge d'ardteist na bliana seo de bharr go bhfuil fadhb fhoghlama acu, agus an líon i ngach scoil a fuair díolúine. [20141/10]

523. D'fhiafraigh **Deputy Dinny McGinley** den Tánaiste agus Aire Oideachais agus Scileanna cá mhéad dalta a bhfuil díolúine ó staidéar na Gaeilge acu d'ardteist na bliana seo de bharr fadhb fhoghlama a bheith acu agus a fuair teastas ó shíceolaí príobháideach le cuidiú lena ndíolúine. [20142/10]

524. D'fhiafraigh **Deputy Dinny McGinley** den Tánaiste agus Aire Oideachais agus Scileanna cá mhéad dalta sa tír a bhfuil fáil acu ar dhíolúine ó staidéar na Gaeilge d'ardteist na bliana seo de bharr faidhbe foghlama agus atá ag tabhairt faoi theanga eile Eorpach san ardteist agus cá mhéad acu seo a fuair teastas ó shíceolaí príobháideach le cuidiú lena ndíolúine. [20143/10]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** Tá fúm ceisteanna 522, 523 and 524 a thógáil le chéile.

Deonaítear díolúintíó staidéar na Gaeilge mar ábhar de réir forálacha Chiorclán M10/94, do mhic léinn mar seo a leanas:

- mic léinn a fuair a gcuid bunoidreachais i dTuaisceart Éireann nó lasmuigh d'Éirinn suas go dtí aois a 11 bhliain
- mic léinn a bhí ar an rolla cheana mar mhic léinn aitheanta agus atáá gcur ar ais ar an rolla tar éis tréimhse a chaitheamh thar lear, ar chuntar go bhfuil 3 bliana ar a laghad caite ó bhí siad ar an rolla cheana sa Stát agus go bhfuil siad 11 bhliain d'aois ar a laghad ar athrollú dóibh, agus
- catagóiríairithe mac léinn a bhfuil míchumas foghlama orthu.

Déabhlóideann an scéim an chinnteoireacht ar údaráis scoile agus éilítear orthusan oibriú go docht laistigh de na critéir.

I bhfianaise líon na scoileanna sa chás, ní féidir a chur ar fáil don Teachta, mar a thuigfidh sé gan dabht, liosta scoileanna aonair ina bhfuil deichniúr nó os a chionn sin de mhic léinn Ardteistiméireachta a bhfuil díolúine ón nGaeilge acu ar fhoras míchumais foghlama, mar go bhféadfadh sonraí dá leithéid daoine aonair a shainithint, nó bheith ina gcúis le comparáidí staitistiúla idir na scoileanna seo gan coigeartú a bheith déanta do shaintréithe ábhartha eile na mac léinn atá ar an rolla insna scoileanna seo nó dá dtorthaí foghlama. Bailítear na sonraí faoi dhíolúintíon nGaeilge atá coimeáda ag mo Roinnse trí thuiriscí Bhunachar Sonraí na nIarbhunscoileanna a dhéanann na scoileanna gach Deireadh Fómhair.

I gcás mac léinn dár dheonaigh an scoil díolúine ón nGaeilge de bharr míchumais foghlama ní chuimsíonn na tuairiscí a dhéanann na scoileanna chuig mo Roinnse sonraí faoi aon siceolaí a fruiliódh chun tacú le hiarratas an mhic léinn. Dá bhrí sin ní féidir a shainithint ó na sonraí atá ar fáil do mo Roinnse cé hiad na hiarratasóirí a fuair teastas ó shiceolaí príobháideach chun tacú lena n-iarratais ar dhíolúine. Agus na sonraí seo á mbailiú, is iad na teangacha dá dtagraítear mar theangacha nua-aimseartha ná an Fhraincis, an Spáinnis, an Ghearmáinis agus an Iodáilis. Is ceart a nótáil go dtaifeadann na sonraí an líon mac léinn atá ag staidéar gach aon teanga nua-aimseartha ar leith ach nach dtaifeadann siad líon na mac léinn a bhfuil teanga nua-aimseartha amháin ar a laghad á staidéar acu. Baineann na sonraí seo a leanas le mic léinn a rollaíodh i mbliain deiridh na hArdteistiméireachta Bunaithe, na hArdteistiméireachta Feidhmithí agus Ghairmchlár na hArdteistiméireachta don scoilbhliain 2009/10. Tá 39 n-iarbhunscoil ann ina bhfuil deichniúr nó os a chionn sin de mhic léinn rollaithe ar na cláir Ardteistiméireachta a bhfuil díolúine ón nGaeilge acu ar fhoras míchumais foghlama.

Insna 39 n-iarbhunscoil seo tá iomlán de 543 mhac léinn rollaithe ar na cláir Ardteistiméireachta a bhfuil díolúine ón nGaeilge acu ar fhoras míchumais foghlama. Insna hiarbhunscoileanna ar fad tá 1,326 mhac léinn atá rollaithe ar na cláir Ardteistiméireachta, a bhfuil díolúine ón nGaeilge acu ar fhoras míchumais foghlama, agus atá rollaithe chomh maith do theanga nua-aimseartha Eorpach.

### Schools Building Projects

525. **Deputy Fergus O'Dowd** asked the Tánaiste and Minister for Education and Skills if she will provide a new post leaving certificate college in Drogheda, County Louth as recommended by County Louth Vocational Education Committee; and if she will make a statement on the matter. [20147/10]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** My Department has recently received correspondence from County Louth VEC in relation to the provision of a new post-leaving certificate college building in Drogheda. This proposal is currently under consideration in my Department as part of the overall approach to the provision of education infrastructure in Drogheda.

### Special Educational Needs

526. **Deputy Brian Hayes** asked the Tánaiste and Minister for Education and Skills the final outcome of the National Council for Special Education review of special needs assistant positions in primary and secondary schools; if she will provide an update of figures released by the NCSE on 31 March 2010 relating to the withdrawal of SNA positions in schools; and if she will make a statement on the matter. [20175/10]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** The Deputy will be aware that the National Council for Special Education (NCSE) has published its report on the Review of Special Needs Assistant (SNA) Allocation to Schools April 2009 — March 2010 on its website [www.ncse.ie](http://www.ncse.ie). A small number of schools remain to be reviewed and the NCSE has indicated that these will be reviewed by the end of the current academic year. A final breakdown of the outcome of the review will be made available when all schools have been reviewed.

I wish to confirm for the Deputy that my Department is very supportive of the SNA scheme. It has been a key factor in both ensuring the successful integration of children with special educational needs into mainstream education and providing support to pupils enrolled in special schools and special classes. The SNA scheme will continue to be supported and the NCSE will continue to support schools, parents, children and teachers and resources will continue to be allocated to schools to meet children's needs in line with my Department's policy.

527. **Deputy Brian Hayes** asked the Tánaiste and Minister for Education and Skills the number of appeals received by the National Council for Special Education to date regarding the withdrawal of special needs assistant positions from schools; the number of appeals processed to date; if any appeals have been upheld; and if she will make a statement on the matter. [20176/10]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** As the Deputy will be aware, the National Council for Special Education (NCSE) is responsible, through its network of local Special Educational Needs Organisers (SENOS), for allocating resource teachers and Special Needs Assistants (SNAs) to schools to support children with special educational needs. The NCSE operates within my Department's criteria in allocating such support.

The Deputy will also be aware that the NCSE has introduced an appeals process whereby schools and parents, where appropriate, may seek to appeal the decision of a SENO in relation to the allocation of resources. Information regarding the appeals process is available on the NCSE's website at [www.ncse.ie](http://www.ncse.ie). The NCSE administers this appeals process without recourse to my Department. The information requested by the Deputy is therefore not available within my Department. I have arranged for the details supplied by the Deputy to be forwarded to the NCSE for their attention and direct reply.

### Pupil-Teacher Ratio

528. **Deputy Brian Hayes** asked the Tánaiste and Minister for Education and Skills the number of children in classes of thirty or more on a county basis; and if she will make a statement on the matter. [20177/10]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** The Statistics section of my Department's website contains class size data at individual school level for the 2008/2009 school year. The information includes the number of pupils in each class size range

in each primary school. The details for the current school year (2009/2010) are currently being compiled by my Department and the final outcome will be available later in the year.

### **Departmental Expenditure**

529. **Deputy Brian Hayes** asked the Tánaiste and Minister for Education and Skills the budgetary impact on her Department arising from the recent transfer of functions between Departments; and if she will make a statement on the matter. [20178/10]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** The budgetary details to be incorporated into the 2010 Amended Revised Estimates are being finalised at present with a view to them being placed before the house shortly.

530. **Deputy Brian Hayes** asked the Tánaiste and Minister for Education and Skills the amount spent by her Department on buying out existing prefab rental contracts to date; the duration of each contract involved; when the contracts were originally agreed and the projected cost of buying out further rental contracts in 2010; and if she will make a statement on the matter. [20179/10]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** To date my Department has spent €2.5m on buying out rental contracts for prefabs. The oldest rental contract purchased to date is 1995 with the most recent being 2008.

As the Deputy is aware, the review of policies and procedures for the provision of temporary classroom accommodation is well underway.

The review incorporates the development of standard specifications for temporary accommodation, the development of new contractual terms to incorporate buy-out and relocation options to cater for individual local circumstances and appropriately protect the interests of the Department and school authorities. Another strand of the review is negotiations with prefab suppliers to buy out existing rental contracts or reductions in annual rent, as appropriate. An initial group of 46 schools with rented prefabricated accommodation has been identified for priority negotiations with suppliers to buy out existing rental contracts.

The focus of this review is the development and adoption of practical measures and policies to achieve best value for money in the area of temporary accommodation in schools. The selection criteria for buy-out options have identified schools where lengthy rental contracts exist. However value for money is not achieved with this approach alone. Schools have been identified for buy-out of prefabs where newer rental contracts exist in circumstances where the least value for money is evident. Negotiations are on-going with a number of prefab suppliers and as soon as these negotiations are completed additional rental contracts will be bought out during 2010.

### **Child Protection**

531. **Deputy Brian Hayes** asked the Tánaiste and Minister for Education and Skills the number of schools that have received updated child protection guidelines from her Department to date; if updated internal guidelines have been circulated to Departmental staff; and if she will make a statement on the matter. [20180/10]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** My Department has issued child protection guidelines and procedures to all schools. The guidelines are based on Children First — the Department of Health & Children's national guidelines for the protection and welfare of children. The Children First guidelines make very clear the reporting and

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investigation mechanisms to be followed in cases of suspected child abuse wherever they occur, and the lead role of the HSE.

The guidelines for schools require each board of management to designate a senior member of staff, normally the principal, as the Designated Liaison Person (DLP) for the school. The DLP acts as a liaison person with the health authorities and other agencies on child protection issues and as a resource person to any staff member who has concerns in this regard.

In anticipation of the review and recent updating of Children First, my Department wrote to all the education partners last Autumn inviting submissions from them on potential changes that might be desirable to the Department's existing child protection guidelines to schools. The education partners were also invited to participate in a working party to review the guidelines and the working party commenced its work last December. A series of meetings with the partners have since taken place and good progress has been made.

In February 2007, the Department issued revised internal guidelines and procedures which have been circulated to all persons employed by the Department. The guidelines were based on Children First. The purpose of these procedures is to provide direction and guidance to staff in dealing with any allegations or complaints of abuse which are made to the Department. These guidelines will also be updated later this year, taking account of both the revised Children First and the child protection guidelines for schools.

### **Third Level Places**

532. **Deputy Brian Hayes** asked the Tánaiste and Minister for Education and Skills the number of the 2,500 undergraduate and post-graduate part-time places offered to unemployed people from September 2009 that were filled; the number of applications in total that were received for these places; and if she will make a statement on the matter. [20181/10]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** Some 2,500 places were made available for unemployed people on part-time undergraduate and postgraduate courses from September 2009 on courses that support the goals of the 'Smart Economy' and particularly those relating to the specific skills needs of exporting sectors identified by the Expert Group on Future Skills Needs.

It is estimated that in excess of 3,000 applications were received for places under the scheme, almost 2,100 offers were made and more than 1,750 places were filled. A preliminary analysis by the HEA of information received to date from participating institutions shows that the majority of students are male and aged between 26 and 40 with previous qualifications at NQF 6 or above. Some 50% of participants were previously employed in the engineering, manufacturing or construction sectors. Over 70% were between 6-12 months on the live register and 55% indicated that their motivation for undertaking the programme was to enhance their career prospects.

### **Special Educational Needs**

533. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Education and Skills the full extent of support services available to a person (details supplied) in County Kildare; and if she will make a statement on the matter. [20320/10]

534. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Education and Skills if a special needs assistant will be arranged in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [20322/10]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** I propose to take Questions Nos. 533 and 534 together.

The Deputy will be aware of the Government's commitment to ensuring that all children with special educational needs, including those with autism, can have access to an education appropriate to their needs preferably in school settings through the primary and post primary school network and a school placement is available for the child in question.

Such placements facilitate access to individualised education programmes which may draw from a range of appropriate educational interventions, fully qualified professional teachers, special needs assistants and the appropriate school curriculum.

My Department has put in place a training programme for teachers in autism-specific interventions including Treatment and Education of Autistic Communication Handicapped Children (TEACCH), Picture Exchange Communications System (PECS) and Applied Behaviour Analysis (ABA) through the Special Education Support Service (SESS). The SESS facilitates a partnership approach involving support teams of practising teachers, Education Centres, the Inspectorate, the National Educational Psychological Service, the National Council for Curriculum and Assessment, the National Council for Special Education, Third Level Colleges, Health Board Personnel, Teacher Unions and other relevant bodies and services.

The Deputy will also be aware that the National Council for Special Education (NCSE) is responsible, through its network of local Special Educational Needs Organisers (SENO) for allocating resource teachers and special needs assistants to schools to support students with autism. The SENOs will also consider applications from schools to establish special classes for students with autism.

Another function of the NCSE is to disseminate to schools and parents, and such other persons as the NCSE considers appropriate, information relating to best practice concerning the education of children with special educational needs. All schools have the names and contact details of their local SENOs. Parents may also contact their local SENOs directly to discuss their child's special educational needs, using the contact details available on [www.ncse.ie](http://www.ncse.ie)

The establishment of a network of autism-specific special classes in schools across the country to cater for children with autism has been a key educational priority in recent years. In excess of 380 classes have now been approved around the country, including over 40 at post-primary level.

*Question No. 535 answered with Question No. 500.*

### **Pupil-Teacher Ratio**

536. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Education and Skills if her attention has been drawn to the high pupil/teacher ratio at a school (details supplied) in County Kildare; if additional funding will be made for the provision of extra classrooms, permanent accommodation and facilities; her plans to address this issue; and if she will make a statement on the matter. [20346/10]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** I can confirm to the Deputy that the school to which he refers has applied to my Department for additional accommodation to meet their anticipated need in September 2010.

The application is currently being assessed in my Department. A decision will issue to the school in question once the assessment of its application has been completed. In relation to staffing the primary staffing schedule is currently structured to ensure that, on average, 1 teacher is allocated to primary schools for every 28 pupils — every 27 pupils in the case of

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medium to larger schools. While the staffing schedule allocates on the basis of an average number of pupils each individual school decides on how to arrange its classes.

In relation to the pupil teacher ratio the overall position is that my Department publishes extensive statistical information on its website including figures in respect of pupil teacher ratios. The most recently published figures relate to the 2008/2009 school year and show that the pupil teacher ratio at national level was an average of 1 teacher for every 15.9 pupils at primary level.

The corresponding figures for the 2004-2005 school year was a PTR of 17.1 for primary level and 13.4 for post primary level. Work is well advanced on the statistics for the current school year and it is planned to publish the results in September. The preliminary indications are that the pupil teacher ratio in the current school year will be broadly in line with previous years.

### School Enrolments

537. **Deputy Michael Noonan** asked the Tánaiste and Minister for Education and Skills if she will review the common application and entry scheme to post primary schools in Limerick city; if her attention has been drawn to the fact that the present system discriminates against some children; and if she will make a statement on the matter. [20374/10]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** The question of enrolment in individual schools is the responsibility of the managerial authority of those schools. My Department's main responsibility is to ensure that schools in an area can, between them, cater for all pupils seeking places. This may result, however, in some pupils not obtaining a place in the school of their first choice. The Deputy will be aware that a Common Application System (CAS) was agreed between the principals of the post-primary schools in Limerick City. This system has been facilitated through the Limerick Education Centre (LEC) with support from my Department. Whilst this administrative system ensures that a co-ordinated approach can be taken to enrolments in the area, each school authority, in accordance with the Education Act, 1998, retains autonomy in relation to its own enrolment policy.

A Board of Management may find it necessary to restrict enrolment to children from a particular area or a particular age group or, occasionally, on the basis of some other criterion. The criteria to be applied by schools in such circumstances are a matter for the schools themselves. This selection process and the enrolment policy on which it is based must be non-discriminatory and must be applied fairly in respect of all applicants.

Any review of the CAS would require consultation with the relevant stakeholders involved. My Department, at local level, also maintains contact with the relevant stakeholders, including, where necessary, discussing any issues that arise in relation to its operation.

### Schools Refurbishment

538. **Deputy Seán Sherlock** asked the Tánaiste and Minister for Education and Skills if he has received an appeal in respect of the summer works scheme from a school (details supplied) in County Cork; and if she will make a statement on the matter. [20401/10]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** I can confirm that my Department has received an appeal from the school to which the Deputy refers in respect of their Summer Works Scheme application.

The appeal is currently under consideration and a decision will issue in due course to the school authority.

### School Accommodation

539. **Deputy Emmet Stagg** asked the Tánaiste and Minister for Education and Skills if her attention has been drawn to the accommodation situation at a school (details supplied) in County Kildare with no places for a substantial number of pupils next September; and if she will sanction funding for the provision of four new permanent classrooms at the school. [20424/10]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** I can confirm to the Deputy that the school to which he refers has applied to my Department for additional accommodation to meet their anticipated need in September 2010.

The application is currently being assessed in my Department. A decision will issue to the school in question once the assessment of its application has been completed.

### European Council Meetings

540. **Deputy Lucinda Creighton** asked the Tánaiste and Minister for Education and Skills further to Parliamentary Question No. 396 of 11 May 2010, the number of the seven meetings referred to that were attended by her and the number attended by a Junior Minister; the dates of all ten meetings; the name of the Minister or Junior Minister in each case; and if she will make a statement on the matter. [20445/10]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** The dates of all 10 EU Education Council meetings held in the past three years are as follows:

- 11th May 2010;
- 15th February 2010;
- 26th November 2009;
- 12th May 2009;
- 16th February 2009;
- 21st November 2008;
- 22nd May 2008;
- 14th February 2008;
- 15th November 2007;
- 25th May 2007.

Five of the seven meetings involving ministerial attendance were attended by the Minister for Education and Science and two by the Minister of State at the Department of Education and Science. The minister or minister of state who attended in the case of each of these seven meetings was as follows:

- 26th November 2009: Minister for Education & Science, Batt O’Keeffe, T.D.;
- 12th May 2009: Minister for Education & Science, Batt O’Keeffe, T.D.;
- 16th February 2009: Minister for Education & Science, Batt O’Keeffe T.D.;
- 21st November 2008: Minister of State at the Department of Education & Science, Séan Haughey T.D.;
- 22nd May 2008: Minister for Education & Science, Batt O’Keeffe T.D.;

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14th February 2008: Minister of State at the Department of Education & Science, Séan Haughey T.D.;

15th November 2007: Minister for Education & Science, Mary Hanafin T.D.

### School Enrolments

541. **Deputy Aengus Ó Snodaigh** asked the Tánaiste and Minister for Education and Skills further to Parliamentary Question No. 390 of 11 May 2010, if Dublin South Central and Dublin South East are among the more than 40 locations identified as being in greatest demographical need of additional primary provision; the outcome of their consideration as part of the detailed study referred to; and if a new multi denomination school for the area will be delivered for 2011. [20446/10]

542. **Deputy Aengus Ó Snodaigh** asked the Tánaiste and Minister for Education and Skills further to Parliamentary Question No. 390 of 11 May 2010, if she will direct the forward planning section of her Department to consider not only demographic change but also parental preferences regarding the type of schooling required, such as multi denominational and gaelscoileanna. [20447/10]

543. **Deputy Aengus Ó Snodaigh** asked the Tánaiste and Minister for Education and Skills further to Parliamentary Question No. 390 of 11 May 2010, if she will name the more than 40 identified locations to which she referred. [20448/10]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** I propose to take Questions Nos. 541 to 543, inclusive, together.

The Forward Planning Section of my Department has carried out a study of the country to identify the areas where, due to demographic changes, there may be a requirement for significant additional school provision at both primary and post-primary levels over the coming years. This study has been conducted using data from the Central Statistics Office, the General Register Office and the Department of Social & Family Affairs with reference to recent schools' enrolment data. The study indicates that the requirement for additional primary provision in years 2010, 2011 and 2012 is likely to be greatest in more than 40 identified locations across the country based on significant changes to the demographics of those areas.

Forward Planning Section is in the process of carrying out detailed analysis and reports for each of these locations in order to identify the school accommodation requirements for each area up to and including the school year 2014/2015. School accommodation requirements within the area referred have been considered as part of this detailed study of the identified areas. The progression of all large scale building projects arising from Forward Planning Section's analysis of accommodation needs will be considered in the context of my Department's multi-annual School Building and Modernisation Programme.

As the Deputy will be aware, a review of the procedures for the establishment of new primary schools is currently being undertaken by the Commission on School Accommodation. A Technical Working Group, under the direction of the Chairman of the Commission, was established for this purpose. This group has almost completed its work and it is expected that it will make recommendations to me shortly. Among the many issues being considered by the Technical Working Group is the issue of how best to measure or gauge the views of parents in relation to diversity of school provision in a locality.

I attach for the Deputy a list of the initial areas identified for detailed analysis.

Location	
Carlow	Carlow
Cavan	Cavan
Clare	Ennis
Cork	Carrigaline Cork City Fermoy Mallow Midleton/ Carrigtwohill
Donegal	Letterkenny
Dublin	Areas within Dublin 7 region Areas within Dublin 15 region Areas within Dublin 24 region Balbriggan Ballinteer Clondalkin Areas within Finglas/Ballymun region Lucan Areas within Marino/Clontarf region (Parts of Dublin 1, 3, 5) Mulhuddart region Newcastle/Rathcoole Rush & Lusk Sandymount/ Ringsend Swords
Galway	Athenry Galway City
Kildare	Celbridge Naas Newbridge Prosperous/Clane
Kilkenny	Kilkenny
Laois	Portarlinton Portlaoise
Limerick	Limerick City
Louth	Drogheda Dundalk
Meath	Ashbourne Navan Trim
Westmeath	Athlone Mullingar
Wexford	Enniscorthy
Wicklow	Wicklow

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### **Post-Leaving Certificate Courses.**

544. **Deputy Mary Upton** asked the Tánaiste and Minister for Education and Skills the reasons a college of further education (details supplied) in Dublin 18 is not recognised as being accredited to deliver courses to Higher Certificate Level Six and Honours Degree Level Eight, even though the awards currently granted by the college are from Edexcel in the UK; if her attention has been drawn to the fact that the college has already met the quality assurance requirements of Higher Education and Training Awards Council, Dublin Institute of Technology, Dublin City University and Dundee University, Scotland and that the college is recognised as delivering innovative courses which have contributed to the recent success in the Oscars; and if she will make a statement on the matter. [20458/10]

**Minister of State at the Department of Education and Skills (Deputy Seán Haughey):** The College referred to by the Deputy is operated by City of Dublin Vocational Education Committee (CDVEC) and funded by my Department under the Post-Leaving Certificate (PLC) Scheme as an approved PLC centre. Under the terms and conditions of the PLC Scheme, courses provided by approved PLC centres must be at FETAC Level 5 or 6 or equivalent.

In respect of this approved PLC centre, my Department has facilitated the running of a course which is accredited by Dundee University as the equivalent of a Level 8 award on the National Framework of Qualifications (Honours Bachelor Degree/Higher Diploma) for the last number of years and continues to do so as an exceptional measure.

It is open to this PLC centre to offer courses certified by other awarding bodies but these courses will not be funded by my Department unless they fulfil the terms and conditions of the PLC scheme.

### **School Staffing**

545. **Deputy Ruairí Quinn** asked the Tánaiste and Minister for Education and Skills if she will review the number of concessionary hours awarded to a school (details supplied) in County Dublin to ensure that it will have enough hours to provide physical education, art and French classes; and if she will make a statement on the matter. [20543/10]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** Teacher allocations to all second-level schools are approved annually by my Department in accordance with established rules based on recognised pupil enrolment. In accordance with these rules each school is required to organise its subject options within the limit of its approved teacher allocation. The deployment of teaching staff, the range of subjects offered and ultimately the quality of teaching and learning are in the first instance a matter for the Board of Management of the school.

In accordance with existing arrangements, where a school management authority is unable to meet its curricular commitments within its approved allocation, my Department considers applications for additional short term support i.e. curricular concessions. This concession is available as a short term support to enable essential curricular provision to continue. An application for curricular concessions was received from the school in question and an additional allocation of 1.27 whole-time equivalent teacher posts was granted.

The allocation processes also include appellate mechanisms under which schools can appeal against their allocation of teachers. The school in question has availed of this appeals mechan-

ism and will be notified of the outcome shortly. The Appeals Board operates independently of my Department.

### **Maoiniú Gaelscoileanna**

546. D'fhiafraigh **Deputy Trevor Sargent** den Tánaiste agus Aire Oideachais agus Scileanna an ndéanfaidh sí soiléiriú ar na critéir a úsáideadh sa chinneadh faoi Ghaelscoileanna nua do 2010, an ndéanfaidh sí athbhreithniú ar an gcinneadh gan aon Ghaelscoil nua a oscailt in 2010 agus an dtabharfaidh sí soiléiriú ar staid reatha na 7 n-iarratas ó choistí bunaithe a bhí le hoscailt in 2010 agus an t-iarratas ó choiste bunaithe Ghaelcholáiste Ghlór na Mara i mBaile Brigín i gContae Bhaile Átha Cliath a bhfuil beagnach 400 dalta ag iarraidh áite inti cheana féin. [20551/10]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** Ó 2008 i leith, tá sé ina pholasáí gan scoileanna nua a bhunú ach áit a n-éilíonn an deimeagrafaic go mbunófaí scoileanna breise, go dtí go gcríochnófar obair bhreise áirithe atá idir lámha ag an gCoimisiún um Chóiríocht Scoile.

Tá an Coimisiún um Chóiríocht Scoileanna chun tuairisc a chur faoi mo bhráid go gairid maidir leis an athbhreithniú ar na nósanna imeachta do bhunscoileanna a bhunú. I measc na gceisteanna atá faoi chaibidil mar chuid den athbhreithniú tá tábhacht na Gaeilge, ceist na héagsúlachta agus an chaoi ina bhfuil an Ghaeilge ina bealach chun éagsúlacht a chur ar fáil. Tar éis don tuairisc a bheith ullmhaithe beidh orm ceisteanna polasaí agus socrúithe riachtana-cha a bhreithniú agus a chinneadh céard iad na nósanna imeachta úra a bheidh le cur ar bun. Breithneofar sa chomhthéacs seo caomhnú agus cur chun cinn na Gaeilge trí Ghaelscoileanna a bhunú. Is féidir liom a dheimhniú don Teachta go bhfuil ról maighdeogach le himirt ag an mbunscolaíocht i gcaomhnú agus i leathnú na céad teanga oifigiúla. Bhí cur chun cinn na Gaeilge ina haidhm mhór ariamh ag Rialtais na hÉireann i ndiaidh a chéile agus cosnaíodh i gcónaí a hionad sa chóras oideachais. Comhartha air seo an chaoi inar aithníodh líon suntasach Gaelscoileanna nua le blianta beaga anuas — 17 ar fad ó 2005 i leith.

Tá staidéar ar an dtír déanta ag Rannóg Pleanála Chun Cinn mo Roinnse chun a fháil amach céard iad na ceantair ina bhféadfadh gá a bheith le cuid mhaith cóiríocht breise de bharr athruithe deimeagrafacha insna blianta amach romhainn. I ndiaidh na mionanailíse seo ba léir gur den chríonnacht é pleanáil chun scoileanna nua a bhunú a thosnódh ag obair i Meán Fómhair 2010 chun freastal ar an éileamh méadaitheach i gceantair shainaitheanta áirithe. Rinneadh pléanna mionsonraithe i rith 2009 leis na pátrúin go léir maidir leis na ceantair a bhí faoi chaibidil. Maidir leis an gcuid is mó de na ceantair seo ba é tuairim ghluaiseacht na nGaelscoileanna nár leor an t-éileamh breise ar sholáthar trí Ghaeilge chun bunú Gaelscoile nua a bharántú.

Rinneadh iarratas sainiúil ar Ghaelscoil nua a bhunú i Ráth Tó, Co na Mí. Ach tar éis anailíse mionsonraithe ar an méadú ar líon na ndaltaí i Meán Fómhair i mbliana agus ar chumas na scoileanna atá ann cheana, ba léir nár ghá scoil nua a bhunú chun riar ar an bhfás deimeagrafach. Bhí mo Roinnse deimhin de gur féidir leis na scoileanna atá ann riar ar an méadú réamheasta deimeagrafach i Meán Fómhair 2010. Athbhreithneofar an cás seo roimh Meán Fómhair 2011 i bhfianaise na riachtanas agus na bpléanna leis na comhlachtaí pátrúnachta.

Leanfaidh an Rannóg Pleanála Chun Cinn uirthi leis an obair ag ullmhú tuairiscí mar bheart tosaíochta don chuid eile den tír. Mar chuid den phróiseas seo, déanfar anailís ar na riachtanais oideachasúla insna seacht gceantar a bhfuil iarratais faighte ar Ghaelscoileanna a bhunú iontu. Machnófar ina leith seo chomh maith na riachtanais fhoriomlána le cóiríocht scoile i gContae

[Deputy Mary Coughlan.]

Áth Cliath Thuaidh, san áireamh an cás i bhfabhar iarbhunscoil nua lán-Ghaelach a sholáthar i mBaile Brigín.

### School Curriculum

547. **Deputy Denis Naughten** asked the Tánaiste and Minister for Education and Skills if she will facilitate the inclusion of dance as part of the junior and leaving certificate syllabuses; and if she will make a statement on the matter. [20555/10]

551. **Deputy Denis Naughten** asked the Tánaiste and Minister for Education and Skills if she will facilitate the inclusion of dance as part of the junior and leaving certificate syllabuses; and if she will make a statement on the matter. [20563/10]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** I propose to take Questions Nos. 547 and 551 together.

At primary level, Physical Education is one of seven curriculum areas within the revised Primary School Curriculum which was introduced in 1999. A minimum of one hour of physical education per week is recommended for all primary school pupils. The curriculum has been structured so as to allow individual schools a high degree of flexibility and choice in the planning of a broad and balanced Physical Education programme for pupils, and includes six broad strands featuring Athletics, Dance, Gymnastics, Games, Outdoor and adventure activities and Aquatics.

In accordance with the Rules and Programme for Secondary Schools, all second level schools should provide Physical Education as part of the curriculum. The programme that each school plans and delivers should be based on my Department's approved syllabuses and the teaching hours should be registered on the school timetable.

A revised Physical Education programme in Physical Education as a non examination subject was introduced on a phased basis in 2003. The programme includes adventure activities, aquatics, athletics, dance, invasion games, net and fielding games, gymnastics and health related activity. In senior cycle, the physical education programme includes dance among the options which can be taken. It should also be noted that some 50% of the student cohort now takes the Transition Year Programme where planning and performing in a school musical, many of which include dance, is a popular option offered in schools.

In addition, students may choose Dance as one of the courses available within the Arts component of the Leaving Certificate Applied programme (LCA). The LCA is taken by some 7% of the student cohort and a maximum of 4 credits from a total of 200 credits in the assessment of the LCA is available for the Dance component. The LCA does not provide for direct entry into higher education, but students may progress to Post Leaving Certificate courses and from there to higher education.

My Department is faced with an extensive range of competing needs for investment in education, ranging from addressing educational disadvantage, inclusion of pupils with special needs and newcomer students, meeting the demands of a growing population, strengthening the mathematical, science, and technology aspects of provision, enhancing the professional development of teachers, investing in research and development and promoting second chance learning. Within that context, investment in mainstreaming of dance education as an option within Art in the established Leaving Certificate is not a priority at the current time.

### Schools Building Projects

548. **Deputy Denis Naughten** asked the Tánaiste and Minister for Education and Skills the position regarding a primary school building for a school (details supplied) in County Roscommon; and if she will make a statement on the matter. [20556/10]

552. **Deputy Denis Naughten** asked the Tánaiste and Minister for Education and Skills the position regarding a primary school building for a school (details supplied) in County Roscommon; and if she will make a statement on the matter. [20564/10]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** I propose to take Questions Nos. 548 and 552 together.

On 16 February last, details of large scale capital projects proceeding under my Department's Capital programme for 2010 were announced.

I am pleased to inform the Deputy that a project for the school to which he refers was included in that announcement for the appointment of a design team in the fourth quarter of this year. The school authority will be contacted at the appropriate time in relation to the steps to be taken to enable the design team appointment.

549. **Deputy Denis Naughten** asked the Tánaiste and Minister for Education and Skills the position regarding a primary school extension for a school (details supplied) in County Roscommon; and if she will make a statement on the matter. [20557/10]

553. **Deputy Denis Naughten** asked the Tánaiste and Minister for Education and Skills the position regarding a primary school extension for a school (details supplied) in County Roscommon; and if she will make a statement on the matter. [20565/10]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** I propose to take Questions Nos. 549 and 553 together.

I can confirm that the school to which the Deputy refers has made an application to my Department for large scale capital funding for an extension and refurbishment project. The application has been assessed in accordance with published prioritisation criteria for large scale projects and assigned a band 2 rating.

Information in respect of the current school building programme along with all assessed applications for major capital works, including the project referred to by the Deputy, are now available on the Department's website at *www.education.ie*.

The progression of all large scale building projects, including this project, from initial design stage through to construction will be considered in the context of the school building and modernisation programme. However, in view of the level of demand on the Department's capital budget, it is not possible to give an indicative timeframe for the progression the project at this time.

However, an application for additional school accommodation was received in the Department in February 2010 and I am pleased to inform the Deputy that the school was approved for a grant to build an additional mainstream classroom.

550. **Deputy Denis Naughten** asked the Tánaiste and Minister for Education and Skills the position regarding a new primary school building for a school (details supplied) in County Roscommon; and if she will make a statement on the matter. [20558/10]

554. **Deputy Denis Naughten** asked the Tánaiste and Minister for Education and Skills the position regarding a new primary school building for a school (details supplied) in County Roscommon; and if she will make a statement on the matter. [20566/10]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** I propose to take Questions Nos. 550 and 554 together.

I can confirm that the school to which the Deputy refers has made an application to my Department for large scale capital funding for a new school. The application has been assessed in accordance with published prioritisation criteria for large scale projects and assigned a band 2 rating.

Information in respect of the current school building programme along with all assessed applications for major capital works, including the project referred to by the Deputy, are now available on the Department's website at *www.education.ie*.

The progression of all large scale building projects, including this project, from initial design stage through to construction will be considered in the context of the school building and modernisation programme. However, in view of the level of demand on the Department's capital budget, it is not possible to give an indicative timeframe for the progression the project at this time.

*Question No. 551 answered with Question No. 547.*

*Question No. 552 answered with Question No. 548.*

*Question No. 553 answered with Question No. 549.*

*Question No. 554 answered with Question No. 550.*

### **Institutes of Technology**

555. **Deputy John Deasy** asked the Tánaiste and Minister for Education and Skills her plans to decide on the application to upgrade Waterford Institute of Technology to university status; and if she will make a statement on the matter. [20572/10]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** The position is that applications have been received from three higher education institutions for designation as Universities; Waterford Institute of Technology, Dublin Institute of Technology and Cork Institute of Technology.

The issue of university designation does not just affect the institutions and the regions from which applications have been received; it also impacts on the future structure of the higher education system throughout the country. The Government wants to build on our strengths and to provide an environment where all our higher education institutions can develop in a way that best serves the country as a whole as well as the regions where they are based.

A High Level Group is currently developing a new national strategy for higher education. That Group is critically examining the roles and relationships of higher education institutions so that the system can deliver the levels of efficiency, performance, innovation and growth that will optimise Ireland's 'smart' economic recovery and social development. The Strategy Group are expected to finalise their report before the summer and there are no plans to advance any of the current applications for university status before the Group completes its work.

### Schools Building Programme

556. **Deputy John Deasy** asked the Tánaiste and Minister for Education and Skills the funding provided to schools in Waterford City under the schools building programme in each of the past five years to 2009; the funding allocated under this programme in 2010 to schools in Waterford City; and if she will make a statement on the matter. [20573/10]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** The information requested by the Deputy on funding provided for major school building projects in Waterford City over the past 5 years is contained in the following tabular statement.

Expenditure in 2010 on schools in Waterford City will depend on progress on projects and the submission of the necessary certification to my Department in order to enable payment.

Currently a major project to provide two new schools and community facilities in Waterford City is at tender stage.

Expenditure on major school building projects in Waterford City 2005 to 2009

	€
2009 Expenditure	1,946,876
2008 Expenditure	4,121,559
2007 Expenditure	5,681,377
2006 Expenditure	5,125,373
2005 Expenditure	219,416

### Higher Education Grants

557. **Deputy John Deasy** asked the Tánaiste and Minister for Education and Skills the funding provided to students from Waterford city under the higher education grants scheme in each of the past five years to 2009; and if she will make a statement on the matter. [20574/10]

558. **Deputy John Deasy** asked the Tánaiste and Minister for Education and Skills the funding provided to students from Waterford city under the third level maintenance grant scheme for trainees in each of the past five years to 2009; and if she will make a statement on the matter. [20575/10]

559. **Deputy John Deasy** asked the Tánaiste and Minister for Education and Skills the funding provided to students from Waterford city under the vocational education committees' scholarship scheme in each of the past five years to 2009; and if she will make a statement on the matter. [20576/10]

560. **Deputy John Deasy** asked the Tánaiste and Minister for Education and Skills the funding provided to students from Waterford city under the maintenance grant scheme for students attending post leaving certificate courses in each of the past five years to 2009; and if she will make a statement on the matter. [20577/10]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** I propose to take Questions Nos. 557 to 560, inclusive, together.

The information requested by the Deputy in relation to the higher education grants scheme, the vocational education committees' scholarship scheme and the maintenance grant scheme for students attending post leaving certificate courses is outlined in the table below.

[Deputy Mary Coughlan.]

The position in relation to the third level maintenance grant scheme for trainees is not available in the format requested by the Deputy as the Department makes payment to the Institutes of Technology directly and would not have information in relation to the number of students under this scheme from the Waterford City area.

Waterford City VEC

Year	PLC Scheme	VEC Scheme
	€	€
2005	719,002.51	418,668.43
2006	724,498.63	642,469.71
2007	938,454.30	1,051,541.60
2008	1,022,995.47	1,050,802.76
2009	994,383.93	1,277,248.02

Waterford City Council

Year	HEG Scheme
	€
2005	789,610.34
2006	724,674.44
2007	1,380,950.31
2008	608,813.83
2009	1,351,974.41

### Special Educational Needs

561. **Deputy John Deasy** asked the Tánaiste and Minister for Education and Skills the number of special needs assistants employed in primary, special and post primary schools in Waterford City in each of the past five years to 2009; the number employed in primary, special and post primary schools in Waterford City; and if she will make a statement on the matter. [20578/10]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** The information requested by the Deputy on the number of special needs assistants employed in schools in Waterford city is not readily available in the requested format.

As the Deputy will be aware, the National Council for Special Education (NCSE) is responsible, through its network of local Special Educational Needs Organisers (SENO) for allocating resource teachers and special needs assistants to schools to support children with special educational needs. The NCSE operates within my Department's criteria in allocating such support.

The allocation for any school and any adjustments to that allocation depends on a number of factors such as the number of pupils with care/medical needs leaving, the number of new pupils, the changing needs of the pupils and any surplus identified. Furthermore, schools can make applications at any time with the result that the individual situation of any school can change and allocations are not static. The Deputy may wish to liaise directly with the NCSE in the context of his enquiry.

I want to take this opportunity to emphasise that children with special educational needs will continue to receive an education appropriate to their needs. The NCSE will continue to support schools, parents, children and teachers and resources will continue to be allocated to schools to meet children's needs in line with my Department's policy.

### Schools Building Projects

562. **Deputy John Deasy** asked the Tánaiste and Minister for Education and Skills the funding provided to primary and post-primary schools in Waterford city for maintenance and minor capital works in each of the past five years to 2009; the amount allocated for such work to schools in Waterford city in 2010; and if she will make a statement on the matter. [20579/10]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** The funding provided by my Department to primary and post-primary schools in Waterford city for maintenance and minor capital works since 2005 is detailed below:

Year	€m
2005	2.6
2006	2.8
2007	3.7
2008	2.1
2009	3.2
2010	0.3

In addition to the €0.3m already paid out in 2010, an additional €2.3m has been allocated to date in 2010 to schools in Waterford City for maintenance and minor capital works projects.

### Psychological Service

563. **Deputy Willie Penrose** asked the Tánaiste and Minister for Education and Skills if she will take immediate steps to have a detailed psychological assessment carried out in respect of a person (details supplied) in County Westmeath; and if she will make a statement on the matter. [20750/10]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** As the Deputy will be aware, all primary and post-primary schools have access to psychological assessments either directly through the National Educational Psychological Service (NEPS) or through the Scheme for Commissioning Psychological Assessments (SCPA). Schools that do not currently have NEPS psychologists assigned to them may avail of the SCPA, whereby the school can have an assessment carried out by a member of the panel of private psychologists approved and paid for by NEPS.

In common with many other psychological services and best international practice, NEPS encourages a staged assessment process, whereby each school takes responsibility for initial assessment, educational planning and remedial intervention, in consultation with their assigned NEPS psychologist. Only if there is a failure to make reasonable progress in spite of the school's best efforts, will a child be referred for individual psychological assessment. This system allows the psychologists to give early attention to urgent cases and also to help many more children indirectly than could be seen individually. It also ensures that children are not referred unnecessarily for psychological intervention.

[Deputy Mary Coughlan.]

I have made enquiries with my Department's National Educational Psychological Service in relation to the pupil referred to in the Deputy's question and can confirm that while the NEPS psychologist assigned to the relevant school is aware of the case, no approach has been made by school authorities in relation to the current assessment or review of the child. The NEPS service is available to provide any relevant assistance requested by school authorities in this instance and I would suggest that the child's parents raise the matter with the school principal.

### **Pension Provisions**

564. **Deputy Martin Ferris** asked the Tánaiste and Minister for Education and Skills the number of persons in her Department and offices under her aegis employed in the civil and public service who are in receipt of a State pension. [21155/10]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** At the recruitment stage, once the Department becomes aware that an officer is in receipt of a public service pension, arrangements are put in place in order that the pension is abated for the duration of their employment with this Department. Officers who join the Department with previous public service can opt to preserve their benefits until pension age or if they so wish, they can opt to transfer their service, if appropriate for inclusion in the civil service pension schemes.

At present my Department has an educational psychologist who is a former retired school teacher. On his appointment to the National Educational Psychological Service (NEPS) the payment of his teacher's pension ceased.

In relation to bodies under the aegis of my Department the information sought by the Deputy is not readily available. I have requested officials at my Department to compile the information and forward it to the Deputy when it is to hand.