



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Tuesday, 25 May 2010.

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Dé Máirt, 25 Bealtaine 2010.
Tuesday, 25 May 2010.

Chuaigh an Ceann Comhairle i gceannas ar 14.30

Paidir.

Prayer.

Ceisteanna — Questions.

European Council Meetings

1. **Deputy Enda Kenny** asked the Taoiseach if he has received an agenda for the June 2010 meeting of the European Council; and if he will make a statement on the matter. [16299/10]

2. **Deputy Eamon Gilmore** asked the Taoiseach if he has received an agenda for the meeting of Eurozone heads of State and Government to be convened by the EU President around 10 May 2010; and if he will make a statement on the matter. [17905/10]

3. **Deputy Caoimhghín Ó Caoláin** asked the Taoiseach his priorities for the June 2010 meeting of the European Council; and if he will make a statement on the matter. [18794/10]

4. **Deputy Eamon Gilmore** asked the Taoiseach if he will make a statement on the outcome of the summit of Eurozone political leaders on 7 May 2010 [18908/10]

5. **Deputy Enda Kenny** asked the Taoiseach if he will report on his attendance at the recent summit meeting of the Eurozone Heads of Government to discuss the aid package for Greece; and if he will make a statement on the matter. [20001/10]

An Taoiseach (Deputy Brian Cowen): I propose to take Questions Nos. 1 to 5, inclusive, together.

I attended a meeting of the Heads of State or Government of the euro area in Brussels on 7 May. The meeting was convened by the President of the European Council, Mr. Herman Van Rompuy, following the agreement reached by Ministers for Finance of the eurogroup on 2 of May regarding provision of financial support to Greece.

The meeting of Heads of State or Government of the euro area took place amid growing uncertainty and speculation in the markets. At our meeting we took a number of important decisions in order to safeguard financial stability in the euro area as a whole. These are set out in the statement issued at the meeting. I will mention the key elements briefly.

First, we agreed to activate the provision of funding support to Greece in a joint package with the IMF of €110 billion. Greece, for its part, reiterated its determination to implement an extensive programme of reforms. Second, we agreed on the need for continued fiscal consolidation to ensure that targets are met. In Ireland's case that means continuing with our plans to bring our deficit back to less than 3% by 2014. Third, we reaffirmed our support for the European Central Bank in its actions to ensure the stability of the euro area. Fourth, we agreed that the European Commission should immediately bring forward proposals for a European stabilisation mechanism to preserve financial stability, for finalisation by an extraordinary ECOFIN meeting on the following Sunday. That has since happened. Fifth, we decided that further measures to strengthen governance of the euro area, including strengthening the Stability and Growth Pact should be developed and agreed, in the context of the work of the new taskforce which the Spring European Council agreed to establish. Finally, we confirmed that we need to see rapid progress in the area of financial market regulation and supervision, and will return to these issues at the full European Council meeting on 17 and 18 of June.

This is an extensive package of measures and decisions, reflecting our collective determination to protect our currency and ensure financial stability in the European Union. I have received a draft annotated agenda for the June meeting of the European Council. The other issues scheduled for discussion are: Europe 2020 — A New European Strategy for Jobs and Growth; the G20 Toronto Summit; the UN millennium development goals; and climate change. In addition, there will be a presentation by Felipe Gonzales, chairman of the Reflection Group looking at the longer term issues for the European Union. The meeting will also be asked to endorse the Council's conclusions on the evaluation of the implementation of the European Pact on Immigration and Asylum.

Deputy Enda Kenny: I thank the Taoiseach for his reply. Can I ask him to confirm that Ireland, despite what some commentators have said in the recent past, has no intention of leaving the euro? Can he clarify whether the European Commission has suggested that the winding down of Anglo Irish Bank over a 20-year period should be contemplated or considered by the Government? Has there been any contact from the European Commission in that regard? In view of the comments of Commissioner Rehn, has there been any contact with the Government to the effect that further spending cuts should be imposed this year?

The Taoiseach: These questions deal with what happened at the recent European Council meeting on 10 May and the agenda for the next Council meeting in June. Anglo Irish Bank did not come up at either meeting. I was asked about the European Commission. The Deputy will be aware that the Van Rompuy task force held its first meeting last week. It will furnish a progress report on the basis of the meetings it intends to have between now and the June Council meeting, at which the matter will be discussed further. If the Deputy has examined what Commissioner Rehn said, he will know that the Commissioner was very complimentary

about the route Ireland has taken since these difficulties first arose. Since then, we have received no formal or informal contact regarding our own plans. We have been complimented as an example to be followed by others who find themselves in our position. The question of accelerating fiscal consolidation according to national requirements has been particularly addressed to those who engaged in a fiscal stimulus in 2008. Those who had an exit strategy for 2011 have been asked to bring that forward. We did not have any room to manoeuvre in that respect. Therefore, that did not apply to us. The fiscal stimulus we have provided to the economy relates both to the level of spend engaged in but also the capital investment programme which remains approximately twice the European average.

Deputy Enda Kenny: The Commission has just published its proposals for banks to pay into a fund to ensure recent events that arose will not happen again. Has the Taoiseach seen these proposals? Will the Government support them?

European governments considering their economic and fiscal positions are set on a trend of deficit reduction. Will the Taoiseach agree that if this were applied by individual EU governments, it would not deal with programmes for investment in infrastructure which would make countries more attractive for job creation and investment? At the June Council, will the agenda contain a serious investment programme for EU member states to stimulate growth, to create jobs and, thereby, grow European economies while governments take their respective individual actions in deficit reduction?

The Taoiseach: No. The primary means to establishing and maintaining growth in the European economy is to show determination in reducing deficits because public debt is far too large. Unless this is done, then the prospect of capital being provided to Europe or it being seen as a good location for investment will be compromised.

We have to see a consolidation in the public finances of all member states. The financial markets have been volatile in this regard. A determination by member states to address issues such as bringing deficits under control and public expenditure, which come under their control, is a critical factor in avoiding a strong rise in interest rates that would occur if such action were not taken. That itself would be a major break in growth.

The task force on economic governance at its first meeting set out four objectives to which Mr. Van Rompuy referred. The first is the need to achieve greater budgetary discipline and not to provide for stimulus packages, which would strengthen and make the Stability and Growth Pact more effective. The second priority is the need to find the means to reduce the divergences and competitiveness between member states, at least when these divergences are too large. This is necessary for more even economic development in the Union and, in particular, the eurozone. The third objective is the need to have an effective crisis management mechanism to deal with problems such as the current ones in the eurozone. The fourth objective, linked to the third, is the need to strengthen institutional economic governance to act quicker and in a more co-ordinated and efficient manner in dealing with problems when they arise.

The conclusions are not about providing further fiscal stimuli packages. They are about the need to show a determination to consolidate budgets in the interest of member states and European growth. Otherwise, the prospects of growth will recede.

Deputy Eamon Gilmore: By any standards, this May has been an active month in respect of European economies and Europe's overall financial position. Does the Taoiseach expect the June Council to review May's developments including the Greek package, the €750 billion stabilisation package and some of the proposals from the Commission? On 12 May, the Commission issued a communication to the European Parliament, the Council, the Central Bank

[Deputy Eamon Gilmore.]

and various other organs of the European Union. This was the document which raised concerns that individual member states would have to pre-submit budgets for evaluation by other Finance Ministers and the Commission in advance of being presented to national parliaments. What is the Taoiseach's understanding of the status of this document? Is it intended that the Council will consider it? Where does the Taoiseach see the document going?

What is the Taoiseach's view of the decision or announcement by Chancellor Merkel last week in respect of the banning of short selling and the ban on credit default swaps, which has caused a certain amount of unease in the markets? Was any notification given by Chancellor Merkel to member states, including the Taoiseach, of her decision on the matter? Does the Taoiseach anticipate that it will be discussed at the June summit?

The Taoiseach: I refer to the activities that have been going on and when the next reporting mechanism is available. It will arise at the June Council in terms of considering a progress report from the Van Rompuy task force deliberations on economic governance, which will be discussed. There will not be a review of the decisions taken at the European Council or by ECOFIN subsequently in the sense that those matters will be reviewed. That is our position. The mechanism is in place and will be available should members states require it. Obviously, everyone is striving to ensure that it does not become operational. The Greek case was a particular issue that had to be dealt with separately, but the turbulence of markets has meant that wider confidence-building measures had to be communicated. These emerged from the meeting of the European Council and, subsequently, ECOFIN. They will remain in place and are not for review in that sense.

Deputy Gilmore asked about the status of the Commission document. The Commission made its proposals on reinforcing economic policy co-ordination in its communication. They form its contribution to the debate now taking place in the task force meeting and this has begun the process of discussion of all of these issues. The communication had been planned for some time but it has heightened importance given the recent emergency commitments given to safeguard financial stability in the euro area in light of the budgetary crisis in Greece. In view of the events of recent months, it is hardly surprising that the Commission would bring forward recommendations in this area. Indeed it is clear that, notwithstanding the current crisis, economic and monetary union will entail both broader and deeper fiscal surveillance than in the past. Exactly how that should be achieved is yet to be determined.

The Commission's document is a starting point for discussion. It will feed into the work of the Van Rompuy task force, which the European Council agreed to set up when it met in March and which has now begun its deliberations. It is important this next stage of work is carried out calmly, rationally and carefully without a rush to premature judgment or over-the-top reaction. Much of the initial comment about the Commission's communication has been ill-informed or inaccurate. Morgan has wrongly treated the communication as if it has already entered into force.

We will participate fully in the discussion of the communication and the wider discussions on the financial stability of the EU and the eurozone, into which this communication now serves as a useful input.

The Commission communication notes that member states need to pay down public debt faster than before, when times were better. Easy credit, it stated, led to underproductive investment and excessive consumption. Public debt has greatly increased since 2008 due, in part, to taking on financial sector liabilities. The competitiveness differences that emerged in the euro area was one cause of the current crisis it identifies. It also refers to the need to consolidate

to keep down long-term interest rates to boost growth potential, a point I made earlier to Deputy Kenny.

It proposes a number of elements, including greater effort to reach the 3% deficit and 60% debt Maastricht criteria and, possibly in the case of inadequate fiscal policies, interest bearing deposits that can be redeemed when targets are met and the withholding of Structural and Cohesion Funds for poor performers. It recommends greater emphasis on the correction and avoidance of macroeconomic imbalances in the euro area. This could involve recommendations on competition policy, weight-setting behaviour, private sector credit growth and the European semester starting in 2011, so that budgetary and structural policies are peer reviewed earlier in the year, before rather than after as is currently the case. This could, potentially, mean the recommendation to look at budgetary plans that they consider insufficient and a standing crisis resolution mechanism for the euro area involving strict conditionality, with assistance provided by way of above average interest rates.

This document is a useful input to discussion. It is not an end point in itself. It is important that the next stage of work will proceed through the Van Rompuy task force procedure.

Deputy Eamon Gilmore: I also asked the Taoiseach about the decisions and statement made by Chancellor Merkel during the week. Perhaps he might return to that. When he does so, will he state his view on the alarming statement by Chancellor Merkel that the single currency was facing an existential crisis? I believe that was the term she used.

Connected with that, I saw a report in a Sunday newspaper suggesting that some Ministers were privately welcoming the weakening of the euro. I can appreciate that changed exchange rates give our exports a competitive advantage but I was surprised to see what appeared to be authoritative and fairly direct quotations from Ministers in a Sunday newspaper regarding their views on the present value of the euro. Will the Taoiseach comment on that?

The Taoiseach: I cannot comment on unattributed statements by anyone. We need a more stable exchange rate. It helps people to plan better and allows investors to make long term decisions. It is a far better situation than the fluctuations we are seeing at present. That volatility is not helpful. It does not allow for orderly progress in developing trade and increasing prospects for everyone. We want to see a more stable exchange rate situation develop. That can best be achieved when the worldwide currency imbalances are rectified. That, in turn, requires work at global G20 and other forums outside our direct control. We are supportive of anything that would assist in bringing overall global stability and the prospects for world growth to be maintained.

Chancellor Merkel was speaking of a matter that is within the remit of the German Federal Government itself, that is, how the rules of the German stock market were impacting adversely and in an improper way on German financial arrangements. The question of stopping short selling is a matter for the German Government without reference to anyone else. I was not given advance notice of the Chancellor's comments. In matters as sensitive as this one would not expect advance notice in any event. These are matters within the regulation of each domestic financial market.

With regard to the other remark made by Chancellor Merkel, it is important that people read both the full content and context of what she had to say. She spoke in the context of a political debate in the Bundestag, where she was seeing support from the German Parliament and taxpayers for collective action to support the euro. She was making the point that the absence of collective action in these matters can lead to speculators seeking to identify weakness or diversity of opinion in order to destabilise the currency against the common interest. She was emphasising the need for collective action. Germany, as we know, is the main contribu-

[The Taoiseach.]

tor to the mechanisms that have been devised to assist the euro. To portray Chancellor Merkel as in some way less than supportive of the euro is very wide of the mark. There is obviously concern in Germany over the over the way in which German taxpayers view their country's contribution. That is obviously a domestic political consideration that the Chancellor must deal with herself. Germany and Chancellor Merkel have been very supportive of the need to act collectively on behalf of the currency.

Deputy Caoimhghín Ó Caoláin: Will the Government reconsider its position of support for the proposal from the European Commission that draft national budgets be submitted to Brussels for scrutiny and peer review by other member states? Surely this is a further significant erosion of sovereignty in regard to budgetary and other fiscal matters and only further centralises the institutionalisation of what have heretofore been the independently assessed needs of each member state. As the Taoiseach knows very well, we warned against such developments in the course of the two debates on the Lisbon treaty.

Does the Taoiseach not agree that the Commission proposal will mean adherence to the Stability and Growth Pact and that this will outweigh the importance of citizens' rights to health, education and decent employment? Does he agree we will ultimately witness people and public services suffering more and that there will be further erosion of critical decision-making in regard to all these factors, as demonstrated recently, particularly in Greece? Will the Taoiseach not reconsider the Government's position and regard what is now proposed as the thin end of the wedge leading to a serious attack on the sovereignty of Irish citizens?

Will the Government not use its opportunity within the European Union to take to task, in a very serious and concerted way, the Israeli Government, the Israeli state, for the ongoing crimes against the people of Palestine for which it is responsible? I have urged this previously. Has the Taoiseach not noted the recent confirmation we have seen that the Israeli Government once sought to sell nuclear knowledge or weapons expertise to the then apartheid regime in South Africa and that the circumstances of the Israeli state give rise to real concern——

An Ceann Comhairle: Is this culminating in a question?

Deputy Caoimhghín Ó Caoláin: The second focus of my two-part question concerns why the Government supported so enthusiastically Israeli membership of the OECD. Does the Taoiseach not believe that is a golden opportunity to bring to task on the international stage the outrageous record of the Israeli Government and state?

The Taoiseach: I will deal with one of the Deputy's questions, the one relevant to the questions tabled, which concern what was decided upon at the last European Council meeting and the agenda for the next one. I fundamentally disagree with Deputy Ó Caoláin's analysis that the proposals for the better co-ordination of economic policies represent in some way a diminution of our sovereignty. We live in an era of interdependence. We have taken on obligations as well as rights in joining the single currency and great benefits have derived to the country from the establishment of the euro and our membership of it. The biggest impetus for economic advancement in this country over the past 25 years was the establishment of the Single Market and, the follow on from that, which was the establishment of a single currency in which to trade in that market. For a country like ours, which exports 95% of what it produces, anything that improves our access to those markets and avoids the transaction costs of converting from one currency to another and the improved and increased transparency that provides for pricing greatly outweighs any disadvantages.

3 o'clock

The other premise of the Deputy's question was that peer review is new and is to our disadvantage. In a single currency area of 16 independent sovereign states, the need for co-ordination of economic policy is fundamental. The establishment of the European Central Bank has been fundamental. I ask the Deputy to contemplate in the context of the crisis we have been seeking to manage over the past two years where the resources would reside in this State to meet the resources we have been able to obtain from the ECB in dealing with the funding mechanism and the funding requirements of this economy over the past 24 months. If we had our own currency, does he suggest that in the aftermath of the international financial crisis we would have the resources to withstand the impact of that? I am afraid he is totally mistaken if that is what he believes. The unfortunate example that we have of Iceland should remind him of the importance of avoiding isolation in the matter. If one was to take the Deputy's analysis, it is probably a greater guarantee of the loss of sovereignty than the retention of it.

There is a need clearly within the auspices of the Stability and Growth Pact, which was revised in recent years, to have situations where pre-emptive or preventative measures can be taken rather than subsequent corrective ones. Where excess deficit procedures at the moment offer verbal and written warnings and ultimate sanctions, they may well prove too late, particularly when one has had the impact of the financial crisis on public debt that every country has had to contend with as a result of what we have seen in the past number of years.

If, as I agree, it is also about the need to maintain public services on a sustainable basis, one cannot put forward a sustainable case for the retention of public services if one is running deficits of 10% or 12%. One has to bring one's public finances back into order to protect public services to the greatest extent possible and to provide a means by which in better times in the economic cycle we can once again, as we did in the past, greatly increase resources in the context of personnel, material and money for these services.

That is my strong view about seeking to portray this as a loss of sovereignty. It is a fundamental fact that we share sovereignty in many areas as a member of the EU, much to the advantage of the country. Any objective analysis of how the country has developed, regardless of the problems we face now, is that our best prospects are as part of an integrated European economy rather than seeking to suggest that a free trade area between independent sovereign states will provide us with the prospects or opportunities we have obtained in the past and we hope to create in the future.

I do not agree with the premise that lies behind the questions. The objective evidence does not support the contentions made.

Deputy Caoimhghín Ó Caoláin: We are clearly going to have to differ.

An Ceann Comhairle: This is a final supplementary. We have spent a considerable amount of time on this question.

Deputy Caoimhghín Ó Caoláin: Only in the fullness of time when we shall see the outcome will the Taoiseach come to accept the fears that I have expressed in this regard, which are shared by many people. This is not about the euro, as much of his response suggested, but rather about the matter I raised, namely, the European Commission requirement now——

An Ceann Comhairle: A final supplementary, please, Deputy.

Deputy Caoimhghín Ó Caoláin: ——that we submit our draft national budgets for scrutiny within the European Union, and by other member states. Just watch where that train will go to. I believe it will not be a happy place for the people of Ireland.

[Deputy Caoimhghín Ó Caoláin.]

The Taoiseach did not respond at all to the second matter I raised, although the question referred to the recent Council meeting and the forthcoming meeting. I asked whether the Taoiseach would not use the opportunity afforded the Irish Government to raise the situation in relation to the Israeli Government's behaviour in the Middle East, namely, its continued aggression towards the Palestinian people, and will he——

An Ceann Comhairle: This matter is not included under this question.

Deputy Caoimhghín Ó Caoláin: Of course it is incorporated into it. This is about the issues the Taoiseach and the Government representatives are prepared to raise in the context of the European Council. I believe it is critically important, particularly given the Taoiseach's previous responses on this issue, and——

An Ceann Comhairle: The Deputy will have to submit a separate parliamentary question on this matter, if he wishes to pursue it.

Deputy Caoimhghín Ó Caoláin: ——the Government's enthusiastic support for Israeli membership of the OECD. In conclusion, is the Taoiseach prepared to join this Deputy in commending Members of this House who have embarked today on a flotilla, a rescue mission, to the people of the Gaza Strip, leaving the shores of Ireland? Deputy Chris Andrews from the Taoiseach's party and Deputy Aonghus Ó Snodaigh of Sinn Féin have embarked on that flotilla of mercy to the Palestinian people.

An Ceann Comhairle: Deputy Ó Caoláin is drifting from this set of questions and their content.

Deputy Caoimhghín Ó Caoláin: Will the Taoiseach, at least, join me in wishing them and those involved in this international mission——

An Ceann Comhairle: Deputy, we are going to have to move on. We are really getting away from the content of——

Deputy Caoimhghín Ó Caoláin: It is too bad if the Ceann Comhairle is uncomfortable with it, as he so often is. That is the whole point about difference.

An Ceann Comhairle: I do not mind the Deputy submitting a parliamentary question, at the appropriate time.

Deputy Caoimhghín Ó Caoláin: Others will have different views and will present different viewpoints.

An Ceann Comhairle: Yes, and we respect all those.

Deputy Caoimhghín Ó Caoláin: I am asking the Taoiseach whether he is prepared to join me in commending both Deputies and wishing their mission success.

The Taoiseach: The issue of Israel and Palestine will not be raised at the next Council meeting. It is not on the agenda and it was not discussed at the last Council meeting. For those reasons, I believe this is irrelevant to the questions before me.

Deputy Caoimhghín Ó Caoláin: The Taoiseach has the opportunity to put this on the agenda.

The Taoiseach: I have just explained that the agenda has been outlined. The Foreign Ministers deal with issues relating to the Middle East on an ongoing basis. It was envisaged when Mr. Van Rompuy took over the job that perhaps, at one of the European Councils during the course of the year, part of the meeting would be devoted to some foreign policy issues. I presume it would arise in that context, as part of an agreed agenda. When a President of the Council is appointed to run and set the agenda for the Council, this or that will not arise under “any other business”. That is not the way it works, but there are other Council formations where those issues are a continuing part of the agenda. Questions to the Minister for Foreign Affairs as to where any of those dossiers lie at the moment, will elicit the appropriate information, but this is not relevant for these questions. To suggest that it is, is disingenuous.

Deputy Caoimhghín Ó Caoláin: This is a serious matter. The onus is on the Taoiseach to raise the issue, but he has refused, repeatedly.

The Taoiseach: I have just explained to the Deputy——

An Ceann Comhairle: Deputy Ó Caoláin, please allow the Taoiseach to speak, without interruption.

The Taoiseach: I have just explained to the Deputy. In an effort to be helpful, of course we wish the return of both Deputies to the House after their journey to Palestine. Of course we all commend the work of all organisations, NGOs, governments and others who are assisting the people of Gaza on an ongoing basis. They are enduring tremendous hardship, particularly in the aftermath of the attacks that took place there some time ago. The House is united in expressing that sentiment. However, it does not mean the subject is relevant to the questions we are dealing with.

Deputy Enda Kenny: The Government considered the moneys given to Anglo Irish Bank to be an investment, but the European Commission reclassified it as spending. The Government recently stated that it might be necessary to put a further €10 billion into the bank over the coming years.

An Ceann Comhairle: This sounds like a question for the Minister for Finance.

Deputy Enda Kenny: I know, but it is to do with the reclassification of the Government’s contribution to Anglo Irish Bank as spending rather than investment. The Government recently said it might have to give another €10 billion to Anglo. Given that the Commission has already classified such a transfer as spending, what are the implications for our budget deficit if a similar reclassification occurs? Does the Taoiseach consider this to have implications for Government budgetary strategy in terms of further spending reductions or taxation?

The Taoiseach: I respectfully suggest this is a supplementary question not contemplated by the questions tabled. It is unfair on other Deputies who stick to supplementaries that are relevant to the question for me to answer questions that are not within the purview of the questions tabled. It only encourages people to decide to ask whatever supplementaries they wish regardless of the question being discussed. I do not wish to be discourteous.

I will not enter into speculation on the specifics of the matter, but I will address the general point about the reclassification of the moneys that were provided to Anglo Irish Bank. The markets have factored in that this is a once-off payment to the bank; it is not a recurring item on the accounts of the Government. In other words, this year it increased the deficit, but it is not a recurring part of the deficit. Markets take this into account when they consider our underlying deficit. When the reclassification occurred, it did not have an adverse effect on the

[The Taoiseach.]

Government's status in international bond markets because it was understood for what it was. However the transfer is classified — whether it has the original intended classification or the new one — it obviously adds to the overall debt. The fact that it was reclassified meant it became part of the deficit equation, but it is not a recurring part of the deficit.

Deputy Eamon Gilmore: I accept the Taoiseach's point that the markets do not regard this money as part of our recurring deficit. What is his understanding of how the Commission views it in terms of the targets we must meet to bring the deficit back to 3% of GDP? It is the Commission's intention to include the money given to Anglo Irish Bank and other banks as part of this calculation?

The Taoiseach: The point I am making is that the money that was paid into Anglo Irish Bank, which was part of our deficit this year, will not be part of the figure next year. It was a payment to the bank for this year.

Deputy Eamon Gilmore: What if there is another payment next year? Will that be included in the calculation?

The Taoiseach: It was the Commission that insisted on the reclassification, so it understands the implication in terms of its addition to the current deficit figure. However, it also accepts that it is a non-recurring part of the deficit. It is a question of where it goes in the accounts. The underlying point is that we hope to reduce the deficit to 10.5% or 10.75% this year. Moving into next year, the Commission will want to see whether there has been a €3 billion adjustment. That is the underlying point the Commission has made, that if there are further payments or where they are reclassified, they would be dealt with in the same way.

Priority Questions.

Departmental Expenditure

32. **Deputy Olwyn Enright** asked the Minister for Social Protection the amount that will be identified for savings within his Department in view of the instruction by the Department of Finance that departmental cuts of €3 billion must be identified within a month; and if he will make a statement on the matter. [21935/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): As the Deputy will appreciate, the Government is keeping the current and prospective budgetary position under constant review in the context of its medium-term economic strategy. In that regard, the Government will consider in the coming weeks various possibilities for savings that could be advanced in budget 2011. As part of its preparations for that, the Government has decided that each Minister would identify possible savings within his or her remit and advise the Department of Finance of these by the end of this month.

In identifying possible savings I will seek to protect the vulnerable irrespective of age. The main objectives of the Government medium-term strategy are to assist economic growth and job creation through a restoration of competitiveness; to prevent the general Government debt rising to unsustainable levels; and to restore expenditure and taxation to more sustainable levels.

As part of the strategy, it was announced in budget 2010 that the Government intended to make a further adjustment in current Government spending in 2011 of the order of €2 billion.

In addition, it is also intended to make adjustments in capital spending in 2011 of the order of €1 billion. Capital spending, estimated at just over €10 million in 2010 for my Department, forms a tiny fraction of the nearly €21 billion overall expenditure and of capital expenditure generally.

My Department is currently engaged in the process of identifying a menu of initial options for structural programme savings in 2011. This process will also have regard to the outstanding recommendations of the special group on public service numbers and expenditure programmes. The options identified will, in turn, be considered by Government as one element of its deliberations on budget 2011 over the forthcoming months.

It is important to stress that, at this stage, no decisions have been taken either by me or by the Government in regard to changes in social protection schemes and services in 2011. Rather the options which will be identified by my Department will be designed to assist and inform the Government's consideration of the next budget. The sustainability of public finances is crucial for all and I genuinely believe that the Government must take steps to reduce overall public expenditure and restore stability to the public finances if we are to avoid the risk of making the economic situation far worse for everyone in society. This includes the recipients of the various schemes and services operated by my Department.

The Government has already made difficult decisions in this regard and the next steps towards recovery will require further such decisions. At the moment, I am engaged in an intensive round of consultations with a wide range of welfare representative organisations and I am listening carefully to their views. In an uncertain international environment, my priority will be to ensure that the overall Government strategy is advanced and to protect those most in need in a manner which is sustainable in the years ahead.

Deputy Olwyn Enright: My question was more specific than the Minister's reply suggests. I asked him to indicate the amount of savings he expects to be identified for his Department. Of the €3 billion in savings for which the Minister for Finance has asked, what specific proportion has been asked of the Department of Social Protection? If he has not been given a specific figure by the Minister for Finance, is he drawing up a list of proposed cost-saving measures, or how is he going about it? In short, has the Minister for Finance specified that X amount must be cut from the social protection budget or is it up to the Minister for Social Protection to come up with his own proposals?

Deputy Éamon Ó Cuív: There will be a preliminary identification of various options which will then be examined and costed. These will be the subject of discussion between me and the Minister for Finance and, later in the year, the Cabinet will go through all these options before final decisions are made. The amount of money to be saved by any Department will be decided collectively by the Cabinet in the run-in to the budget. It is early days in the process and I am currently considering the savings to be made in various areas. At this stage there are no specific proposals on exact savings to be made. That is not the way it is done.

Deputy Olwyn Enright: The Minister said his priority is to protect the vulnerable irrespective of their age. However, recent comments of his, which he has not rowed back on, have raised concerns, particularly for pensioners. He has since provided some clarity in this regard but people remain genuinely worried. In the context of the budget for social protection, will the Minister indicate the categories of persons he considers the most vulnerable?

Deputy Éamon Ó Cuív: I am looking at all the data and taking into account such issues as consistent poverty. Later this week I will meet with a broad cross-section of voluntary groups dealing with the elderly, lone parents, the unemployed and so on. Arising from all those dis-

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cussions that will continue month after month, I hope it would be possible to arrive at a consensus in terms of the issue I highlighted, that is, the need to protect the vulnerable.

Deputy Olwyn Enright: Who are the vulnerable in the Minister's view? He has criteria for vulnerability and some are more vulnerable than others. Who does the Minister believe are the ones that he must protect?

Deputy Éamon Ó Cuív: As I said, data on consistent poverty is one important criteria——

Deputy Olwyn Enright: The elderly are a group in severe difficulties when one examines the OECD figures.

Deputy Éamon Ó Cuív: The point is that there are people on very low income in all age groups who are vulnerable.

Deputy Olwyn Enright: Absolutely.

Deputy Éamon Ó Cuív: When one examines the data one will see this spans across all age levels. Those on the lowest amount of money are very vulnerable. I want to examine all of the data, have a continuing dialogue with all of the different groups, listen carefully to them and not make decisions on the hoof in May but try to have as much information and discussion to ensure I am well informed when the Cabinet discusses these issues later in the year. That will ensure that whatever decisions we must make will be made in an informed and sensitive way and that we make a particular effort to protect those who are vulnerable.

Deputy Olwyn Enright: From the Minister's experience, who are they?

An Leas-Cheann Comhairle: We must move on. Ceist 33.

Deputy Éamon Ó Cuív: In financial terms, obviously it is those with the least income.

(Interruptions).

Deputy Éamon Ó Cuív: As the Deputy is aware, in terms of——

An Leas-Cheann Comhairle: Ceist 33.

Social Insurance

33. **Deputy Róisín Shortall** asked the Minister for Social Protection the reason for the delay in finalising full details on the PRSI incentive scheme for employers; and the way he intends to proceed [22002/10]

Deputy Éamon Ó Cuív: The employer job, PRSI, incentive scheme will be commenced in June and will be administered by the Department of Social Protection. Regulation or secondary legislation pertaining to the scheme is in the final stages of preparation, as are details of scheme administration.

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.

To qualify for the scheme the employment will have to constitute an increase in the employer's employed workforce above that applying in the three month period immediately prior to the date of commencement of the additional employee, who will have to have been on the live register for six months or more. In addition, participation in the scheme will be limited to 5% of the employer's existing workforce or five posts, whichever is the greater. The employer will also be required to declare when applying that the employment will be for, on average, 35 hours or more per week. These conditions are designed to prevent displacement from existing full time and part-time positions.

The scheme has not been launched to date as the regulation and administrative arrangements are being put in place. These arrangements are now close to completion and I expect to be launching the scheme in the coming weeks.

In this context it is important to note that jobs created prior to the launch will still be able to benefit from the scheme. For example, in the case of a qualifying employment created prior to the launch of the scheme standard employee and employer PRSI will be paid but, following approval for the scheme, the employer will benefit from a PRSI exemption for 12 months from their date of approval. Rebates of PRSI will not be a feature of the scheme.

Deputy Róisín Shortall: The Minister's response, and his performance regarding this issue, is not good enough. This scheme was announced in the budget in December and here we are, five months into the year, and not a single job has been provided under this scheme. Over a week ago I asked the Minister's Department for details of this scheme, what had been done to promote it and how it would operate and it has still to come back to me with any response on that. Can the Minister tell us the reason this scheme was announced in December and five months have already been lost in regard to setting it up? We have more than 430,000 people on the live register. It would seem the Government has been so obsessed with the whole issue regarding the banks it has taken its eye off the ball in terms of job protection and job creation. Why is it that nothing has happened in the past five months regarding this scheme?

Deputy Éamon Ó Cuív: I have said that I hope we will have the scheme up and running within the next month. As I have already explained, anybody who has created employment within the terms of the scheme will be able to apply——

Deputy Róisín Shortall: They do not know about it. The Minister did not tell them about it.

Deputy Éamon Ó Cuív: I am saying that people who have already created employment will be able to apply and they will get the exemption from the date of the launch of the scheme. I am anxious to get this scheme going and I agree with the Deputy that it is urgent. I have asked my Department to ensure that we progress the scheme as quickly as we can and I hope that we will have it up and running within a month from now. I will do my best to ensure that.

Deputy Róisín Shortall: It is all very well for the Minister to say it is urgent but his actions and those of his predecessors would indicate that no urgency is being attached to the issue of jobs within the Government. Funding has been provided for this scheme since last December. There is the potential for 12,000 jobs to be created yet the Minister has not taken any action to set up or promote this scheme. It is fine for the Minister to say that employers can avail of it in retrospect but he has done nothing to promote this scheme. There is no process in place for making application. There has been no promotion of it. I want the Minister to tell us how an employer should go about applying for this scheme. What are the rules that will guard against job displacement and so-called deadweight? Has the Minister discussed those issues with employer groups, and will he give consideration to involving Enterprise Ireland in overseeing the scheme to avoid the possibility of job displacement?

Deputy Éamon Ó Cuív: I agree with the Deputy about the displacement and deadweight. That was one of the reasons for the delay because the officials in my Department had to ensure that when they were drawing up the regulations we would not create either displacement or deadweight. Deadweight was a problem with a previous scheme, and we are taking steps to avoid that.

Deputy Róisín Shortall: What are those steps?

Deputy Éamon Ó Cuív: The steps are being written into the regulations. I will not announce the scheme today but——

Deputy Róisín Shortall: Does the Minister know what they are?

Deputy Éamon Ó Cuív: I will not announce the scheme today.

Deputy Róisín Shortall: It is five months since it was announced and there is still no detail available.

An Leas-Cheann Comhairle: Allow the Minister to reply.

Deputy Éamon Ó Cuív: I agree that this scheme is a priority and I have worked hard to make sure it comes forward. I hope to have the scheme announced. I have to examine all the regulations. I will then sign the order and bring the scheme into place. I accept it would have been better if that could have been done faster but if we did not do the job thoroughly and if there were loopholes in the scheme that were open to abuse, that also would not——

Deputy Róisín Shortall: Did the Minister not think about that before he announced it in December?

Deputy Olwyn Enright: No.

Deputy Róisín Shortall: For goodness sake, 12,000 people could be benefiting from this scheme.

An Leas-Cheann Comhairle: We must move on to the next question. We will hear a brief final reply from the Minister.

Deputy Róisín Shortall: The Minister's lethargy means that not a single job has been created through it.

An Leas-Cheann Comhairle: Please allow the Minister give a brief final comment.

Deputy Éamon Ó Cuív: As I said, we will have the scheme up and running in a month. It will run to the end of the year. We can then examine the scheme to see how it is working. It is important that the scheme——

Deputy Róisín Shortall: That will be seven months, therefore, instead of 12 months.

Deputy Éamon Ó Cuív: No. As we said already, it will be backdated.

Deputy Róisín Shortall: The Minister did not tell employers about it. It appears there is no sense of urgency about job creation.

Debt Management

34. **Deputy Olwyn Enright** asked the Minister for Social Protection the action he is taking

to assist persons who are over indebted and need help and advice in coping with debt problems; and if he will make a statement on the matter. [21936/10]

Deputy Éamon Ó Cuív: The Money Advice and Budgeting Service, MABS, assists people who are over-indebted and need help and advice in coping with debt problems.

There are 52 independent MABS companies operating the money advice and budgeting services from 65 locations throughout the country, with national support provided by the MABS NDL. In addition, the MABS national telephone helpline is available from 9 a.m. to 8 p.m., Monday to Friday, and the MABS website can be accessed 24 hours a day at www.mabs.ie. Last year an additional 19 money advisers were recruited by MABS between September and December, bringing the number of MABS staff to over 270. The additional advisers have been appointed to MABS companies throughout the country.

The money adviser works out a budget and negotiates on behalf of the client with all creditors, including financial institutions and sub-prime lenders, to secure better terms for the client in managing the repayment of their debts. Where required by the client, the money adviser can assist with setting up a special account with a local credit union into which the client lodges an agreed amount of money regularly and from which each month the money adviser makes the repayments to the creditors on behalf of the client.

It is important that people coping with debt difficulties take early action and approach MABS for help and guidance. This can be the first positive step for people in addressing debt difficulties. I am satisfied that the Money Advice and Budgeting Service is providing a high quality service to assist people in overcoming their indebtedness and managing their finances.

Deputy Olwyn Enright: The Minister's answer worries me if he thinks that MABS is the only solution to the debt crisis. It is part of the answer but it is not the whole solution. The Government has done nothing in terms of enforcing debt procedures, regulating debt collection and providing any sort of new system of personal insolvency.

Has he any idea how many mortgage advice cases the 52 independent MABS companies have dealt with and what the success rate has been? There are almost 30,000 people in arrears and 250,000 in negative equity. What caseload is MABS carrying? What is the average waiting time for a face-to-face appointment with MABS?

An Leas-Cheann Comhairle: That is a detailed question arising from a general question.

Deputy Olwyn Enright: It was the Minister's reply, not my question, that concentrated on MABS.

Deputy Éamon Ó Cuív: Deputy Enright asked the average waiting time.

Deputy Olwyn Enright: For a face-to-face meeting.

Deputy Éamon Ó Cuív: I understand the average waiting time is four weeks. Meetings are prioritised and if there is a need for a more urgent appointment that is also considered.

There are protocols agreed with the Irish Banking Federation. It agreed to approach debt problems experienced by the clients. The objective is to agree affordable sustainable repayment plans for people with debt problems. It includes a commitment that no legal action will be taken as long as there is compliance by the client with an agreed repayment plan, which is mutually acceptable, affordable and sustainable. This is being monitored to see how well it is working.

There is then the issue of those who are not covered by the Irish Bank Federation.

Deputy Olwyn Enright: Exactly.

Deputy Éamon Ó Cuív: I understand that there are discussions taking place to try to extend the protocol to other major groups such as credit unions and utilities and that they are also discussing this issue with one of the sub-prime lenders.

Deputy Olwyn Enright: There is a lack of urgency in this regard. Arrears are growing by the day. People are getting farther and farther into debt and the response is not dealing with it.

The Department has a role here in terms of mortgage interest supplement. There is a review that has been ongoing since I came into this position opposite the then Minister for Social and Family Affairs. We are spending €70 million on this. Effectively, the Department is handing this cheque to the financial institutions. They are now telling customers to seek a mortgage interest supplement and then they will re-negotiate. When will the review on mortgage interest supplements be completed? Approximately one third of cases are being refused. We do not have definite figures from the Minister. We need the review so that we can have a real discussion on how this operates and link that in to the overall debt issue. When will we see that review?

Deputy Éamon Ó Cuív: I agree that the review needs to be brought to a conclusion. I would also bring to Deputy Enright's attention the Cooney committee, the special committee set up to look urgently at the question of indebtedness.

Deputy Olwyn Enright: I met with that committee. I am aware of it.

Deputy Éamon Ó Cuív: I met with Mr. Cooney also and my Department is part of it. My understanding is the committee is to report next month.

I agree that this is probably one of the most urgent issues that I must deal with as Minister. The Deputy can rest assured that since I came into the Department, I have put a great deal of time, effort and emphasis on the need to move forward with viable proposals to deal with all of these issues.

Looking at the statistics, a large number of the clients of MABS are in rented accommodation. These are not all mortgage holders.

Deputy Olwyn Enright: Only a small number of those with a mortgage problem are going to MABS.

Deputy Éamon Ó Cuív: That is correct.

Deputy Olwyn Enright: They do not feel they are able to get all the advice they need because MABS is not resourced to give them that extra sort of advice.

Deputy Éamon Ó Cuív: I fully agree there is need for urgent proposals on how we deal with debt problems. One of my big concerns is that often I find where there are mortgage problems there are a great many other debt problems on top of them and dealing with the mortgage in isolation is not the solution. Having spoken to many of the people involved in MABS as I go around the country, they also bring that to my attention, that it is a complex problem and we must come up with a comprehensive solution to deal with debt problems and as far as possible, through agreements, protocols and new systems, to avoid it going to litigation.

An Leas-Cheann Comhairle: Ceist a 35.

Deputy Olwyn Enright: When will we see action on that?

An Leas-Cheann Comhairle: Ceist a 35 in ainm on Teachta cheanna.

Deputy Olwyn Enright: We are not far from agreeing.

Deputy Éamon Ó Cuív: My hope is that we will get this report quickly——

An Leas-Cheann Comhairle: Ceist a 35 in ainm an Teachta cheanna, Deputy Enright.

Deputy Éamon Ó Cuív: ——and then we can act on it quickly. I agree on the urgency, and particularly that it is important to protect people's houses.

An Leas-Cheann Comhairle: Ceist a 35, le do thoil.

Social Insurance

35. **Deputy Olwyn Enright** asked the Minister for Social Protection if his attention has been drawn to the difficulties self employed persons experience in claiming jobseeker's allowance under the current system; if he has any plans to reform the PRSI system in order that self employed persons can benefit from adequate support when they become unemployed or when their business fails; and if he will make a statement on the matter. [21937/10]

Deputy Éamon Ó Cuív: Self-employed persons pay PRSI Class S contributions which provide cover for long-term benefits such as State pension and widows/widowers pension. Employees are covered by PRSI classes A, E, H and P, which provide cover for the above benefits as well as for short-term contingencies such as jobseeker's and illness benefits.

PRSI coverage is related to the risks associated with employment or self-employment, the annualised system of contributions for self-employed persons and the practicalities of administering and controlling access to short-term payments. Self-employed persons pay class S contributions at a rate of 3% per annum as compared to the 14.75% full class A contributions paid by employees and their employers, to reflect the narrower range of benefits they receive. A system of separate arrangements for employed and self-employed workers within a social insurance context is common in other European social protection systems.

A self-employed person who has paid insufficient class A contributions may instead qualify for jobseeker's allowance. Jobseeker's allowance is a means-tested payment and, in assessing a person's means, account is taken of all income which the person may reasonably expect to receive during the succeeding year. In general, the person's means will take account of the level of earnings in the last 12 months in determining the person's expected income for the following year. In the current climate account is taken of the downward trend in the economy and it is accepted that future earnings may be lower than those of previous years. The process also recognises the potential for significant upward or downward variations in income from one year to the next.

There are no plans to extend cover for short-term benefits to this group of insured workers. Any such measure would have significant financial implications and would have to be considered within a budgetary context. Consideration would also have to be given to an appropriate increase in the rate of the PRSI Class S contribution.

Deputy Olwyn Enright: There are two strands to the question, how to deal with the persons who were self-employed who now find themselves in a position where they no longer have employment and then to look at the PRSI contributions to ensure that down the road more self-employed persons do not find themselves in this position because they paid only the class S rate.

To deal with the more immediate problem, no doubt the Minister, like myself and all our colleagues here, is dealing with this every day. There is a significant number of persons who were self-employed who suddenly find themselves with practically no entitlements on losing their jobs. The Minister has mused over the past two weeks in *The Sunday Business Post* on some of his views in this regard. He spoke of his new scheme, the employer job initiative scheme. I understand it is the one to which he referred in the articles, although it is not clear

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all of the time because we do not have the detail. The Minister seems to think that the skills among those fully qualified self-employed persons are most suited to this scheme. Can he explain how the scheme will work to particularly help that category of person?

Deputy Éamon Ó Cuív: Deputy Enright is correct in stating that there are many self-employed persons who did not understand that they were not covered, for example, for jobseeker's benefit, until the employment dried up. There were many in the construction industry who never thought the work would cease, particularly those with trades, and suddenly they find themselves in a situation where they are not entitled to jobseeker's benefit. Many of them who have partners or spouses also find themselves in a situation where they are not entitled to jobseeker's allowance. That is something Deputy Enright and I have encountered. They are not covered. They have not paid the contribution to be covered for unemployment benefit, it is a clear statutory position. On the other hand, there is a pool of talent that could do considerable work in providing services to the community.

There is a model in terms of farmers. For farmers who have low incomes and self-employment, there is farm assist, but there is also the rural social scheme where they work in the community and provide services in return for which they get a fixed payment. None of these functions has transferred to my Department and therefore the situation of setting up schemes is something for the future. The Deputy has identified a challenge and we must see how to deal with that challenge. There is no question of giving them rights to jobseeker's benefit because, quite simply, they have paid 3% on the self-employed contribution and this does not entitle them to short-term benefits.

Deputy Olwyn Enright: With respect, the Minister has not answered my question; he has just elaborated on my question. The Minister stated in interviews that he regards this new scheme as being particularly useful for people who formerly worked in the trades and in the construction sector to facilitate them in gaining employment. How will this scheme specifically help the category of formerly self-employed people? My question is specific.

Deputy Éamon Ó Cuív: As I said, legislation is required to transfer the legal powers to deal with these matters.

Deputy Olwyn Enright: The Social Welfare Bill will be taken in two weeks time.

Deputy Éamon Ó Cuív: Exactly. Please God, the powers will be transferred and then we will be able to deal with creating activation in order to give people an opportunity—

Deputy Olwyn Enright: The Minister said specifically in an interview that this new scheme would be suited to the self-employed.

An Leas-Cheann Comhairle: Please allow the Minister to reply.

Deputy Olwyn Enright: That is all I am asking. He is not answering my question.

An Leas-Cheann Comhairle: Please allow him to answer.

Deputy Éamon Ó Cuív: I fully agree with the Deputy that there is a challenge here for self-employed people and I intend bringing forward proposals to see how to deal with this issue. Obviously it will be required to go to Cabinet. I do not have the legal responsibility at the moment but I am sure the Deputy agrees that this is an issue that needs to be tackled because there is a significant challenge for self-employed people at the moment.

Pension Provisions

36. **Deputy Seán Barrett** asked the Minister for Social Protection the reason a distinction is now being made as regards the payment of PRSI at Class S rate, between those in retirement who purchase an annuity to draw down income and those who do likewise by using approved retirement funds; and if he will make a statement on the matter. [21938/10]

Deputy Éamon Ó Cuív: Approved retirement funds or ARFs are funds managed by a qualifying fund manager into which an individual may invest the proceeds of his or her pension fund on retirement. The income and gains of such funds are exempt from tax within the fund. Any amounts withdrawn from an ARF are referred to as a distribution. A distribution is treated as income from an employment. It is subject to income tax and the fund manager must operate the PAYE system on it.

Under social welfare legislation any payments received by way of pension are not regarded as reckonable emoluments for the purposes of self-employed pay-related social insurance. However, unlike annuity products, ARFs are not pensions but are treated as assets. As such, distributions from ARFs fall within the charge to self-employed PRSI.

There has been no recent change in legislation pertaining to this area but my Department recently clarified to qualifying fund managers that, as the legislation stands, they are required to apply the appropriate PRSI when making distributions. In this regard it may be noted that only distributions made before pension age will attract the charge to PRSI, as social insurance only applies to individuals between the ages of 16 and 66.

My Department, working with the Department of Finance, the Revenue Commissioners and the Pensions Board, is currently engaged in a review of ARFs and the interaction between PRSI and pensions in the context of the national pensions framework. This review will have particular regard to the necessity to achieve the correct balance between ensuring that the social insurance fund is supported by contributors and providing incentives for people to save for retirement.

Deputy Seán Barrett: I will ask the Minister a direct question. If the two of us retire at 65 years and we receive our payment from our pension fund, and the Minister decides to purchase an annuity and he draws down €20,000 a year and I decide to put mine into an ARF and I draw down €20,000 a year, does it make sense to him that he does not pay PRSI whereas I do?

Deputy Éamon Ó Cuív: First, I do not have any private pension fund so the direct question does not apply to me.

Deputy Seán Barrett: The Minister should answer the question.

Deputy Éamon Ó Cuív: I did answer it because the Deputy spoke about himself and me. I tried to answer the question. The Deputy has raised an issue that has validity. There are, I understand, other——

Deputy Seán Barrett: Why charge PRSI?

Deputy Éamon Ó Cuív: Because under the present law——

Deputy Seán Barrett: That is not true.

An Leas-Cheann Comhairle: Please allow the Minister to reply and I will call the Deputy again.

Deputy Éamon Ó Cuív: My understanding is that as the legislation stands, they are required to apply the appropriate PRSI when making distributions.

Deputy Seán Barrett: The Minister for Finance set up this system whereby people were given an alternative as to whether they would purchase an annuity or else put the money into an approved retirement fund and draw down their income from that. The main difference, from the State's point of view, is that the State is guaranteed for all time, so long as the fund remains in place, and PAYE is paid on all of the income taken, right down to the day there is no income left. This is compared with an annuity where tax dies when the person dies and this could be after five or six years. Therefore, the State gets more PAYE from an ARF than from annuities. I am asking the Minister a straight question. Can he tell me who on God's earth decided only recently in a circular from his Department that ARFs are not pension schemes and are instead retirement funds? Withdrawals from ARFs are liable for PRSI at Class S. What benefits does a person get paying Class S contribution from the Minister's Department if he or she is being asked to pay when in retirement and receiving an income which is fully taxable, as is the same with annuities?

Deputy Éamon Ó Cuív: I will present another scenario to the Deputy. If somebody retires at 63 and ——

Deputy Olwyn Enright: The Minister is asking a question.

Deputy Éamon Ó Cuív: This will explain and elucidate why this——

An Leas-Cheann Comhairle: The Minister is entitled to answer as he will.

Deputy Éamon Ó Cuív: ——issue is not a one-way street. Supposing one retires at 63 and one does not have enough contributions made to earn a full pension. Then, putting up the Class S could be an advantage because one would get another three years.

Deputy Olwyn Enright: The Minister is asking a question.

An Leas-Cheann Comhairle: I am confusing myself now. The tradition is that the Opposition asks the questions and the Minister answers the question.

Deputy Éamon Ó Cuív: The second issue I would like to elucidate is that I am informed we are bound to charge this under the present law as it is. The Deputy asked me who introduced this provision. It was brought in by Oireachtas Éireann.

Deputy Seán Barrett: It was not charged up to this year.

Deputy Éamon Ó Cuív: Apparently, it is still legislatively bound to be charged. I cannot change the legislation without bringing it before the Houses of the Oireachtas.

Deputy Seán Barrett: It is the Minister's interpretation.

Deputy Éamon Ó Cuív: I assure the Deputy I never put legal interpretation——

Deputy Seán Barrett: When I refer to the Minister, I mean his Department as he represents the Department.

Deputy Éamon Ó Cuív: But it is a legal interpretation, therefore, the Department informs me we are bound by law in this regard. If the Deputy wishes, I will ask my officials to double check whether we are bound by law. I do not have any great feeling on the matter one way or the other. We are examining the issues fully with the Revenue Commissioners and the Department of Finance and that is the best way forward in the circumstances. I know the Deputy has strong views on the matter.

Deputy Seán Barrett: The Minister asked about someone who might retire at 63. If the Minister retires at 63 he can equally get an annuity as easily as an income from an ARF. The point I am trying to put across to the Minister is that if A draws his income from an annuity, he is not asked to pay PRSI. If B draws an income from an ARF which is exactly the same as it is a fund, the same as an annuity is a fund, one is now being asked to pay PRSI and one gets no benefits.

An Leas-Cheann Comhairle: The Minister has indicated that this matter is subject to review.

Deputy Éamon Ó Cuív: They may look the same but there is some slight legal difference. I know the Deputy feels very strongly about this matter and he raised it in the Seanad with the Minister for Finance. I will have it double checked from a legal perspective. I want to be helpful on the issue. If the double check shows the law is as it is, we will try to see where we go from here. I want to ensure there are not other consequences because there will always be a thin line between what is pension and what is income from earned income.

37. **Deputy Ruairí Quinn** asked the Minister for Social Protection his plans in regard to amending the qualifying criteria for reducing the rate applicable to the State contributory pension; and the way he plans to make savings. [21597/10]

84. **Deputy Bernard J. Durkan** asked the Minister for Social Protection if he will confirm that he does not intend to dismantle the social welfare contributory pension structure either by way of means testing or in any other fashion which might reduce the entitlement of a person to pension based on their contributions and their expectations at the time of contributions; and if he will make a statement on the matter. [21707/10]

Deputy Éamon Ó Cuív: I propose to take Questions Nos. 37 and 84 together.

The current Government policy in regard to pensions is laid out in the National Pensions Framework which was launched in March of this year. The framework includes a number of changes to the State pension in order to make it more transparent, simple and equitable for those reaching pension age.

From 2012, social insurance credits will be introduced for people who take time out of the workforce for caring duties. This will replace the current homemakers disregard and will assist people, particularly women, to qualify for a contributory pension or a higher level of payment. In addition, from 6 April 2012, and as provided for in legislation since 1997, the minimum number of paid contributions required for State pension (contributory) will increase from 260 to 520.

From 2020, the way in which eligibility for State pension is calculated will be simplified. Specifically, there will be a switch from the way in which pensions are currently calculated over the average working life. Under the new system, the level of pension paid will be based on the total number of social insurance contributions made by a person over his or her working life.

A person will need to make contributions for 30 years to qualify for a maximum pension. Once a person has the minimum number of paid contributions required, he or she will accumulate 1/30th of a pension for each year of contributions up to a maximum 30 years. Upon introduction of the total contributions approach, the maximum number of credits that can be used for pension purposes will be set at 520.

Recognising that people are living longer and healthier lives, the Government has also decided to amend State pension age in three separate stages: in 2014, the State pension transition will be abolished. The effect of this will be to standardise State pension age at 66; in 2021, the State pension age will be set at 67; and finally, in 2028, State pension age will be set at 68.

[Deputy Éamon Ó Cuív.]

For those who wish to postpone drawing down their State pension, arrangements will be put in place to enable them to receive an actuarially increased benefit when they decide to retire. In addition, for those with contribution shortfalls at pension age, arrangements will be put in place to allow them to receive additional benefit at a later date if they continue to make paid contributions for pension purposes while remaining in work or self-employment. An implementation group for the National Pensions Framework has been established by my Department and this group will work through the relevant issues in implementing the measures contained in the framework.

Social welfare changes for 2011, including any changes to State pensions, will be considered later this year in the context of next year's budget preparations, having regard both to needs and to the resources available to meet those needs.

Deputy Róisín Shortall: Does the Minister accept that his recent comments, in which he failed to rule out the possibility of a cut in the State pension, have caused widespread anxiety and concern among pensioners across the country? Is he prepared to give an undertaking that he will not target pensioners for cuts again, given that several cuts impacted on pensioners last year? Is he prepared to give an undertaking that he will not interfere with the entitlement of people who have contributed to a contributory pension scheme throughout their working lives, and that he will not move to introduce means testing of that State pension, given that people have already made those contributions to qualify for that pension? Can he provide those assurances to the many pensioners who are really worried following his recent comments? Is he prepared to make that statement today? Does the Minister accept that when it comes to making savings in the pensions area, he is barking up the wrong tree? He should be targeting people at the high end of the private pensions industry, rather than those on State pensions.

Deputy Éamon Ó Cuív: My answer was in response to a question about a budgetary issue. I am concerned that the remark was misinterpreted by people in a certain way. I gave the standard reply that I give to any query about the budget before the Budget Statement, that is, it is not in my power to pre-empt my Cabinet colleagues on any budgetary issue. Therefore, if the Deputy asks me any specific question about what the Government might or might not do in the budget, I cannot answer her in May. I gave a generic answer, as I have to do in these cases. That is because it would be wrong to start answering specific questions before Cabinet discussions on any budgetary issue. I regret that when I gave what I thought was a generic answer — one that a media person, who is an ex-Minister, would understand perfectly as being the only answer that a Minister could give in the circumstances — it was not taken at face value. At this stage, it is not for me to make any comment on what might or might not be in a budget. I understood that would be taken as being the way we ought to operate.

Deputy Olwyn Enright: The Minister gives the impression that he turns up at Cabinet meetings to discuss the budget and brings the entire Estimate for the Department of Social Protection, which is then gone through line by line. Is it not the case, however, that he will bring to the Cabinet his recommendations for cuts in his Department? Is that not the reality of how it will happen? The Minister for Social Protection will bring forward suggestions, which will then be discussed and decided collectively by the Cabinet, as distinct from Cabinet members going through it and asking, "Could you save a few quid here and there?" Is that not the case? The Minister is concerned about the media's interpretation of his comments, but have the media interpreted those comments incorrectly? Have Opposition spokespersons misinterpreted the Minister's comments? Is he not going to touch the old age pension?

Deputy Éamon Ó Cuív: Unfortunately, the Deputy is again trying to get me to give some specific commitments one way or the other on the budget. As I said, however, there is long

time to go between now and the budget. I will not in any way pre-empt any Cabinet discussions or any Government announcement on the budget. Therefore, no matter how often or how persistently people ask me what I will do concerning the budget, the same answer will be given, that is, they are all decisions to be taken by the Cabinet.

In my experience we will look at all the parameters in great detail. Last year, we had a large number of meetings before the budget and because the Department of Social Protection accounts for one third of total expenditure, a lot of time was spent on it. My colleagues all have a big interest in it. We are greatly concerned to protect the vulnerable, which is the important thing from our point of view. The matter is a very complex one. We also understand — I believe the Deputy's party agrees with us on this — that unless we meet our fiscal targets the sustainability of any future budgets will be put at risk.

Deputy Olwyn Enright: We do not agree with how the Minister addresses that aspect.

Deputy Éamon Ó Cuív: There will be differences on how we might proceed but we must adhere to what we said in the 2010 budget and must work within that framework.

Deputy Róisín Shortall: Deputy Ó Cuív is the Minister for Social Protection and for that reason it would be helpful if he provided assurances for those who are dependent on the State pension that he will not target them again this year. The Minister said earlier that he was looking at all options. I asked him if he was barking up the wrong tree when it came to making savings in the pension area. Is he prepared, for example, to examine high-rollers who can have pension pots of €5.5 million? Is he prepared to examine the possibility of making cuts in that area, rather than targeting people who depend on the State pension? Equally, will he look at the current situation that allows widespread tax evasion by employers, as there is no limit to the contributions they can make to the pensions of company directors? Those are two areas where the Minister could make savings in pensions. Will he give an assurance that he will consider making savings in those areas, while at the same time providing some assurance to those who depend on the State pension?

Deputy Éamon Ó Cuív: I would like to provide an assurance to those in that segment of the social welfare budget who are over 66 and depend on social transfers but I must also look at pensioners, the unemployed, those with disabilities, those in receipt of domiciliary care, child payments and so on. I must also examine the issue of consistent poverty, including vulnerable pensioners, those with disabilities and the unemployed. What we must try do is to frame the budget in such a way that nobody is asked to bear a burden he or she cannot bear. Deputy Shortall asked me other questions but they relate primarily to taxation. I will be part of those discussions on the budget—

Deputy Róisín Shortall: But the Minister is responsible for pensions policy.

An Leas-Cheann Comhairle: I call Deputy Barrett. I ask Members to facilitate the Chair in trying to conduct the debate.

Deputy Seán Barrett: I wish to ask the Minister a straight question. As Minister for Social Protection, will he bring to Cabinet any proposals to reduce the contributory old age pension?

Deputy Éamon Ó Cuív: What I say to the Deputy is—

Deputy Seán Barrett: “Yes” or “No”.

Deputy Éamon Ó Cuív: I will not in any way pre-empt—

Deputy Seán Barrett: The Minister is not bringing forward proposals.

Deputy Éamon Ó Cuív: I am sorry, Deputy.

An Leas-Cheann Comhairle: The Minister should be allowed to conclude his reply.

Deputy Éamon Ó Cuív: I am not going to disclose anything to do with the discussions before budget time——

Deputy Seán Barrett: I am asking the Minister if he is bringing forward proposals.

An Leas-Cheann Comhairle: Please allow the Minister to reply to the question without barracking.

Deputy Éamon Ó Cuív: I am not going to answer questions on what I am bringing forward in any circumstance because it would pre-empt——

Deputy Seán Barrett: I am not asking the Minister what he is bringing forward; I am asking him to confirm whether he will not be bringing forward proposals.

An Leas-Cheann Comhairle: The Minister heard the Deputy's question. Let him answer.

Deputy Éamon Ó Cuív: I will not confirm whether I am bringing proposals to Cabinet.

Deputy Seán Barrett: So the Minister is not ruling out a cut in the State's old age pension.

An Leas-Cheann Comhairle: Please, Deputy Barrett should allow the Minister to answer.

Deputy Éamon Ó Cuív: What I have said is that anyone who asks me a specific question——

Deputy Seán Barrett: I am not anybody. I am asking a question.

Deputy Éamon Ó Cuív: Deputy Barrett or any other Deputy or person who asks me a specific question on budget proposals ahead of the budget announcement will not get a specific answer. I will not be tricked into——

Deputy Seán Barrett: The Minister is not being tricked. We are entitled to ask questions. This is Parliament.

An Leas-Cheann Comhairle: Please, the Minister is entitled to be heard without being shouted down. I call him for a final, brief response.

Deputy Éamon Ó Cuív: It has been customary, as Deputy Barrett is aware from when he was in government, not to disclose what one will do prior to a budget. I remember a certain Minister of State in Deputy Barrett's party had to resign because he disclosed information on the day of the budget.

Deputy Olwyn Enright: That is not something that happens too often on the Government side of the House.

Deputy Éamon Ó Cuív: Therefore, I——

An Leas-Cheann Comhairle: We need to move on to the next question.

Deputy Éamon Ó Cuív: ——will not be disclosing anything.

Social Welfare Benefits

38. **Deputy Dan Neville** asked the Minister for Social Protection the average processing time it takes for a claim in respect of jobseeker's allowance to be dealt with to date in 2010; and if he will make a statement on the matter. [21680/10]

39. **Deputy Tom Sheahan** asked the Minister for Social Protection the numbers of persons on a national, county and local social welfare office basis awaiting for their application for jobseeker's allowance and benefit to be processed; and if he will make a statement on the matter. [21693/10]

46. **Deputy Michael Noonan** asked the Minister for Social Protection the average processing time it takes for a claim in respect of jobseeker's benefit to be dealt with to date in 2010; and if he will make a statement on the matter. [21683/10]

49. **Deputy John O'Mahony** asked the Minister for Social Protection the processing time it takes for each individual social welfare office to deal with a claim for jobseeker's benefit; and if he will make a statement on the matter. [21686/10]

75. **Deputy John Perry** asked the Minister for Social Protection the processing time it takes for individual social welfare offices to deal with a claim for jobseeker's allowance to date in 2010; and if he will make a statement on the matter. [21689/10]

Deputy Éamon Ó Cuív: I propose to take Questions Nos. 38, 39, 46, 49 and 75 together.

The national average processing times for jobseeker claims decided during April were 2.33 weeks for jobseeker's benefit and 6.92 weeks for jobseeker's allowance. This compares to processing times of 2.12 weeks and 7.10 weeks respectively in March. Processing times can be affected by the requirements of the schemes such as a means assessment or it may be necessary to ascertain details of foreign insurance records. I have made available to the House a table showing the processing times at each local office during April. The total number of jobseekers awaiting a decision on their claim at 15 May was 45,505. This is a reduction of more than 7,000 compared to the figures one month earlier on 10 April 2010 and represents 9% of the total jobseeker claim load nationwide.

Deputies will agree that over the past year or more we have made significant efforts to reduce processing times and the number of claims awaiting a decision. The national average processing times are very close to the targets of having 90% of jobseeker's benefit claims decided within three weeks and 90% of jobseekers allowance claims decided within six weeks.

As has previously been said in the House, when we look back over several years when the live register was at its lowest, there was always approximately 9% or 10% of claims awaiting a decision. The current performance should be seen in the context that in 2009 alone, local offices received over 670,000 jobseeker claims and so far this year they have received more than 200,000 claims.

I have also made available to the House a table showing the breakdown of jobseeker's benefit, JB, and jobseeker's allowance, JA, claims awaiting a decision at each local office. These data have been compiled from data that is maintained on a local office catchment area basis and these figures do not correspond exactly with county boundaries. The House will be aware of the particular difficulties presented due to the huge rise in unemployment in the past 18 months or so and the pressure this has brought to bear on the network of local and branch offices and in the inspectorate. To alleviate some of this pressure since May 2008, some 450 extra staff have been assigned to local offices, new central support units and to the Depart-

[Deputy Éamon Ó Cuív.]

ment's inspectorate. At the same time the Department has been examining all procedures surrounding the claim acceptance and decisions process with a view to streamlining them and achieving greater efficiencies where possible. These initiatives include the introduction of an appointment system whereby customers can have their claim taken and decided during the appointment. This particular initiative has helped greatly in reducing waiting times and improving processing times. This system is in operation in 38 local offices and there are plans to extend it to further offices.

There is now a more streamlined procedure for customers moving to jobseeker's allowance when their jobseeker's benefit expires. There is also a streamlined process for people who had a claim in the previous two years. The Department has the application forms for the jobseeker schemes on its website, which means that anyone who wants to make a claim can print the form at home and bring it to the local office completed. This helps to reduce queuing times. It is now easier and more straightforward for customers to supply evidence of their identity and address. The Department has also simplified processing methods for some customers who work casually, part-time or on systematic short-time work.

I appreciate the importance of getting claims decided as quickly as possible and I assure the House that staff in local offices and in the Department's inspectorate are doing all they can to ensure that claims are processed as quickly as possible. There are still some offices where processing times and claims awaiting a decision are not as good as we would like. We will strive to reduce processing times and the number of claims awaiting a decision even further where we can, either through streamlining processes and procedures further or through the introduction of new technology to assist with claims processing.

Table 1: Average processing times for Jobseeker claims April 2010

	(weeks)	
	JB	JA
NATIONAL AVERAGE	2.33	6.92
ACHILL	0.10	0.15
APOLLO HOUSE	1.46	3.87
ARDEE	3.48	7.81
ARKLOW	0.74	3.29
ATHLONE	2.02	4.75
ATHY	3.04	9.14
BALBRIGGAN	3.18	8.44
BALLINA	3.68	14.64
BALLINASLOE	1.24	5.85
BALLINROBE	3.48	4.83
BALLYBOFEY	1.34	2.44
BALLYCONNELL	4.00	5.44
BALLYFERMOT	1.27	3.78
BALLYMUN	1.29	2.35
BALLYSHANNON	1.94	3.63
BALTINGLASS	3.71	8.83
BANDON	4.22	6.57
BANTRY	2.67	7.25
BANTRY CO	2.12	3.69
BELMULLET	1.25	1.53

	(weeks)	
	JB	JA
BIRR	1.83	4.76
BISHOP SQUARE	1.53	8.76
BLANCHARDSTOWN	1.72	12.49
BOYLE	3.08	8.74
BRAY	1.34	3.74
BUNCRANA	2.28	5.36
CAHIR	1.39	4.12
CAHIRCIVEEN	2.90	6.49
CARLOW	1.69	3.28
CARRICKMACROSS	1.73	4.53
CARRICK-ON-SHANNON	1.52	3.44
CARRICK-ON-SUIR	3.51	6.90
CARRIGALINE	2.48	5.83
CASHEL	1.50	3.64
CASTLEBAR	3.02	14.31
CASTLEBLAYNEY	2.79	6.18
CASTLEPOLLARD	4.39	9.72
CASTLEREA	3.44	12.66
CAVAN	2.75	7.99
CLAREMORRIS	4.47	10.99
CLIFDEN	1.68	3.56
CLONAKILTY	3.60	5.21
CLONDALKIN	3.22	7.33
CLONES	1.19	4.82
CLONMEL	1.11	3.10
COBH	0.62	2.30
COOLOCK	2.98	5.67
CORK	1.62	9.49
DINGLE	0.75	8.71
DONEGAL	2.42	2.95
DONEGAL CO	2.00	0.00
DROGHEDA	2.02	7.33
DUNDALK	0.97	3.47
DUNFANAGHY	1.02	2.01
DUNGARVAN	2.61	7.03
DUNGLOE	1.54	2.81
DUN LAOGHAIRE	1.93	5.44
EDENDERRY	3.21	13.59
ENNIS	1.88	9.07
ENNISCORTHY	2.92	9.27
ENNISTYMON	4.18	9.83
FERMOY	4.83	7.22
FINGLAS	0.83	3.09
GALWAY	2.12	10.65
GOREY	3.30	8.45
GORT	4.38	8.90
KELLS	2.80	9.56

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	(weeks)	
	JB	JA
KENMARE	1.40	3.06
KILBARRACK	1.17	4.61
KILKENNY	0.84	4.30
KILLARNEY	1.52	11.55
KILLORGLIN	0.58	3.04
KILLYBEGS	0.91	1.99
KILMALLOCK	2.60	4.19
KILRUSH	3.56	8.12
KINGS INNS STREET	1.10	3.22
KINSALE	2.99	4.48
LETTERKENNY	1.00	4.33
LIMERICK	2.48	8.81
LISTOWEL	2.13	6.06
LONGFORD	4.55	10.10
LOUGHREA	2.67	10.54
MACROOM	5.69	7.74
MALLOW	4.61	3.69
MANORHAMILTON	0.73	0.84
MAYNOOTH	2.57	6.49
MIDLETON	3.43	6.02
MONAGHAN	2.15	3.96
MUINE BHEAG	1.14	4.51
MULLINGAR	3.94	13.55
NAVAN	3.73	13.79
NAVAN ROAD	1.85	12.71
NENAGH	2.01	3.45
NEWBRIDGE	2.78	9.38
NEWCASTLE WEST	2.15	2.87
NEWMARKET	6.48	7.57
NEW ROSS	2.27	6.03
NUTGROVE	1.36	1.66
PORTARLINGTON	1.55	6.95
PORTLAOISE	3.50	7.60
RATHDOWNEY	4.20	7.51
ROSCOMMON	3.45	10.85
ROSCREA	1.18	3.14
SKIBBEREEN	2.22	6.77
SLIGO	1.08	5.02
SWINFORD	4.34	14.03
SWORDS	3.72	5.34
TALLAGHT	1.69	4.42
THOMAS STREET	2.00	7.05
THOMASTOWN	1.64	5.66
THURLES	1.14	3.23
TIPPERARY	3.16	3.79
TRALEE	1.76	2.69

	(weeks)	
	JB	JA
TRIM	5.08	13.61
TUAM	1.85	8.63
TUBBERCURRY	1.32	1.94
TULLA	3.47	6.73
TULLAMORE	1.62	4.90
TULLOW	1.29	4.13
WATERFORD	3.01	9.74
WESTPORT	3.18	4.67
WEXFORD	3.14	5.76
WICKLOW	1.12	2.49
YOUGHAL	2.86	5.30

Table 2: Jobseekers Claim awaiting a decision — 15 May 2010

Local Office	Parent Office	Type	Claimload	Pending	% Pending
Achill	Achill	SWLO	571	4	1%
Apollo House	Apollo House	SWLO	3,028	158	5%
Ardee	Drogheda	SWBO	2,785	380	14%
Arklow	Arklow	SWLO	3,784	87	2%
Athlone	Athlone	SWLO	4,681	344	7%
Athy	Newbridge	SWBO	3,080	313	10%
Balbriggan	Balbriggan	SWLO	5,213	721	14%
Ballina	Ballina	SWLO	4,172	311	7%
Ballinasloe	Athlone	SWBO	2,925	195	7%
Ballinrobe	Loughrea	SWBO	1,413	175	12%
Ballybofey	Donegal CO	SWBO	3,170	138	4%
Ballyconnell	Cavan	SWBO	1,483	142	10%
Ballyfermot	Ballyfermot	SWLO	3,789	143	4%
Ballymun	Ballymun	SWLO	3,213	115	4%
Ballyshannon	Donegal CO	SWBO	1,851	75	4%
Baltinglass	Newbridge	SWBO	1,729	141	8%
Bandon	Carrigaline	SWBO	1,820	148	8%
Bantry	Bantry CO	SWBO	1,549	108	7%
Bantry CO	Bantry CO	SWLO	442	35	8%
Belmullet	Belmullet	SWLO	1,337	42	3%
Birr	Athlone	SWBO	2,583	180	7%
Bishop Square	Bishop Square	SWLO	10,209	957	9%
Blanchardstown	Blanchardstown	SWLO	8,893	1,190	13%
Boyle	Longford	SWBO	1,266	161	13%
Bray	Bray	SWLO	6,001	377	6%
Buncrana	Buncrana	SWLO	5,949	548	9%
Cahir	Clonmel	SWBO	1,501	85	6%
Cahirciveen	Cahirciveen	SWLO	971	45	5%
Carlow	Carlow	SWLO	4,209	139	3%
Carrickmacross	Dundalk	SWBO	1,940	138	7%
Carrick-on-Shannon	Carrick-on-Shannon	SWLO	3,095	142	5%

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Local Office	Parent Office	Type	Claimload	Pending	% Pending
Carrick-on-Suir	Waterford	SWBO	2,259	205	9%
Carrigaline	Carrigaline	SWLO	2,813	207	7%
Cashel	Clonmel	SWBO	1,329	96	7%
Castlebar	Castlebar	SWLO	2,825	291	10%
Castleblaney	Dundalk	SWBO	2,197	135	6%
Castlepollard	Mullingar	SWBO	1,650	235	14%
Castlerea	Ballina	SWBO	2,245	313	14%
Cavan	Cavan	SWLO	7,192	669	9%
Claremorris	Ballina	SWBO	1,822	181	10%
Clifden	Clifden	SWLO	1,516	42	3%
Clonakilty	Carrigaline	SWBO	1,502	115	8%
Clondalkin	Clondalkin	SWLO	11,165	1,244	11%
Clones	Dundalk	SWBO	980	58	6%

Deputy Olwyn Enright: The Minister described the context to us of where we are and where we were. It is very difficult to deal with a couple before one in a clinic who cannot pay their mortgage or ESB bills and whose telephone has been cut off, who cannot afford to clothe and properly feed their family because they are waiting for their application to be processed. One cannot just tell them that due to the unemployment situation being worse they will have to expect to wait a bit longer. One needs to have a feel for the position in which they find themselves.

The Minister has told us half the story. The questions relate to jobseeker's allowance. What about the length of time it is taking for appeals? What does the Minister intend to do to address that? The average time taken to assess an appeal for jobseeker's allowance and means is almost 23 weeks and more than 18 weeks for the rest of jobseeker's allowance and jobseeker's benefit.

The average waiting time is not seven weeks everywhere. There is a continuing problem in the social welfare office in Edenderry which happens to be in my constituency. This is my fifth Question Time to ask the Minister about the Edenderry office. The waiting time there is still 14.5 weeks. Why are the schemes——

An Leas-Cheann Comhairle: There are a number of specific questions.

Deputy Olwyn Enright: ——not working there? Deputy Feighan will probably raise the same matter of difficulties in the Boyle office. The Minister is failing utterly to tackle the problem in specific areas. What does he intend to do about that?

Deputy Éamon Ó Cuív: I agree with the Deputy about the importance of ensuring that people get answers as speedily as possible on social welfare claims. As Deputy Enright is aware, it is also important and it is a big help when people provide all the information requested urgently. In the same way as Deputy Enright, I have often dealt with cases in my office which involved helping people to get the necessary paperwork together in order that the claim could be dealt with. In the specific case outlined by the Deputy, I remind her that a supplementary welfare allowance is available for people in urgent need while they wait for a decision.

Deputy Olwyn Enright: How can that be paid out in a week by a community welfare officer who still has to be fairly sure that the claimant is entitled, yet it can take a significant length of time to make an application through the Department?

Deputy Éamon Ó Cuív: That is a discretionary payment. I understand a relatively small number of people applying for payment get supplementary welfare. However, it is available. We must have a discretionary system in place that can provide a quick answer on a short-term basis but obviously the issue of jobseeker's allowance and jobseeker's benefit is a longer term one.

Deputy Olwyn Enright: The Minister still has not given the information.

Deputy Éamon Ó Cuív: Obviously, the payment of jobseeker's allowance or benefit is a longer-term issue.

I will comment on the appeals issue even though it is not the subject of this question. One of the other questions that have been tabled is about this issue. I am concerned about the length of time it takes to deal with appeals. I assure the Deputy that the response to the other question will make it clear that I am taking specific action to try to deal with the appeals backlog. I agree with the Deputy that the backlog of appeals unfortunately means that this process is taking an unacceptable length of time. I am dealing with that.

I was asked specifically about Edenderry. An additional social welfare investigator was assigned to Edenderry last October. However, the inspectors in Edenderry have no premises that is suitable for desk interviews.

Deputy Olwyn Enright: There are many empty buildings in the town that could be used.

Deputy Éamon Ó Cuív: Consequently, almost all jobseeker's allowance claims involve an at-home visit. This has had a severe impact on processing times in this area. The OPW recently advertised for accommodation in Edenderry. This will improve customer service by providing accommodation for two welfare inspectors and a facilitator, thus providing a facility for desk assessments rather than home visits. The OPW is currently evaluating responses with a view to securing suitable accommodation as quickly as possible. That issue is being dealt with.

Deputy Frank Feighan: Approximately a year ago, I raised the unacceptable length of the waiting list in the Boyle area, where people were having to wait for up to 19 weeks to have their cases dealt with. Has that problem been alleviated in the past few months?

An Leas-Cheann Comhairle: If a specific question on the matter were tabled to the Minister, he may be able to assist.

Deputy Olwyn Enright: We have asked general questions as well.

Deputy Éamon Ó Cuív: I do not have the information in respect of Boyle, unfortunately. I will get an answer for the Deputy.

Deputy Róisín Shortall: The average figures are fine. I have to acknowledge the progress that has been made in that regard. Difficulties continue to exist in certain areas, however. Can the Minister tell us what the longest waiting time for the payment of jobseeker's allowance is? The main problems seem to be in the branch offices, rather than the local offices. I do not know if the Minister agrees. Has he considered devising a particular strategy to deal with the branch offices? Now that additional staff have been taken on, can the Minister tell us whether he believes the full complement of staff has been reached? Is he looking for additional staff? There is a concern that the diversion of staff into the processing of claims means the Department is not as active as it should be in terms of fraud detection.

Deputy Olwyn Enright: It is not active where it should be active.

Deputy Éamon Ó Cuív: I do not know of any requests for extra staff. I will double-check that. I was also asked about the longest time for a claim. A table that will be circulated sets out the relevant time in each office. I have to say that in my experience, cases in which claims are not dealt with for a very long time often relate to people not providing information. Therefore, it is not always a measure of the efficiency of the office.

Deputy Olwyn Enright: Why is it worse in some places than in others?

Deputy Róisín Shortall: What office has the longest waiting times?

Deputy Éamon Ó Cuív: The list I am circulating will provide that information. It takes 12 weeks for jobseeker's allowance to be processed in Blanchardstown, for example. It takes just 1.72 for jobseeker's benefit to be processed there. We will have to deal with offices with long delay times. If it is a question of individuals with long delay times——

Deputy Róisín Shortall: No, we are talking about offices.

Deputy Éamon Ó Cuív: Okay. There are offices with waiting times of two weeks for jobseeker's allowance.

Deputy Olwyn Enright: What about Boyle?

An Leas-Cheann Comhairle: The Minister will circulate a table providing the information.

Deputy Éamon Ó Cuív: A quick perusal of the table shows that there is a waiting time of 12 weeks.

An Leas-Cheann Comhairle: The Minister has given an answer in relation to Boyle. He does not have the information.

Deputy Olwyn Enright: He does have the table.

Deputy Éamon Ó Cuív: I have the table here. The waiting time in Boyle for jobseeker's benefit is 3.08 weeks for jobseeker's benefit and 8.74 weeks in the other case. It does not have the longest waiting time. I did not realise it was in such a handy format here.

Deputy Frank Feighan: It has improved.

Deputy Éamon Ó Cuív: The waiting time for jobseeker's benefit in Blanchardstown is 1.72 weeks. It is 12.49 weeks in the case of jobseeker's allowance.

Deputy Róisín Shortall: It is not acceptable that people in the Blanchardstown area have to wait three months to get jobseeker's allowance payments.

Deputy Éamon Ó Cuív: I accept that.

Deputy Róisín Shortall: What action is the Minister taking to deal with that?

Deputy Olwyn Enright: It is not just because they are filling the forms in wrong.

Deputy Éamon Ó Cuív: As I have said, a great deal of work has been done on the global scheme to deal with delays. I agree that we have to keep working with a particular focus on areas where there are unacceptable delays in processing claims.

Deputy Róisín Shortall: What does that mean?

Deputy Éamon Ó Cuív: The Deputy can be absolutely sure——

Deputy Róisín Shortall: What will the Minister do about it?

Deputy Éamon Ó Cuív: I cannot give the Deputy chapter and verse for each individual office. I will work with my officials. I will continue to stress that we need to take action on a range of fronts, as outlined in the answer, to deal with the delays that exist. That can involve the use of technology and staff, etc. I agree with Deputies that it is important for people to get a speedy service from the Department. In general, the Department makes a valiant effort to provide that kind of service.

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 Brian O'Shea — the need for speech and language therapy services to be provided at St. Joseph's special school, Parnell Street, Waterford and St. Martin's special school, Kilcohan, Waterford; (2) Deputy Pádraic McCormack — the HSE's proposals for the future of St. Francis nursing home, Newcastle, Galway City; (3) Deputy John Cregan — the difficulties at the Brothers of Charity services in Limerick; (4) Deputy James Bannon — the need for the Minister for Education and Skills to provide a new community college at Kilbeggan, County Westmeath, or to facilitate the operation of a public private partnership for this project; (5) Deputy Joe Costello — the need for the Minister for Health and Children to outline her plans for resolving the bed and space crisis in the accident and emergency unit of the Mater hospital; (6) Deputy Seymour Crawford — the need for the Minister for Social Protection to discuss the serious situation regarding the failure of many farm families and self-employed people, some of whom need urgent financial support, to receive essential farm assist or jobseeker's allowance on the basis of their actual income, rather than a historic or mythical income they simply do not have; (7) Deputy Michael D'Arcy — the need to reduce the cost of finger post signs; (8) Deputy Paul Connaughton — the need to consider lifting the staffing moratorium at agricultural colleges; (9) Deputy Caoimhghín Ó Caoláin — the need to take action to ensure the delivery of the back-to-school clothing and footwear allowance scheme, which faces further delays this year; (10) Deputy Pat Breen — the future education needs of special needs children in west Clare, who will be forced to travel over 120 km a day to access education if they are not facilitated locally, a situation which the Tánaiste and Minister for Education and Skills must address as a matter of urgency; (11) Deputy Dan Neville — the care of Alzheimer's patients; and (12) Deputy Kathleen Lynch — the future plans for the campus of St. Mary's hospital in Cork.

The matters raised by Deputies John Cregan, Kathleen Lynch, Caoimhghín Ó Caoláin and Paul Connaughton have been selected for discussion.

Visit of Saudi Arabia Delegation

An Ceann Comhairle: Before proceeding with business, I wish on my own behalf and on behalf of the Members of Dáil Éireann to offer a céad míle fáilte, a most sincere welcome, to Dr. Mazen A. Balilah and Members of the Shura Council of the Kingdom of Saudi Arabia. I express the hope that they will find their visit enjoyable, successful and to our mutual benefit.

Leaders' Questions

Deputy Enda Kenny: Can I ask the Taoiseach to state the number of children who may have died in the care of this State in the past ten years?

The Taoiseach: The Deputy will know that on 8 March last, the Minister of State with responsibility for children and youth affairs announced the establishment of an independent review group on child deaths. The group presently comprises Ms Norah Gibbons and Mr. Geoffrey Shannon. It has been asked to examine existing information on all deaths of children in care over the past ten years. It will produce an overall report for publication which includes, on an anonymised basis, key summary information regarding each child and the circumstances leading up to his or her death. The review will focus in particular on the relevant involvement of State services with the child and his or her family. It will examine the strengths and weaknesses of such involvement. The group will make recommendations on how child protection responses can be strengthened.

The Deputy will be aware that the validation of the numbers of children who have died in care is taking place at the moment. That remit is being extended to include children who were in care but were out of care and requiring after-care services when they died, and to children in respect of whom the Department or the HSE were notified of the need for child protection. The exact and precise numbers are being worked on and through at the minute. The HSE has confirmed that 23 is the figure it is putting forward at the moment.

It is important to point out that the Government met this morning. It is anxious to ensure that the work of Mr. Shannon and Ms Gibbons proceeds as they would envisage and to provide whatever information they require to achieve the publication of a report, as set out and agreed with the Minister. We are arranging for that to happen. A meeting of officials from the Department of Health and Children, the Office of the Attorney General and the HSE took place today to clarify the position with regard to any obstacles to the provision of necessary information to the review group. That is being worked on today as well.

I want to make the point that we will do whatever requires to be done. In relation to the report itself, any information required by Mr. Shannon and Ms Gibbons will be provided. The legal obstacles that may exist in that regard will be dealt with by means of a legislative change, if necessary. I believe a legislative change will be required. That will be prepared as a matter of urgency. An exercise is being undertaken with regard to the separate issue of the validation of the numbers. The HSE has indicated to the Minister that it should be ready by the end of June.

Deputy Enda Kenny: I am astonished at the Taoiseach's response. He is the Leader of the Government and political leader of the country. This information was promised to Deputy Alan Shatter on 5 March 2009. The Taoiseach himself is a former Minister for Health who supervised the introduction of the Children First child protection guidelines in 1999.

The Taoiseach has a dysfunctional Health Service Executive, HSE, and a Minister of State with special responsibility for children and youth affairs who is powerless. The Minister for Health and Children, sitting beside the Taoiseach, and her predecessor, Deputy Martin, and their Ministers of State were unable to acquire information about children who may have died in the care of the State. It is astonishing that the Taoiseach, himself, a former Minister for Health, does not have this information accurately. We have the Department of Health and Children and the HSE hiding behind process and reports.

An Ceann Comhairle: Can we have a question please?

Deputy Enda Kenny: It is strange that Deputy Shatter, or reporters Paul Reynolds and Edel Kennedy, are able to produce more evidence about children who may have died while in the care of our State than the HSE or the Department of Health and Children. It is truly astonishing the Taoiseach does not have that information and cannot answer the question.

A review group has been appointed by the Minister of State at the Department of Health and Children, Deputy Barry Andrews.

An Ceann Comhairle: Can we have a question, Deputy Kenny?

Deputy Enda Kenny: It comprises Ms Norah Gibbons and Mr. Geoffrey Shannon whose integrity no one doubts. However, there is a legal problem with giving the information and documentation on these children who may have died to the review group.

The HSE also refused to give accurate information on problems with X-rays at Tallaght hospital, breast cancer treatment in Portlaoise and information on charges for elderly people entering nursing homes. Now, arising from this debacle, one of the most monumental failures of the State, will the Taoiseach agree the HSE is dysfunctional? Will he agree that the Minister of State, Deputy Barry Andrews, is just a decoration at the Cabinet table?

When will the Taoiseach give us the accurate information? Will he introduce legislation, if it is necessary, to overcome the obstacles created by the HSE in this regard? Is he prepared to accept responsibility for this situation and see it is sorted out, because the Minister of State, Deputy Barry Andrews, has patently failed to do so? This is a matter of life and death in which it is now reported that up to 200 children may have died while in the care of the State. This information was to be given to Deputy Alan Shatter arising from a Dáil debate on 5 March 2009. I find it incredible that in a matter as sensitive, important and subjective as this, the Head of State does not have accurate information on it after all this time.

The Taoiseach: As I explained to Deputy Enda Kenny, on 10 March the Minister of State, having set up the review group on 8 March, wrote to the chairman of the HSE asking for a validated list of all deaths of children in State care in the past ten years which would be given to the review group for its consideration. The Minister sought that within two days of establishing the group.

Deputy Olivia Mitchell: A year later.

The Taoiseach: I am sorry, but for Deputy Olivia Mitchell's information, he set up the review group on 8 March 2010.

Deputy Pádraic McCormack: The usual excuse. It is passing the buck

The Taoiseach: The Minister of State immediately asked for a validated list——

Deputy Alan Shatter: On 5 March 2009, the Minister of State, Deputy John Moloney, promised me that information.

An Ceann Comhairle: Deputy Alan Shatter, please.

The Taoiseach: ——to be forwarded to the review group so that it could deal with the matters he outlined to it. The HSE has advised the Minister of State that it will take it until the end of June to complete an accurate and consistent list of deaths of children in care in that respect. That is the information that is available to the Minister of State and its work is ongoing. I agree I would rather have that information to hand immediately. The collation and recording of this information is not what one would have expected but that is the situation.

On the separate matter of ensuring the provision of whatever information is required by Mr. Shannon and Ms Gibbons, in discussions between departmental officials, the Attorney General's office and the HSE after the Government's meeting this morning, it was decided the HSE would provide factual information requested by the review group as a matter of urgency and no later than Friday of this week in respect of previously identified deaths of children in care known to the HSE. To allow this exchange of information between the HSE and the Department, the sharing of which might otherwise be legally restricted, a legislative amendment is required. That amending legislation will be brought forward as a matter of urgency.

Deputy Alan Shatter: Last Thursday, the Tánaiste said no amending legislation would be required when I asked her about it.

An Ceann Comhairle: Deputy Alan Shatter, please allow the Taoiseach without interruption.

Deputy Mary Coughlan: That was not the matter raised by Deputy Alan Shatter last week.

The Taoiseach: The privacy of children in State care will continue to be protected in any proposed amendment to the legislation in question.

The review group, whose members are respected professionals in this area, has been notified of these arrangements. We are proceeding along these lines to ensure the work gets done.

Deputy Pádraic McCormack: It is very slow.

Deputy Terence Flanagan: How many more deaths will occur?

Deputy Eamon Gilmore: The Taoiseach's response to Deputy Enda Kenny is quite incredible. It is incredible the State is not in a position to tell us how many children have died in its care. This is not about asking the HSE how many medical card applications were made in a period? This is about the deaths of children while they were in the State's care.

The Taoiseach stated the HSE believes the figure is 23. An article in *The Sunday Business Post*, however, stated the HSE believes approximately 200 children have died in State care in the past ten years. There is a big difference between 23 and 200. If it is as high as 200, then it is an extremely serious matter. The average mortality rate for children in the total population was 300, that is one in every 3,200 children. If the number of children dying in care is as high as 200 in the past ten years, an average at 20 per year, then it works out ten to 12 times the mortality rate in the wider population.

The Taoiseach tells us he does not know the number of children who have died in State care.

An Ceann Comhairle: Can we have a question please?

Deputy Eamon Gilmore: The Taoiseach does not know why these children died because the inquiry established under Norah Gibbons and Geoffrey Shannon has not yet been able to get the relevant files. The HSE, which has responsibility in this area, is thumbing its nose at the Minister of State, by claiming the files will not be provided. The Taoiseach now is contemplating new legislation.

Why can the Minister for Health and Children not give the same written direction to the HSE, as provided in the Health Acts, to produce these files as she gave for the release of lands from hospitals to enable the building of private hospitals on them?

Deputy Pádraic McCormack: The Taoiseach should not be hiding behind the review group.

The Taoiseach: It is not possible to give a direction which is contrary to the law. There are legal problems which need to be addressed. We want to ensure the review group's objective set out by the Minister of State, that is an independent report which would deal with the question of the deaths of children in care over the past ten years. It is not, however, possible, to give a direction if there are legal constraints under the Child Care Act. There is also the fact that proceedings in the cases in question are held *in camera* and subject to court order.

These issues can be addressed, we believe, by providing a specific legal basis on which this information should be shared between the Department of Health and Children and the HSE. That was the Government's view this morning when the Minister reported to us on the work of the review group. The Government was of the view this morning that whatever legislative

changes are needed to overcome any particular legal issues that arise will be dealt with as a matter of urgency. The House would be united on that issue.

I refer to the question of the numbers. As I have stated, the HSE has informed the Minister that it wishes to validate and get an accurate and consistent list of the deaths of children in care over that period. It seeks to have this finalised in the coming weeks having checked all of its files. I do not suggest this is something with which I or the Government is happy. One would have hoped it would have been available immediately but that is not the case. Therefore, we must get a validated list and we must get the facts together, collated and brought to the attention of the review group, along with the information required by the review group to examine the circumstances surrounding those deaths, whether by natural causes or otherwise. These matters need to be addressed. This is why the Minister of State has instigated the measure. Since January of this year there have been new arrangements because the Minister of State has been to the fore. He wishes to bring more transparency and to put in place a more effective situation.

At present there is a situation where HIQA is notified within 48 hours of any deaths and there is a 15 person panel, from which three are chosen to independently investigate the circumstances and whether child care provisions are working in each case. There has been a new system from January onwards which will deal with situations which have arisen since then. At the same time the Minister of State, in the aftermath of Ms Fay's situation, asked for a review group to examine cases in the past ten years of people who died in care and he is arranging to get that now. We will take whatever legislative measures are necessary, based on the advice of the Attorney General, to ensure the information is made available to these respected persons in this area, Mr. Shannon and Ms Gibbons, to complete this work satisfactorily.

Deputy Eamon Gilmore: I would have thought that information on children dying in the care of the State would not take the State agency responsible months to compile. It should be at the top of the agenda. I am reminded of what the Minister of State, Deputy Andrews, stated here on 4 March when we were discussing the Tracey Fay case. He stated that he was guided by the principle that the State should act *in loco parentis*, not just in the limited understanding of the Latin phrase in the legalistic context, but to truly take the place of the parent and to provide support to the most vulnerable children in the State. He referred to acting *in loco parentis*.

Whatever the State has been doing in the case of children who have died in its care, it does not appear to have been acting *in loco parentis*. If any set of parents acted as negligently as the State would appear to have acted here, to the extent that the Taoiseach does not know the number of children who have died in the State's care, the State would move to take those children into care from the parents concerned. What happens to children for whom the State does not provide the care that should be provided by parents? That is the issue to be addressed here. An issue of State negligence arises. The extent of the negligence is such that the Taoiseach is not even in a position to advise on it and he is awaiting some validation exercise that must be undertaken by the HSE before he can inform us of the number of children that have died in the State's care in the past ten years. Clearly, this is a case of negligence, dysfunctionality in the HSE and of the tail wagging the dog as far as the relationship between the HSE and the Minister of State with responsibility for children is concerned.

The Taoiseach: That is not correct. I have just made the point three times to the Deputy that the Government this morning decided on whatever legislative changes are required. Legal issues are involved. It is not a question, as Deputy Gilmore is seeking to portray, of people thumbing their nose or whatever. There are legal issues involved in this question and they must be resolved. The Government decided this morning that they will be resolved.

Deputy Pádraic McCormack: Why did it not decide as much one year ago?

The Taoiseach: Whatever information is required by Mr. Shannon and Ms Gibbons to enable them to do their work will be undertaken as a matter of urgency. A Bill will be brought to Government, approved and brought into the House as soon as is practicable to enable that to happen in the coming weeks.

Issues exist which must be resolved and they can be resolved once a legal basis is provided for interaction between the Department and the HSE to take place in such a way that information can be shared. We will do that. All of us are anxious to ensure that is the case.

Deputy Gilmore raised a point in respect of the number of people involved. I do not know any more than the Deputy from where the figure of 200 people emerges. It may be the case that people have extrapolated it on the basis that, unfortunately, there have been six deaths in the past quarter or since January, and such people may have devised a mathematical conclusion from that for the past ten years. Perhaps then one could come to a figure of that order. However, I am unsure whether that is a fair presumption to make and it is not one that should be made. I agree I would rather have the exact figure available to give to the House today. However, during the past ten years and under the old health board structure these matters were dealt with at various regional levels. I agree this information should be available to us forthwith.

Deputy Alan Shatter: The Taoiseach has been in Government for ten years while this has been happening.

The Taoiseach: I am making the point in defence of the Minister of State.

Deputy Alan Shatter: The Taoiseach has not suddenly landed in here from outer space.

The Taoiseach: The Minister of State is fully committed to providing the best possible practice. New arrangements have been in place since January of this year, which were needed. The Minister of State is reviewing the programme since the Children First guidelines came into being. He is seeking to have the report made available. He has involved some of the best and most respected people in this area in the process. They have been apprised of the arrangements put in place to deal with the legal problems that have arisen.

Deputy Alan Shatter: They were only appointed last Friday.

The Taoiseach: On 8 March the Minister of State announced the fact that there was an independent review group being set up.

Deputy Alan Shatter: He did so but he did not establish it until last Friday after Daniel McAnaspie's body was found.

An Ceann Comhairle: Will Deputy Shatter please stop interrupting?

The Taoiseach: The Minister of State has been committed to providing a better system of accountability in this area, to ensuring that we have the facts and he is arranging to obtain them with the experts he has appointed. We will do whatever is necessary in the House to provide the legal basis for that to happen. In the meantime, the HSE has indicated that it will validate the exact figures as soon as possible.

Deputy Jan O'Sullivan: How long does it take to get such figures?

The Taoiseach: It has indicated that it will do so by the end of June. This involves ensuring that we have an accurate and factual basis on which to hold that discussion. It is important to ensure this is the case. The Government is committed to full transparency in this situation.

Requests to Move Adjournment of Dáil Under Standing Order 32

An Ceann Comhairle: We now move on to notices under Standing Order 32. I will call Deputies in the order in which they submitted notices to my office.

Deputy Charles Flanagan: I hereby give notice, pursuant to Standing Order 32, to raise the following matter of urgent national importance, namely, the refusal by the Minister for Health and Children, the HSE national office, the appropriate HSE regional office and this House to disclose details of plans and proposals to significantly alter the medical service delivery plans in the midlands, comprising the counties of Longford, Westmeath, Offaly and Laois, with particular reference to the future health delivery programmes of the three acute regional hospitals in the region and the need for an informed debate and discussion in the House on this important matter of public concern.

Deputy Seán Sherlock: In accordance with the terms of Standing Order 32 I seek to move the adjournment of the Dáil to discuss the following specific and important matter of public interest requiring urgent attention, namely, the governance structures as they relate to charitable organisations, specifically in respect of Right of Place, and the need to ensure transparency where Exchequer funding applies to such organisations. Further, to examine the 2009 service agreement between Right of Place and the HSE and whether such a service agreement existed prior to this date; whether the requirement to furnish details of the governance structure of Right of Place and the interrelationship with the Department of Education and Skills, the HSE and existing religious orders has been expedited; to call into account details of the 2009 annual general meeting of Right of Place, its board structures and the publication of its annual reports; to publish details of established company accounts where such accounts exist; whether it should be necessary for the Garda Síochána to be called in to investigate the role of the HSE and its relationship with Right of Place; to shine some light on the amounts of money allocated by the State, the transparency procedures in relation to the allocation of taxpayers' money and whether appropriate financial governance systems are in place to stand up to independent scrutiny; to examine the number of bank accounts in operation within the organisation; to examine the number of company owned credit cards accounted for in audited accounts; and whether there are audited accounts for all bank accounts.

Deputy Caoimhghín Ó Caoláin: I seek the adjournment of the Dáil to address the following matter of national importance, namely, the need for the Ministers for Social Protection and Health and Children to take immediate action to ensure the delivery of the back-to-school clothing and footwear allowance scheme, which faces further severe delays this year causing hardship to low-income families with school-going children.

Deputy Mary Upton: In accordance with the terms of Standing Order 32, I seek the adjournment of the Dáil to discuss the following specific and important matter of public interest requiring urgent attention, namely, the lack of communication in relation to the hours and remuneration of home help providers in the Inchicore-Ballyfermot area and the impact this is having both on providers and clients of the service. A number of weeks ago, the service providers were told by letter that "due to cuts in funding imposed by the HSE we are forced to implement drastic cuts in the home help service with effect from 6 April 2010". There is an urgent need for the Minister for Health and Children to clarify the situation regarding the funding that will be available and the hours that will be provided to the clients who depend on this service.

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

Order of Business.

The Taoiseach: It is proposed to take No. 8, motion re referral to select committee of proposed approval by Dáil Éireann of the terms of the Council of Europe Convention on Action against Trafficking in Human Beings; No. 9, motion re referral to select committee of proposed approval by Dáil Éireann of the terms of three interim economic partnership agreements; No. 10, technical motion re further Revised Estimates [Votes 26, 31, 34 and 35]; No. 20, Energy (Biofuel Obligation and Miscellaneous Provisions) Bill 2010 [*Seanad*] — Order for Report, Report and Final Stages; and No. 4, Criminal Justice (Public Order) Bill 2010 — Order for Second Stage and Second Stage. It is proposed, notwithstanding anything in Standing Orders, that Nos. 8, 9 and 10 shall be decided without debate and any division demanded on No. 10 shall be taken forthwith.

Private Members' business shall be No. 36, Electoral Representation (Amendment) Bill 2010 — Second Stage, and the proceedings on the Second Stage thereon shall, if not previously concluded, be brought to a conclusion at 8.30 p.m. on Wednesday, 26 May 2010.

Deputy Michael D. Higgins: It is not agreed that No. 9 be taken without debate, and I would like to give the reason for that.

An Ceann Comhairle: Please bear with me for a moment, Deputy. I will put the proposals to the House and you may make a brief comment then. There are two proposals to be put to the House. Is the proposal for dealing with Nos. 8, 9 and 10 agreed to?

Deputy Michael D. Higgins: Taking No. 9 without debate would be outrageous. We have been down this road before with regard to economic partnership agreements, but these three agreements have not been discussed in African parliaments. With regard to the first of the three, which deals with the Southern African Customs Union and the Southern African Development Community, there has been a specific attempt by some countries to come together on 18 June. Today is Africa Day. These three agreements affect hundreds of millions of Africans.

An Ceann Comhairle: Deputy, you may not discuss the matter in detail. I will allow a brief comment.

Deputy Michael D. Higgins: I will be brief. We have been down this road before. This process was used previously when agreements were referred to a select committee. I will attend the select committee with a couple of others, we will debate them inadequately and they will then be rammed through. They affect the right of Africans, for example, to put taxes on extractive industries that are robbing their countries. They require more than 80% reduction in relation to tariffs.

An Ceann Comhairle: A detailed comment is unnecessary at this point.

Deputy Michael D. Higgins: It is, because we insult ourselves and our foreign policy in this way. We are correctly proud of our policy on aid and on the relief of hunger, but we contradict it comprehensively by ramming through these agreements without discussion.

An Ceann Comhairle: Please co-operate with the Chair, Deputy. You are refusing latitude on the Order of Business. It is entirely inappropriate to make a Second Stage speech. There will be other times to raise this matter.

Deputy Michael D. Higgins: There are no other times.

An Ceann Comhairle: I have allowed you to make a brief comment but not licence for a Second Stage speech.

Deputy Michael D. Higgins: I am not making a Second Stage speech. I have said why the first interim agreement is inappropriate. The second one deals with eastern Africa and the same thing applies. Let us be clear about what is appropriate and inappropriate. Ten out of 47 African countries have signed these agreements. This is the imposition of old, failed policies on African countries that can ill afford them.

An Ceann Comhairle: Deputy, you are out of order.

Deputy Michael D. Higgins: I am not out of order. How am I out of order?

An Ceann Comhairle: You are making a Second Stage speech. There are so many other ways to raise this matter.

Deputy Michael D. Higgins: There are no other ways. What you would like is that they would drift off to a select committee with about three of us in attendance and hundreds of millions of people, for a decade, pay with their lives, their exports and their right to livelihood. It is a time for ending the hypocrisy of contradicting our aid and hunger policy by ramming through these agreements that are not properly considered.

An Ceann Comhairle: Deputy, will you give way to your party colleague?

Deputy Michael D. Higgins: I will finish now. They should be considered by plenary session in this Chamber. We should not compromise. The African countries are holding their meeting on 18 June. Today is Africa Day. Let us have a debate on these agreements. Then they can go to any select committee the House wishes. Let us not use the select committee as a cover for absence of transparency and morality in our foreign policy.

An Ceann Comhairle: I am now putting the question.

Deputy Bernard J. Durkan: A Cheann Comhairle, I indicated my intention to speak some time ago.

An Ceann Comhairle: I intend calling you later on the Order of Business. I have noted your name and it is my intention to call you.

Deputy Bernard J. Durkan: I wish to speak on this issue.

An Ceann Comhairle: Very briefly, Deputy Durkan.

Deputy Bernard J. Durkan: There are no other ways to raise this matter, as Deputy Higgins has pointed out. In support of what he has said, I ask that a full and open debate take place in this House. The matter may be referred to a select committee thereafter. Perhaps, at this stage,

[Deputy Bernard J. Durkan.]

a useful intervention may well be made by Members of this House in their own right and with their own knowledge. Can that be facilitated, a Cheann Comhairle?

Deputy Caoimhghín Ó Caoláin: I fully concur with the arguments presented by Deputy Higgins. It is scandalous that this is being kicked to the sidelines, where scant attention will be paid to what is at the core of the propositions involved. It has to be done in this Chamber, openly and transparently. I fully support his objections.

Deputy Emmet Stagg: I raise a point of order. As three Members of the House have asked for a debate on this issue, it is appropriate that the Government respond to those requests before you put the question, a Cheann Comhairle.

The Taoiseach: We are asked to approve the terms of the interim agreements as soon as possible. All other member states have signed them and the European Community is anxious to implement them in order to ensure compliance with World Trade Organisation rulings.

Deputy Michael D. Higgins: They go much beyond the WTO requirements.

The Taoiseach: It is expected that this will be dealt with by the Select Committee on Foreign Affairs. We have been asked to put the agreements forward for approval.

I can undertake that the matters can be debated in the House when they have been dealt with at committee.

Deputy Michael D. Higgins: That would be entirely too late.

Question put: "That the proposal for dealing with Nos. 8, 9 and 10, without debate, be agreed to."

Question put.

The Dáil divided: Tá, 73; Níl, 68.

Tá

Ahern, Dermot.
Ahern, Michael.
Ahern, Noel.
Andrews, Barry.
Aylward, Bobby.
Blaney, Niall.
Brady, Áine.
Brady, Cyprian.
Brady, Johnny.
Browne, John.
Byrne, Thomas.
Calleary, Dara.
Carey, Pat.
Collins, Niall.
Conlon, Margaret.
Connick, Seán.
Coughlan, Mary.
Cowan, Brian.
Cregan, John.
Cuffe, Ciarán.
Curran, John.
Dempsey, Noel.
Devins, Jimmy.

Dooley, Timmy.
Fahey, Frank.
Finneran, Michael.
Fitzpatrick, Michael.
Fleming, Seán.
Flynn, Beverley.
Gogarty, Paul.
Gormley, John.
Grealish, Noel.
Hanafin, Mary.
Harney, Mary.
Haughey, Seán.
Healy-Rae, Jackie.
Hoctor, Máire.
Kelleher, Billy.
Kelly, Peter.
Kenneally, Brendan.
Kennedy, Michael.
Killeen, Tony.
Kitt, Michael P.
Kitt, Tom.
McDaid, James.
McEllistrim, Thomas.

Tá—*continued*

McGrath, Mattie.
 McGrath, Michael.
 Moloney, John.
 Moynihan, Michael.
 Mulcahy, Michael.
 Nolan, M. J.
 Ó Fearghaíl, Seán.
 O'Brien, Darragh.
 O'Connor, Charlie.
 O'Dea, Willie.
 O'Donoghue, John.
 O'Flynn, Noel.
 O'Hanlon, Rory.
 O'Keefe, Edward.

O'Rourke, Mary.
 O'Sullivan, Christy.
 O'Sullivan, Maureen.
 Power, Peter.
 Power, Seán.
 Ryan, Eamon.
 Sargent, Trevor.
 Scanlon, Eamon.
 Smith, Brendan.
 Treacy, Noel.
 Wallace, Mary.
 White, Mary Alexandra.
 Woods, Michael.

Níl

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

Kenny, Enda.
 Lynch, Ciarán.
 Lynch, Kathleen.
 McCormack, Pádraic.
 McEntee, Shane.
 McGrath, Finian.
 McHugh, Joe.
 McManus, Liz.
 Mitchell, Olivia.
 Naughten, Denis.
 Neville, Dan.
 Noonan, Michael.
 Ó Caoláin, Caoimhghín.
 O'Donnell, Kieran.
 O'Dowd, Fergus.
 O'Keefe, Jim.
 O'Shea, Brian.
 O'Sullivan, Jan.
 Penrose, Willie.
 Perry, John.
 Rabbitte, Pat.
 Ring, Michael.
 Shatter, Alan.
 Sheahan, Tom.
 Sheehan, P. J.
 Sherlock, Seán.
 Shortall, Róisín.
 Stagg, Emmet.
 Stanton, David.
 Timmins, Billy.
 Tuffy, Joanna.
 Upton, Mary.
 Varadkar, Leo.
 Wall, Jack.

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

Question declared carried

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

Deputy Enda Kenny: Last week the Tánaiste was unable to give a clear answer in respect of legislation necessary to deal with information given to the review group looking into the ques-

[Deputy Enda Kenny.]

tion of children who may have died in the care of the State. I find it strange that the HSE, which is responsible for the delivery of services in accordance with the policy laid down by the Government and the Minister for Health and Children, has legal problems transmitting information and documentation to a review body set up by the Government. We have gone down the road of bureaucracy to an enormous extent.

An Ceann Comhairle: Has the Deputy a question on the Order of Business?

Deputy Enda Kenny: When does the Taoiseach expect the legislation the Attorney General spoke of this morning to be produced? Does he want to indicate the nature of the legal obstacles raised by the query in respect of giving HSE documentation to the review group?

Deputy Bernard J. Durkan: Hear, hear.

Deputy Enda Kenny: Deputy Neville has raised the question of mental health and the strategy, A Vision for Change, on many occasions. The programme for Government indicates a revised plan that can be implemented in respect of this strategy will be published in 2010 and the question of moving the Central Mental Hospital to a new site will be progressed. What is the position in so far as that element of the programme for Government is concerned?

I am concerned by what is happening in the horseracing industry. The Taoiseach has an interest in this and, on 13 May, he indicated legislation would be introduced to incorporate offshore and telephone betting for all involved, which would provide a new source of funding for the industry. When is the legislation expected? This is a serious issue for the country and, as the Taoiseach will be aware, it is an important part of Ireland's identity. We are losing ground rapidly and it would not do to have the industry diminished by virtue of not taking action in time.

The Taoiseach: With regard to the question on mental health facilities, I ask the Deputy to table a question to the Minister of State at the Department of Health and Children, Deputy Moloney, who can update him regarding those matters. I do not have that information available to me.

The legislative amendment we talked about bringing forward this morning at our meeting related to making sure there is a legal basis, unambiguously provided, that will allow for the exchange of information between the HSE and the Department of Health and Children. This is an issue that involves the Child Care Act, the Data Protection Act and constitutional provisions where a court order is in place based on *in camera* proceedings. These issues have to be resolved legally and they can, and will, be resolved legally. The purpose of the legislation is to allow for the exchange of information to take place that would satisfy the people on the review group to set about doing their work and getting whatever information they require in that respect. Factual information requested by the group will be furnished as a matter for urgency by the HSE no later than Friday of this week to enable them to get on with this work. In the meantime, the statutory provision should be brought forward as well to deal with the matter fully.

With regard to the question on betting legislation, I took the opportunity of a recent speech to the horseracing industry to state that we have sought and found a way legally in which we can deal with the question of people applying for licences with which to have bets placed outside the jurisdiction and the legislation will be prepared during the course of this year.

Deputy Eamon Gilmore: There is a report in today's *Irish Independent* to the effect that the Moriarty tribunal is to make an interim report to the Dáil. Does the Taoiseach know anything about that and has the Government been informed that such a report is to be made to the Dáil?

In the course of an interview over the weekend the Minister for the Environment, Heritage and Local Government, Deputy Gormley, indicated that the three outstanding by-elections, the election for the Dublin mayor and the children's referendum would be held this year, on the same day. Considering what the Minister had to say appears to be somewhat at variance with what the Taoiseach and the Tánaiste have been telling the House over a number of weeks, will the Taoiseach say whether Deputy Gormley is wrong in taking that view?

The Taoiseach: As I have said, the Government has neither discussed nor made any decision on that matter. People are giving their views, when asked, but there is nothing additional to be said in this regard until the Government makes some decisions.

Deputy Pat Rabbitte: He must be visiting his local head shop.

Deputy Joan Burton: What about a cup of tea and a chat?

Deputy Damien English: He must have been sitting in his local head shop.

The Taoiseach: On the other point raised by Deputy Gilmore, I understand the Moriarty tribunal may be in touch with the Oireachtas. I am not aware of any interim report being prepared. The tribunal chairman will probably outline to us what his plans are to progress matters, depending on what timeframe might be involved. We shall see what emerges in that regard but I do not have any knowledge of an interim report coming forward.

Deputy Alan Shatter: Is there any chance it will sit in perpetuity? It goes on and on.

Deputy Caoimhghín Ó Caoláin: Against the further daily revelations about the crisis state of leadership and management as regards child protection in the State, the Tánaiste on Thursday indicated in questioning from this Deputy and others that there would be no objection to the Minister of State with responsibility for children addressing the issues raised by the recommendations in the Ryan report. Can the Taoiseach indicate whether that is to be facilitated this week? We were given to understand that a debate could be arranged on the matter and the Minister or State was more than willing to attend the House. Both the Tánaiste and the Minister of State concerned confirmed this. On the first anniversary of the Ryan report, can the Taoiseach indicate to the House that we shall have such a facilitation to properly deal with statements — and questions to follow — on the recommendations of the Ryan report and all the other reports pertaining to children and child care provision by the State over the years?

The Taoiseach: The implementation plan was actually initiated in July last year. That anniversary takes place in July, but the Minister of State is available to discuss the matter in the House, with the agreement of the Whips. It cannot be dealt with this week, but I am sure during the course of next month some type of arrangement can be made for that to happen.

Deputy Emmet Stagg: For the record of the House, I asked a question and there was a very clear answer to the effect that the Minister of State would give an update on the implementation plan as the Tánaiste was not in a position to do that, with notice of a question.

The Taoiseach: He will do that, but it cannot be facilitated this week.

Deputy Caoimhghín Ó Caoláin: Can we have it next week?

The Taoiseach: It may not be next week, but it will be soon. Off the top of my head I cannot say what the business of the House will be next week.

Deputy Liz McManus: I have two questions. Today is International Missing Children's Day, and the European Commission has issued something of a criticism of Ireland, to the effect that the Minister has not activated the missing children's hotline, as have many other European countries. It is three years since the original decision was made and considering our record is so poor as regards missing children——

An Ceann Comhairle: Has the Deputy a question?

Deputy Liz McManus: Will the Taoiseach say when that is going to happen?

My second question relates to legislation which deals with the imposition of windfall tax on electricity suppliers. This matter was originally tacked on to a totally different Bill, namely, the Energy Biofuels Bill, and I want to compliment our Whip on ensuring that as it is a financial Bill it will be taken separately. Will the Taoiseach say when we can expect this Bill and what will it be called?

The Taoiseach: We can expect the Bill very soon, possibly next week or the week after.

As regards the prior matter, the Minister of State, Deputy Andrews is in discussion with the NGOs to try to see how we might be able to provide a service in that respect. The discussions are ongoing.

Deputy Joan Burton: I want to ask the Taoiseach about two matters. As regards the €750 billion stabilisation fund for the eurozone countries, could the Taoiseach say whether the Attorney General was able to advise if that would require legislation and in the event, when it will be brought before the House?

The Taoiseach will recall that after Christmas the Labour Party had a Private Members' motion to have a full proper inquiry into the banking crisis. The Government tabled its own motion to have two private scoping inquiries, one to be conducted by the Governor of the Central Bank and the other by Herr Klaus Regling and Mr. Max Watson. We were told that both of those reports would be presented to the Minister and the Government next Monday and Tuesday. The Government undertook at the time to publish those reports immediately and bring them before the House or the Joint Committee on Finance and the Public Service. Will the Taoiseach confirm that the Government will proceed to fulfil its promises in this regard? In the event, the Government, I understand, has then to give details of an in-depth inquiry to be conducted with speed into the collapse of the banks in Ireland, possibly giving details, also, as regards the lead up to the blanket guarantee of all the debts of the covered institutions.

The Taoiseach: The Attorney General is examining the issue of whether legislation is required. I do not have information on his final deliberations in that regard, but I can check this. Unfortunately, he is away for a couple of days.

On the other matter, this will be dealt with by the authors of the report themselves. I understand they are making progress with that report, but I am not aware when we will have it. I suspect, as the Deputy says, that it will be the end of this month. As soon as it is provided and considered by Government it will be published and will be debated in the House. We shall take it from there.

Deputy Róisín Shortall: On the inquiry that has been announced into the involvement of the State in the short life of Daniel McAnaspie, I have a number of questions. Will the Taoiseach agree to lay the terms of reference of that inquiry before the House, for the information of Members? Can he assure us that there will not be any confidentiality issues that might delay the inquiry, similar to other issues that we were talking about earlier? Can the Taoiseach assure the House that the role of the Department of Education and Skills and indeed, the Children's Court, in respect of the neglect of Daniel McAnaspie, will also be investigated? Finally, when does he expect to receive a report from that inquiry?

The Taoiseach: The terms of reference of the report will be determined by the HIQA guidelines for such investigations under the new arrangements that were introduced in January. I can only refer the Deputy to those. Obviously, I cannot anticipate the length of time it will take people to conduct the report, in line with those guidance criteria. I am not aware of any confidentiality issues that might arise in that respect. The new procedures under which the late Mr. McAnaspie's case will be dealt with, are set out in the HIQA guidance arrangements.

Deputy Róisín Shortall: On the issue of the role of the Department of Education and Skills and the Children's Court, will the group's inquiry focus on those issues also?

The Taoiseach: It is an independent group, comprising three persons, presumably from a panel of 15. It will determine, based on the HIQA guidance criteria, in what way the child care provisions of the legislation and so on were dealt with in this case and whether it was done properly. I can only refer the Deputy to the HIQA guidelines.

Deputy Róisín Shortall: My point is that——

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

The Taoiseach: Those guidelines inform every such investigation.

Deputy Róisín Shortall: It is not just the HSE that was negligent; it was also the Department of Education and Science.

An Ceann Comhairle: Deputy, we cannot pursue this matter on the Order of Business. We had a reasonable response.

Deputy Róisín Shortall: Can the Taoiseach provide an assurance that the terms of reference will not preclude an examination of the role played by those agencies?

The Taoiseach: I cannot anticipate the findings of the report.

Deputy Róisín Shortall: I did not ask the Taoiseach to do that.

The Taoiseach: The Deputy was suggesting——

Deputy Róisín Shortall: I asked whether he could assure me that the terms of reference would not preclude an examination of their role.

The Taoiseach: I cannot give the Deputy any such assurance. I can only give her the assurance that the procedure that has been established for all of these cases will be applied in this case. I refer the Deputy to the HIQA guidelines in that respect.

Deputy Bernard J. Durkan: I refer to points raised by a number of other Members on the subject of promised legislation. I will not delay the House.

[Deputy Bernard J. Durkan.]

The information relating to the number of children who died while in care——

An Ceann Comhairle: We have had this question a number of times.

Deputy Bernard J. Durkan: There is another angle to it.

An Ceann Comhairle: If the Deputy wishes to pursue the matter he may do so by way of a parliamentary question.

Deputy Bernard J. Durkan: This is with regard to promised legislation that has not yet been referred to.

The Taoiseach, in his replies to Deputies Kenny, Gilmore and others, indicated——

An Ceann Comhairle: We cannot discuss issues in this area.

Deputy Bernard J. Durkan: ——there are legal implications as to why the information sought has not become available. What are the legal implications?

An Ceann Comhairle: Deputy, the Order of Business is for short queries on promised legislation or business.

Deputy Bernard J. Durkan: I am dealing here with promised legislation. What are the legal implications? I am seeking a simple answer to a straight question. The HSE, as an agency of a Department, is saying there are legal implications——

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

Deputy Bernard J. Durkan: I am not out of order.

An Ceann Comhairle: Completely out of order.

Deputy Bernard J. Durkan: The legislation is promised.

An Ceann Comhairle: Yes, and we have had a question on the legislation.

Deputy Bernard J. Durkan: I am raising a question but the Ceann Comhairle keeps interrupting me.

An Ceann Comhairle: That is the problem. There is no provision for the Deputy to——

Deputy Bernard J. Durkan: If I was interrupting the Ceann Comhairle all the time he would not like it. May I finish?

An Ceann Comhairle: Yes.

Deputy Bernard J. Durkan: This is an important and emotive issue. Could the Taoiseach bring to the House as a matter of urgency the health information Bill, which has been mentioned many times before? There has been a serious dearth of information in the House for a long time.

An Ceann Comhairle: We will make inquiries for the Deputy.

The Taoiseach: I understand it will come to the House later this year. I must point out to the Deputy that there are two separate issues here.

Deputy Bernard J. Durkan: I am aware of that.

The Taoiseach: There is a need to provide legal certainty for the sharing of information so that the review group can undertake the process it has been asked to undertake by the Minister. The second issue is with regard to the validation of numbers. Many numbers are being mentioned.

Deputy Bernard J. Durkan: Banded about.

The Taoiseach: The HSE is currently undertaking a process of collating files from the 32 community care areas across the country so it can provide an accurate figure for the number of deaths of children in care and of children who were known to social services over the last decade but were not in the care of the State, in line with the new HIQA guidelines which were published in March of this year. That is an additional element which will require an intensive search of files across the country, a process which is now under way.

It is not simply a matter of why there is no figure available for the number of children who have died in the care of the State. We must also check those who were brought to the attention of social services but were not in care and those who went beyond the age of 18 and thus were no longer children but required after-care services up to the age of 21. Since the category of people being inquired about has been extended, all these files must now be checked. It is not restricted to those who were in State care. This is why there must be an extensive trawl through files. This must be done properly so the correct information can be obtained. There are 32 community care areas in which that exercise must take place, back-dated over the last ten years. We must understand the work involved.

Of course it would be far better if that information were immediately available. I am simply explaining the circumstances; more time will be required to obtain the information. The category of people involved has been extended to include not only those who were in State care but those who came to the attention of social services but were not in care and those who required after-care services after reaching the age of majority.

Deputy Jan O'Sullivan: I listened carefully to the Taoiseach's answer to Deputy Kenny on the legislation the Government believes is needed to underpin this transfer of information, but he did not give any indication of the time-frame involved. I would appreciate if he could tell us when he expects the Bill to be published and dealt with in the House.

The Limerick north side and south side revised regeneration plans were to go to Cabinet. Have they been agreed by Government and, if so, are there any implications for the legislation? Secondary legislation may be required because the bodies involved were set up by statute.

The Taoiseach: I do not believe they have come before the Government yet, although they are imminent.

With regard to the other matter, moves will be made as a matter of urgency within weeks.

Deputy Jan O'Sullivan: A matter of weeks.

The Taoiseach: As quickly as is practical.

Deputy Joe Costello: My question relates to the 1975 European Union directive on waste. As the Taoiseach knows, EU directives must be transposed into legislation three years after they have been agreed. However, this directive has not yet been transposed into domestic legislation after 35 years. Last year, the Commission took the Government to the European Court of Justice and won a decision against it.

An Ceann Comhairle: Deputy——

Deputy Joe Costello: This is to do with legislation. The result has been that the Government has had to pay its own legal fees plus three quarters of the EU's fees, with fines to come down the road. In the meantime, rural house-building has continued apace without adequate septic tanks or treatment facilities. We now have tens of thousands of housing units throughout the country——

An Ceann Comhairle: We will make inquiries about the legislation.

Deputy Joe Costello: ——which are in breach of the required rules. When will that legislation be introduced? When will we get it right? How has it taken all this time for successive Ministers for the environment to introduce this legislation?

The Taoiseach: I will have to get back to the Deputy with that information.

Deputy Joe Costello: In view of the fact that it is not that usual for Ireland to be before the European Court of Justice, does the Taoiseach know anything about this legislation?

Deputy Pat Rabbitte: The Tánaiste told me on Thursday in the context of the speech by the Director of Public Prosecutions that it was not the intention of the Government to introduce legislation to protect whistleblowers. On Friday night the Minister for Justice and Law Reform made a speech to the Law Society which the media interpreted as meaning that there would be such legislation. I accept that neither Deputy Ahern nor the Minister for Foreign Affairs, Deputy Martin, tells the Taoiseach everything he is up to; I will have a private word with the Taoiseach about that some time. Does he intend to introduce legislation to protect whistleblowers, or was this another kite flown by the Minister for Justice and Law Reform?

The Taoiseach: It has been confirmed in the House on a number of occasions that a sectoral approach would be taken to whistleblower legislation.

Deputy Joan Burton: That is the same. It is not general legislation.

Deputy Pat Rabbitte: Are we sticking with the sectoral approach?

The Taoiseach: That is the situation as has been outlined to date. The Director of Public Prosecutions made some comments on this matter in recent times. I understand the Minister for Justice and Law Reform, Deputy Ahern, spoke to the Law Society recently about measures to be taken with regard to white-collar crime, which did not relate specifically to whistleblower legislation. I am not aware that there has been a change in terms of moving to an omnibus Bill, but I will check for the Deputy.

Deputy Kathleen Lynch: In the *Irish Examiner* this morning, there were large headlines to the effect that the water safety authority knew that 46 children had been drowned in Ireland last year. The Road Safety Authority can tell us, county by county and road by road, how many people have died in road traffic accidents in a given year. Does the Taoiseach agree that it defies belief that the people charged with responsibility for children do not know how many have died while under their care?

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

Deputy Kathleen Lynch: I am getting to that. Is it the case that such deaths are so common an occurrence that they did not even strike a chord with those in charge?

An Ceann Comhairle: The Deputy should pursue this matter by way of a parliamentary question.

Deputy Kathleen Lynch: It defies logic.

An Ceann Comhairle: The Deputy has made her point and should let it rest.

Deputy Kathleen Lynch: It adds insult to injury that these people are refusing to hand over files. Will the Taoiseach show them who is in charge in this country, who they are working for and what their responsibilities are?

An Ceann Comhairle: The Deputy should submit a question to the line Minister.

Deputy Kathleen Lynch: Are we likely to see the mental capacity Bill in the next six weeks?

The Taoiseach: We are hopeful that Bill will be published this session. On the other issue, the Deputy was in the House for the previous debate on these matters where it was made clear that there are legal issues involved that we must resolve. We cannot give a direction contrary to the law but must instead bring in new legislation to deal with the situation, which is what we are doing. I have also explained to Members who have inquired in the House today that the remit of the investigation is extending beyond children who died in State care to include those who may have been notified to child protection services but were not in State care and who subsequently died. All of that must be checked.

There are currently 5,500 thousand children involved with the State services in terms of foster care, institutional care or special care. That adds up to a substantial number in a ten-year period as per the extended remit. While I would like to have that information for the House today, it is in the process of being obtained. We have indicated that we will legislate in this area to ensure there is sufficient interaction between the Department of Health and Children and the Health Service Executive so that the necessary information is available to Mr. Shannon and Ms Gibbons is available.

Deputy Billy Timmins: When can we expect to see the report by the passport service into the illegal use of Irish passports in Dubai, which was received by the Minister for Foreign Affairs more than a week ago?

The Taoiseach: I will get back to the Deputy with that information.

Council of Europe Convention: Motion

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

That the proposal that Dáil Éireann approves in accordance with Article 29.5.2 of Bunreacht na hÉireann, the terms of the Council of Europe Convention on Action against Trafficking in Human Beings, a copy of which was laid before Dáil Éireann on 13 May 2010, be referred to the Select Committee on Justice, Equality, Defence and Women's Rights in accordance with paragraph (1) of the Orders of Reference of that committee, which, not later than 16 June 2010, shall send a message to the Dáil in the manner prescribed in Standing Order 87, and Standing Order 86(2) shall accordingly apply.

Question put and agreed to.

Economic Partnership Agreements: Motion

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

That the proposal that Dáil Éireann approves the terms of the three interim Economic Partnership Agreements:

(i) Interim Agreement with a view to an Economic Partnership Agreement between the European Community and its Member States, of the one part, and the SADC EPA (Southern African Development Community Economic Partnership Agreement) States, of the other part;

(ii) Agreement establishing a framework for an Economic Partnership Agreement between the European Community and its Member States, on the one part, and the East African Community Partner States, on the other part; and

(iii) Interim Agreement establishing a framework for an Economic Partnership Agreement between the Eastern and Southern Africa States, on the one part, and the European Community and its Member States, on the other part,

which were laid before Dáil Éireann on 12 April 2010, be referred to the Select Committee on Foreign Affairs in accordance with paragraph (1) of the Orders of Reference of that committee, which, not later than 16 June 2010, shall send a message to the Dáil in the manner prescribed in Standing Order 87, and Standing Order 86(2) shall accordingly apply.”

Question put and agreed to.

Revised Estimates for Public Services: Motion

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I move:

That, notwithstanding Standing Order 154(1) or (2) or the Order of the Dáil of 18 February 2010, the following Further Revised Estimates for Public Services for the year ending 31 December 2010, be presented to the Dáil on 25 May 2010, being a date later than that prescribed for the presentation of Estimates, and that the Further Revised Estimates be referred to the following Select Committees in accordance with Standing Order 154(3) and paragraph (1)(a)(ii) of that committee’s Orders of Reference:-

Vote 26 (Education and Skills) (*Further Revised Estimate*) — Select Committee on Education and Science.

Vote 31 (Agriculture, Fisheries and Food) (*Further Revised Estimate*) — Select Committee on Agriculture, Fisheries and Food.

Vote 34 (Enterprise, Trade and Innovation) (*Further Revised Estimate*) — Select Committee on Enterprise, Trade and Employment.

Vote 35 (Tourism, Culture and Sport) (*Further Revised Estimate*) — Select Committee on Arts, Sport, Tourism, Community, Rural and Gaeltacht Affairs.

Question put and agreed to.

Energy (Biofuel Obligation and Miscellaneous Provisions) Bill 2010 [Seanad] — Order for Report Stage

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I move: “That Report Stage be taken now.”

Question put and agreed to.

Energy (Biofuel Obligation and Miscellaneous Provisions) Bill 2010[Seanad] — Report and Final Stages

Acting Chairman (Deputy Charlie O’Connor): Amendment No. 1 arises out of committee proceedings. Amendments Nos. 1 to 3, inclusive, are related and may be discussed together by agreement.

Deputy Eamon Ryan: I move amendment No. 1:

In page 5, line 22, before “TO AMEND” to insert “FOR THOSE AND OTHER PURPOSES”.

These technical amendments are inserted for clarification purposes.

Amendment agreed to.

Deputy Eamon Ryan: I move amendment No. 2:

In page 5, line 24, after “1971,” to insert “THE FUELS (CONTROL OF SUPPLIES) ACT 1982,”.

Amendment agreed to.

Deputy Eamon Ryan: I move amendment No. 3:

In page 6, to delete lines 1 to 4 and substitute the following:

“(3) This Part and *sections 3* (in so far as it applies to sections 44A and 44B (both inserted by the said *section 3*) of the National Oil Reserves Agency Act 2007), 4, 5 and 16 come into operation on the date of the passing of this Act.”.

Amendment agreed to.

Acting Chairman: Amendments Nos. 4 to 7, inclusive, 11, and 13 to 16, inclusive, are related. Amendments Nos. 4 to 7, inclusive, are in the names of Deputies McManus and Sherlock. However, as the Deputies are not present, the amendments cannot be moved.

Amendments Nos. 4 to 7, inclusive, not moved.

Acting Chairman: Amendment No. 8 arises out of committee proceedings. Amendments Nos. 8 and 9 are related and may be discussed together by agreement.

Deputy Simon Coveney: I move amendment No. 8:

In page 10, between lines 6 and 7, to insert the following:

“(b) the capacity of domestic producers to supply biofuel to meet domestic market demands,”.

[Deputy Simon Coveney.]

The Minister will be familiar with these amendments which were debated on Committee Stage and a vote called on amendment No. 8 which, predictably, the Opposition lost. As such, I do not intend to delay proceedings unduly. My point is that when the Minister or is determining whether we should amend the percentage of bio-fuel we mandate to be blended with carbon-based fuels like petrol and diesel, one of the issues he or she should factor in is the capacity of domestic producers to supply bio-fuels to meet that market demand. I hope the Minister has had an opportunity to consider the points I made on Committee Stage and that he may have changed his mind, although I suspect not.

Deputy Eamon Ryan: The 2009 renewable energy directive set a 10% target for renewable energy in transport for all member states by 2020. This is a binding target and we must, therefore, be extremely careful about how we condition decisions to that end when undertaking a review of the rate of the bio-fuel obligation. The custom tariff policies referred to are for products being brought into the State from outside the European Union. Tariff policies are specific to individual member states and it would not be appropriate for me to consider policies in place in other member states when undertaking any review of the obligation rate. As I stated previously, the approach taken by Ireland to deliver on the target will ensure there is sustainable development of an Irish bio-fuels market in line with overall bio-fuel policy criteria and the relevant European Union directives. We are keen to see that happen but it is better achieved without being specific, as the Deputy proposes, but rather by maintaining the provisions as set out in the Bill.

Deputy Simon Coveney: On amendment No. 9, I am surprised that the Minister does not consider it appropriate for him or a future Minister to have regard to what other countries are doing in regard to tariff rates. Certain European Union countries are effectively creating an artificial market for bio-fuels by applying higher import tariffs than others. Germany, Spain and Portugal, for example, are applying a higher import tariff than, say, Britain on ethanol coming from Brazil. It makes sense that we would consider what is happening in other member states before making a decision on the percentage of bio-fuel coming from domestic production and what can be done to promote it. However, I accept the other points the Minister made.

Deputy Eamon Ryan: The Bill provides that the Minister “may also have regard to such other matters as he or she considers appropriate relating to the effects, in any, of increased consumption of biofuel in the State on economic activities in the State and on the environment”. In other words, there is already provision for us to consider broader issues and those issues will be taken into account by any Minister in such a review.

Amendment put and declared lost.

Deputy Simon Coveney: I move amendment No. 9:

In page 10, between lines 12 and 13, to insert the following:

“(c) the various custom tariff policies and other national policies adopted by EU member States to promote domestic production of biofuels to supply market demand.”.

Amendment put and declared lost.

Amendment No. 10 not moved.

Deputy Simon Coveney: I move amendment No. 11:

In page 16, line 33, after “concerned” to insert “and is classified under certain taric codes”.

Amendment, by leave, withdrawn.

Amendments Nos. 12 and 13 not moved.

Deputy Simon Coveney: I move amendment No. 14:

In page 30, line 39, after “to” where it secondly occurs to insert “increase security of supply of transport fuels”.

This amendment was grouped with amendment No. 4 and others but it was not taken with them. I will not make a big deal about this one. The purpose of this amendment is to try to get security of supply issues into the transport fuel debate. We spend a great deal of time here discussing security of supply and the Minister’s Department spends a great deal of time trying to resolve issues around gas storage, oil storage and interconnection for security of supply and often we miss the point when it comes to security of supply for transport fuel because we import all of that too. In fact, we import more of that than in the case of electricity generation because we import practically everything for transport fuels, apart from the small amount of biofuel produced here. I thought it appropriate to put the security of supply issue into this legislation in page 30 under the biofuels standards. I hope the Minister will consider that.

Deputy Eamon Ryan: No. Obviously, I consider that everything we are doing in this Bill is driven by a concern regarding future security of supply, particularly in the transport area. I see the impetus behind this amendment but in a section on biofuel standards I do not believe that strategic intent would sit with the remaining part of the section and therefore I do not intend to include it.

Amendment, by leave, withdrawn.

Amendment Nos. 15 to 17, inclusive, not moved.

Deputy Simon Coveney: Before we finalise the debate on the Bill, I welcome the fact that the Minister has decided not to introduce a very large amendment on a carbon levy on energy generators to address an issue I have been raising for some time with the Minister and which, to be fair, has been with the Attorney General’s office for some time. The Minister might give us an indication as to when we are likely to see that legislation in a separate Bill rather than as an amendment to this legislation, which is a separate issue. I understand the Department has been working overtime to try to make that happen. I appreciate that because we want to try to get it in place before the summer recess. My party will try to facilitate that as best we can. We may have some differences of opinion in terms of the detail of the legislation but the principle is one we support.

As a result of the Energy (Biofuel Obligation and Miscellaneous Provisions) Bill and in conjunction with what the Minister announced yesterday regarding refit tariffs for the biomass and biofuels industry in terms of energy generation, I hope we will soon see new tariffs coming into play for microgeneration and micro-CHP also. An exciting new industry is developing here which this Bill supports by guaranteeing a marketplace for biofuels in Ireland. The challenge for us as policymakers is to ensure we maximise the benefit of that biofuel for domestic industry and domestic producers, and I believe we are going some way to doing that. I welcome the legislation and the debate we have had on it to date. I look forward to seeing the new legislation

[Deputy Simon Coveney.]

on the carbon levy that was to be attached to this legislation but now will be a Bill in its own right.

Deputy Eamon Ryan: I join Deputy Coveney in commending the officials on the work that has been done on this Bill, which is an extensive piece of legislation. We are a small Department but I believe we are a talented Department and take on important economic, security and environmental issues. This is an example of the work we do that is of a very high standard, and I want to commend the officials in particular on the work they have done in that regard.

It is important legislation and part of a series of measures towards a changed energy future for this country, one that is more dependent on our own natural resources and therefore more secure in terms of pricing and threats to the planet from emissions. In this Bill we are establishing the opportunity for Irish farming to have a new market to sell into, which is a crucial element in what we are doing. It has not been an easy market to get into. In any country there are sensitive issues around land use effects and food price effects of the development of bio-fuels. We must continue to be very alert to what is happening in that market but I believe the provisions set out in this legislation, which backs up what is happening in Europe, allows us do that in a sustainable way. I thank Members on all sides of the House for their assistance, in the Seanad as well as in the Dáil, in getting this Bill through the House.

On the other issue Deputy Coveney mentioned, namely, the introduction of a carbon levy, I was happy that the approach we were taking was appropriate. My officials had done a great deal of work clearing it and ensuring it was the right way to proceed but when the Whip told me last week that he would prefer if it were done in a separate Bill, I was happy to accept his viewpoint. I went to Cabinet this morning with a Bill set out in that manner containing the provisions we had intended to include in a Committee Stage amendment. That Bill is ready to go for publishing. I believe it takes a day or two to print and publish the Bill but that will be done immediately and I hope to get it into the Dáil as soon as possible, possibly next week. I appreciate Deputy Coveney's comments that he would be willing to facilitate the passage of the Bill, subject to amendments Deputies opposite may want to propose. I hope we will be able to get it passed by the Houses before the end of this term and therefore be able to implement our policy objective.

I am glad we have taken a major step in the right direction with our Energy (Biofuel Obligation and Miscellaneous Provisions) Bill and I thank the House for the help in that regard.

Bill reported with amendments.

Acting Chairman: When is it proposed to take Fifth Stage?

Deputy Eamon Ryan: Now.

Question: "That the Bill do now pass" put and agreed to.

Acting Chairman: The Bill, which is considered to be initiated in Dáil Éireann in accordance with Article 20.2.2o of the Constitution, will be sent to the Seanad.

Message from Seanad Éireann

Acting Chairman: Seanad Éireann has passed the Intoxicating Liquor (National Conference Centre) Bill 2010 without amendment.

Criminal Justice (Public Order) Bill 2010: Order for Second Stage

Bill entitled an Act to prohibit harrassment or intimidation of members of the public by persons who engage in begging; to confer power on members of the Garda Síochána to give directions to persons to desist from begging, in certain circumstances; and to provide for matters connected therewith.

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

Question put and agreed to.

Criminal Justice (Public Order) Bill 2010: Second Stage

Minister for Justice and Law Reform (Deputy Dermot Ahern): I move: “That the Bill be now read a Second Time.”

I am pleased to bring the Criminal Justice (Public Order) Bill 2010 to this House. The aim of the Bill is to replace the old begging regime which criminalised all begging at all times with a more humane and progressive approach where begging only will be an offence where accompanied by disruptive behaviour such as harassment or intimidation.

In particular, the Bill takes full account of the judgment delivered in December 2007 by the High Court in *Dillon v. DPP*. Before we consider the Bill, it would be helpful to outline the main elements of that judgment. It resulted from an action by a person charged with begging who sought a declaration that the law under which he was charged, namely, section 3 of the Vagrancy (Ireland) Act 1847, was unconstitutional. The court found that section 3 was, in fact, unconstitutional on two counts. For the record, section 3 states that “every person wandering abroad and begging, or placing himself in any public place, street, highway, court or passage to beg or gather alms” is guilty of the offence of begging.

The court held that this specification of the offence was too vague and arbitrary and therefore in violation of Article 34.1, Article 40.1, Article 40.3 and Article 40.4.1° of the Constitution. Article 34 concerns the operation of the courts while Article 40 concerns personal rights.

Having just heard me quote the text of section 3, I am sure Deputies might understand why it was struck down. As can be seen, it is vague and generalised in the manner in which it defined the offence.

The court also held that the constitutional right to free expression and communication as provided for in Article 40.3 and Article 40.6.1° was being curtailed unreasonably by section 3. This merely confirms that, subject to the law, citizens are entitled to communicate with fellow citizens in the normal course of daily life.

The judgment went on to make very significant points that have been of great assistance in framing our response to the situation that we find ourselves in as a result of the decision. I can do no better than to quote directly from the judgment. The court stated that “an overall ban on all forms of begging is unconstitutional”, but added that “Nothing in this judgment should be construed as preventing the legislature making laws controlling the location, time date, duration and manner in which begging or the seeking of alms might take place and the age of any person involved in such activity”.

It is important I emphasise that in the case, which was not appealed to the Supreme Court because it was so clear and the legal advice from the Attorney General was that we would not win, the court stated that “an overall ban on all forms of begging is unconstitutional”. Obviously, we had to follow that in the framing of this legislation.

[Deputy Dermot Ahern.]

On the possibility that legislation may set limits on the right to communicate, the judgment stated that “it is undoubtedly so, that the right to communicate and the right to freedom of expression can be limited in the interests of the common good”.

A number of clear conclusions can be drawn from these remarks. First, begging can be controlled. Second, however, the law must be certain in its definition of the offending activity and it must be proportionate in any restrictions it places on what are, in other circumstances, constitutional rights. Third, begging, of itself, is not necessarily an offence — it becomes an offence only when accompanied by certain disruptive behaviour, for example, harassment or intimidation.

I welcome the judgment not only for the opportunity it gives us to update and express in modern terms the law as it applies to begging, but for the detail and guidance it contains. It gives an opportunity to move away from laws that have their origin in a dark and tragic period in our past — I refer, of course, to the Great Famine.

The Bill takes a radically different view of begging from the 1847 Act and pursues a more reasonable and rational approach. I want to make a few further points before addressing the Bill in detail. First, I emphasise that the legislation treats begging as a public order issue; that much is already clear from the Title. The year 1847 was a time of enormous social upheaval and the Act may have had social control as part of its purpose, but circumstances have changed since then.

It is essential to note that this Bill does not present any threat or risk for the most needy and most vulnerable in society — all the social and other supports provided by State and voluntary agencies funded by the State will continue to be available. I also emphasise that the Bill has no impact on the conduct of, for example, public charity collections. These are already regulated by the Street and House to House Collections Act 1962 and by the Charities Act 2009.

The Bill contains five sections, the most important being sections 2 and 3. Section 1 contains the definitions of terms used in the Bill. In so far as possible, the definitions are aligned with the definitions in the Criminal Justice (Public Order) Act 1994. In that respect, I draw attention to, for example, the definitions of “dwelling” and “place” — they have the same meaning in this Bill as they have in the 1994 Act. For example, “public place” is given a wide definition and includes a highway, a churchyard or cemetery, a premises to which the public has access or a train or vessel. A “private place” is any place that is not a public place. This approach integrates the law on begging into the general body of public order law. It also promotes consistency, certainty and clarity in the understanding and application of the law on public or private places.

On the term “begging”, the Bill draws a distinction between the activity that constitutes begging and the circumstances where the offence of begging is committed. The activity is defined in section 1. Begging can arise in a public or private place. It entails seeking money or goods from others “without lawful authority”. In other words, the activity entails requesting money when in a public place and not having a licence or permit under any of the relevant statutes or by-laws and where nothing, either goods or services, is offered in return for the donation. When conducted in a private place, begging is defined as being done without the consent of the owner or occupier.

Section 2 provides for the offence of begging. It has general application — by that I mean it applies to persons of all ages and may occur in any place, either public or private. Bearing in mind that the court stated already, in *Dillon v. DPP*, that “an overall ban on all forms of

begging is unconstitutional', but noting also that it stated that this did not prevent the introduction of legislation that controlled the manner and circumstances in which begging can take place, the offence in section 2 is committed when begging is accompanied by harassment, intimidation, assault, threats to any person or the obstruction of passage by persons or vehicles. It is a summary offence with a maximum fine of €400 or a custodial sentence of up to one month, or both. I think an example will demonstrate the point I have been making. Anyone who asks another person at a bus stop late at night to help with the fare is, perhaps, engaged in the activity of begging but it is not an offence if done in an agreeable manner. It becomes an offence if the person threatens, assaults or intimidates his fellow passengers.

Section 3 is, to my mind, very significant. Deputies will recall from one of the extracts I quoted from the judgment that the Legislature may include appropriate restrictions in any laws on begging, and that the restrictions could relate to, for example, location, time and manner in which begging is carried on. Section 3 avails of the possibilities presented by the judgment in this respect. It bestows on members of the Garda Síochána a power to give directions to persons who are begging in particular locations or circumstances. Members of the Garda Síochána will be able to direct a person who is begging to desist from acting in that manner and to leave the vicinity of that place in a peaceful manner. Before dealing with each of the circumstances and locations where this power may be exercised, I will note that subsection (6) requires the Garda to use clear language when explaining the effect of a direction to any person.

Subsection (1) provides that the member may give a direction when he or she has reasonable grounds for believing that the person who is begging is acting in a manner that constitutes an offence under section 2 or gives rise to a reasonable apprehension for the safety of persons or property or for the maintenance of the public peace. As Deputies will recall, this can include begging on roadways or at busy junctions.

Subsection (2) provides that a Garda may exercise the new power where the person is begging within 10 m of the entrance to a dwelling, an automated teller machine or a vending machine. These locations are chosen because they are ones where people are often distracted by the activity immediately at hand and often feel vulnerable in the presence of strangers. They may be fearful of having keys snatched as they enter or leave their home. In the case of ATMs, we know they are now an essential feature of our lives; many of us use them to transact much of our financial affairs. Having another unknown person in close proximity while operating an ATM can give rise to anxiety and apprehension. I had the reference to "vending machine" added so as to include machines in multistorey car parks, for example. These are locations where people should be able to conduct their business with a sense of security and I believe this section of the Bill provides that security.

Subsection (3) provides that directions may be given where the person is begging within 10 m of the entrance to a business premises at any time when that premises is open to the public for business and the member has reasonable grounds for believing that the behaviour or number of persons begging is deterring the public from entering that premises. This subsection will prove very useful for traders whose businesses are blighted by the presence of persons who are begging. However, in line with the judgment, a person who is begging near a business premises but in a manner that is not interfering with customers, may not be subject to such a direction. The conditions in this subsection or in subsection (1) must be met before a direction may be issued. In other words, the begging must be causing obstruction or intimidating potential customers; it must be causing or likely to cause people to stay away.

Subsections (4) and (8) apply to a person who is begging in a private place or a private dwelling. Either a garda, under subsection (4), or the owner or occupier, under subsection (8), may direct the person to desist and leave the premises. Having regard to the special status

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under the constitution of a private dwelling, subsection (7) provides that the garda may exercise the powers to give directions in a dwelling house when he or she is there with the consent of the owner or occupier.

A person who contravenes a direction from a member of the Garda Síochána is guilty of an offence and is liable, on summary conviction, to a fine of up to €300.

Before I leave section 3, I want to give a clear message about the enforcement powers under this Bill, especially those in section 3. It is my clear intention that the nuisance created by begging should not as a rule result in prosecutions and I am particularly keen to ensure imprisonment is not seen to be a solution. Section 3 enables the difficulty in any particular case to be resolved quickly and effectively without recourse to prosecutions. All that is required is goodwill and co-operation from those who are begging.

The powers in section 3 will save Garda Síochána and court time and will save costs generally. Each prosecution ties up a lot of personnel and resources that could be better used in other areas. Section 3 provides a means of avoiding many of those costs while also ensuring respect for the law. As regards reliance on imprisonment, I know it has to be available as a last resort but I am ensuring we have a means available to avoid prosecutions and as a result reduce the possibility of sending people to prison for offences such as begging. The Dáil has recently passed the Fines Bill which will be signed by the President in the coming days and this will also have an added effect in that respect. On the overall scale of things, begging is a minor offence and prisons should not be used in such cases, except as a last resort.

Section 4 establishes the powers of arrest under this legislation. The section provides that the Garda Síochána may arrest without warrant any person who is reasonably suspected of having committed an offence under sections 2 or 3. A garda may require a person arrested under this section to give his or her name and address. Any person who fails to comply with this request or who gives false or misleading information is guilty of an offence and is liable to a fine not exceeding €200 upon summary conviction. Members of the Garda Síochána may carry out their functions under this section when in a dwelling only if they are in the dwelling with the consent of the owner or occupier.

I draw the attention of the House to subsection (5) which provides that a person's address may be a place which he regularly visits. This has been added to facilitate persons who are without a permanent address and it ensures they can comply with the request for details of their address from the arresting garda. Section 5 is a standard provision on the Short Title of the Bill and the collective citation of the Public Order Acts. The citation underlines my earlier remarks on how this Bill is linked in to the Public Order Acts.

I wish to inform the House that I am examining whether additional legislative provision is required to deal with what might be termed as "organised begging rings". If additional measures are required, it is likely I will bring them forward on Committee Stage. On a related point, I wish to make clear that the Bill does not alter in any way section 247 of the Children Act 2001. That section makes it an offence to procure or to control a child for the purposes of begging. A number of Deputies have made the point over the years that organised begging rings are in operation in major urban areas. I am open to amendments in that respect and I will be examining such provisions.

This is a short Bill but it is a comprehensive response to the High Court judgment. It enables the law on begging to be updated in a manner that is not only consistent with the Constitution, but also ensures maximum effectiveness in enforcement with reduced emphasis on prosecutions and penalties. It targets those whose begging presents an unacceptable interference with the normal conduct of life in society. Unlike the 1847 Act, which it is replacing, this Bill implies

no judgment on the persons who are begging. Its only concern is the maintenance of public order where that order is being challenged by persons who are begging. In other words, the focus is on dealing with the activity that represents an unacceptable interference with public order. I am pleased to commend the Bill to the House.

Deputy Joe Carey: I have no doubt the irony of this legislation at this specific time has crossed many people's minds, including the Minister and those officials who have drafted this Criminal Justice (Public Order) (Amendment) Bill 2010. I know that the Minister will not want to hear this — I do not say it facetiously — but the people of Ireland have surely been the victims of the greatest act of begging, or indeed even mugging, over the past two years. With NAMA and bank recapitalisation, the Department of Finance on Upper Merrion Street could be regarded as the greatest ATM machine in the country. At this stage, it would be nice to see the potential powers enabled by this legislation applied retrospectively. It would be just reward for the people of Ireland if the new powers included in this Bill enabling the gardaí to direct persons begging within 10 m of an ATM to desist and to move on from the vicinity, could be handed down to those who arrived in Merrion Square, with their hands out in September 2008 who indeed have exhibited persistent tendencies ever since.

I congratulate the Minister on the initiative he showed last weekend at the Law Society of Ireland dinner with regard to his proposed Corruption Bill dealing with white collar crime. The Minister has made amendments to the Bill since publication of the general scheme in November 2008 and the Bill is the better for it. However, he still has some adjustments to make.

The purpose of this Bill is the provision of a legal mechanism to control and deter begging. It is regrettable, in my view, that we are debating this issue; it is regrettable that we as legislators are enacting laws to prevent the act of begging on our streets, at a time when many families are living in poverty. Begging is inextricably linked to poverty, homelessness and access to social services. The real issue here is that the Government needs to address the reasons we have a begging issue.

Until the High Court decision in the *Niall Dillon v. Director of Public Prosecutions* in December 2007, the law on begging in this country had been governed by the Vagrancy (Ireland) Act 1847. This law was introduced in Ireland during a period right after the Great Famine. The purpose of the Act was to regulate the social effects of the Famine disaster.

In 1985, the Law Reform Commission published a report on vagrancy and related offences, in which it recommended that the Vagrancy Act be amended, consolidated, or replaced, but not entirely abolished. At that time, the Law Reform Commission suggested that a general offence of begging should be retained. Then came the Dillon judgment, where Mr. Niall Dillon had challenged the provisions of section 3 claiming that they were inconsistent with the Constitution in that they interfered with his constitutional right to freedom of expression and to communicate, contrary to Article 40.6.1o, and were disproportionate and interfered with his constitutional rights to a greater extent than that necessary, having regard to the offence and the circumstances of the applicant.

Mr. Justice de Valera struck down the 1847 provision for being too broad and not attempting to balance the rights of society against those of the beggar. While he struck down section 3 of the 1847 Act as unconstitutional, the judge clearly held that there was no necessary constitutional problem with anti-begging legislation. So here we are at this legal juncture, having to provide for the practice of begging on our streets.

The distinction between begging and public nuisance is important in this legislation. In 2007, a Eurobarometer survey indicated that Irish people are relatively tolerant of the practice of

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begging on the streets. They are able to make the distinction that most people do not choose to beg, and that there are many underlying causes for begging in the first place.

According to the survey of 27 EU member states, on average, 36% of people give money to charitable organisations, while 74% of Irish people do so. Across the EU, 29% give money to people on the streets, while in Ireland we were again above the average with 32% of people doing so. Most interestingly, the EU average of those giving no help whatsoever is 18%, while the figure for Ireland is practically nil, at 2%. These figures indicate that Irish people are significantly more charitable in nature than our EU partners concerning street begging.

I would not like to see this legislation being imposed in a draconian manner. It must not be used as sledgehammer legislation to crack a problem which is a relatively small nut. Just across the road from my constituency office in Francis Street, Ennis, an elderly woman sits outside a parochial centre. She has been there for years, since before my time as a politician. I have never seen that woman intimidating or harassing anybody. At this stage, I would say that her presence seems acceptable to everyone. The terms of this legislation, however, would indicate that she could be fined or imprisoned for her actions. Given the data established on Irish attitudes to begging, I do not think anyone wants to see this legislation applied to cases such as the one I have just cited. That is why the distinction between begging and public nuisance must be made clearer. The definitions of “harass” and “intimidate” as used in the Bill, are subjective in nature and somewhat undermine the High Court’s decision in the Dillon judgment, in which it was stated that “...an overall ban on all forms of begging is unconstitutional”.

Section 1 attempts to recognise the judgment of the High Court in the Dillon case. It creates the balance or differentiation between what could be interpreted as a vindication of the rights, as recognised by the Constitution with regard to legal begging and begging accompanied by the aggravating factors of harassment, intimidation, assault, obstruction and threatening behaviour. I must re-emphasise that on Committee Stage the Minister needs to deal with the subjective nature of section 2.

Outside the subjectivity of section 2, the fact that this section does not refer in any way to the possibility of someone begging in a manner as described — whether by harassment, intimidation, assault, obstruction or threatening or, perhaps, by offering a token good or service in return for moneys offered — could render this section irrelevant, where the offence is thus defined. The Minister should re-examine section 2 of the Bill from those perspectives. I recognise that this needs a delicate approach, in that we do have a culture of quality street entertainment, including busking. However, it is a loophole that should be addressed at this early stage of its implementation.

The existing law on begging by children is covered by section 247(3) of the Children Act 2001. It is proposed that in this legislation no age distinction be made, but I am uncomfortable with this. The basic tenet in establishing our relatively new juvenile justice system was to create a distinction between children and adults. Raising the criminal age of intent to 12 years was a repeal of legislation dating from Victorian times, similar to what this legislation seeks to do by repealing the Vagrancy (Ireland) Act of 1847.

The fact that this legislation does not expressly make a distinction between an adult and a child is a regressive step. Notwithstanding the fact that children who are tried and convicted of an offence under this Bill will, as in most other cases affecting children, be dealt with in accordance with the child-focused provisions of the Children Act 2001, this element of the legislation is weak and not proofed *vis-à-vis* the Children Act 2001. Under section 247(1) of the Children Act 2001, a person is guilty of an offence if they procure a child, or allow a child in their care,

to be in any street or public place for the purpose of begging. Section 247(3) provides that a person found guilty of an offence under this section is liable on summary conviction to a fine not exceeding €250, in the case of a first offence, or €500 for a second or subsequent offence.

Interestingly, under the Bill the offence of begging offers the liability on summary conviction of a fine not exceeding €400 or imprisonment for a term not exceeding one month, or both. One can conclude from this that the child convicted of begging can be fined up to €400 and imprisoned for a month, while the parent or person directing the activity can be only fined up to €250. The Minister should amend the legislation to correct this anomaly.

Under section 4 it will also be an offence to fail to give one's name and address, or to give false details on arrest for begging, with a separate fine of up to €200 for committing this specific offence of failing to give one's details. It is difficult to see how workable this particular section of the legislation will be. By its nature, begging is carried out by homeless people who have fallen on hard times and are often living rough on the streets. It will be difficult for some homeless people to comply with this requirement, in that an address at which they reside will not apply. I cannot see any provision in the Bill as published to mitigate the fact that a homeless person has a reasonable excuse for not being able to give an address to the Garda.

The Housing Act 1988 defines a homeless person as somebody who has no reasonable accommodation to live in or who lives in a hospital, institution or night shelter because of the lack of a home. All of these categories can comply with the legislation. However, it is the visible homeless — those living on the streets and sleeping rough who also beg — who will potentially come into conflict with this aspect of the legislation.

In 2008, the Homeless Agency conducted a survey of homelessness in Dublin. It counted 2,366 people who were homeless in the city, of whom 110 were sleeping rough. Through his various media releases on this Bill, the Minister has been at pains to point out that he considers there are many appropriate services in place and that we should not have this level of begging on our streets.

I accept the point the Minister is making. It is essentially an academic, bureaucratic or end-of-year report type comment. The fact remains that there are many who for various reasons cannot avail of the services that are on offer. Despite the Minister's opinion, the State has shown itself to come up short on many occasions.

One would not have to travel very far from Dáil Éireann any night to witness at first hand the rate of homelessness. It is quite disturbing to see people of all ages, men and women, sleeping rough on cardboard boxes and sleeping bags in the doorways throughout Dublin city. In my constituency office in recent months I have noticed an increase in the number of people requiring help with social welfare payments and entitlements. In many cases, for whatever reason, the Department is using the habitual residency clause to delay payments. Many of the people in question have no money and are under extreme pressure. The emergency budgets administered by community welfare officers are stretched and people are just not getting their money. That is happening more and more each week. The particularly bureaucratic nature of our systems and the retrenchment of many of our social services will contribute in a negative way to begging on the streets in future. Poverty related issues are likely to surface now that we are two years into the recession. The effects of long-term unemployment, the relentless nature of personal debt and the breakdown of relationships will manifest themselves on our streets in the years to come.

It is interesting to note that the Vagrancy Act, which this legislation proposes to replace, was introduced in 1847, a number of years after the Famine began. The statistics as presented in

the Bills digest for this legislation make for interesting reading. Those available are from 2003 to 2007. The year 2007 itself can be disregarded in that the Dillon judgment came into effect during that year. There is a consistency in the rate of conviction of approximately 35%, however, the number of proceedings varies, from a high of 729 in 2003 to a low of 395 in 2006, with 416 in 2004 and 663 in 2005. That seems to indicate an issue that is not receiving a co-ordinated and systemic approach. I do not think that is purely because of the lack of legislation. The digest does not contain any specific statistics on the proceedings and convictions carried out as a result of section 247 of the Children Act 2001. That, in itself, is a figure that would be of interest.

Section 3 deals with the powers of the Garda to give direction. Subsection 3(6) states: “A member of the Garda Síochána shall, upon giving a direction under this section, inform the person to whom the direction is given, in clear language, that if he or she fails to comply with the direction he or she shall be guilty of an offence.” What about foreign nationals who beg? In that case what would constitute clear language? What if the individual in question does not understand English or Irish?

There is a strong belief that legislation alone is not the universal answer to the complex social issues surrounding begging. Begging is inextricably linked to poverty, homelessness and proper access to social services. While the legislation is necessary because of the vacuum created by the Dillon judgment, the Government needs to continue to address the reasons people beg. Those that are most vulnerable in society tend to be the first to suffer from cutbacks implemented on their behalf so that the economy might recover. The incidence of begging associated with racketeering must be addressed with legislation such as this, but the fundamental causes that force the majority of people onto the streets to beg must be addressed. It is worth noting that the individual who initiated the original appeal on conviction, Mr. Niall Dillon, was described as a “college graduate who had fallen on hard times”.

We in Fine Gael reluctantly support the Bill. This legislation alone will not solve the problem of begging, which is closely associated with homelessness, extreme poverty and access to social services. We should be spending more time dealing with these root causes, rather than criminalising people who are forced to beg having fallen on hard times. I look forward to tabling amendments to the Bill on Committee Stage.

Deputy Pat Rabbitte: One would not get 30 minutes to deal with the banking crisis, yet we can devote that much time per speaker to dealing with beggars. When the history of this time is written, people will see in the middle of the year 2010 that at the nadir of the worst recession that ever affected this country in living memory our preoccupation in this House is with a Bill to put beggars in prison.

I am uneasy about the Bill. I note that its purpose is to replace the Vagrancy Act 1847. I do not get much comfort from that either, in the sense that I hope the Minister for Justice, Equality and Law Reform does not know something the rest of us do not know and anticipates the return of famine conditions given that the Bill replaces one that was introduced at the height of the Famine. In 1847 the unfortunate beggars were usually people forced onto the streets to beg because of famine conditions. They could end up being incarcerated in the house of correction for a month. The mindset has not changed much since then because the penalty outlined in the Bill in cases where the unfortunate beggar is unable to discharge the fine is a month in prison. Not much has changed. One has to look at the Bill in the context of the Bill we enacted last week, namely, one to diminish the number of times that someone unable to discharge a fine ends up in Mountjoy or in another prison. In this case we are expressly providing that

where a beggar is unable to discharge a fine that he — beggars are mostly men — can end up in Mountjoy for a month. On the one hand we are sponsoring and advocating legislation the purpose of which is to limit the number of people who go to prison for failure to pay a fine and in this Bill we are expressly providing that the ultimate sanction is imprisonment for someone in breach, as envisaged in this legislation. It seems to me a head-on contradiction between our purpose in one piece of legislation and in another.

As the Minister indicated, the High Court struck down the Act in 2007 for the reasons he stated. It appears that it is the conventional wisdom, and certainly the wisdom of his departmental servants, that the visibility and extent of begging on the streets has increased.

Apparently, the Department of Justice, Equality and Law Reform is of the opinion that this phenomenon cannot be coped with within the existing legislation. It seems to believe that the public order law, for example, is not capable of dealing with it. Garda estimates of the extent of begging are questioned by those who work at the coal face. It was claimed in 2007, at the time of the Dillon case, that begging was an increasing criminal justice problem. The figures show that successful begging prosecutions fell dramatically in the years leading up to that action. Some 729 proceedings were initiated in 2003, but that number was just 395 in 2006 and just 64 in 2007. There were 274 convictions in 2003, but just 14 in 2007. The statistics do not appear to be consistent with the claims that are made about a worsening phenomenon. A helpful table in the digest prepared by the library and research service sets out the proceedings initiated and convictions secured, etc., for the five years running up to 2007. I would like to hear more about the Minister's expert advice in light of this apparent inconsistency. It is claimed that the phenomenon we are debating is worsening, but the statistics tend to show that the opposite is the case.

I do not seek to deny the anecdotal evidence that exists. There are concerns about this issue for a variety of reasons, some of which are quite complex. A number of people on the streets are begging for subsistence reasons. Some of them beg because they are suffering from the effects of the misuse of drugs, or from mental health problems. Others are immigrants who have fallen on hard times — members of the Roma community, for example. I accept that a distinction must be drawn between the phenomenon of begging, as we know it in this country, and the forms of begging that involve intimidation, harassment or serious activity that is likely to constitute a danger to drivers, for example. It should be possible to control this situation.

I have serious doubts about the merits of a law that threatens the incarceration of an ordinary beggar who is unable to discharge a fine. We passed the Fines Bill 2010, the underlying principle of which is to keep people who do not pay fines out of prison, last week. I appreciate these questions can be answered on Committee Stage. I wonder how deeply the Minister has probed this question. What sanctions are appropriate when the Garda feels it has to proceed with a prosecution in respect of a breach of this legislation? I am talking about the average person begging on the streets, rather than members of the criminal fraternity. How realistic is it to ask people who are down on their luck — the homeless, drug abusers or those who have been ejected from their homes — to pay fines of €200 or €400 in the knowledge that if they are unable to do so, they will be sentenced to months in Mountjoy Prison?

Deputy Dermot Ahern: That is the maximum punishment.

Deputy Pat Rabbitte: Some of these people are in such circumstances that they might welcome a month in the prison.

I apologise to the Minister for missing his opening remarks. I was surprised by the speed with which the amendments to the previous Bill were dispatched. The Minister seems to want to indicate that he does not intend imprisonment to be the normal consequence of the imple-

[Deputy Pat Rabbitte.]

mentation of this Bill. I agree with that intention. I do not question the Minister's bona fides, if that is what he is saying. Like me, he knows that what he intends is of little enough significance. It is what is written in the law that matters. That is how the court is going to consider it. It will not matter that the Minister of the day did not intend it to be used in such a manner. I am not sure what steps the Minister will take to ensure this legislation is implemented as he hopes.

I would like to ask the Minister about the definition of the kind of people who may find themselves in breach of this new legislation. Section 2(b) states that a person who, while begging in any place, "obstructs the passage of persons or vehicles, is guilty of an offence and is liable, on summary conviction, to a fine not exceeding €400 or imprisonment for a term not exceeding one month or both". I wonder whether it is possible to engage in begging without obstructing someone. I was obstructed three times on Grafton Street today by representatives of worthy organisations who wanted me to sign up to support meritorious charities of one kind or another. I do not know how it is possible to be stopped on the sidewalk, and to be asked to contribute alms to somebody who is begging, without that technically constituting an obstruction.

It does not matter whether one operates on the basis of the definition in section 2 of the Bill, or on the basis of the powers given to the Garda in terms of designated areas. Both of them are arbitrary and capable of arbitrary implementation. They are capable of being invoked at the caprice of the garda concerned. I find it difficult to reconcile that with the Minister's hope that this will not lead to a number of additional people being incarcerated in Mountjoy. I suspect the Minister is acutely aware of why that is desirable. It is not for any great reason of compassion or humanity. I am not denying that he has either of those impulses. It is because of the acute and serious overcrowding in our prisons. I refer to the sheer pressure on our prisons as they try to cope with the number of people sent to them from the courts. We know from the most recent remarks of the retiring governor of Mountjoy Prison that the prison is horrifically overcrowded. The retiring Governor of the women's prison, Dóchas, specifically instanced overcrowding as the cause of her early retirement.

The last thing we need is for people on the streets, there for the complex reasons we have discussed, ending up being prosecuted and incarcerated. I look forward to hearing the Minister's reconciliation of his aspirations in this regard with what is contained in the Bill. The opportunity will come to tease this out further on Committee Stage. The distinction between begging, causing a public nuisance or threatening someone can be difficult.

I accept the recent practice of the immigrant community, particularly but not exclusively by members of the Roma-Gypsy community, of turning up at cars waiting at traffic lights to beg or clean windows can be a traffic hazard. I accept the presence of some person, who can be intentionally intimidating or otherwise, in the immediate vicinity of an ATM can be a problem for some people and necessitates some control. I accept the Garda Síochána carefully implements sensitive measures such as those contained in the Bill.

Again, though, it will depend on circumstances like the wide variations seen when legislation on drinking in public places was introduced. Occasionally in this country we get a warm weekend like we just had and, accordingly, many people like to drink a pint outside of the pub in the open air on the footpath. One garda may simply note such an occasion and move on if there is no reason for him to do otherwise; another may be punctilious enough to cause the pathway to be cleared. Equally with this legislation, a great deal of arbitrary power is being left with the Garda Síochána to deal with begging.

In *Strumpet City* the character Rashers Tierney got around anti-begging laws by offering a trinket in return for a few bob. Similarly, this Bill's provisions do not apply to cases where some trinket is offered. I would have thought some of our more enterprising beggars will latch on to the Rashers Tierney clause fairly quickly. What is the Minister's view on this?

What is the Minister's response to the comments made by Barnardos on the child-adult issue to this legislation? It has pointed out the Bill's provisions will apply to a person of any age, including a child, who may be arrested without warrant. It claims the possibility of a child being detained under this legislation is in contravention of the UN Convention on the Rights of the Child. The charity stated:

Legislation alone will not address the problem of begging which stems for the societal failure to care for and protect vulnerable people including children. Barnardos recommends adequate resources be available for homeless services and a full commitment given to implement *The Way Home: A Strategy to Address Adult Homelessness in Ireland 2008-2013*. It is unacceptable that the HSE introduced a funding freeze on services dealing with homelessness in July 2008. This resulted in people, including children, being turned away from emergency accommodation. Given the worsening economic climate and rising unemployment, the demand for such services is likely to increase and the removal of vital services will exacerbate the problems facing vulnerable people.

Children and young people who are forced to beg are very vulnerable to exploitation and abuse. The lack of a 24 hour nationwide social work service and the closure of two residential centres which catered for homeless boys and girls aged 12-18 places these children and young people in further danger.

This is a problem the Minister will have to address, as indeed are some of the comments in the observation paper from the Irish Human Rights Commission. It noted begging is frequently a direct result of being homeless and, in such circumstances, failing to provide an address should not be penalised. It recommended a defence of reasonable excuse be included in the Bill to cover such situations. As we well know in this House, homelessness is a complex phenomenon. Where there is no defence of reasonable excuse, the person is indeed vulnerable.

This is a minor single-issue Bill of which I do not want to make a meal. There is a necessity for a reasonable control of the phenomenon of begging. However, certain white collar persons in positions of responsibility have brought our economy to the edge of ruin for which ordinary people are paying the price. The latter demand some action be taken against those responsible for plunging our country into the depths of economic despair, yet, there is no evidence the former's lifestyles have altered in the slightest. They still give us the two fingers in how they disport themselves. None of them has had their collar felt by the Garda Síochána or had any prosecutions taken against them. They have done more damage to this society than the entire beggar community could ever do. It seems the white collar individuals can do so with impunity.

Most ordinary taxpayers are immensely resentful of the hardships imposed on them by the Government when no action will likely be taken against those who have brought us to the stage at which we are, yet, this House can find time to bring in specific legislation to control beggars. If the only damage done to this country was that done by beggars, then we would be well able to afford to deal with it. It is far more serious than that. This House cannot find time to change the ineffectual legislation that means it will take forever to mount a prosecution against those white-collar persons, if ever there will be any, but it can to deal with begging.

[Deputy Pat Rabbitte.]

The Labour Party will not oppose the legislation in principle. However, there are several matters which we must tease through with the Minister on Committee Stage. I would be pleased if, in his reply, the Minister would seek to address the belief in his Department that this is a worsening phenomenon, because statistics showed a fall-off in prosecutions before the Act was struck down by the High Court. On Committee Stage we will seek to advance three or four important amendments but, other than that, we will not oppose the legislation in principle on Second Stage.

Deputy Noel Grealish: I am pleased to have this opportunity to speak on the Bill. While welcoming the proposed legislation on begging, I am aware it is far from the mentality of any of us to come the heavy on people who may be, for whatever reason, on the streets begging for money. Many in the House come from a modest background but our sympathy for our fellow human beings must not blind us to the different aspects of the situation with which we are now dealing.

Despite the recession, which has hit us and much of the world, we are a country that makes a decent effort to help our less well-off people. Those who beg on the streets must be directed to social services to get help and advice. There is a good deal of help for such people if only they would go and use it. Many of the people begging on our streets do not go near the social services. Services and money are available for those in trouble. It does people no long-term good to continue to beg on the streets.

Unfortunately, sometimes conmen and women are involved in this activity. Last year, I visited San Francisco and I noticed the amount of people begging on the pier there, especially near restaurants and tourist areas. Through friends of mine, I met some people who worked for the US Secret Service. One night, I was out for dinner and I commented on the issue to these people. They informed me that some beggars make a sizeable living from the activity and that the FBI had arrested an individual some weeks beforehand who was living in a house worth in excess of \$500,000 and who drove a high-powered, expensive car and made this money from begging on the streets. He was an individual with one leg and he used this to his advantage. Such activities go on in certain places and we must have legislation to deal with the issue.

The background to the legislation used to deal with begging up to 2007 is a sad reminder of tragic times in our country. The Vagrancy Act 1847 was not our legislation. It was an Act framed under British rule aimed at the poor and destitute suffering from the effects of the Great Famine. Thankfully, terms such as “vagabonds” and “ruffians” in that 160 year old legislation are gone from our language. Despite whatever arguments exist between people in the country, we have moved on from such terminology and we have it within our control in our Parliament to frame humane and fair legislation.

The result of the High Court case of *Niall Dillon v. DPP* in 2007 set certain boundaries for what the Dáil and Seanad could attempt in this legislation. It is not proposed to make asking for help in public places an offence. It is clear that in practical terms this makes sense. Many individuals and organisations look for money from us on the streets every day of the week for worthy causes. Such requests constitute fundraising and are authorised by the Garda Síochána. One must acknowledge the tremendous work done by volunteers on the streets, including the Society of St. Vincent de Paul, Croí and, especially in Galway, the Galway Hospice, which provides a great service. Much of its funding is received from people on the streets, especially on Saturdays by volunteers going around with a bucket outside matches. Such fundraising is controlled and organised and is for a very good cause. Apart from fundraising, other requests

for money or help for individuals come under the umbrella of free speech and free association, which are kernels of our democracy.

However, we must apply ourselves to the practical issues. The public has a right to expect reasonable protection from undue pressure in their homes and public places. Sometimes, I see people openly begging in places on Shop Street in Galway city and this can create an uneasy atmosphere for shoppers and tourists. Galway city needs tourists and needs to provide them with a good experience and a ceád míle fáilte. The money that comes in from tourism helps the community and the public purse in general.

From the digest of the Bill, I note it is proposed to ensure certain places are off limits for those who beg, including begging door-to-door or in people's private property. In recent years especially around Galway city, one has seen many people begging from door-to-door with young children. They have been seen pushing prams, begging for clothes and this is a major nuisance to people in their homes. I am pleased this will be addressed in the Bill. It will become illegal, as will begging within 10 m of dwellings, ATMs and vending machines. I note that begging would be prohibited within 10 m of business premises as well if such activity is deterring people from going into such premises.

I agree with these measures but I suggest other locations should be included as well. The restrictions should apply to the surrounds of churches and places of worship, especially in the major towns and cities. People coming out after masses and services often see people begging outside. Begging should be prohibited in the vicinity of buses and train stations. While walking to the Dáil from where I stay, I pass one or two train stations. One always sees at least ten to 15 people on both sides of a railway station or bus station targeting tourists in particular. When tourists move from town to town, many use public transport, that is, our trains or bus services. As soon as they come to our towns the first thing they see is people begging. I trust this will be addressed in this Bill as well.

A key aspect of the new legislation is clarity. I understand clear regulations may be laid down, but I foresee difficulties in their implementation. After all, there is little difference between 10 m and 11 m from an ATM. Under the proposed legislation, there may be begging without breaking the law at an 11 m distance but not at a 10 m distance.

Another area open to interpretation relates to what constitutes aggressive begging in public places. I understand how this could be a matter of argument. It would be a matter of the judgment of the gardaí on the spot and, to be fair, one cannot legislate for all situations. Everyone in the House agrees that begging has to be controlled, especially in our major towns and cities. These people on our streets always target our tourists. Often one will see a tourist walking through a major town or village and a lady with two young children can be seen walking after that tourist trying to intimidate and put pressure on him or her. This is annoying for the tourists that come to our towns. I compliment and congratulate the Minister on introducing these proposals.

Deputy Paul Connaughton: Like most other speakers and parties, Fine Gael does not oppose the Bill. I will refer to several issues and speak a good deal more when I am afforded the opportunity on Committee Stage. Many people gathering around the water coolers in the morning in various places of work will not be speaking about this Bill. There are issues to be discussed. I am pleased the Minister is doing his best to try to help the public, which, to this day, has great sympathy for people who have fallen on bad times.

Debate adjourned.

Private Members' Business.**Electoral Representation (Amendment) Bill 2010: Second Stage**

Deputy Phil Hogan: I move: "That the Bill be now read a Second Time."

With the permission of the House, I will share my time with Deputies Maureen O'Sullivan, David Stanton and Jim O'Keeffe.

The purpose of this Bill is to ensure that the citizens of the Republic of Ireland are fully represented in Dáil Éireann. The Bill will prevent any Government from blocking the filling of vacant Dáil Éireann seats as a tactic to protect its own narrow majority. The people in every constituency in the Republic of Ireland have a right to full democratic representation in their national parliament. That is what Deputies are elected to do at general elections. It is incumbent upon us, on all sides of the House, to look to the future rather than seek precedents in the past. We must take this situation out of the realms of party political consideration and move to give the people in any constituency an opportunity to be fully represented within a defined period of time. Fine Gael proposes that period should be six months.

Preventing full democratic representation damages the reputation and integrity of Irish political institutions. This is a wrong that could be put right by the acceptance of this legislation. The Bill will ensure the relevant writ will be moved by the Clerk of the Dáil, on instruction from the Ceann Comhairle, in any by-election where the vacancy has existed for six months.

There is a more important reason to have an electoral mandate in those constituencies. The Government, which is made up of Fianna Fáil, Greens, Independents who were Progressive Democrats in their former glory and those who were elected as Independents, has no popular mandate from the people of Ireland. This grouping of parties and Independents was never put to the Irish people. It was cobbled together in the aftermath of the 2007 general election by a Taoiseach who is now recognised as having brought this country to its knees, Deputy Bertie Ahern. Those who caused the economic collapse of the country are not those who will get us out of it. There is no mandate for the Taoiseach, who predicted that we would have a soft landing and that the temporary economic dip would be short-lived. The response to the banking crisis, in particular, has the potential to cause lasting economic damage for generations. The banking bail-out scandal will end up costing the State €73 billion and includes bailing out zombie banks such as Anglo Irish Bank. These banks will most likely never recover and the taxpayer will never see its money again.

Our national debt is spiralling out of control, leaving a huge burden for future generations and leaving the country vulnerable to international speculators, but massive Government tax increases and cuts in investment in recent budgets are not the solution. At more than 14% of GDP, Government borrowing will be the highest in Europe this year, partly because of the huge bail-out for Anglo Irish Bank, and the national debt is likely to break through €100 billion by the end of this year. This is almost a four-fold increase since 2007 and does not even include the additional €43 billion bail-out by NAMA for the banking system. Unless we fix the public finances, within a decade Ireland will end up spending twice as much on debt servicing as on education.

By adopting policies that are destroying jobs, this Government is chasing its tail. The 16% increase in taxes in 2009 made Ireland a less attractive place to work, to invest and to do business. That is why tax receipts fell by €10 billion and are expected to fall again this year.

The €4 billion in cuts announced in December will be offset by higher debt servicing costs and welfare payments to the unemployed.

We cannot go back to the well this year to look for more tax increases or cuts in the capital programme, social welfare rates and public sector pay. This will not help the disposable income required to contribute to national recovery. Before the last budget, Fine Gael put forward constructive suggestions for the creation of employment. We are the first Opposition party to put forward €4 billion of choices we would have made, unlike what Fianna Fáil did when it was in Opposition during a time of national crisis in 1982-87. I am sure the Minister will acknowledge this. Old style politics changed some time ago. We recognise that but, unfortunately Fianna Fáil did not do so when a similar situation arose in the 1980s and since.

Eighteen months into the credit crunch, the Government's policy of "writing whatever cheques are necessary" to bail out delinquent banks like Anglo Irish Bank is not fair, not prudent and not working. It is making the recession here deeper and longer than in other countries. Because of the Government's mismanagement, the Irish crisis has been longer and more expensive than in almost any other country. The bail-outs announced to date will double the national debt and are equivalent to adding €50,000 to every family's mortgage. The credit crunch continues here, long after it has ended elsewhere. The Minister knows that lending to small businesses decreased from €33.6 billion in February 2009 to €32.7 billion in September 2009, or by 2.6%, according to the Mazars report of December 2009. A recent UCC study estimated that 60% of small businesses have been refused credit by the banks. This flies in the face of what the Minister for Finance has been continually telling us, that the reason for the bank bail-out and for the National Asset Management Agency is to get credit flowing again and to make sure businesses got the necessary financial resources to keep people in employment and to create new opportunities. That is not happening. The repeated claims by Government that these taxpayer bail outs are necessary to finance new lending to Irish businesses are false. Seventy-five percent of the money the Government is proposing be used to recapitalise our banks is now going to Anglo Irish Bank and Irish Nationwide Building society, dead banks that will not get one cent of new credit flowing or finance a single new job.

AIB and Bank of Ireland have faced down the Government and have been given until the end of the year to raise new capital. Bank of Ireland is making progress but AIB has made no progress. In the meantime, these banks will be hoarding their capital and squeezing their customers to try to protect their independence while the uncertainty regarding the ultimate taxpayer commitment to these banks will go on. The truth is that an incompetent and complicit Government has been strong-armed by the banks into bailing them out at massive long-term risk to the taxpayer, without any benefit in terms of supporting Irish businesses and households and without any mandate from the people.

Through all of this we have not heard one word from the Government about job protection or creation, except for the odd scheme here and there that, as we discovered in recent days, are not working or, in some cases, have not even been implemented. Bailing out our reckless banks is the only priority. A book-keeping exercise to keep the EU Commission happy is the Government's priority. It seems bailing out the 440,000 people unemployed in our country is much less urgent.

These are the issues which should be put to the people in a national election. However, we are long enough in politics to know we are unlikely to get a national election in the near future. The Government of Fianna Fáil, the Greens and Independents will cling on as long as it can to ensure it will not have to face the wrath of the electorate.

The Government does not have the necessary mandate to take the type of decisions and to make the choices that are essential to give us hope for the future and to tackle the underlying

[Deputy Phil Hogan.]

problems. The public want the opportunity to make that judgment. In a recent poll in *The Irish Times*, 80% of people indicated that they wanted to see an election and the by-election seats filled.

If the Government does not want to give the people a national election, it should at least ensure full democratic participation and representation in each of the 43 constituencies in which the people voted in 2007. The constituents of Donegal South West, Waterford, and Dublin South, where there are vacancies, are entitled to have their seats filled at the earliest possible opportunity. By-elections in those constituencies would give the Government an opportunity to put its policies to those electorates, see what their verdict will be on its economic policy and prove that it has a mandate to carry on. If the Government is confident that it is moving in the right direction and making the right decisions to deal with the country's economic and social difficulties, it should have no difficulty in asking the electorates of the constituencies where vacancies exist to cast their judgment on those policies.

I ask the Green Party to back up its recent public musings on by-elections. It will have an opportunity tomorrow night to vote for a Bill that will reform our political and electoral system. There was much in the party's manifesto prior to the last election, in the subsequent review of the programme for Government and in various national conference speeches by the leader of the party, the Minister for the Environment, Heritage and Local Government, Deputy Gormley, to the effect that he would force Fianna Fáil to introduce unprecedented electoral and political reforms. These include banning corporate donations, changing the system of local and national government, changing the way in which we raise money locally for local government and giving autonomy to local councillors to implement those changes. Although the Government has been in office for three years, we have still not seen the promised White Paper on local government reform. In the same period, we have not seen any ban on corporate donations, except another promise to ban them in the revised programme for Government. Three years into the Government's term in office, we have not seen any electoral commission established or any electoral reform proposed by the Minister for the Environment, Heritage and Local Government. He talks the talk but does not walk the walk. Either he is not able to get his policies through the Cabinet or Fianna Fáil is deliberately blocking their implementation. When he gets an opportunity, he should state which is the case. As somebody who has talked a lot about electoral reform, he has delivered very little.

There is a vacancy in Donegal South-West since 5 June 2009, 11 months and 21 days ago. There has been a vacancy in Dublin South since February and in Waterford since March. Although these vacancies exist, we should look to the future by establishing in the legislation a finite period in which by-elections must be held. Six months is reasonable but if the Government proposes another period we will be certainly glad to hear it. However, we are hearing nothing from the Minister on this issue. Perhaps during the course of this debate, he will give us not just his musings on the matter but also his thoughts, hard won through the Cabinet.

The Minister mentioned a mayoral election recently and actually wants a Super-Tuesday-type election in the autumn. According to this model, the mayoral election to be held in Dublin, the by-elections, and even the referendum will have to be held on the same day to ensure cost-effectiveness and efficiency. Consistent with this view, I take it the Minister has no principled opposition to what we propose on this side of the House tonight. The by-elections will inevitably reduce the Government's slim majority but it will still have a majority of three. A Government with a majority of one soldiered on from 1973 to 1977 and was very successful. There was low inflation. Even the leader of the Fianna Fáil Party, Mr. Jack Lynch, acknowledged it

was a very successful Government, obviously when the next election was over. He proceeded to wreck the country with the 1977 manifesto, which he implemented.

The Minister for Communications, Energy and Natural Resources, Deputy Eamon Ryan, stated recently on RTE that he would prefer all elections to be held in the autumn of 2010. Perhaps he will support this Bill in the House.

The most important Green Party musing is that of Senator Dan Boyle, chairman of the party. He stated on radio the by-elections should not be held as they would undermine the Government's mandate. The Government has no mandate, nor does the Senator. He was rejected by the people of Cork and got in through the back door as one of the Taoiseach's 11 nominees under the list system that we have called Seanad Éireann. He is now deciding what Government policy should be on behalf of his party. What does he mean by saying the by-elections would undermine the Government's mandate? The people of the constituencies in question are entitled to full representation. Neither Senator Boyle nor anyone in the Green Party should be in a position to prevent the people of Dublin South, Waterford and Donegal South-West from having full representation in the House.

The Dáil arithmetic may be difficult for the Government but it will still have a majority if the by-elections are held. The fundamental principle of what we are trying to enshrine in this Bill, and in respect of which we are seeking support in the House, is that there should be a finite period in which any casual vacancy that arises in a constituency must be filled. I ask the House to support this measure as a modest electoral reform.

Deputy Maureen O'Sullivan: I wish to share my time with Deputy Finian McGrath.

An Leas-Cheann Comhairle: Is that agreed? Agreed.

Deputy Maureen O'Sullivan: I acknowledge the role of the Fine Gael Party and Deputy Hogan in my being able to contribute tonight. It is an injustice in our system that I am not able to do so in my own right. Last Thursday, I proposed an electoral (amendment) Bill similar to this but the system precludes me from advancing it at this time. Hence, it is Deputy Hogan's Bill we are debating now.

I was elected in a by-election and, therefore, have first-hand experience. It was the death of my predecessor, the late Mr. Tony Gregory, that caused the by-election in Dublin Central. Mr. Gregory, as Members know, was a tireless worker in the constituency, as was borne out by the fact that he was re-elected consistently over 27 years. His death on 2 January 2009 meant that Dublin Central was left without one of its entitlements. Four months passed and these comprised a time of anxiety and uncertainty in the constituency for Mr. Gregory's constituents and his supporters. At that stage, Dublin South had been without its full complement of public representatives for a much longer period. Today Dublin South is again without a Deputy, as are Waterford and Donegal South-West. We are approaching the first anniversary of Donegal South-West lacking its full entitlement.

We either believe in our parliamentary or democratic system or we do not. If we do, we should ensure all our constituents have their full entitlement of Deputies. Are we approaching a system similar to that affecting public sector workers in that when one leaves a post, one is not replaced? It appears this is the system in the Dáil.

I have heard of by-elections as the wrong way to fill a Dáil vacancy and that they are a distraction from the work and business of governing and policy-making. This time last year, I was in the middle of a by-election campaign in Dublin Central. There was also one in Dublin South. This did not equate with political instability and I did not see the country grinding to a halt. The Dáil continued its business, the Government governed and the Opposition opposed.

[Deputy Maureen O'Sullivan.]

The by-elections came and went and Dublin Central and Dublin South then had their full complement of Deputies.

Alternatives to by-elections are suggested. Options are to choose the next person in line from the most recent election, or to avail of the count-back system or co-option. Co-option would be just a further accentuation of the political dynasty syndrome in the Chamber. A by-election is the fairest and most democratic way to fill a vacancy. I cannot understand why we do not have legislation on this issue. My Bill sets time limits, both minimum and maximum, for the holding of by-elections.

What is holding up or preventing the by-elections? I read an article in a newspaper at the weekend in which the correspondent stated by-elections are “undemocratic and their outcomes unrepresentative because they give voters in a particular constituency a distorted electoral impact.” Are we in a democracy or just paying lip service to it? It is the right of the voter in a democracy to vote for the candidate of his choice. It appears we are afraid of democracy.

Moving the writ for the by-election is at the whim of the political party or parties in power, and they do so at a time of optimum value to them. This is not good enough and not democratic. It is not just or fair to leave a constituency bereft of its entitlement. To the contention that there is a strong trend whereby by-elections produce results against whatever parties are in Government, I say, “So what.” There is no just, valid or fair reason for depriving a constituency of its full complement of public representatives. The present Government may not want by-elections in the foreseeable future in terms of political benefit or otherwise, immediate or long-term, but it may be in opposition at some time and clamouring for a by-election. Moving the writs for by-elections should be out of the hands of the political party in power and made subject to legislation. By achieving this, we would eliminate uncertainty and doubt and circumstances in which constituencies do not have their full complement of Deputies.

I would obviously prefer to be developing my own Bill but at this point I am supporting Deputy Hogan. I appeal to all Members, regardless of the political party to which they belong, to support the Bill in the interests of fairness, justice and democracy.

Deputy Finian McGrath: I am grateful for the opportunity to address the important matter of by-elections and I thank and commend Deputy O'Sullivan for raising this matter. She is following in the great tradition of the late Tony Gregory, whom we miss in debates such as this. However, the legislation is about the need for people to be able to elect their own TD. Blocking or postponing an election should never be an option in a so-called “free society”. This is almost as bad as preventing Independent Members from speaking in the House. The country and the Dáil are either democratic or they are not. It is apparent the House is not and this is a national scandal, particularly in these difficult times when those of us who want to represent senior citizens, the unemployed, public servants and the sick and disabled are prevented from expressing their views and concerns, which is the key to this debate.

Let there be no misunderstanding that the failure to hold by-elections is wrong and it is totally undemocratic. Many of us may not like the results but this is about the people's choice. People died for the right to vote in an independent Ireland, which is something we should all reflect on in this debate. A series of independent candidates will run in the by-elections. For example, an excellent independent councillor is ready to stand and serve in Waterford. Councillor Joe Conway has a great local record and a great vision for the country. I urge people to be independent and to vote independent.

These by-elections are necessary. Thousands of independent councillors work for their constituents without recourse to political party structures all over Europe. More than 120 indepen-

dent councillors were elected in the last local elections in Ireland. I believe that independent representation, free from political party influence, is more likely to be closer to the people and more responsive to their expectations than local authorities and the Government. It is important that independent candidates hold their nerve in the broader debate and are not bullied by the major political parties.

Currently, a time limit or other compelling factor cannot be used to require a by-election to be held when a seat becomes vacant due to the death or resignation of a sitting TD. Article 16.2.2 of the Constitution requires that there be one TD for every 20,000 to 30,000 of the population. There is no constitutional reason the law or Standing Orders should fail to provide that a by-election be held within a specific period of a causal vacancy occurring. The purpose of the legislation, which I strongly support, is to ensure a constituency is not left without a TD for an indefinite period. It is the constitutional right of our citizens to be adequately represented in the Dáil. Under the present system, a constituency may be left without a TD indefinitely and that is why I urge people of all political persuasions to support the legislation. Some day the Government parties will be in Opposition and by-elections will be on the agenda. They will value the right to ask the people to vote.

It is important that democracy is taken seriously. There is much discussion in the House about reform and the need for radical change in the future, which I support because it is essential, but part of any radical change is support for this legislation. It addresses the issue of democracy and it will give people the right to express their views, particularly in the current economic climate. I urge all Members to support the Bill.

Deputy David Stanton: I am glad to support the Bill and I congratulate Deputy Hogan on bringing it before the House.

Article 16.7 of the Constitution puts forward the proposition that casual vacancies of Dáil seats will be filled and this shall be regulated in accordance with law. We want to bring forward a law to ensure such vacancies are filled within six months. It is anticipated in the Constitution that they would be filled and by-elections would take place. The Government or any other government cannot put off by-elections indefinitely. If the legislation is accepted, it will ensure in future that governments of any hue will be obliged to hold by-elections within six months.

Article 28.4.1 of the Constitution states, “The Government shall be responsible to Dáil Éireann”. I remind Ministers of this. I examined the role of the executive and the role of parliament throughout Europe and I found that Ireland and one or two other countries have the weakest parliaments in Europe. The Government controls the Dáil almost completely. The Executive decides what is debated, when it is debated and how it is debated. It can guillotine legislation and it sets the agenda, except in regard to Private Members’ Business, although it even has the power to regulate that or take it back if it wishes. This is not the case in many other European parliaments and it is a dangerous scenario. This is highlighted by the fact the Government can decide whether by-elections are held. Setting the agenda in a parliament is important. For example, the parliament determines the agenda in the Netherlands while in Denmark, Finland, Iceland and Sweden, the president of the parliament, following consultation with party groups, decides the agenda and that cannot be challenged but in Ireland and the UK the government decides the agenda.

With regard to the legislative process throughout Europe, there is either a great deal of government control or little government control. This is interesting because in Ireland, Spain and the UK, a plenary session of parliament decides on principles before committee debate and this leaves little room for substantial change. In other words, the government brings legislation before the parliament and there is little room for debate afterwards. That is not the case,

[Deputy David Stanton.]

for instance, in other countries such as Austria, Belgium, Finland, Greece, Germany, Iceland, Italy, Luxembourg, the Netherlands, Portugal, Norway, Sweden and Switzerland where committee debates are held before a plenary session presents a final solution. In our Parliament, the Government has huge control and that is not right. We need to redress the balance regarding powers of the Executive and the Parliament.

It has been proposed that the three by-elections, the Dublin mayoral election and the children's rights referendum be held on the same day in the autumn and I agree that should be the case. Some people say that will be a distraction but it would be the opposite because it would focus minds. We have a discerning and sophisticated electorate. Let us give the electorate the opportunity to have their say. Democracy is about rule by the people. When I go into classrooms to talk to students the first comment I make is, "You are our bosses", and we must never forget that. I am concerned that Fianna Fáil has forgotten that the people rule supreme in this State and by denying them their say it is acting like a pseudo-dictatorship, which is serious.

I ask the Government parties to take this legislation on board and in their almost all-powerful position in this Parliament to go along with this for the sake of democracy, which is a fragile flower in any country. It is only right that the people should have their say. If the Government parties believe their policies are right, just and fair, they should not be afraid to put them to the people in the by-elections. That is what democracy is about and the people can decide whether they agree with them. If the Government parties win any of the by-elections, they will have a mandate for their policies. Ultimately, this is what it is about.

Sooner or later the Government will have to face the people. My challenge to the Government is to do it sooner rather than later. Let us do it this year, in the autumn, before the weather gets too bad to enable people to canvass and so on and especially if we are to have the all-important children's referendum, which should be held at the same time.

I have been talking about Dáil reform here for quite some time, including reform of the procedures of the House. That is another angle to this. The Government has been talking about this since I came here, 13 years ago, but nothing has happened. Even the Taoiseach throws his hands in the air quite often and says the Dáil's procedures should be changed. It is in his hands to work with us to change the procedures in here, to make the House work better and make it more efficient and effective for the people we all serve. We are the servants of the people, not their masters, and Fianna Fáil would be very wise to remember that.

Deputy Jim O'Keeffe: I am pleased to support the Fine Gael Bill so ably proposed by my colleague, Deputy Phil Hogan. I should mention the companion Bill, at the same time, as proposed by the Independents, Deputy Maureen O'Sullivan and co-sponsored by Deputies Joe Behan and Finian McGrath. Essentially the principles in both Bills are the same.

Fine Gael believes there should be a provision whereby the by-election would, by law, have to be held within six months of a vacancy arising. Deputy Maureen O'Sullivan's Bill would require the by-election to be held not less than three months and not more than six months after the declaration of a vacancy, so essentially the Bills are very much along the same lines.

What is happening at present is contrary to the spirit of the Constitution. It could be strongly argued that it is also contrary to the letter of the Constitution. Article 16 deals with the issue of membership of Dáil Éireann and Article 16.2 provides that the number of Members shall, from time to time, be fixed by law, but the total number shall not be fixed at less than one Member for each 30,000 of the population. That is a fixed provision in the Constitution.

Article 16.2.3° deals with the ratio between Members and clearly states: "The ratio between the numbers of members to be elected at any time for each constituency χ shall, so far as it is

practicable, be the same throughout the country". At present, because these three by-elections remain outstanding, the ratio per Member in Donegal South-West is 35,519. That population is being shared between the two surviving Members in that constituency. The ratio in Waterford is 35,510. Both are in breach of the constitutional requirement as regards the 30,000 of the population per Member. In Dublin South the current ratio is 29,676, marginally below the 30,000 figure. In this situation where there are three by-elections outstanding and we have these constitutional requirements regarding the maximum population applicable to the membership of the Dáil as well as the requirement to have the ratio as far as practicable uniform throughout the country, I would say the Government is in breach of the Constitution by its refusal to agree to by-elections being held.

The longer this continues the clearer the breach is and in the event, there is a constitutional imperative on the Government to agree to hold these by-elections. The way to do it is to provide for it by law — either agree them or have a provision in our laws as to the time they are to be held.

There is a provision in the Electoral Act, but it does not specify the time limit. Therefore, the purpose of the Fine Gael Bill is to provide for that time limit and that is what we are asking the House to do tonight. Article 16.7 covers this issue when it states: "Subject to the foregoing provision of this Article, elections for membership of Dáil Éireann, including the filing of casual vacancies, shall be regulated in accordance with law". It does not say "may be", but "shall be" regulated in accordance with law. Again, there is a constitutional requirement to this effect.

The various provisions I have mentioned do not provide for any discretion but rather indicate that since that is the situation, this is what shall be done. The Government is not compliant with those provisions. On that basis I would ask it to think twice about any opposition it might have to this Bill or to the holding of these by-elections. I will say, clearly, that somebody will go to the Supreme Court on this issue with a very arguable case on the points I have made.

How we are to hold by-elections is a matter for debate. We are discussing that in the Joint Committee on the Constitution where we be will talking again, tomorrow, on some of these issues. We have the traditional PR-STV system in Ireland and we have had some very good contributions from various people as to whether that system should be changed. It is interesting that Professor Michael Gallagher of TCD has looked at the count-back systems in Malta and Tasmania, which would not work here at all. He is also looking at co-option, such as what we have with local authorities, and the European Parliament system, which is perhaps the one we might opt for if we were to change. He summed up by saying: "It may be that, to paraphrase Winston Churchill and democracy, by-elections are the worst possible method of filling casual vacancies in this country, with the exception of all the others".

We shall be hearing more of this in the committee on the Constitution. There was also a very interesting article by Professor Gary Murphy of DCU. He gave interesting evidence to the committee covering the history, background, practicalities and possible alternatives. Ultimately, his submission concluded that filling casual vacancies via PR-STV might be as good a method as any.

That is the method but the question is more about procedure, the process and, most importantly, the timing. It is no good to have a process on which ultimately we all agree unless it can be triggered. There is no procedure in law at the moment for triggering that process, other than by way of a vote in the House — and this can be postponed indefinitely.

I do not intend to go into the Government's reasons for its approach to this issue. It is clear that this Government is clinging on by its fingernails, afraid of its life to face the people on any

[Deputy Jim O’Keeffe.]

issue. The ludicrous spoofing we heard when the writs were moved would pass for comedy, but I am not getting into that.

What the Government is doing in regard to this issue is in breach of the Constitution. There is a constitutional imperative that by-elections should be held within a reasonable time. The Government is breaching that and, in regard to both the spirit and the letter of the Constitution, it is not acting constitutionally.

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I wish to share my time with Deputy Charlie O’Connor.

An Leas-Cheann Comhairle: Is that agreed? Agreed.

Deputy John Gormley: I am pleased to have the opportunity to address the Dáil this evening on the question of by-elections and other electoral matters. It gives me a chance to clarify the Government’s position and to dispel some of the myths that have been floated by our colleagues on the Opposition benches.

Deputy Phil Hogan: How would the Minister know if any myths have been floated tonight? He was not here to listen to the speeches.

Deputy John Gormley: I had the pleasure of watching the Deputies on the monitor.

Deputy Phil Hogan: The Minister should have been here to listen to what we had to say. He has no respect for the House.

An Leas-Cheann Comhairle: The Minister without interruption.

Deputy John Gormley: The Opposition Members have lately begun talking about electoral reform, and the party opposite has produced some modest proposals in that regard. However, today its members have decided to introduce a Bill that focuses on a single issue in isolation from all other aspects of electoral reform. The proposal would serve only to remove the discretion of the Dáil and diminish the role of the national Parliament. One has to wonder why they never thought to introduce such a measure when they had the opportunity to do so in Government——

Deputy Phil Hogan: Why does the Government not do it now?

Deputy John Gormley: ——if they considered it so important.

Deputy Phil Hogan: Why does the Minister not do it himself now?

An Leas-Cheann Comhairle: Please allow the Minister to speak.

Deputy John Gormley: This Bill proposes to amend section 39 of the Electoral Act 1992 to compel the holding of a by-election not later than six months after a vacancy occurs. The Bill recognises and retains the reference to the role of the Dáil in directing that a by-election be held but then swiftly undermines that role by forcing the Dáil to act within six months. This mechanical approach to holding by-elections does not take account of unforeseen events or prevailing circumstances which may not be conducive to holding elections within that time frame. I can think of two emergency health situations in recent years — swine flu and foot and mouth disease — which could have led to the deferment of elections.

Deputy Phil Hogan: The Minister dug deep for those.

Deputy John Gormley: We do not have control over such matters and must be able to respond appropriately. It is necessary that we retain the flexibility that allows our elected representatives to make the necessary judgement call as circumstances require.

Deputy David Stanton: There is no swine flu now.

Deputy John Gormley: Members of this House are democratically elected by the people. I see this Bill as diminishing the role of our national Parliament and I disagree with the approach in the Bill.

In any event, this is an issue which should be addressed as part of a wider systematic review of the electoral system and not in a piecemeal and isolated way as proposed in this Bill. My commitment and that of the Government to electoral reform is on the record and is reflected in the agreed programme for Government. Our electoral reform programme is ambitious and wide-ranging, covering legislative reform, institutional development, Oireachtas reform and major changes in local government. We have already delivered on some of these commitments. I published the Green Paper on local government, *Stronger Local Democracy — Options for Change*, in April 2008. This was followed by an extensive programme of national consultation for the purpose of informing the preparation of the White Paper on local government. A dedicated Cabinet committee is finalising the major strategic issues for inclusion in the White Paper, which will be published as soon as possible following the completion of the committee's deliberations.

As members of the House know, the Green Paper proposed a regional mayor for Dublin to meet the strategic challenges faced by the city and county. In February of this year, I published for consultation the general scheme of the legislation to provide for such a mayor. It is my intention that the election of the mayor should take place this year.

Deputy Phil Hogan: Is it Fianna Fáil's intention?

Deputy John Gormley: I look forward to the introduction of the Bill to the Oireachtas as soon as possible.

Deputy Phil Hogan: I agree with that.

Deputy John Gormley: Last year the Government moved swiftly and decisively to enact legislation which regulated, for the first time, spending and donations at local elections; all in all, that was a good day's work.

The programme for Government envisages that an independent electoral commission would take responsibility for electoral administration and oversight, implement modern and efficient electoral practices and revise constituency boundaries. The commission would take charge of compiling a new national rolling electoral register, take over the functions of the Standards in Public Office commission with regard to election spending, and examine the issue of financing in the political system. The commission would also be invited to examine and make recommendations for changes to the electoral system for Dáil elections, including the number of Deputies and their means of election. Issues to do with by-elections, such as how they might be triggered — and, indeed, the merits or otherwise of filling casual vacancies by way of by-elections or by alternative means — would be pertinent to such an examination. I will return to the issue of by-elections and electoral theory, as this is critical to the debate.

[Deputy John Gormley.]

To assist in the consideration of the issues involved in the establishment of an electoral commission, I commissioned a report by an expert group from UCD, and I published the preliminary study for comment 12 months ago. I must say that the response to the consultation was somewhat disappointing. While the formal closing date for written submissions has passed, I still welcome and will consider any views and observations offered by interested individuals or organisations. I note that the Fine Gael Party did not make a submission to the expert group.

The preliminary study prepared for me by the UCD group gives an overview of the present arrangements for electoral administration in Ireland and an examination of the position in other countries. It suggests options for an electoral commission in Ireland and draws some conclusions.

The key findings of the UCD report are that the proposed electoral commission should be responsible for maintaining the register of political parties; it should also assume responsibility for the electoral register with a view to introducing a rolling, individual register; and the functions currently carried out by the constituency commission for Dáil and European elections should be transferred to the electoral commission. The study notes that current Irish arrangements for the administration of nominations, polling schemes, the polling process and the counting of votes have several distinct advantages. It states that the devolved character of the process is the key to its success and recommends that it should not be tampered with. Even with the establishment of an electoral commission, therefore, we could still be in a situation in which electoral administration would be the responsibility of a number of bodies.

The report recommends that, pending the outcome of a review of the law relating to the regulation of party and election funding, a single body should combine the functions currently performed by the Standards in Public Office commission and the registrar of political parties, and that the final powers and functions of the electoral commission with regard to party and election funding should be determined by the Oireachtas following a review undertaken by the commission and Oireachtas review of its recommendations in that respect.

The report recommends that an electoral commission be given the power to conduct and commission research. The report notes that the electoral commission would be independent in the performance of its functions, but that any such provision should not preclude an appropriate degree of accountability on the part of the electoral commission to the Minister for the Environment, Heritage and Local Government and to the Oireachtas. It recommends that certain specific policy-making functions should be reserved to the Minister; for example, fixing the date of polling, deciding whether to approve a specific form of electronic voting recommended by the commission, or proposing changes to the electoral system. In those specific cases, the role of the commission would be to advise the Minister.

The Government's commitment can be set out in two parts: the reform of electoral administration, and electoral reform. With regard to the former, it is intended that the new electoral commission will take responsibility for electoral administration and oversight and implement modern, efficient practices for the conduct of elections. It would become a standing constituency commission for the revision of constituency boundaries and would decide these boundaries. It would take charge of the compilation of a new national rolling electoral register, administer the voter registration process and run voter education programmes. It would assume the functions of the Standards in Public Office Commission with regard to electoral expenditure and would be provided with enhanced powers of inspection.

With regard to electoral reform, it is intended that the new electoral commission will examine the issue of financing of the political system and recommend revised guidelines on the declaration of donations for political purposes. It will advise on mechanisms to increase the partici-

pation of women in political life, including the use of additional criteria for public funding which encourage more women and less well represented groups. In addition, it will make recommendations on the feasibility of extending the franchise for presidential elections to the Irish abroad and make recommendations on the possibility of extending the franchise for local elections to those aged 16 or over.

The establishment of an independent electoral commission is not an insignificant move, and new legislation will be required to establish it. For example, amending legislation will be required to transfer to the electoral commission a range of roles and responsibilities including those assigned to the Standards in Public Office Commission in electoral law, the roles and responsibilities of the constituency commission and the roles and responsibilities of the Minister for the Environment, Heritage and Local Government. This will require changes to more than 20 primary Acts and to the associated regulations.

The UCD study recommends that an electoral commission should be established through the enactment of an electoral commission Act. This Act would amend and consolidate the law in this area, bringing together the law relating to referenda and elections to local authorities, Údarás na Gaeltachta, the European Parliament, Dáil Éireann, Seanad Éireann and the Office of the President of Ireland. This would be a major task and it is part of our considerations. However, while putting in place the necessary groundwork for the electoral administration remit of the electoral commission will take time, I do not want to see the electoral reform agenda delayed unnecessarily. For this reason I am now giving consideration to establishing an electoral commission on a non-statutory basis to report on the electoral reform agenda set out in the renewed programme for Government.

Deputy Phil Hogan: That is being done three years too late.

Deputy John Gormley: The Oireachtas Joint Committee on the Constitution has an important and valuable input to our overall electoral reform considerations. In the course of its examination of the system used for the election of Members of Dáil Éireann, the committee has considered issues in respect of the administration and functioning of Ireland's electoral system generally. I was glad to have the opportunity to make a presentation to the committee last March and to hear members' views. I look forward to the committee's report.

Returning to the issue of by-elections and electoral theory, it is interesting to note the views of electoral experts who appeared before the Oireachtas Joint Committee on the Constitution last February with regard to the filling of casual vacancies in the Dáil by way of by-elections. There are strong arguments in principle against having by-elections at all in a situation where parliament is elected by proportional representation. It was noted at that committee hearing that it is relatively unusual for a country that uses proportional representation to fill casual vacancies in this way. The argument is that all electors in the State voting at a general election determine the composition of parliament and the representation of each party in it. Therefore, it is not appropriate that the balance of representation should be changed by the electors of one constituency who may make up less than 2% of the total electorate. By-elections can and do change the balance of parliament, bring down governments and precipitate general elections.

Deputy Phil Hogan: There is the answer; the Government is afraid.

Deputy John Gormley: That said, a key argument for retaining the current system is that it is easy for voters to understand.

[Deputy John Gormley.]

There are various alternative systems available but, as with all systems, there are arguments for and against. One of the alternatives considered by some experts to be perhaps the most feasible is the method used in the European Parliament elections, as provided for in the European Parliament Elections Act 1997. It involves parties putting forward a list of substitutes, with the first on the list stepping up in the event of a casual vacancy. The obvious advantage of this for Ireland is that there is no delay in filling the casual vacancy and the inter-party balance in the Dáil would not be affected. On the other hand, the list system is open to potential abuse and could be used, at least theoretically, to parachute a relatively unknown person into the Dáil on the back of a popular candidate. Another alternative, advocated by some, is the countback method which would involve revisiting the ballot papers for the original general election. I understand this method is used in Malta and I look forward to seeing whether the joint committee makes any suggestions on it in its forthcoming report.

As I said, there are many alternatives and there may be more than those to which I have adverted. However, I appreciate that this is not the forum to debate the merits of different electoral systems. My intention is to give a flavour of the detailed analysis and debate that is required in deciding on how best to take forward our approach to by-elections. I am not persuaded that tinkering with the by-election provisions in the existing legislation, without fundamental electoral reform, is the best option. It is not practical to talk about piecemeal change without having regard to the wider implications. This proposal needs more measured consideration as part of a broader systematic review of the electoral system. Moreover, the Government would not be serving the public interest, nor the democratic process itself, if it accepted the Bill without sufficient thought, planning and consultation.

As I said, the Oireachtas Joint Committee on the Constitution is due to publish its report on the election of Members of the Dáil shortly. Given the detailed debate and expert analysis of electoral theory and systems undertaken by the committee, I expect its work to provide a valuable contribution to the debate on by-elections. I await that report with keen interest. I hope the Opposition parties will show a unified approach and a willingness to engage on the wider electoral reform agenda that will best serve the needs of the country in the coming years. I am open to consideration of longer-term options in regard to the broader electoral reform agenda and will not be drawn on hasty proposals that could have unintended consequences down the road. For the reasons I have set out, I do not accept the Fine Gael Private Members' Bill currently before the House.

In respect of the three by-elections currently outstanding, I have made my personal views on the timing of these polls clear on a number of occasions. These matters will, however, be discussed by Government and will ultimately be a matter for the Oireachtas to decide.

Deputy Charlie O'Connor: I am pleased to have an opportunity to contribute to the debate on the Bill, although the Minister's fine speech has left little for me to say. As per tradition, I thank the Opposition spokesman, Deputy Hogan, for his work on the legislation. In one sense I cannot wait to see, if and when Deputy Hogan becomes Minister for the Environment, Heritage and Local Government in a different type of government, what actions he takes in this area. In this instance, I suspect he would do exactly as the Minister, Deputy Gormley, has done. However, we may have to wait a while to find out whether I am right.

I do not want to say anything that will get me in trouble but having listened carefully to the contributions by Deputies Finian McGrath and O'Sullivan, I am eager that some accommodation be found, although I am aware that other Independents may have a different view. I genuinely support calls for Independents to have more opportunities to contribute. I am

genuine in saying this. It has often been said of me that I should have been an Independent community candidate. It is still said of me in Tallaght that I would probably top the poll in the next general election were I to stand as an Independent community candidate. I do not take that view, however, and I am quite happy in the party I am in. It is something I feel strongly about. The Minister gets many mentions throughout my constituency of Dublin South-West and I am aware he gets many e-mails from people in Tallaght on planning issues. He is well regarded in the area; people know his name and are happy to correspond with him.

The Minister referred to Green Party policy on the mayoral election in Dublin and the need for a directly elected mayor to meet what he described as the strategic challenges faced by the city and county. I am glad he mentioned the county because sometimes when people talk about Dublin they are referring only to the city. People think I was born and bred in Tallaght — I wish I was — but I was actually born in Dublin city. During the election a constituent remarked that having been in Tallaght for 40 years, I really had not been there long at all. That is my background.

I feel strongly about the region because Dublin is about Dublin city, Fingal, Dún Laoghaire and particularly south County Dublin where I now live. I was proud to be the millennium cathaoirleach of South Dublin County Council in 1999. Members will be amused by my recollecting that I was about eight weeks into my stint when I had a heart attack, which slowed me up somewhat, although Chris Flood believed it was a great political move. I am being flippant because it was a demanding period for me, but I have never looked back politically. It did not do me any harm and, thank God, my health is good.

I have always taken a major interest in my own Dublin region. The Minister will be glad to know I have no ambitions to be Dublin mayor.

Deputy John Gormley: I wish the Deputy would go for it.

Deputy Charlie O'Connor: The Minister is very good. I take it as a compliment to my work when people say I should run for it. I read articles in magazines and in *The Irish Times*, and therefore it must be true, listing me with revered big-name candidates. I do not say that in a virtuous way but I take that as a compliment to my work. I am happy to be a
8 o'clock Fianna Fáil Deputy based in Tallaght and looking after the people of the whole of Dublin South-West, which is my focus, but I will be supporting the Minister's views on the election for Dublin mayor. I look forward to that legislation and I give the Minister a guarantee that I will speak up for him when it comes forward.

I feel strongly about the position in that regard. I look at other cities including New York, for example, where the mayor made a huge impression at the weekend. It proves that the work can be done. Boris Johnson appears to be a nice man too. I recall exchanging correspondence with him when he was running for election and he told me he was interested in the development of the job. He expressed a view about the Irish vote in a hand-written note. The system and the model must be good.

I had not intended to pick on Fine Gael because it is a nice quiet evening and I do not want to do that but listening to the Minister and the debate earlier I am reminded that my colleague, the Chief Whip, Deputy John Curran, spoke last week about political opportunism with regard to the Waterford by-election while at the same time not mentioning Dublin South. I can talk about Dublin South because I share a boundary and live close to it.

I had a high regard for George Lee. I got into some trouble with Deputy Hogan's colleagues for offering him a desk at the time when he was under some pressure.

Deputy Phil Hogan: Now we know what went wrong.

Deputy Charlie O'Connor: There is a whole issue about big name candidates, and I know that issue will crop up in the mayoral election. I often say that I am neither a pretty face nor a big name and therefore I have to do things differently but I have no difficulty with pretty faces and big names being elected to this House. I will not argue one way or another. One of the things I find about this Dáil is that we are a broad church, even within parties, made up of all sorts of different personalities. I find a lot in common with colleagues not only on my benches and those of the Green Party but on all sides, which is fair enough.

The Minister made reference also to the report of the Oireachtas Joint Committee on the Constitution, which he tells me is expected next month. The committee, under the skilled chairmanship of my colleague, Deputy Seán Ardagh, examined the system used for the election of Members of Dáil Éireann. I was a contributor to that work, along with many others, and it will be fascinating to see what the report states and how they grasp the various nettles which must be grasped in regard to that issue. I wish Deputy Seán Ardagh and all his colleagues well in that regard.

In that context I am reminded that there is a commitment in the programme for Government of Fianna Fáil and the Green Party to consider options for the timing of local authority, Dáil, Seanad and European elections and that this should include the possibility of mid-term elections and running some elections on a staggered or rolled basis to ensure elections do not fall on the same date for every candidate or chamber. I am not sure whether I can get my head around all of that but I look forward to the Minister's proposals in that regard.

I was first elected to Dublin County Council in 1991 and without an election became a member of South Dublin County Council in 1994. An election was not held until 1999. Who wants an election? The Deputies opposite can point their fingers at me and say I did not protest at the time but nevertheless I thought it was a very long period. I am aware there were reasons for that. It was about the reorganisation of local government. There were three different Governments in place during that period and there were issues to be dealt with but I felt at the time that it was too long a period without an election.

The Sinn Féin leader made the point some weeks ago during the general election in Britain — I do not say this in a mischievous way — that elections give us all an opportunity to knock on doors and meet people. I must say I am not inclined to wait for those opportunities. I tend to be out and about, as I know is the case with most colleagues. However, that period from 1991 to 1999 proved to me that there should be some discipline as far as the term is concerned and I am glad that is now the position. Whatever about the criticism, the fact is that the Dáil term is set for five years. It does not go beyond that and it is right that we leave it to the discretion of the Taoiseach to decide when the election will take place.

I compliment Deputy Hogan his work on the Bill and in saying that I hope that does not get him into any trouble. Since becoming a Dáil Deputy eight years ago I have taken the view that it is good to engage in Private Members' debates. Some of the debate is not always sensible, and nobody will be offended by that, but I have always regarded it as a good opportunity to deal with the issues of the day. Despite what the Independents might say, as a humble, little known backbencher it is sometimes just as demanding to get time to speak on major issues. That is the reason I always welcome the opportunity to speak. Without patronising the Minister, I am pleased he shared a few minutes of his time and I feel good about that.

Deputy Phil Hogan: What comes from the table.

Deputy David Stanton: What does the Deputy think of the Bill?

An Leas-Cheann Comhairle: Please allow the Deputy to speak.

Deputy Charlie O'Connor: The Deputy has been listening to me for the past several minutes. He has heard me support the Minister.

Deputy David Stanton: What about the Bill?

Deputy Charlie O'Connor: I have said things the Deputy might not be brave enough to say if he was sitting on this side of the House.

Deputy David Stanton: You never said anything about the Bill.

Deputy Charlie O'Connor: The Deputy should go back to his office and listen to what I said. I bet there are comments I said tonight that he would not dare say.

Deputy David Stanton: What about the Bill?

Deputy Charlie O'Connor: That is a challenge for you.

An Leas-Cheann Comhairle: Through the Chair please, Deputy.

Deputy Charlie O'Connor: I beg your pardon.

An Leas-Cheann Comhairle: You are normally so disciplined in these matters.

Deputy Charlie O'Connor: The Chair will notice I have not mentioned Tallaght much.

The Bill proposes to amend section 39 of the Electoral Act 1992 to provide for the holding of a by-election not later than six months after the vacancy occurs in Dáil Éireann. As the Minister eloquently pointed out, section 39 currently provides that the Ceann Comhairle of the Dáil should direct the Clerk of the Dáil to issue a writ to the relevant returning officer to fill the casual vacancy—

Deputy Phil Hogan: We now know why the Minister was late. He was writing that speech for the Deputy.

Deputy Charlie O'Connor: —in the constituency concerned but no timeframe is specified. If my colleagues do not want to read my contribution they should read the Minister's contribution, which set out the position very well. I am sorry for singling out Deputy Hogan but I suspect that if gets the opportunity to sit on this side of the House—

Deputy Phil Hogan: The Deputy will have to put that to the test.

Deputy Charlie O'Connor: —he will do exactly the same, as was done by past Fine Gael Governments.

Deputy Phil Hogan: We are looking to the future.

An Leas-Cheann Comhairle: Please allow the Deputy conclude.

Deputy Charlie O'Connor: We should not play too many games tonight. Some of the comments the Minister made were very revealing.

Deputy Phil Hogan: What was revealing?

Deputy Charlie O'Connor: I do not mind the degree of point-scoring that goes on in Private Members' debates week in, week out but the Minister made the point very well—

Deputy Phil Hogan: What was revealing?

An Leas-Cheann Comhairle: Allow the Deputy to conclude.

Deputy Charlie O'Connor: —and I hope the Deputy would give that some consideration. We should not get too excited about—

Deputy Phil Hogan: What was revealed?

Deputy Charlie O'Connor: The Deputy should have listen back to what the Minister said.

Deputy David Stanton: The Deputy clearly did not.

Deputy Charlie O'Connor: To paraphrase the Ceann Comhairle, if you want to come to my office in the morning, Deputy, I will fill you in and it will be a pleasure. I thank the Leas-Cheann Comhairle for giving me the opportunity to say a few words.

Deputy Ciarán Lynch: I wish to share my time with Deputies Martin Ferris and Joe Costello.

An Leas-Cheann Comhairle: The latter ten minutes will be tomorrow night.

Deputy Ciarán Lynch: I want to begin by thanking Fine Gael for bringing this Bill before the House this evening and commending Deputy Hogan on a Bill which has a simple and measurable intent.

Reform can be looked at in three different ways. We can follow the big bang theory where a specific Minister decides that he or she will reform a number of measures at once or we can have the incremental approach where we engage in a reform process piece by piece over a period of time. I believe that what is being presented before the House this evening is very much the latter. It is a simple measurable immediate measure that can ensure that by-elections take place within a specific period of time.

The third reform option is where we follow what I call the “big blank” theory. The “big blank” is what we have been getting from the Minister, Deputy Gormley since he came to office. We will possibly see a White Paper later this year, but whether it will be ever implemented and whether it will take the format of previous White Papers remains to be seen. We are hearing much talk of reform, but before the Minister this evening is an opportunity to engage and accept one measure of reform.

In his speech this evening, the Minister stated he had some concerns about the proposal and that the six-month derogation was a difficulty for him. I would challenge him this evening to state that the Government will accept the Bill in its intent and at a later stage amend it so that emergency situations, such as the foot and mouth disease crisis, could put a deferment on it but that this House, in principle, accepts that no seat in Dáil Éireann will be left vacant for more than six months. That remedies the difficulty the Minister brought before the House this evening. If he believes that it is a genuine difficulty, here is a response to it I have given him and he can now let the Bill proceed.

The position to date has resulted in this issue being debated repeatedly. Since I came to the House in 2007, I think this is my third or fourth time speaking on the issue of by-elections. During that period I have heard Ministers of State and Ministers come in here with the most bizarre of excuses as to why a by-election should not be called. Two weeks ago Minister of State, Deputy Curran gave some excuse that we had to focus on the economy and that the elections would be a distraction. There was some other issue of nonsense from the Tánaiste and Minister for Education and Skills, Deputy Coughlan, that the children’s referendum would

be contaminated if there were concurrent elections on that day. In both cases, it was a direct insult to the intelligence of the electorate in this country.

The reality of the situation is that by-elections are a matter of fact. To date, we have witnessed two by-elections in this House and we have the issue of three more before us at present. Regrettably, by-elections happen due to the death of a Member, but they also happen due to resignations. By-elections now almost always happen as a consequence of results of European elections, which are on a five-year cycle. We know when the next European election will occur. It will occur in four years time, some time in June. The likelihood is that at least one candidate will be a Member of this House and he or she will be elected to the European Parliament. If one looks back over the past European elections, one will see that such is the case. Why not legislate proactively for something rather than allow the difficulties that arise from inaction come before the House, as they have this evening?

In essence, this is a problem that has long been before this House to which a solution has long been overdue and a solution has been brought before this House this evening. It is a solution that is simple, immediate and measurable. Put simply, it ensures that the democratic deficit that it is created in this House through the result of a single seat being vacant gets address.

At present, there are three seats unoccupied in this Chamber. Regardless of the constituencies in which these vacant seats are situated, it could be in my constituency of Cork South-Central besides Donegal South-West, Dublin South or Waterford, the principle of this is not geography; it is that there is a democratic deficit in this House where a constituency is being denied its full representation. It beggars believe to hear the Minister come in and give alternative explanations that defy that single fact, that there are three empty seats in this House that should be filled within the lifetime of the Government. Sadly, I do not think that will happen.

I have listened to the Taoiseach in recent days and weeks comment upon this. When being questioned on it, he states it is a matter for the Dáil. Unfortunately, the Taoiseach is telling a big fib in the media because it is a matter, not for the Dáil but for Government under the present structure. The Government has no appetite for a by-election. The Taoiseach should desist from stating that it is a matter for the Dáil because he is not being truthful with the public and he is certainly not being truthful with the electorate in each of those constituencies.

An Leas-Cheann Comhairle: Deputy Ciarán Lynch will be aware that he should not cast aspersions on the Taoiseach in that way. It is not orderly to do so. I am sure he will quickly withdraw.

Deputy Ciarán Lynch: I will amend my comments to state that the comments made by the Taoiseach to my understanding are inaccurate when he states that it is a matter for the Dáil because what we are witnessing in here this evening is that it is actually a matter decided by Government.

Deputy Hogan is a far taller man than me. As someone of smaller stature, I grew up with the notion that if one went into the school yard, one took on those bigger rather than smaller than you. I will get to Fianna Fáil in a moment. Sometimes when there is a smaller rascal annoying you, you must address them as well, and that has been the approach of the Green Party in the Chamber this evening.

The Minister spoke of flexibility in his speech this evening. There is flexibility and there is stretching something beyond credibility, which is what the Minister's speech did. It was a stretch beyond credibility.

[Deputy Ciarán Lynch.]

We heard a number of red herrings. He took us to Malta and some other regions — anywhere except Donegal, Waterford and Dublin. He was off to Malta, the commission and everywhere else.

He spoke of a situation where elections change Governments. Where I come from, elections are all about the establishment and changing of Governments. Even in this country, not so long ago a Government changed because of two by-elections in Cork city.

Deputy David Stanton: Democracy.

Deputy Ciarán Lynch: The general public knew that when they were going to the poll that day. In fact, what happened on that day is that the people of Cork reflected the national mood across the country. When the Minister states here that he does not trust a particular constituency, what he is saying, in effect, is that he does not trust the national public mood. Ultimately, what we are debating here is a matter of confidence or, more accurately, an absence and lack of confidence by Government.

Three seats have been vacant for unacceptably long periods. These vacancies, which are in Donegal South, Dublin South and Waterford, date back to February and March of this year.

It is clear that Fianna Fáil and Greens are running scared of the electorate and there is now a distinct possibility that there may be no by-election writs brought before us until this Dáil sees itself through to its final conclusion. That is an affront to democracy and it is a direct slap in the face to every citizen and member of the voting public in those three constituencies and every other voter in the country.

The Minister may well dress this up and state that it will distract Government and could lead to some destabilisation of the economy, but the truth is the Government is rattled and scared and afraid to face the public. In fact, so afraid is Fianna Fáil that it is not merely afraid of the general public but afraid of its own membership. It will not hold a party conference this year for fear of what will come off the floor inside in its own conference.

What we are witnessing with Fianna Fáil is a series of regional love-ins or, as we might call them, “hug-ins”, where the only issue on the agenda is “have a go at Gilmore” motions. They come out at 4 p.m. or 5 p.m. after being huddled inside in their rooms and have a go at my party leader.

What Fianna Fáil needs is a big group hug in one of these meetings because any level of confidence and self-esteem has certainly disappeared from them, particularly, as I stated, as witnessed by the absence of a party conference this year.

Fianna Fáil might be punch-drunk. It might need to be put into the recovery position and the best recovery position I can think of is the Opposition benches. The passing of this Bill may not deliver the knock-out punch this Government needs but I assure the House it will lead to a standing count that will ultimately result in this Government being out of power.

Deputy Martin Ferris: I thank the Labour Party for giving me ten minutes speaking time.

To a great extent this debate is the same debate we had last week on the Waterford by-election and the previous week on the Donegal South-West constituency by-election. It is an indication not only of the feeling on this side of the House among the Opposition parties that the Government has an obligation to allow the electorate in those constituencies the right to fill the existing vacancies but also of the desire on the part of voters in those constituencies to have the opportunity to cast their verdict in mid-term on an increasingly unpopular Govern-

ment. One cannot but be reminded that the failure to have these by-elections is probably a result of fear in the Government parties.

The reasons I gave last week with regard to the contrast between the rapidity with which a Seanad by-election was called and the delay in moving the writs for the current Dáil vacancies bear repeating, as do the political reasons which have to do with this Government's fear of the electorate and its reluctance to put the picture emerging from the opinion polls to a real test. Most informed people believe the reason these by-elections have not been called is because the Government fears it will be decimated at the polls. It knows that Fianna Fáil and the Greens have little or no hope of winning any of the by-elections. As I said last week, the fear or knowledge that one is going to lose an election is hardly a valid excuse in a democracy for avoiding to call one.

It would be appropriate to take the power away from the sitting Government and to remove from it the means to delay calling by-elections as it is currently doing. A period of six months, as proposed in the Fine Gael Bill, would be more than sufficient time to elapse between the vacancy arising and the by-election being held and would ensure the electorate in the constituency where the vacancy exists is given the opportunity within a reasonable timeframe to allow an election to be organised to fill the seat.

Having praised Fine Gael for bringing this Bill forward, I must also, however, make some small criticism of it. The criticism has to do with the Dublin South constituency and the vacancy there since their high profile recruit, George Lee, decided, after a remarkably short time, that Fine Gael was not the answer either to his own or the country's needs and he departed somewhat unceremoniously.

I do not wish to rake over all the reasons why he may have made that decision but it could perhaps be said that Fine Gael in pressing the Government over its failure to move the writs for Waterford and Donegal while at the same time not moving the writ for Dublin South, might be regarded as somewhat hypocritical. This Bill refers to a six month period of grace before the proposed legislation would make it mandatory to call a by-election for a vacancy. George Lee only resigned in February so if this Bill was passed the by-election would not have to be called until before the end of July. However, Fine Gael has rightly called for a by-election to be held in Waterford to replace former Minister and Deputy, Martin Cullen and it is less than three months since he decided to call it a day for health reasons. Therefore, surely if Fine Gael is to be consistent it should also move the writ for Dublin South where, despite whatever problems it might be having in finding another candidate, it must be in pole position to retain that seat. It would also, of course, provide another opportunity to allow a section of the electorate the opportunity to cast their votes on the current Government, which I have little doubt would once again be damning.

It would also give Fine Gael plenty of time to persuade Eamon Dunphy or Bono or Giovanni Trappatoni or Brian O'Driscoll, or whoever, to become its newest celebrity acquisition, given that none of its representatives in the constituency seems to be particularly enthusiastic and one person who was tipped to run has resigned altogether from politics.

Deputy Phil Hogan: He was promoted.

Deputy Martin Ferris: To return to the main object of attack, we could be here until the cows come home, going over the many reasons the electorate ought to be given an opportunity to cast its verdict on the current situation in the country that has left many people in an extremely bad way with regard to jobs, mortgages and making ends meet whether they are in employment or not. Indeed since we were here last week there have been more large-scale job losses which underline the fact that while some countries, including apparently our nearest neighbour, are demonstrating signs of recovery, we are still in the midst of a severe crisis. That

[Deputy Martin Ferris.]

crisis is part of a global downturn, which may or may not have run its course, but its impact has been massively exacerbated by the gross incompetence of financial and property speculators and the blind eye, indeed the encouragement, given to them by the main Government party. It is clear that this Government has neither the imagination nor the will to do what is necessary to turn things around so that if the overall economic situation improves we will be able to take advantage of it rather than as we are at present, burdened with a massive debt incurred by those responsible for almost bringing the country to its knees. The measures taken with regard to the banks and property mean that even if the economic situation improves we will still be left with the bill for those who were involved in speculation and this will greatly affect the ability of this country to take advantage of any upturn.

NAMA and the banks' bailout mean this Government has shifted the burden for the financial crisis away from those who were responsible for creating it and placed it on the shoulders of the ordinary people who have been presented with a multi-billion euro bill, as well as also having to pay the price in reduced wages and cuts right across the public services from hospitals to schools. It also means the Government is committed to an austerity programme. There is neither the means nor the desire to take measures that might stimulate and encourage growth in the many areas of the economy that are still healthy or have the potential to be developed in order to create growth and employment. The taxpayer has bailed out the banking system. These same banks are in the process of repossessing and by extension, evicting unfortunate people who are victims of the grotesque methods adopted by the banking system, developers, speculators and the political elite in this State.

The only means to reverse that situation is to remove this Government from power and to replace it with one that will reverse the current strategy and radically revise the manner in which the banks and property developers have been treated so it is they and not the ordinary people of the country who pay for the mess that they created and which will free up the resources required to pursue a more positive approach. The only means to do that is through a general election, whenever that comes. Naturally, Fianna Fáil and the Green Party wish to postpone the day of reckoning for as long as they can and that includes their refusal to call the by-elections in Dublin South, Donegal South-West and Waterford. Not least of their worries is that losses in all of those three constituencies would place the survival of the Government in jeopardy and make it less likely that it will run its full term. However, as I said earlier, that is not a valid excuse for not going ahead with those elections and I reiterate my call for them to do so. I reiterate my call to Fine Gael to move the writ for Dublin South. That will at least give the voters in those constituencies the opportunity to cast their verdict and hopefully speed up the removal of this Government from office. I call on the House to support this Bill.

Debate adjourned.

Adjournment Debate.

National Disability Strategy

Deputy John Cregan: I wish to thank the Ceann Comhairle's office for facilitating me in raising this important issue, which concerns not alone my constituency but many others throughout the country. I am a member of the Government party and have voted for various adjustments and cutbacks that were deemed necessary in the past few years. I did so because I felt it was the right thing to do at the time. I am not coming back as a hypocrite to say that we should not have done so and that we now want to give more money to these people. I am simply asking the Government to examine this particular sector of our society. From time to

time and for different reasons, we describe various sections as being vulnerable. Unlike many Members of this House, these people are not able-bodied and have a difficult path in life.

I have been contacted recently by the parents of those who are attending the Brothers of Charity in Newcastle West, St. Joseph's Foundation in Charleville, St. Vincent's in Lisnagry and other such facilities in my constituency. There is grave concern about plans that may have to be adopted in the coming months. In the past few years, unfortunately, budgets have had to be reduced in this particular sector. Despite this they were able to carry on and made the most of it. They did their best and, to be fair to them, they are providing a wonderful service. Nonetheless, I am concerned about the current situation. We are facing into another difficult budget and will have to examine all sectors of society to see where savings can be made. We are spending a huge amount of money in our health service. Some years ago, the House decided to give a budget to the HSE, which is responsible for operating those services. The people to whom I have referred are dependent on judgment calls by the HSE as to the amount of funding they will receive at any given time.

Sometimes I have to wonder when I see moneys being spent in other ways, of which we are all well aware, while parts of the health service must put up with very limited budgets. Adults and children who use the services provided by the Brothers of Charity have been advised that, from September, the canteen will close, so they will have to bring packed lunches instead. That really disturbs me, as it does also the parents of those involved. Many of those parents are aged and have genuine concerns because they want to give the best to their sons and daughters. They want to ensure that when they pass on to their eternal reward, the necessary services will be there to look after their children in comfort and dignity. That is very important.

I thank the Minister of State, Deputy Seán Connick, for attending the House to reply to this Adjournment matter. We are talking about a very vulnerable group who have suffered quite enough through their disabilities. I, for one, do not want to see them being asked to bring a packed lunch to their schools or workshops. Surely to God we can find the necessary funding to give them that comfort. We must also support their parents who are anxious for their children to be looked after in a dignified and reasonable way.

Minister of State at the Department of Agriculture, Fisheries and Food (Deputy Seán Connick): I am replying to this Adjournment matter on behalf of my colleague, the Minister for Health and Children. I thank Deputy Cregan for raising this matter and I am pleased to take this opportunity to outline the position on the funding of the Brothers of Charity services in Limerick.

I would like to reaffirm the Government's commitment to the national disability strategy and its long-term goals and objectives, which we will continue to pursue in the coming years in partnership with all the stakeholders. Government policy and best practice recognise that clients and service users need to be at the centre of service delivery. On an ongoing basis, we are examining the way in which services are currently delivered to ensure that people with disabilities are provided with the best possible services in an efficient and appropriate manner.

The Government has an ongoing commitment to provide high-quality services to all people with a disability through the national disability strategy, which has the objective of putting in place the most effective combination of legislation, policies, institutional arrangements and services to support and reinforce equal participation for people with disabilities.

The national disability strategy is the framework currently being used to enact positive action measures to support the participation of people with disabilities in Irish society. The Government's commitment in the areas of disability and mental health is consistent. Overall, approximately €1.6 billion is spent annually by the health services on disability programmes, including residential, day care, respite, assessments and rehabilitation services.

[Deputy Seán Connick.]

In recent years, significant additional resources have been provided for services and supports in this area. The multi-annual investment programme 2006-09, which is a key component of the Government's disability strategy, had by the end of 2008 provided for approximately 804 new residential places, 307 new respite places and 1,863 new day places for the intellectual disability service. In addition, it had provided 275 new residential places, and 911,626 extra home care-personal assistance hours for people with physical and sensory disabilities.

Regarding the matter raised by the Deputy, I wish to inform the House that the Health Service Executive has advised the Minister for Health and Children that it is very much aware of the valuable contribution the Brothers of Charity services make to the provision of services to people with intellectual disabilities in Limerick. The HSE is also aware of the challenges service providers, including the Brothers of Charity, are experiencing this year.

The achievement of further efficiencies in disability services in 2010 requires that savings in funding to non-statutory providers, including the Brothers of Charity, are planned to ensure that there is a consistency of approach nationally, with the loss of front line services avoided as far as possible.

The reduction in the 2010 cash allocation identified relates to staff pay reductions in line with national guidelines; the Government moratorium on recruitment; and a minimum of a 2% efficiency saving to be applied to non-front line services. The latter include, for example, non-pay expenditure, transport costs, rationalising management structures, merging service functions and merging service providers, without impacting on users of front line services.

The HSE has advised that the approach taken is compatible with, and informed by, the aims and objectives of the value for money and policy review in disability services, currently being led by the Office of Disabilities and Mental Health.

As a consequence of the introduction of cost containment and efficiency measures in the 2010 budget, it is understood that the HSE advised all the agencies providing services on its behalf, of their financial allocations for 2010 and the required adjustments. The HSE plans to maintain access to appropriate treatments and services for clients during 2010 despite the current resource pressures. The HSE is aware of the challenges which this reduction in allocations will present to organisations in ensuring that they meet the needs of service users, and in planning for emergencies that arise throughout the year. It also recognises that maintaining service levels within available resources will require significant levels of co-operation, change, flexibility and creativity. All disability service providers in the Limerick area have been requested to advise and discuss, with HSE management, challenges they are experiencing, prior to cuts or changes to service provision being implemented. There are also plans to develop a local forum of all service providers — both physical and sensory, and intellectual disability — with a focus on the needs of service users now and in the future.

The HSE is aware of the challenge for the Brothers of Charity to maintain existing service levels and to respond to the respite needs of service users. While the Brothers of Charity have applied significant changes to front line services, in many cases these changes have not necessarily resulted in service reduction, but in a different model of service delivery being applied. The HSE will continue to work in partnership with the Brothers of Charity in dealing with issues that arise from service cuts, to ensure that the needs of service users are prioritised and addressed.

Hospital Services

Deputy Kathleen Lynch: The history of St. Mary's Orthopaedic Hospital on the north side of Cork shows that in its day it provided a vision of the future. The new buzz word in Cork in terms of health services is reconfiguration. Everything will be moved around. It is as if one

were talking about pieces on a chessboard. It does not matter if it is right or wrong; services will be moved. It started with the breast clinic in the South Infirmiry-Victoria University Hospital which was moved to the new campus in Cork University Hospital, CUH. We are all agreed that centres of excellence are the way of the future and the unit has proven to be very successful.

However, I am concerned about the proposed move of St. Mary's Orthopaedic Hospital in Gurranebraher. I am surprised that Professor John Higgins has recommended the move as I have great admiration for the work he does in his specialist field, namely, gynaecology and obstetrics. I do not understand the logic of taking an orthopaedic service from a 30 acre site which was specially designed for that purpose to put it into the South Infirmiry-Victoria University Hospital. Plans were unveiled last year for the merger of that hospital with the Mercy University Hospital which involved the building of a new hospital to replace the two original hospitals because they were deemed not fit for purpose. It is planned to take the orthopaedic service from a 30 acre site to put it into a hospital that was not considered fit for purpose as a general hospital.

I am pleased the Minister of State, Deputy Connick, is present as he knows what I am talking about. Orthopaedics is the heavy lifting end of surgery yet it is planned to put it into a hospital that has no parking. If one goes to the hospital with a broken leg that will be the least of one's troubles. One will leave the hospital either in a wheelchair or on crutches but one's car will be parked half a mile down the road because there is no parking outside the hospital. The parking in the hospital is for staff only yet it is planned to incorporate an orthopaedic service into a hospital that has outdated lifts and no ground floor service. That is what is proposed although orthopaedic patients more than likely will not be able to walk on their own.

The orthopaedic hospital is on a 30 acre site. We were promised that a new rehabilitation service to serve the entire south of the country would be built there but that will not happen now. The Health Service Executive is in discussion with the local authority and other interested parties about turning the site into a commercial area. This move is more about making it convenient for doctors than providing a better service for patients which worries me very much.

When the North Infirmiry closed 22 years ago the last general hospital on the north side of Cork was removed. If the orthopaedic hospital goes then that will be the last vestige of inpatient service available on the north side of Cork. When Professor John Higgins first spoke about reconfiguration — I have no doubt he is well intentioned — he told us that no hospital would close as a result of reconfiguration. I do not know what one would call a unit that does not have beds but it is not a hospital. He might talk about primary care and other issues but St. Mary's will not be a hospital and orthopaedics will not fit well into the campus where he intends to put it.

There is one aspect of health services in St. Mary's Orthopaedic Hospital that he should reconfigure, namely, Grove House, which houses people with severe intellectual disabilities. I am told by the HSE that no money is available for that move and that the service will remain on the site. It is a case of people being put in the most inappropriate place one could possibly imagine for their condition yet no move is proposed for them. This is about selling the site and getting money for HSE south. It is not about providing a better service. The people of Cork had every faith in the service, which had the only public orthopaedic outpatients' clinic in the country. That worked extraordinarily well but it is going to be moved because it is located on a valuable 30 acre site on the north side of Cork. A total of 220 jobs will be taken out of the area, one which desperately needs the type of investment which those jobs provided. However, that does not matter to the HSE. It should matter to the Minister of State how the service is provided and how areas will manage without it.

Deputy Seán Connick: I thank Deputy Lynch for raising this matter. I assure her that reconfiguration is also a buzzword in Wexford and the south east. I will be taking this Adjournment matter on behalf of my colleague, Deputy Mary Harney, Minister for Health and Children. The Government is committed to ensuring delivery of the best quality health services possible, in an effective and efficient way. We are all familiar with the expert advice that, for the delivery of complex care, outcomes for patients are better if the care takes places where the necessary staff and equipment are to hand and, crucially, where there is a sufficient volume of activity. The success of this approach has already been demonstrated through the national cancer service, based on the principles of patient safety and quality. The expert opinion is that the adoption of this approach throughout the acute hospital system will lead to improved services.

The HSE south's business plan for 2010 prioritises the reconfiguration of its acute hospital services. Undoubtedly, this will produce significant changes in the way health services are delivered and organised in the region. Principal to this new delivery is the plan to create a single acute hospital system across the region to achieve the best possible health outcomes for the people of Cork and Kerry. As part of this process, the HSE will be relocating some services between the six acute hospitals. Earlier this month, HSE south announced its intention to relocate orthopaedic services, including elective inpatient, rehabilitation trauma and day surgery, from St. Mary's Orthopaedic Hospital to the South Infirmity-Victoria University Hospital. The objective in relocating orthopaedic services to an acute hospital setting, with related specialties on-site including rheumatology and anaesthetics, is a much enhanced service.

The relocation of orthopaedic services to an acute setting is the first element of the reconfiguration programme. Patients from Cork, Kerry and the wider Munster area will benefit from improved treatment and surgery for conditions including spinal and skeletal injuries and deformities, in addition to rehabilitation for damaged joints and muscles. The redeveloped facility will have three dedicated orthopaedic theatres, compared to the two in St. Mary's. It is also intended, following the move, to recommence orthopaedic surgery for children, for which HSE south patients must currently attend Our Lady's Children's Hospital, Crumlin, in Dublin. Patient accommodation will also be upgraded. The HSE remains fully committed to the future use of the St. Mary's site as a health complex. It intends to maintain existing services on campus, including mental health, intellectual disability, ambulance, outreach, maternity and health centre services. The newly built 50-bed community nursing unit is due to open this year. The outpatient facility site will also be retained and a range of consultant and nurse-led outpatient services will be delivered.

HSE south has had discussions with Cork City Council and is working with other partners on the future use of the site for additional health facilities, such as a major primary care centre. A key purpose of this engagement is to ensure that adequate provision is made to meet the future health service requirements of the population of this area. This will be undertaken as part of the city council's review of the master plan for the area. The move of orthopaedic services into an acute hospital setting, as part of a coherent and structured reorganisation of the delivery of acute services in the HSE south area, supported by best international practice, is a progressive and innovative initiative. The result will be better outcomes and health services for the people of the region.

Social Welfare Benefits

Deputy Caoimhghín Ó Caoláin: There is an urgent need for the Minister for Social Protection and the Minister for Health and Children to take immediate action to ensure the delivery of the back to school clothing and footwear allowance scheme which faces further severe delays this year, causing hardship to low income families with school-going children. I have raised this matter on the Adjournment to try to instil a sense of urgency on the part of the Government. If action is not taken soon, we will face a worse situation than we saw last year, when applicants

encountered long delays and payments were not received until well after the start of the school year. In my own constituency and across the State, people who have sought application forms for the scheme have been told they are not yet available. The back to school clothing and footwear allowance scheme helps families on social welfare and HSE payments to meet the cost of uniforms and footwear for children who attend school. Many families depend on the scheme to ensure their children can avail of education. As unemployment increases, the number of people qualifying for the scheme is growing.

The scheme is supposed to operate from 1 June to 31 September each year. I am sure the Minister of State is wondering why I am raising this issue when we have not yet reached the turn of the month. Last year, forms were not available until the middle of June and many people did not receive payments until well into September. I understand that even worse delays are likely to take place this year. There are inadequate staffing levels to cope with the number of applicants. These delays cause real hardship. In many cases, school uniforms come into the shops in June. Parents need to budget to pay for uniforms, school books and other onerous school expenses. They wish to spread their spending over the summer months. Delays to this scheme will lead to delays in the making of payments to which people are entitled, perhaps until late September or beyond.

I have mentioned the Ministers for Social Protection and Health and Children because this payment is part of the supplementary welfare allowance scheme, which is funded by the Department of Social Protection and administered by the HSE. The two Departments and the HSE need to get their act together now. We do not want a repeat of 2009. By August of that year, more than 50,000 parents who had applied under the scheme had experienced delays in the processing of claims. The HSE admitted that a backlog resulted in less than one third of applications being processed at that stage. At least another 130,000 applications were expected before September. The HSE had received almost 80,000 applications by the middle of July of last year, but it had processed just 25,332 of them by 10 July. This must not be repeated. That is why I am raising the issue now.

The already overworked community welfare officers need additional assistance. The recruitment embargo should be lifted, extra staff should be hired even on a temporary basis and staff should be redeployed where appropriate. The bottom line is that people should not be forced to suffer further delays and hardship. The Government has already reduced social welfare payments. It has abolished the Christmas bonus completely. It has cut educational supports. Low-income families with children, which are already finding it difficult to make ends meet on a daily basis, must not be targeted again. I strongly urge that the lessons of last year and other years be learned. We should not see a repetition in 2010 of what happened in those years.

Deputy Seán Connick: I thank the Deputy for raising this issue. It is timely and most appropriate for him to do so at this stage. The back to school clothing and footwear allowance scheme provides a once-off payment to eligible families to help them to meet the extra costs that arise when children start school each autumn. The allowance is not intended to cover the cost of sending children to school. As the name suggests, it is intended to assist with clothing and footwear expenses. A person may qualify for payment of an allowance if he or she is in receipt of a social welfare payment, including family income supplement, or a HSE payment; if he or she is participating in an approved employment scheme; or if he or she is attending a recognised education and training course and has a household income at or below certain set levels. The purpose of the household income limit is to ensure the allowance is directed at those with the greatest need. For the 2010 scheme, the income thresholds for entitlement to back to school clothing and footwear allowance have been increased. The income limit for the allowance for parents with one child is now €564 for couples and €411 for one-parent families. The income limit increases by €29.80 for each additional qualified child. The rates of payment for back to school clothing and footwear allowance have been increased significantly in recent

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years. Since 2005, the allowance has increased from €80 to €200 in respect of qualified children from two to 11 years, and from €150 to €305 for those from 12 to 22 years. These are increases of 150% and 103%, respectively. In addition, an extra allowance of €215 is payable in respect of 18 year olds for whom compensatory child benefit is in payment. The total payment in respect of 18 year olds in this category is €520. The number of children benefiting from the allowance increased from 180,000 in 2007 to over 275,000 in 2009. The number of families benefiting in this period increased from 88,000 to 139,000. Current indications are that approximately 160,000 families, with more than 310,000 children, will benefit from the scheme in 2010, at a cost of over €82 million.

As the Deputy is aware, the back to school clothing and footwear allowance scheme is administered on behalf of the Department by the community welfare division of the HSE. Up to 105 temporary posts for a period of six months were sanctioned by the Department of Finance on 13 May 2010 for the administration of the scheme in 2010. The HSE has advised that the recruitment of these workers has commenced. In order to assist with the administrative efficiency of the scheme, the Department will give the HSE details of clients who were paid the allowance in 2009 and were in receipt of a departmental payment at May 2010. The purpose of this approach is to give the HSE the most up-to-date information that will allow it to issue an application form to the individual households that are most likely to qualify for the scheme in 2010. The HSE has advised that these application forms will be issued by the middle of June and that households will be advised of all details relevant to the processing of their applications. The HSE has indicated that in general, the payment of the allowance should issue six weeks from date of receipt of the application. The back to school clothing and footwear allowance scheme is considered to be an important support for parents at a time of particular financial strain. The improvements to the scheme in recent years provide a major boost to meeting the financial costs associated with the return to school for those who most need assistance.

Agricultural Colleges

Deputy Paul Connaughton: I thank the Leas-Cheann Comhairle for giving me an opportunity to raise the staffing problems that are currently mitigating against the three private agricultural colleges, as opposed to the State-run Teagasc colleges. I am speaking about this issue in the context of the moratorium on public service recruitment. The college I know best, which is in Mountbellew, County Galway, has 120 applicants this year, as it did last year. During the successful years of the Celtic tiger economy, when increased numbers of jobs were available outside the farm, most agricultural colleges had reduced numbers of applicants. The huge impetus that exists in the sector at the moment will be lost, unfortunately, if something is not done about staffing levels. I assume the other two private colleges, like Mountbellew, are unable to fill positions that are vacant because of teacher retirements. The quota of teachers that exists at present means that the college in Mountbellew will be able to accept just 50 of the 120 applicants this year. When one considers that it is the only agricultural college in the west of Ireland, and that the vast majority of the 120 applicants are from the western area, one can take it that this problem is causing huge problems for everybody concerned.

In the few minutes I have at my disposal, I want to thank the board of Teagasc. Our college was on death row but, through the good offices of the director of Teagasc, Dr. Gerry Boyle, and the board of directors, it was given another two years. I am delighted the Minister of State,

Deputy Connick, is here to speak about this matter because he has a direct
9 o'clock interest in it. I am sure it is clear to him that if the embargo on replacing retiring teaching staff is continued, in a couple of years time the college will close anyway, irrespective of what will happen in two or three years time. However, the matter is much more complicated than that. It would seem daft to many people on the outside. As the Minister of

State knows, the problem is that the salaries of the teachers in the private colleges are recouped because Teagasc is paying them. The ridiculous situation now exists that when a teacher retires in one of the State-run colleges, such as Ballyhaise or Kildalton, there is no ban on a replacement being recruited. However, in Mountbellew, Pallaskenry and Gurteen colleges, which are privately owned, retiring teachers cannot be replaced. If this continues, these colleges will be strangled.

I, like every other Member, understand the public sector recruitment ban was introduced to save money. In the cases in question it saves nothing, however. The same teachers in the private colleges are being paid by Teagasc anyway. It is against this background that I want the Minister for Agriculture, Fisheries and Food and the Minister for Finance to examine the colleges in question because they are in great danger of being forced to close without anyone talking about doing so officially.

I have not spoken about this matter with the staff at the colleges. I am raising it because I will fight any day to ensure the west has an agricultural college of its own. There are different farming practices and patterns in the west and not to have its own agricultural college teaching these would be disastrous for its farming community. If this recruitment embargo is allowed to continue, the west will not have a college very soon.

Deputy Seán Connick: It is a matter for Teagasc to allocate financial and staff resources in accordance with its priorities and in line with the Government's policy. Ministerial responsibility is confined to matters of policy in accordance with the Act establishing Teagasc and is not concerned with its day-to-day operations.

Teagasc has an important role to play in supporting the Government's strategy for the development of the agriculture and food industries through the provision of research, advisory and education services to farmers and the rural economy. It is the main provider of further education for school leavers in agriculture, horticulture, forestry and equine studies. Teagasc's education programme contributes to improving the competitiveness of agriculture, food and the wider bio-economy; supporting sustainable farming and the environment; encouraging diversification of the rural economy and enhancing the quality of life in rural areas; and enhancing organisational capability and delivering value for money.

Changing market requirements highlight more than ever the need for a highly educated and skilled agricultural workforce. Great strides have been made in agricultural education in recent years. Teagasc has been to the fore in progressing the agricultural education agenda, earning a well-deserved reputation for delivering high-quality and relevant programmes for people with aspirations of a career in agriculture or those seeking employment in ancillary industries and services. These programmes are delivered through a network of eight colleges, 80 local Teagasc centres and the Teagasc e-college.

The numbers of students attending these courses has increased each year for the past three years. Last year, for example, some 1,500 new students enrolled bringing the total numbers participating in Teagasc courses to 3,200. This augurs well for the future of the agrifood sector. All of Teagasc's education and training programmes are fully accredited by the National Qualifications Authority of Ireland. The accreditation of programmes continues to raise the standing of Teagasc qualifications both nationally and internationally.

Teagasc has been seeking to rationalise resources devoted to agricultural education to reduce costs and deliver a more efficient service. In 2007, it commissioned an outside consultancy body to develop the most appropriate model for the delivery of education services. The review identified the need for critical mass within the college network of staff, students and facilities and recommended development of a new education structure around three lead colleges owned

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by Teagasc at Ballyhaise, Kildalton and Kinsealy, supported by 12 regional education centres to complement the activities of the lead colleges. This new model for agricultural education is being implemented.

This review of education services is part of the ongoing process of change in the Teagasc organisation. In March 2009, the Teagasc authority approved a major change programme to re-organise and refocus the organisation to meet the significant challenges that lie ahead. The planned programme has a medium-term implementation timeframe and provides for rationalisation measures across the organisation including the advisory office and educational networks, disposal of land resources and prioritisation of programme activities. The agreed actions are currently being implemented.

Responsibility for the development and implementation of the Teagasc agricultural education programme is an operational matter for Teagasc management. It has over 180 teaching staff employed in the Teagasc-owned agricultural colleges and subvents the salaries of a further 45 teaching staff who deliver education programmes for Teagasc at the three privately owned agricultural colleges at Gurteen, Pallaskenry and Mountbellew. The private colleges account for one third of all college enrolments in 2009-2010 and Teagasc provides funding to the colleges under several headings including pay and pension costs, capitation grants and student maintenance grants.

As with all public service organisations, the moratorium on recruitment and promotion in the public service announced by the Government in March 2009 to reduce public service numbers and correct imbalances in the public finances applies equally to posts in Teagasc to the end of 2010. It is the responsibility of Teagasc management to work within the terms of the moratorium and match demand for education programmes with available staff resources. Re-allocation of work and redeployment of staff will be an essential part of this process.

Following on from the moratorium, it has been agreed by the Government that employment control frameworks will be put in place across the public service to achieve targeted reductions in overall staff numbers. An employment control framework for Teagasc is being finalised with my Department and the Department of Finance. It is envisaged that it will provide for limited recruitment on an exceptional basis subject to compliance with annual ceilings for staff numbers.

I fully appreciate Teagasc's contribution to agricultural education. I am satisfied that Teagasc, with the ongoing support of my Department, is well positioned to deliver the education and training programmes necessary for the sustainable development of the agrifood sector.

Deputy Paul Connaughton: There may be a ray of sunshine after all.

Deputy Seán Connick: There may be.

The Dáil adjourned at 9.10 p.m. until 10.30 a.m. on Wednesday, 26 May 2010.

Written Answers.

The following are questions tabled by Members for written response and the ministerial replies as received on the day from the Departments [unrevised].

Questions Nos. 1 to 5, inclusive, answered orally.

Questions Nos. 6 to 31, inclusive, resubmitted.

Questions Nos. 32 to 39, inclusive, answered orally.

Money Advice and Budgeting Service

40. **Deputy Catherine Byrne** asked the Minister for Social Protection the number of clients dealt with by the money advice and budgeting service for each of the past five years; the number of new clients to date in 2010; the average waiting time to access MABS services; and if he will make a statement on the matter. [21630/10]

44. **Deputy Shane McEntee** asked the Minister for Social Protection if he will provide an update on the waiting times to access money advice and budgetary services money advisers; and if he will make a statement on the matter. [21673/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): I propose to take Questions Nos. 40 and 44 together.

The Money Advice and Budgeting Service (MABS) assists people who are over-indebted and need help and advice in coping with debt problems. The role of money advisors is to help clients to assess their financial situation, make a budget plan and deal with creditors. MABS is now dealing with increasingly complex debt situations in respect of clients who are presenting with multiple creditors/debts.

In 2005, MABS dealt with approximately 10,900 new clients. In 2006 the number was similar with 11,000 new clients seen by the service. This figure increased to 12,000 and 16,000 in 2007 and 2008 respectively. The number increased further to 19,000 in 2009. In the period January to April 2010 a total of 7,300 new clients have been seen by MABS which would indicate that the number of clients is broadly in line with the figures for 2009. In addition the MABS helpline has dealt some 47,500 calls since its launch in October 2007. Some 10,000 calls have been dealt with to date this year, compared with 24,000 callers in 2009.

From first point of contact to first appointment with a money advisor the average waiting time is currently just over 4 weeks. This is the average nationally and there are fluctuations

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between offices. During the waiting period, clients are assessed and those in need of immediate assistance are given a priority appointment, others are provided with assisted self-help to ensure that they have taken steps to assess their situation and if appropriate they are supported to take holding action with their creditors. I am satisfied that the additional resources provided to MABS will assist them to meet the demand for their services.

Social Insurance

41. **Deputy Joe Carey** asked the Minister for Social Protection the balance of the social insurance fund for each of the past ten years; the projected balance for the next three years; the expected deficit for 2010; the details on the way this deficit will be met; and if he will make a statement on the matter. [21634/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): The Social Insurance Fund comprises a current account and an investment account. To the extent that annual income is not required for benefit payments, this finance, together with the accumulated surplus from previous years is transferred to the investment account. Annual surpluses were a feature of the fund between 1996 and 2007. The highest annual surplus was realised in 2006. The accumulated surplus was €420m in 1999, it peaked in 2007 when the balance in the fund reached €3,632 million and subsequently fell to €934m by the end of 2009.

In 2010 the Fund will exhaust the cash balance held in the investment account. The operating deficit of the Fund at the end of 2010 is estimated to be €1.55 billion. This deficit will be borne by the Exchequer by means of a subvention from the Oireachtas — Vote 38. The authorisation of the House was given on 29th April to permit funding to be drawn down for use in the Social Insurance Fund. It is forecast that the Social Insurance Fund expenditure will exceed its income in each of the years 2011 to 2013, with the deficit continuing to be borne by means of a subvention from the Exchequer.

The Social Insurance Fund will continue to hold a capital asset over this period represented in the form of Department's headquarters property in Store Street, Dublin. A table outlining the income, expenditure, annual surplus or deficit and balances over the ten year period will be made available to the Deputies.

Balance in Social Insurance Fund 1999-2009

Year	Receipts	Payments	Annual Surplus	Accumulated Surplus
	€ m	€ m	€ m	€ m
1999	3,159	2,818	341	420
2000	3,726	3,291	435	855
2001	4,307	3,676	631	1,486
2002	4,798	4,376	422	1,273
2003	5,089	4,833	256	1,529
2004	5,560	5,273	377	1,906
2005	6,159	5,665	494	2,400
2006	6,975	6,326	649	3,049
2007	7,834	7,251	583	3,632
2008	8,144	8,399	(255)	3,377
2009*	7,304	9,747	(2,443)	934

*The accounts for financial year 2009 are currently being prepared so the above figures are provisional.

Projected Balance in Social Insurance Fund 2011-2013

Year	Accumulated surplus
2011	NIL
2012	NIL
2013	NIL

Social Welfare Benefits

42. **Deputy Bernard Allen** asked the Minister for Social Protection the number of one parent family payments suspended due to an error in the system whereby the annual review and declaration form was not issued to claimants; and if he will make a statement on the matter. [21618/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): All recipients of the one-parent family payment are asked to complete, an annual review form (OFP 40) to certify that they continue to fulfil the conditions for payment. The form is generated automatically and the customer is allowed two weeks to return it to the Department. If the form is not returned or not returned in time, the payment is automatically suspended by the computer system. On 13 May local offices of the Department began to receive enquiries from some OFP customers who stated that their payment was not in the post office when they called to collect it.

Following an investigation in the computer operations area of the Department it transpired that due to an oversight, a batch of approximately 400 OFP 40 forms had not been processed and the usual controls for monitoring this work had failed on this occasion. When the Regional Director's Office of the Department was alerted to the problem, they instructed local offices to reinstate payment to any customer who enquired about the non payment.

At this stage payment has been restored to the majority of customers affected. However, in approximately 30 cases where payment was stopped, we have received no contact from the customer about their payment. I have arranged for the Department to contact these customers to establish whether they continue to fulfil the conditions for entitlement to the one parent family payment and in such cases to make appropriate arrangements to restore payment without further delay. I very much regret the inconvenience caused to customers by the failure to issue the forms and I can assure the Deputy that the Department is reviewing its procedures for issuing such forms.

Social Welfare Appeals

43. **Deputy Brian O'Shea** asked the Minister for Social Protection the action he is taking to reduce the waiting period for social welfare appeals. [21591/10]

69. **Deputy Paul Kehoe** asked the Minister for Social Protection the average time it took to process social welfare appeals in 2009; and if he will make a statement on the matter. [21667/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): I propose to take Questions Nos. 43 and 69 together.

I am informed by the Social Welfare Appeals Office that there were 26,000 appeals received in 2009 and it is estimated the number in 2010 could reach 30,000 compared to the average number received over the previous 4 years of 15,000. This represents a near 50% increase in the number of appeals received. At the end of 2009 there were 16,000 appeals on hands and

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that figure has now risen to 19,000 whereas in previous years that number would have been in the region of 5,000 to 6,000. I understand that during 2009 the average time taken to process all appeals (i.e. those decided summarily and by way of oral hearing) was 24 weeks. However, if allowance was made for the 25% most protracted cases, the average time fell to 15.8 weeks. This represents an increase of 2 weeks in the time taken to process appeals when compared to 2008.

While the growing number of appeals is clearly impacting on processing times it must also be remembered that the processing time for appeals covers all phases of the appeal process including the submission by the Department of its comments on the grounds for the appeal, further examination by the Department's Medical Assessors in certain illness related cases, further investigation by Social Welfare Inspectors where required and circumstances may also arise where further information is sought from the appellant. Delays can also occur where the appellant submits new information or evidence, often at an advanced stage in the proceedings. In some cases adjournments may be sought by the appellants or their representatives.

A number of initiatives are currently underway designed to enhance the capacity of the office to deal with the current caseload and inflows. In that regard,

- 2 additional Appeals Officers were assigned to the Office in 2009,
- A number of additional staff are being assigned to administration area of the Office,
- The organisation of the Appeals Officer's work has been changed so as to increase productivity,
- A project to improve the business processes in the office is underway and a number of improvements have already been implemented,
- Significant enhancements are being made to the Office's IT and phone systems.

Notwithstanding these measures, it is clear that further additional staff will be required in the short term to address the backlog that has developed. Any such staff must be very experienced and be in a position to operate without significant training. Therefore it has been decided to use experienced retired staff strictly on a short term basis to supplement the current resources to clear the backlog of appeals.

Question No. 44 answered with Question No. 40.

Departmental Staff

45. **Deputy Michael Creed** asked the Minister for Social Protection the number of job facilitators; the average waiting times to access a job facilitator; and if he will make a statement on the matter. [21642/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): Facilitators work closely with FÁS and other agencies, at national and local level, to identify appropriate training and developmental programmes for social welfare recipients of working age to enhance the skills those individuals have and, ultimately, improve their employment chances as well as helping them to develop personally. The facilitator service is available to social welfare recipients at all local offices where facilitators hold open clinics and meet with people who have been referred either by the social welfare local office or by other agencies. Arrangements to see the facilitator can be made by contacting the social welfare local office or the facilitator directly. In addition, cases are selected and referred to facilitators by Employment Support section.

There are currently 62.5 facilitators in place (a full time equivalent of 61 posts). It is proposed to increase this to 70 posts. However further appointments are subject to the current moratorium on recruitment and promotions and will be filled by redeployment of staff within the Department and from across the Civil Service. In the current economic climate the demand for the facilitator service is elevated. Facilitators generally have scheduled days when they are available in different locations across our network of offices and people wishing to meet with a Facilitator would be advised to call on one of those days — a centralised appointment system is not maintained. Accordingly waiting times for individual facilitators are not maintained. Facilitators make every effort to contact all interested customers as quickly as possible.

Question No. 46 answered with Question No. 38.

Public Service Cards

47. **Deputy Olwyn Enright** asked the Minister for Social Protection the details of the public service card with photo ID to be rolled out from 2010; and if he will make a statement on the matter. [21653/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): The Department has developed, in conjunction with a number of other Government Departments, the specifications for a Public Service Card (PSC) under the Standard Authentication Framework Environment, or SAFE, programme. The specification provides for identification features, including a photograph. The aim is to develop a card that acts as a key for access to public services in general, identifying and authenticating individuals as appropriate and where required. Legislative provisions in relation to the introduction of the Public Service Card have been included in Section 263 of the Social Welfare Consolidation Act 2005 (as amended by Section 32 of the Social Welfare and Pensions Act 2007).

These specify that the Minister may issue a Public Service Card in the format that he or she deems fit with the person's name, personal public service number, photograph, signature, card issue number and card expiry date to be inscribed on the card. Provision is also included for the person's name, personal public service number, date of birth, sex, all former surnames (if any) of the person's mother, photograph, signature and card expiry date to be electronically encoded on the card. In addition, provision is made for any other information that may be prescribed to be either inscribed or electronically encoded on the card.

Over the past few years significant progress has been made on the implementation of the project including the selection of a preferred bidder to provide a managed service for card production and related bureau services. Technical specifications were finalised and the necessary organisational change was designed. However, in view of the prevailing economic climate the project was suspended until formal sanction to proceed was received from the Department of Finance at the end of last year. A contract was agreed with the managed service provider from early January.

The remaining elements of the production project are expected to take several months to complete. Significant preparatory work has to be undertaken including decisions regarding the final design of the card and to develop a secure site for the personalisation of the cards. It will also be necessary to develop a technical infrastructure within the Department to support the management and administration of the cards. Procurement for this development has commenced. The overall time for completion of initial deployment of a Public Services Card is dependent on the rate at which it will be possible to register all of those to whom it will be issued.

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Features such as photographs and signatures and electronic card authentication are expected to minimise the rate of fraud and error arising from incorrectly identified and authenticated individuals. The Public Service Card will replace cards currently in use, such as the Social Services Card and the Free Travel card with highly secure cards. Other Departments and agencies will also be in a position to use the card. A further benefit of the Public Service Card will be the efficiencies that can be achieved by all agencies using the card. The time spent on establishing identity and authentication will be reduced leading to significant potential savings across the whole public sector.

Social Welfare Benefits

48. **Deputy Seymour Crawford** asked the Minister for Social Protection the number of persons in receipt of mortgage interest supplement; the cost of same; if he will arrange for the collection of figures on the number of persons who apply for the mortgage interest supplement; and if he will make a statement on the matter. [21638/10]

60. **Deputy Aengus Ó Snodaigh** asked the Minister for Social Protection the number of households in receipt of rent supplement and mortgage interest relief in 2009 and 2010 broken down by quarter. [15937/10]

67. **Deputy Enda Kenny** asked the Minister for Social Protection the number of persons claiming rent supplement for more than 18 months; and if he will make a statement on the matter. [21669/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): I propose to take Questions Nos. 48, 60 and 67 together.

The purpose of the rent supplement scheme is to provide short-term support to eligible people living in private rented accommodation whose means are insufficient to meet their accommodation costs and who do not have accommodation available to them from any other source. The overall aim is to provide short-term assistance, and not to act as an alternative to the other social housing schemes operated by the State.

Similarly the purpose of the mortgage interest supplement scheme is to provide short term support to people who have difficulty meeting their mortgage repayments due to changes in their employment circumstances and whose means are now inadequate to meet their basic day to day needs. The aim of the scheme, working within the overall social welfare framework, is to ensure that people do not suffer unnecessary hardship due to loss of employment and that in the short term they can maintain their sole place of residence whilst being unemployed. Mortgage interest supplement only covers the mortgage interest payments in respect of an eligible person's sole place of residence. It is a means tested payment and other qualifying criteria apply.

Information in relation to the number of recipients of rent supplement and mortgage interest supplement is shown in the attached tabular statement. Over 37,800 rent supplement recipients have been in payment for 18 months or more. There are currently over 16,500 people in receipt of mortgage interest supplement with expenditure on this scheme expected to be in the region of €64 million in 2010.

Mortgage interest supplement claim details should be electronically recorded where entitlement to mortgage interest supplement is refused. However, as the practice can vary from community welfare area to area, statistics for the number of people who applied for and were refused mortgage interest supplement without an appeal, are not available. This failure to

maintain accurate records should be viewed in the context of the increased demands being placed on community welfare officers in the current economic environment.

Number of Recipients of Rent Supplement and Mortgage Interest Supplement by Quarter 2009 and 2010

Quarter	Rent Supplement Recipients	Mortgage Interest Supplement Recipients
Q1 2009	82,986	10,872
Q2 2009	89,710	13,036
Q3 2009	90,825	14,136
End 2009	93,030	15,101
Q1 2010	95,037	16,129

Question No. 49 answered with Question No. 38.

National Carers Strategy

50. **Deputy P. J. Sheehan** asked the Minister for Social Protection his plans for carers following the decision not to publish the national carers strategy; and if he will make a statement on the matter. [21695/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): During 2008, an interdepartmental group, chaired by the Department of the Taoiseach, with secretariat support provided by my Department, undertook work, including a public consultation process, to develop a National Carers' Strategy. However, because of the prevailing economic situation, it was not possible to set targets or time limits which could be achieved. In that context, rather than publishing a document which did not include any significant plans for the future, the Government decided not to publish a strategy. This position remains unchanged.

The Government is acutely aware and appreciative of the contribution made by carers. It was for that reason, that when resources were available, we invested heavily in improving social welfare rates and services for carers. Over the past decade, carer payment rates have greatly increased, qualifying conditions for carer's allowance have significantly eased, coverage of the scheme has been extended and new schemes such as carer's benefit, half-rate carer's allowance and the respite care grant have been introduced and extended. People caring for more than one person receive a higher rate of payment, equating to an additional 50% of the maximum personal rate. Recipients with children also receive a qualified child increase in respect of each child.

Following this year's Budget, the carer's allowance rate for carers over 66 years of age has not changed and remains at €239. The rate of carer's allowance for someone under 66 is €212. Since the introduction of the carer's allowance in 1990 payments to carers have been increased and expanded. Carer's allowance was increased in 2007, 2008 and 2009 by 12.1%, 6.5% and 3.3%, respectively. As a result, even with the reduction announced in the last Budget for carers under 66, the weekly rate of payment for the carer's allowance is still almost 20% higher this year than in 2006 and more than 147% higher than in 1997.

The means test for carer's allowance has been significantly eased over the years, and is now one of the most generous means tests in the social welfare system, most notably with regard to spouse's earnings. Since April 2008, the income disregard has been €332.50 per week for a single person and €665 per week for a couple. This means that a couple with two children can earn in the region of €37,200 and qualify for the maximum rate of carer's allowance as well as the associated free travel and household benefits. A couple with an income in the region of

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€60,400 can still qualify for a minimum payment, as well as the associated free travel, household benefits package. These levels surpass the ‘Towards 2016’ commitment to ensure those on average industrial earnings continue to qualify for a full carer’s allowance.

From June 2005, the annual respite care grant was extended to all carers who are providing full time care to a person who needs such care, regardless of their income. The rate of the respite care grant has also been increased to €1,700 per year in respect of each care recipient since June 2008. The Government will continue to support carers within the resources available.

Pension Provisions

51. **Deputy Arthur Morgan** asked the Minister for Social Protection if he will give a commitment not to cut the State pension. [21613/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): Social welfare expenditure for 2011, including expenditure on State pensions, will be considered in the context of next year’s Budget preparations, having regard both to needs and to the resources available to meet those needs. As stated, in identifying possible savings I will seek to protect the vulnerable irrespective of age.

Employment Support Services

52. **Deputy Michael D’Arcy** asked the Minister for Social Protection the additional support that has been given to job facilitators to deal with the increased demand for access to support; and if he will make a statement on the matter. [21646/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): The Department’s facilitators work with social welfare recipients of working age, including people in receipt of jobseekers payments, people parenting alone, people in receipt of disability welfare payments and people providing care, to promote participation and social inclusion. Facilitators help people to identify appropriate training or development programmes which will enhance the skills that the individual has and ultimately improve their employment chances, as well as help them to continue to develop personally. Facilitators develop individual progression plans with the customer. They are located throughout the country and are assigned to cover defined geographical areas. They work closely with FÁS and other agencies at a local level to identify and target appropriate education, training and development opportunities.

In the current economic climate the demand for the facilitator service is elevated. Facilitators make every effort to contact customers as quickly as possible. The facilitator service was enhanced under the National Development Plan (NDP) Social and Economic Participation Programme. Twenty four additional facilitators have been appointed since September, 2008. There are 62.5 currently serving (full time equivalent 61 posts). It is intended to increase the number to 70 posts. Clerical support for facilitators is provided centrally by Employment Support Services section. The number of facilitators in place, their workload, and the effectiveness of the service will continue to be monitored.

Social Welfare Fraud

53. **Deputy Róisín Shortall** asked the Minister for Social Protection the datasets of other public sector bodies available to his Department for the purpose of anti-fraud data-matching exercises; and the datasets he is currently seeking access to but has not yet secured. [21604/10]

72. **Deputy Charles Flanagan** asked the Minister for Social Protection if he is satisfied with the method of recording and calculating fraud control savings; and if he will make a statement on the matter. [21657/10]

77. **Deputy Tom Hayes** asked the Minister for Social Protection the fraud savings target for 2010; if he will provide an update on fraud control measures put in place by his Department; and if he will make a statement on the matter. [21663/10]

80. **Deputy Denis Naughten** asked the Minister for Social Protection if he is on target to achieve fraud savings as outlined at budget time; the steps he is taking to reduce the cost of rent allowance payments; and if he will make a statement on the matter. [21745/10]

81. **Deputy Denis Naughten** asked the Minister for Social Protection if he is on target to achieve fraud savings as outlined at budget 2010; and if he will make a statement on the matter. [21698/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): I propose to take Questions Nos. 53, 72, 77, 80 and 81 together.

The prevention of fraud and abuse of the social welfare system is an integral part of the day-to-day work of the Department. A key objective of the Department's control strategy is to ensure that the right person is paid the right amount of money at the right time. A four-pronged control strategy has been adopted by the Department, namely prevention of fraud and error at the initial claim stage, early detection through effective review of claims in payment, measures to deter fraud, and the pursuit and recovery of overpayments.

In relation to accessing information for fraud and error detection, the Department is involved in a number of data matching initiatives which are effective in identifying high risk claims for review and ensuring that review activity is targeted in the most effective manner. Data exchange is provided for by legislation and is an example of good cross-departmental co-operation. Every month commencement of employment data from the Revenue Commissioners are matched against the Department's schemes and investigations are conducted where warranted. All matches identified are examined to determine whether there has been wilful concealment of information by the customer. Where there has been concurrent working and claiming for 12 weeks or more or where the overpayment exceeds €2,000 such cases will be considered for prosecution.

In addition the following organisations provide information to the Department for the purpose of the data matching:

- The Irish Prison Service provides lists of prison inmates on a quarterly basis.
- The Criminal Injuries Compensation Tribunal provides data on compensation payments made.
- The Courts Service has provided on-line access for information on the probate index of issued grants.
- Third level institutions supply details of students registered for full-time daytime education.
- Access to the General Register's Office regarding births, deaths and marriages is proving very effective for control purposes.
- The Private Security Authority provided information on security licence holders.
- Data have also been received from the Department of Agriculture & Food on total grant payments issued to farmers.

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- The Commission for Taxi Regulation has supplied data on active taxi/ hackney licence holders.
- The Private Rental Tenancies Board provides information on registered landlords.

The Department continues to explore the value of possible new data matches. However reporting on these at this stage could prejudice the value of these sources.

Control savings are calculated by applying validated multipliers to the difference in the rate of payment before and after the control activity. Multipliers used in assessing control savings estimate the potential future savings to the Department of a revocation or reduction resulting from a control action. The multiplier used is based on an estimated duration that a person would have remained on benefit in the absence of the control activity, and this varies by scheme. The Department's Control Division carries out validation exercises to ensure control savings are recorded correctly in accordance with the guidelines. The methodology is kept under review. I understand that a review to be carried out in consultation with C&AG will commence shortly.

I am satisfied that control savings provide valid, useful and comparable measures of progress towards achieving results. The rapidly changing economic environment with large increases in the levels of unemployed poses challenges for the prevention and effective management of fraud and control. The Department's response to these challenges has been to introduce new measures, which are evidence based, to target control activity at high risk categories of claimants. A target of €533.3 million was set for control savings in 2010. The current work to rule measures in the Department have impacted on the reporting of the value of control activities so it is not possible to say if control savings are on target. However, I am hopeful that the target will be met.

Regarding rent supplements a review of maximum rent supplement levels is expected to be completed shortly. This review, in conjunction with the decline in rental market rates generally, will ensure that the new rent limits reflect realistic market conditions throughout the country, and that they will continue to enable the different categories of eligible tenant households to secure and retain suitable rented accommodation to meet their respective needs.

Social Welfare Code

54. **Deputy Mary Upton** asked the Minister for Social Protection his plans to assist households who are experiencing higher fuel costs as a result of the introduction of the carbon levy. [21609/10]

76. **Deputy Damien English** asked the Minister for Social Protection the action he will take to alleviate the impact of the carbon tax on lower income households that are more likely to rely on higher carbon fuels and to live in badly insulated homes; and if he will make a statement on the matter. [21651/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): I propose to take Questions Nos. 54 and 76 together.

The Department of Social Protection already assists low income households with heating costs through their basic payments, through the fuel allowance scheme and through the household benefits package of electricity and gas allowances. These schemes have been improved significantly in recent years. The fuel allowance is paid for 32 weeks each year from end

September to end April. In the 2009/2010 heating season over 340,000 recipients benefited from the allowance at a cost of over €231million.

Some 376,000 pensioners are receiving the household benefits which provides 2,400 electricity units per annum (or the gas equivalent) over the year and it is estimated that some 140,000 of these households are receiving both fuel allowance and the electricity units /gas allowance under the household benefits to assist with the heating and other energy requirements. The household benefit package cost €184million in 2009.

Proper household insulation is absolutely vital in tackling fuel poverty. Initiatives such as the Warmer Homes Scheme, operated by Sustainable Energy Ireland, under the aegis of the Department of Communications, Energy and Natural Resources have a very valuable role to play in that regard, as does funding from the Department of the Environment, Heritage and Local Government to improve the quality of existing local authority housing and the Housing Adaptation Grants for older people and people with disabilities. Considerable progress has been made in this area in recent years. In his Carbon Budget Statement, the Minister for Environment, Heritage and Local Government, outlined details of €130 million in funding for insulation, €76 million of which will be used to assist low income families.

The Department of Communications, Energy and Natural Resources has overarching responsibility for the energy portfolio and has convened an Inter-Departmental/Agency Group on Affordable Energy to coordinate and drive Government policy in this area. The Inter Departmental/Agency Group has been asked to draw up an Energy Affordability Strategy. This strategy will set out existing and future approaches to addressing energy affordability and will have regard both to the impact of the carbon tax on low income households and the range of supports outlined above in making its recommendations. As part of its work, the Group will make recommendations as to the precise package of measures, including in the area of income support, that should be put in place to assist those at risk of fuel poverty.

55. **Deputy Ulick Burke** asked the Minister for Social Protection if he has conducted a review of the one parent family payment; the details of the recommendations of this review; if he will publish this review; and if he will make a statement on the matter. [21626/10]

58. **Deputy Jimmy Deenihan** asked the Minister for Social Protection his plans to reform the one parent family payment; and if he will make a statement on the matter. [21648/10]

73. **Deputy Emmet Stagg** asked the Minister for Social Protection his plans in relation to the cohabitation rule for lone parents; and his further plans to introduce a parental allowance. [21605/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): I propose to take Questions Nos. 55, 58 and 73 together.

The Government discussion paper, “Proposals for Supporting Lone Parents”, was published in 2006 and can be viewed at:

http://www.welfare.ie/EN/Policy/PolicyPublications/Families/Documents/prop_lp.pdf. It put forward proposals for the expanded availability and range of education and training opportunities for lone parents, the extension of the National Employment Action Plan to focus on lone parents, the focused provision of childcare, improved information services for lone parents and the introduction of a new social assistance payment for low-income families with young children.

The One-Parent Family Payment, by its nature, is not payable where the lone parent is cohabiting with the other parent of the child or with someone else as husband and wife. The

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discussion paper proposed that the category of lone parenthood would be abolished. Instead, a parental allowance would be made to all parents (living alone or with a partner) with young children on a low income, thus ending the co-habitation rule. It will not be possible for my Department to progress this aspect of the proposal due, in part, to current economic climate. These proposals have, however, informed deliberations regarding the One-Parent Family Payment scheme.

The current duration of the One-Parent Family Payment, which is payable until the youngest child reaches the age of 18 — or 22 if in full-time education — is not in the best interests of the recipient, their children or society. Social welfare supports for lone parents should be designed to:

- prevent long-term dependence on welfare and facilitate financial independence;
- recognise parental choice with regard to care of young children but with the expectation that parents will not remain outside of the labour force indefinitely, and
- include an expectation of participation in education, training and employment, with supports provided in this regard.

To meet these social policy objectives, my Department will be introducing changes to the One-Parent Family Payment in the forthcoming Social Welfare (Miscellaneous Provisions) Bill, 2010. For new customers, from April 2011, it is proposed that the One-Parent Family Payment will be paid until the youngest child in the family reaches the age of 13 years. For existing recipients of the payment, there will be a phasing-out period to enable them to access education and training and to prepare them for their return to the labour market.

These changes will bring Ireland's support for lone parents more in line with international provisions, where there is a general movement away from long-term and passive income support. The EU countries that are achieving the best outcomes in terms of tackling child poverty are those that are combining strategies aimed at facilitating access to employment and enabling services (e.g. child care) with income support.

Social Insurance

56. **Deputy Eamon Gilmore** asked the Minister for Social Protection the reason for the delay in finalising the details of the PRSI incentive scheme that was announced in budget 2010. [21581/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): The Employer Job (PRSI) Incentive Scheme will be commenced in June and will be administered by the Department of Social Protection. Regulation pertaining to the scheme is in the final stages of preparation, as are details of scheme administration. 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.

Question No. 57 withdrawn.

Question No. 58 answered with Question No. 55.

Money Advice and Budgeting Service

59. **Deputy Dinny McGinley** asked the Minister for Social Protection if he is satisfied with the capacity of the money advice and budgetary service to negotiate on people's behalf with financial institutions and sub-prime lenders regarding mortgage arrears; and if he will make a statement on the matter. [21675/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): The money advisers throughout the country focus on providing assistance, advice and intense support to people who have financial difficulties. The money adviser works out a budget and negotiates on behalf of the client with all creditors, including financial institutions and sub-prime lenders, to secure better terms for the client in managing the repayment of their debts. Where required by the client, the money adviser can assist with setting up a special account with a local Credit Union into which an agreed amount of money is lodged regularly and from which each month the money adviser makes the repayments to the creditors on behalf of the client. In 2009 some 2,618 special accounts were set up with the local Credit Unions.

Focused training programmes designed to equip money advice staff and local management boards to meet the demands on the services are provided by MABS NDL, the national support company. In addition, MABS NDL has introduced a number of community education and other initiatives to assist the services in managing their increased caseloads. These include a money management education programme for people facing redundancy to inform them about managing on a reduced income and how to avoid getting into debt.

Under the statutory code of conduct on mortgage arrears published by the Financial Regulator, all financial institutions including the banks and sub-prime mortgage lenders must, where circumstances warrant it, refer a borrower in difficulty for guidance to a local MABS office or to an appropriate alternative. An operational protocol '*Working Together to Manage Debt*' is in place and is the result of almost 2 years work by MABS NDL and the Irish Banking Federation (IBF), the main representative body for the banking and financial services sector. The protocol applies to all client debts, including mortgage debt, owed to the major lending institutions in Ireland and includes a commitment that no legal action will be taken as long as there is compliance by the client with an agreed repayment plan.

Last year an additional 19 money advisers were appointed to MABS companies throughout the country. They have been fully trained in the application of money advice work and the relevant codes and legislation relating to mortgage debt. I am satisfied that MABS provides a high quality personal service to assist people in overcoming their indebtedness and managing their finances. I am confident that the money advisors are trained and equipped to deliver this important service to the members of the public who require it.

Question No. 60 answered with Question No. 48.

Civil Registration Act

61. **Deputy Jim O'Keeffe** asked the Minister for Social Protection when he expects that the review of the Civil Registration Act 2004 will take place with particular reference to making provision for the registration here of all deaths of persons domiciled in Ireland who died abroad; and if he will make a statement on the matter. [21554/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): I appreciate that registration here of the deaths abroad of Irish citizens would be very significant to the relatives of the deceased

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and it is in this context that I have undertaken to review the existing provisions of the Civil Registration Act, 2004, in relation to this issue. There is a range of issues to be considered in relation to the scope and implementation of any proposed amendment on this matter. Some of these issues have cross-departmental implications and these need to be considered also.

The general 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.

Social Welfare Code

62. **Deputy Michael D. Higgins** asked the Minister for Social Protection when he plans to amend the qualifying criteria for mortgage interest supplement. [21583/10]

64. **Deputy Noel J. Coonan** asked the Minister for Social Protection the details of his review of the mortgage interest supplement scheme; the changes that are envisaged under this review; if he will publish the report; and if he will make a statement on the matter. [21636/10]

68. **Deputy Joe McHugh** asked the Minister for Social Protection his plans to amend the mortgage interest supplement scheme; if he will make revised guidelines publicly available; and if he will make a statement on the matter. [21678/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): I propose to take Questions Nos. 62, 64 and 68 together.

There are currently just over 16,500 people in receipt of mortgage interest supplement, compared to 8,091 recipients in 2008. Expenditure for the year ending December 2009 was €60.7m; the estimate for 2010 is €63.9m. The mortgage interest supplement scheme is currently under review. The main purpose of this review is to examine how the scheme can best meet its objective of catering for those who require assistance on a short-term basis. The review group includes representatives from my Department, the Community Welfare Service, the Departments of Finance and Environment, Heritage and Local Government, together with a representative from the Office of the Financial Regulator.

As part of the initial review, guidelines on specific and immediate operational issues were drawn up and circulated to the community welfare officers. These guidelines are available on the Department's website at www.welfare.ie The group is examining trends in programme and administrative costs, the impact of the Financial Regulator's statutory Code of Practice on Mortgage Arrears and legislative and operational issues arising, including the cap on hours of employment. The review is also considering whether alternative approaches to achieving the scheme's objectives are warranted in the light of recent changes in the economic climate and the mortgage market.

More recently, the Government has established a broader and more comprehensive review of mortgage arrears and personal debt. The Mortgage Arrears and Personal Debt Review Group under the independent chairmanship of Mr. Hugh Cooney, comprises representatives from my own Department, the Departments of Finance, Taoiseach, Environment, Heritage and Local Government, Justice, Equality and Law Reform, and Communications, Energy and Natural Resources. In addition the Group has representatives from the Office of the Financial

Regulator, the ESRI, the Irish Banking Federation, the Free Legal Advice Centre and the Law Reform Commission.

The terms of reference for the Group are based on the Renewed Programme for Government, with an emphasis on protecting the family home. They include a review of the statutory Code of Conduct on Mortgage Arrears and the recently agreed protocol between the Irish Bankers Federation and the Money Advice and Budgeting Service on debt default, with a view to expanding the options available for dealing with debt situations to avoid foreclosure. In addition, the Group is examining measures adopted in other jurisdictions and considering ways of expanding existing mortgage-support measures. I understand that the Group will make its report to the Minister for Finance by the end of June. The conclusions and recommendations from the review of the mortgage interest supplement scheme, which is currently being finalised, will inform the work of this group.

63. **Deputy Aengus Ó Snodaigh** asked the Minister for Social Protection if he will give a commitment that he will not curtail eligibility for the lone parent payment in any way before a significant increase in the availability of education and training placements, child care provision and ultimately real job opportunities are brought into being and verified to exist in sufficient quantity. [21614/10]

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. As outlined in my reply to Parliamentary Question No. 400 of 18 May, 2010, there are a wide range of education and training opportunities available through my Department, the Department of Education and Science and FÁS for 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.

Good progress has been made in relation to the provision of childcare. Government invested some €1 billion throughout the last decade, Early Childhood Care and Education year for pre-school children was recently introduced and the revised Community Childcare Subvention Scheme will be introduced in September, 2010, with a supplementary focus on labour activation. Accordingly, I will be progressing with the proposed changes to the One-Parent Family Payment in the forthcoming Social Welfare (Miscellaneous Provisions) Bill, 2010.

Question No. 64 answered with Question No. 62.

Pension Provisions

65. **Deputy Richard Bruton** asked the Minister for Social Protection the details of the implementation of the national pensions framework; and if he will make a statement on the matter. [21625/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): The recently published National Pensions Framework is the Government's plan for pension reform. It encompasses all aspects of pensions, including social welfare pensions, private occupational pensions and public sector pension reform. Development of the framework was informed by the range of views raised during the comprehensive consultation process which followed publication of the Green Paper on Pensions. 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

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among low to middle income groups and to ensure that State support for pensions is equitable and sustainable.

A technical implementation group has been established to develop the legislative, regulatory and administrative infrastructure required to put the reforms into operation. In line with the Government decision, the group which is chaired by the Department of Social Protection, held its first meeting in early May. The implementation phase is expected to take three to five years. The implementation group is cognisant of the current and emerging economic condition and will conduct extensive consultation on the many aspects of the framework before presenting final options to Government for decision. The group will develop a communications strategy to ensure that all stakeholders and interested parties are kept informed of the progress being made in implementing the framework.

66. **Deputy James Bannon** asked the Minister for Social Protection his views on whether persons face the prospect of spending up to three years in retirement without the State pension in view of the national pensions framework announced by him; and if he will make a statement on the matter. [21620/10]

295. **Deputy Brian O'Shea** asked the Minister for Social Protection the proposals he has to abolish the State transitional pension; and if he will make a statement on the matter. [21405/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): I propose to take Questions Nos. 66 and 295 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. An 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.

In addition to the changes being made to State pensions, both employees and employers must be encouraged to change their attitudes to working longer. At the workplace level, employers must seek to retain older employees and create working conditions which will make working longer both attractive and feasible for the older worker. Where this is not possible and people leave paid employment before State pension age, they will be entitled to apply for another social welfare payment until they become eligible for a State pension, as is the current situation.

Question No. 67 answered with Question No. 48.

Question No. 68 answered with Question No. 62.

Question No. 69 answered with Question No. 43.

Social Welfare Benefits

70. **Deputy Joanna Tuffy** asked the Minister for Social Protection the average waiting time for the processing of applications across each social welfare payment; the way this compares with 2010 targets; and the action he is taking to reduce waiting times. [21607/10]

85. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the length of time required to process an application for jobseeker's allowance, back to education allowance, disability allowance, disability benefit, child benefit, contributory old age pension, non-contributory old age pension, invalidity, disablement, household package, rent or mortgage support or other social welfare payments; the number of such applications on appeal; the length of time taken to process appeals; the reason for the delays; if his attention has been drawn to the hardship caused by such delays in the current economic climate; if he has taken or intends to take any action to address these issues and reduce to a specific time within which all applications must be processed in line with current needs; and if he will make a statement on the matter. [21706/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): I propose to take Questions Nos. 70 and 85 together.

I have made available to the House two tables showing details of performance targets and average processing times for all schemes. Table 1 sets out the target performance standard and the performance achieved for each scheme in the month of April 2010 and the average number of weeks taken to process each claim type. Details of cases currently on appeal and average appeals processing times are detailed in Table 2. Table 2 sets out the number of appeal cases pending in each of the schemes at end April 2010 and the average number of weeks taken to process appeals in each scheme in 2009. In relation to the cases under appeal it should be noted that the back to education scheme and the household benefits schemes are non statutory and therefore are not appealable.

The Department is committed to delivering the best possible service to its customers. To this end, operational processes and procedures and the organisation of work are reviewed in all areas of the Department. These reviews are supported by modern technology, the potential of which is continuously harnessed. Claims are processed in the most efficient and expeditious way possible, having regard to the eligibility conditions that apply to each scheme. Processing times vary across schemes because of both the volume of applications and the differing qualification criteria. For example, means assessments are required for all of the social assistance schemes; medical examinations are required for some of the illness related schemes and customers must also satisfy the habitual residence conditions. In the case of the insurance-based schemes, it may be necessary to ascertain details of foreign insurance records. It should also be noted that many factors outside the Department's control can impact upon claim processing times e.g. the supply of relevant information by the customer, employers, other EU countries or other third parties.

While every effort is made to decide on entitlement for any individual person as close to their eligibility date as possible, there are cases where delays will necessarily be experienced.

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In situations where customers find themselves suffering financial hardship while awaiting such a decision, the facility to receive supplementary welfare allowance funded by the Department and administered by the Health Service Executive is available. In April 2010 more than 96% of basic SWA applications were decided on and paid within a week.

Table 1: DSFA New Claims Processing Targets 2010 and Performance April 2010

Activity	Performance Standard	Performance Achieved in April 2010	Average Processing times in Weeks
State Pension (Contributory) — Domestic and EU	90% by Date of Entitlement	89%	6
State Pension (Transitional) — Domestic and EU	90% in 6 Wks	78%	4
Widow(er)'s Contributory Pension	90% in 6 Wks	77%	3
State Pension (Non-Contributory)	90% in 10 Wks	66%	9
Widow(er)'s (Non-Contributory) Pension & One Parent Family Payment (Widow)	90% in 10 Wks	74%	10
One-Parent Family — (Local Office based)	90% in 10 Wks	43%	16
Household Benefits	90% in 4 Wks	70%	3
Bereavement Grant (Social Welfare Services Office Sligo)	90% in 4 Wks	91%	1
Bereavement Grant (Social Welfare Services Office Longford)	90% in 4 Wks	10%	6
Invalidity Pension Domestic and EU	90% in 6 Wks	13%	12
Family Income Supplement — New Claims	90% in 6 Wks	20%	10
Disability Allowance	90% in 12 Wks	60%	12
Carer's Allowance	90% in 12 Wks	84%	8
Jobseeker's Benefit	90% in 3 Wks	79%	2
Jobseeker's Allowance	90% in 6 Wks	68%	7
Illness Benefit	90% in 1 Wks	47%	1
Occupational Injury Benefit — Interim Illness Benefit	90% in 1 Wk	70%	1
Maternity Benefit	90% by Due Date	97%	N/A
Carers Benefit	80% in 2 Wks	Not available	9
Child Benefit Domestic	90% in 2 Wks	Not available	2
EU	N/A		26
Domiciliary Care	90% in 7 Wks	87%	7
Back to Education	Applicants for back to education are already in receipt of another social welfare payment before a decision is made on their entitlement to back to education consequently delays, if any, should not cause hardship. Statistics are not maintained centrally as to the processing times of claims.		
Treatment Benefit	Treatment Benefit operates differently than other schemes. As payment is made to contractors after treatment has been given, there is no delay for the customer. The scheme is on target.		
Disablement Benefit	As this scheme is not a primary income support scheme there is no performance standard. Many of the claimants are already in receipt of a payment.		

Table 2: Appeals Pending Decision by Scheme Type at 30/4/2010
& Average Time Taken To Process Appeals in 2009

	Appeals Pending At 30/4/2010	Average Time Taken to Process appeals (2009) (Weeks)
Adoptive Benefit	1	66.3
Blind Pension	10	27.9
Carers Allowance	1,490	26.6
Carers Benefit	94	19.9
Child Benefit	1,507	36.1
Domiciliary Care Allowance	935	15.6
Disability Allowance	3,499	26.2
Illness Benefit	3,086	27.3
Deserted Wives Benefit	3	32.1
Farm Assist	141	24.7
Bereavement Grant	26	14.8
Family Income Supplement	85	20.0
Invalidity Pension	690	30.2
Liable Relatives	13	25.6
One Parent Family Payment	647	24.4
Maternity Benefit	14	10.5
State Pension (Contributory)	78	32.3
State Pension (Non-Contributory)	216	27.6
State Pension (Transition)	8	36.7
Occupational Injury Benefit	21	33.1
Occupational Injury Benefit (Medical)	46	35.3
Disablement Pension	207	34.8
Death Benefit Pension	1	45.3
Incapacity Supplement	9	37.0
Guardian's Payment (Contributory)	17	23.3
Guardian's Payment (Non-Contributory)	10	16.5
Pre-Retirement Allowance	0	19.1
Jobseeker's Allowance (Means)	2,450	22.7
Jobseeker's Allowance	3,072	18.8
Jobseeker's Benefit	692	18.2
JA/JB Fraud Control	4	53.1
Respite Care Grant	148	24.7
Insurability of Employment	98	37.8
Supplementary Welfare Allowance	251	9.5
Treatment Benefits	8	12.9
Survivor's Pension (Contributory)	14	26.4
Survivor's Pension (Non-Contributory)	11	21.6
Widowed Parent Grant	1	20.0

Social Welfare Code

71. **Deputy Jack Wall** asked the Minister for Social Protection if he will provide details of the changes he plans to make to the maximum rate of rent supplement. [21612/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): The purpose of the rent supplement scheme is to provide short-term support to eligible people living in private rented accommodation whose means are insufficient to meet their accommodation costs and who do not have accommodation available to them from any other source. The schemes primary purpose is to provide short term assistance, and not to act as an alternative to the other social housing schemes operated by the Exchequer. There are currently almost 95,500 tenants benefiting from a rent supplement payment — an increase of over 58 per cent since the end of 2005. The total cost of the rent supplement scheme for 2009 was €511m.

Rent supplements are subject to a limit on the amount of rent that an applicant for rent supplement may incur. Rent limits are set at levels that enable different types of eligible households to secure and retain basic suitable rented accommodation, having regard to different rental market conditions that prevail in various parts of the State. The objective is to ensure that rent supplement is not paid in respect of overly expensive accommodation having regard to the size of the household and market conditions. Furthermore, it is essential that State support for tenants does not give rise to inflated rental prices and overcharging by landlords.

Setting or retaining maximum rent limits at a higher level than are justified by the open market can have a distorting effect on the rental market, leading to a more general rise in rent levels. This in turn may worsen the affordability of rental accommodation unnecessarily, with particular negative impact for those tenants on lower incomes who are trying to support themselves without State aid. A review of maximum rent supplement levels is in progress and is expected to be completed shortly. This process will ensure that the new rent limits reflect current market conditions throughout the country, and that they will continue to enable the different categories of eligible tenant households to secure and retain suitable rented accommodation to meet their respective needs.

Question No. 72 answered with Question No. 53.

Question No. 73 answered with Question No. 55.

Pension Provisions

74. **Deputy Martin Ferris** asked the Minister for Social Protection if he will take steps to amend section 7 of the Protection of Employees (Employer Insolvency) Act 1984 to ensure that in situations of insolvency involving pension deficits employees will receive at least 50% of their pension entitlements to rectify the current situations in which employees can be left with less than that. [21615/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): The Protection of Employees (Employer Insolvency) Act 1984 comes under the auspices of the Minister for Enterprise, Trade and Innovation. I understand that Section 7 of this Act provides for the payment, by that Minister, out of the Redundancy and Employers' Insolvency Fund, of the amount of unpaid pension contributions which should have been paid by the relevant employer in respect of a period of not more than 12 months preceding the date of insolvency. Although any questions on this legislation should be tabled to the Minister for Enterprise, Trade and Innovation, I can confirm that the Government has no plans to amend this section of the Act.

As the Deputy knows, some 90% of defined benefit schemes were underfunded at the end of 2008. The vast majority of these continue to work with the Pensions Board to prepare funding proposals aimed at recovering their financial position. Figures for 2009 which indicated an average positive return of 20% for pension schemes suggest that these funding proposals

can succeed. Indeed, according to a survey of DB schemes undertaken by the Pensions Board at the end of 2009, the number of schemes failing the funding standard has decreased to 75%. Clearly a lot more needs to be done. However the approach taken by the Board to work with schemes is already showing positive results.

Where schemes are forced to wind-up on the insolvency of their employer, the Government has introduced the Pensions Insolvency Payments scheme (PIPS) which is being administered by the Department of Finance. PIPS provides that qualifying schemes may purchase pension payments from the State at a lower rate than would be available on the open market. In this way, it ensures that more resources from the scheme are available to offset the pension liabilities of active and deferred scheme members.

Question No. 75 answered with Question No. 38.

Question No. 76 answered with Question No. 54.

Question No. 77 answered with Question No. 53.

Social Welfare Benefits

78. **Deputy Mary Upton** asked the Minister for Social Protection the savings that would result from changing social welfare legislation to provide for the reimbursement to his Department by insurance companies of social welfare payments deducted from awards of special damages in respect of loss of earnings. [21610/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): Social welfare legislation does not currently provide for the reimbursement to the Department by insurance companies of social welfare payments deducted from awards of special damages in respect of loss of earnings. As data on the numbers of clients who hold private insurance or whose loss of income was covered through an insurance claim is not routinely collected by the Department, it is not possible to produce robust estimates of how much money might be reimbursed, and what savings would consequently arise, if the legislation in this area were to be amended.

Departmental Agencies

79. **Deputy Lucinda Creighton** asked the Minister for Social Protection the support, financial or otherwise, his Department provides to the Citizen Information Services; his plans to increase this support; and if he will make a statement on the matter. [21702/10]

82. **Deputy Lucinda Creighton** asked the Minister for Social Protection the support, financial or otherwise, his Department provides to the Money Advice and Budgeting Service; his plans to increase this support; and if he will make a statement on the matter. [21701/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): I propose to take Questions Nos. 79 and 82 together.

The Citizens Information Board (CIB) is responsible for supporting the provision of information, advice, and advocacy on a wide range of public and social services on behalf of the Department. Funding of some €45.8m has been allocated to the CIB in 2010. The Citizens Information Board administers funding to the network of 42 Citizen Information Services (CIS) which operate from 262 locations nationwide comprising 110 centres and 152 outreach services. The board of the CIB has approved funding of €13.3m to the Citizen Information Services in 2010, which is an increase of €400,000 on funding available in 2009. In addition, the CIB

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provides development and support services, including a range of training supports; ICT infrastructure; supports to CIS Boards in relation to governance, financial and HR matters, as well as developing and publishing a wide range of resource materials relating to social services and entitlements.

Responsibility for the Money Advice and Budgeting Service (MABS) transferred to the CIB in July 2009. There are 51 MABS companies providing money advice to clients operating from 65 locations around the country, as well as the National Traveller MABS which operates on a national basis. The CIB Board has allocated some €18m to MABS in 2010. In addition, MABS National Development Limited (NDL) is funded by the CIB to provide a national support and development service to local MABS companies. Its functions include:

- The provision of casework technical support for staff
- The management of the MABSIS statistics system
- MABS training unit which provides training support for all staff and local boards of management
- Communications with the media on budgeting & money management
- The organisation and management of the MABS National Telephone Helpline.

I am satisfied that the Citizen Information Services and the Money Advice and Budgeting Service are providing a high quality service to assist people locally and that the CIB is adequately resourced to support these services.

Questions Nos. 80 and 81 answered with Question No. 53.

Question No. 82 answered with Question No. 79.

Social Welfare Code

83. **Deputy Martin Ferris** asked the Minister for Social Protection if he will make changes to the habitual residency requirement for receipt of many social welfare payments which is acting as a barrier to many returned Irish persons from accessing the protections they need.
[21616/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): The determination of a person's habitual residence is made in accordance with Section 246 of the Social Welfare Consolidation Act 2005, as amended. Subsection (4) specifically directs the deciding officer to “take into consideration all the circumstances of the case, including, in particular, the following:

- (a) the length and continuity of residence in the State or in any other particular country;
- (b) the length and purpose of any absence from the State;
- (c) the nature and pattern of the person's employment;
- (d) the person's main centre of interest, and
- (e) the future intentions of the person concerned as they appear from all the circumstances.”

These five specified factors have been derived from European Court of Justice case law which examined the concept of habitual residence in the context of social welfare benefits. The Department's guidelines go on to point out that "No single factor is conclusive. The evidential weight to be attributed to each factor will depend on the circumstances of each case. It is necessary to weigh up all the information and balance the evidence for and against an applicant satisfying the habitual residence condition".

The current guidelines address the issue of returning emigrants very specifically under the heading:

Resuming previous residence.

"A person who had previously been habitually resident in the State or within the Common Travel Area and who moved to live and work in another country and then resumes his/her permanent residence in the State may be regarded as being habitually resident immediately on his/her return to the State. In determining habitual residence in such cases the deciding officer should take account of:

- purpose of return e.g. expiry of foreign residence permit;
- the applicant's stated intentions
- verified arrangements which have been made in regard to returning on a long-term basis e.g. transfer of financial accounts and any other assets;
- length and continuity of the previous residence in the State;
- the record of employment or self employment in another State; and
- whether s/he has maintained links with the previous residence and can be regarded as resuming his/her previous residence rather than starting a new period of residence."

I am satisfied that Irish nationals returning to live in Ireland on a permanent basis should experience no difficulty in demonstrating that they satisfy the requirements of the Habitual Residence Condition.

Question No. 84 answered with Question No. 37.

Question No. 85 answered with Question No. 70.

86. **Deputy Jim O'Keeffe** asked the Minister for Social Protection if any changes have been made in the assessment of means related allowances to take into account situations arising from the collapse in the property market leading to a situation whereby, in many instances, properties cannot be sold at all and applicants without any means of support are being denied such allowances; and if he will make a statement on the matter. [21399/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): Social welfare legislation provides that the yearly value of "property owned but not personally used or enjoyed" is assessable for means testing purposes. Such property includes houses and premises owned by a claimant which may or may not be put to commercial use. However, it does not include property such as the home or, for example, a premises used by the claimant in carrying out a business. No changes to the current arrangements have been introduced in recent years. However, compre-

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hensive guidelines in relation to the assessment of property were issued to relevant staff in my Department in November last year.

For assessment purposes, the current market value of the property is established as well as the amount of any outstanding mortgages on that property. The balance (market value less outstanding mortgage) is assessed by reference to a formula. Where the current market value is less than the outstanding mortgage, no assessment is made. The current market value of a property is the best estimate of what would be achievable if the property was offered for sale. Such an estimate will have regard to reductions in prices over recent years.

In establishing the current market value of a property, my Department may make enquiry of the State Valuation Office. Alternatively, the market value may be established through receipt of a reasonable current valuation from a registered auctioneer, with reference to the purchase price and date of purchase of the property or, alternatively, the inspector may agree a valuation with a customer having regard to the type and location of the individual property and prevailing market values in that area. Where a claimant considers that a decision on his or her claim is based on a market value of a property which is too high, he or she may appeal that decision to the Social Welfare Appeals Office.

Social Welfare Benefits

87. **Deputy Jack Wall** asked the Minister for Social Protection the action he is taking to ensure that the PPS number of every landlord is collected and recorded by his Department in respect of every rent supplement tenancy and made available to the Revenue Commissioners. [21611/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): Section 888 of the Taxes Acts places an obligation on the Department to provide the Revenue Commissioners with payment details relating to rent supplement on an annual basis. Section 123 of the Finance Act 2007 Act places an additional obligation on the Department and the Health Service Executive (HSE) to request a PPS No. or Tax Reference Number from a landlord before payment of the supplement is made and it obliges the landlord to comply with the request in time for the HSE to have the information before payment is made. Neither the Department nor the HSE have any responsibility in monitoring or enforcing landlord compliance. This is a matter for the Revenue Commissioners and the Department provides all possible cooperation to assist them in this task.

The Department and the Revenue Commissioners have arranged for the collection of landlord PPS/Tax Reference Numbers to apply to new rent supplement claims registered from 28th October 2008 and to be returned as part of the annual return. Arrangements were put in place by the Department, with effect from 28th October 2008 to automate the process for the HSE to request the landlord's relevant PPS/Tax Reference Number. On receipt of the relevant tax details from the landlord the Executive were also provided with the facility to record the relevant number on the Department's IT system to facilitate an electronic transfer of information to the Revenue Commissioners. The HSE has advised the Department that it has now amended the rent supplement application form to include a section requesting the landlord PPS & Tax Reference Number. This now removes the requirement for a separate letter to issue separately to the landlord for the majority of cases.

Revenue are notified where a landlord fails to provide a PPS number or Tax Reference, so that they can pursue the matter. The Department has recently contacted the HSE to ensure

that all landlord PPS/Tax Reference Numbers that have been received by the HSE are updated on the Department's computer records in accordance with its statutory obligations.

Tourism Industry

88. **Deputy David Stanton** asked the Taoiseach the number of anglers that visit Ireland each year; the breakdown *vis-à-vis* the different disciplines of angling such as sea angling, coarse angling, and game angling; and if he will make a statement on the matter. [21318/10]

Minister of State at the Department of the Taoiseach (Deputy John Curran): The CSO's monthly Overseas Travel release contains data on the number of visitors to Ireland classified by their country of residence. These results are obtained from the CSO's Country of Residence Survey which is carried out continuously at the airports and ports in the Republic of Ireland. The CSO's quarterly Tourism and Travel release collects data on the number of visitors to Ireland classified by purpose of journey and residency. Data on activities, such as angling, are not available from either the Overseas Travel or the Tourism and Travel releases.

Fáilte Ireland's Survey of Travellers also collects information from visitors to Ireland, including participation in activities. This is a survey of departing passengers only who have spent at least one night in the Republic of Ireland. This data is then used with the results of the CSO's Country of residence survey to obtain estimates for total participation in different activities. The Fáilte Ireland Survey of Travellers estimated that a total of 132,000 visitors participated in Angling in 2009, this represents a decline of 7% on 2008 figures. Estimates of average annual participation in different types of angling activity for the years 2006 to 2008 are detailed in the following table.

Type of Angling — Overseas Visitors	Average Estimated Visitors Per Year*
Coarse	47,000
Game	49,000
Sea	41,000

*Estimates are based on the average number participating in angling from 2006 to 2008. Tourists may have participated in more than one angling activity. Estimates are based on data collected from the CSO's Country of Residence Survey (CRS) and Fáilte Ireland's Survey of Overseas Travellers.

Further detail on Angling activity is available from the Fáilte Ireland website.

Interdepartmental Committees

89. **Deputy Liz McManus** asked the Taoiseach the number of time the Cabinet committee on climate change met in 2009; the number of times it has met to date in 2010; when the next scheduled meeting will take place [21379/10]

The Taoiseach: The Cabinet Committee on Climate Change and Energy Security met twice in 2009, on 29 April and 7 October. The Committee's first meeting of 2010 is scheduled to take place in early June. Issues relating to Climate Change negotiations at EU level are also considered when appropriate by the Cabinet Committee on European Affairs, while relevant issues are discussed regularly at meetings of the full Government when that is appropriate.

It would be incorrect to correlate the number of meetings of the Cabinet Committee with the Government's commitment to addressing Climate Change and Energy Security issues. The Minister for the Environment, Heritage and Local Government retains lead responsibility for climate change policy, with cross-departmental issues co-ordinated through the Senior Officials

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Group on Climate Change and Energy Security chaired by the Department of the Taoiseach. I am satisfied that significant progress is being achieved and that the issues are receiving the appropriate level of attention.

Departmental Agencies

90. **Deputy John O'Mahony** asked the Taoiseach the agencies or bodies to which his Department provides funding or in respect of which it is administratively responsible; the bodies and agencies for which his Department is responsible in respect of his policy; the amount of funding provided in each of the years 2007 to 2010 in tabular form; and if he will make a statement on the matter. [21758/10]

The Taoiseach: The information requested by the Deputy is set out in the table beneath.

Name of Body/Agency	2007 Outturn	2008 Outturn	2009 Provisional Outturn	2010 Revised Estimate
	€000	€000	€000	€000
National Economic and Social Development Office	5,812	5,371	3,401	3,332
National Forum On Europe	2,076	3,058	506	0
Newfoundland and Labrador Business Partnership	373	334	291	0
Task Force on Active Citizenship	112	6	17	0

Departmental Expenditure

91. **Deputy John O'Mahony** asked the Taoiseach the amount of unspent money returned by his Department to the Department of Finance each year since 2007; the departmental budget for each year since 2007; the projects for which this money was originally earmarked in tabular form; and if he will make a statement on the matter. [21787/10]

The Taoiseach: The table below details the surplus that was surrendered to the Department of Finance for each year from 2007 to 2009 and the estimate provision for my Department for each year.

Year	Surplus to Surrender	Estimate Provision
	€	€
2007	8,568,825	43,736,000
2008	9,308,252	45,394,000
2009	8,450,714	32,686,000
2010	N/A	28,756,000

I have provided a breakdown showing the estimate provision and outturn for each year under administration and programme subheads below. The largest single element in each year was in respect of provision of the costs of the Moriarty Tribunal, which included a contingency element in the event of costs arising from the conclusion of its work.

DEPARTMENT OF THE TAOISEACH — Appropriation Account 2007

Account of the sum expended, in the year ended 31 December 2007, compared with the sum granted and of the sum which may be applied as appropriations-in-aid in addition thereto, for the salaries and expenses of the Department of the Taoiseach, including certain services administered by the Department and for payment of grants and grants-in-aid.

	Service	Estimate Provision	Outturn
		€000	€000
	<i>ADMINISTRATION</i>		
A.1.	SALARIES, WAGES AND ALLOWANCES	14,633	13,952
A.2.	TRAVEL AND SUBSISTENCE	770	612
A.3.	INCIDENTAL EXPENSES	1,998	1,506
A.4.	POSTAL AND TELECOMMUNICATIONS SERVICES	680	572
A.5.	OFFICE MACHINERY AND OTHER OFFICE SUPPLIES AND RELATED SERVICES	2,060	1,675
A.6.	OFFICE PREMISES EXPENSES	800	506
A.7.	CONSULTANCY SERVICES	275	256
A.8.	INFORMATION SOCIETY — eCABINET AND OTHER INITIATIVES	296	172
A.9.	VALUE FOR MONEY AND POLICY REVIEWS	26	—
	<i>OTHER SERVICES</i>		
B.	NATIONAL ECONOMIC AND SOCIAL DEVELOPMENT OFFICE (GRANT-IN-AID)	6,053	5,812
C.	FORUM FOR PEACE AND RECONCILIATION	5	—
D.	COMMEMORATION INITIATIVES	200	155
E.	ALL-PARTY COMMITTEE ON THE CONSTITUTION	398	215
F.	TRIBUNAL OF INQUIRY (DUNNES PAYMENTS)	1	—
G.	TRIBUNAL OF INQUIRY (PAYMENTS TO MESSRS. C.J. HAUGHEY AND M. LOWRY)	10,008	4,155
H.	INDEPENDENT COMMISSION OF INQUIRY	1	—
I.	NATIONAL FORUM ON EUROPE	1,621	2,076
J.	NEWFOUNDLAND AND LABRADOR BUSINESS PARTNERSHIPS	361	373
K.	INFORMATION SOCIETY AND eINCLUSION	3,000	2,768
L.	COMMISSION OF INVESTIGATION	450	414
M.	TASK FORCE ON ACTIVE CITIZENSHIP	200	112
	Gross Total	43,836	35,331
	<i>Deduct:—</i>		
N.	APPROPRIATIONS-IN-AID	100	164
	Net Total	43,736	35,167
	SURPLUS TO BE SURRENDERED		8,568,825

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DEPARTMENT OF THE TAOISEACH — Appropriation Account 2008

Account of the sum expended, in the year ended 31 December 2008, compared with the sum granted and of the sum which may be applied as appropriations-in-aid in addition thereto, for the salaries and expenses of the Department of the Taoiseach, including certain services administered by the Department and for payment of grants and grants-in-aid.

	Service	Estimate Provision	Outturn
		€000	€000
	<i>ADMINISTRATION</i>		
A.1.	SALARIES, WAGES AND ALLOWANCES	14,091	14,364
A.2.	TRAVEL AND SUBSISTENCE	795	723
A.3.	INCIDENTAL EXPENSES	1,620	1,620
A.4.	POSTAL AND TELECOMMUNICATIONS SERVICES	697	619
A.5.	OFFICE MACHINERY AND OTHER OFFICE SUPPLIES AND RELATED SERVICES	2,048	1,440
A.6.	OFFICE PREMISES EXPENSES	850	513
A.7.	CONSULTANCY SERVICES	275	107
A.8.	INFORMATION SOCIETY — eCABINET AND OTHER INITIATIVES	1	—
A.9.	VALUE FOR MONEY AND POLICY REVIEWS	27	25
A.10.	ORGANISATIONAL REVIEW PROGRAMME	750	745
	<i>OTHER SERVICES</i>		
B.	NATIONAL ECONOMIC AND SOCIAL DEVELOPMENT OFFICE (GRANT-IN-AID)	6,500	5,371
C.	FORUM FOR PEACE AND RECONCILIATION	5	—
D.	COMMEMORATION INITIATIVES	200	121
E.	TRIBUNAL OF INQUIRY (DUNNES PAYMENTS)	1	—
F.	TRIBUNAL OF INQUIRY (PAYMENTS TO MESSRS. C.J. HAUGHEY AND M. LOWRY)	10,016	4,009
G.	NATIONAL FORUM ON EUROPE	3,809	3,058
H.	NEWFOUNDLAND AND LABRADOR BUSINESS PARTNERSHIPS	354	334
I.	INFORMATION SOCIETY AND eINCLUSION	66	66
J.	COMMISSION OF INVESTIGATION	1	—
K.	ACTIVE CITIZENSHIP OFFICE	200	6
	Gross Total	42,306	33,121
	<i>Deduct:—</i>		
L.	APPRO IN-AID	100	224
	Net Total	42,206	32,897
	SURPLUS TO BE SURRENDERED		9,308,252

Vote 2 Department of the Taoiseach
Appropriation Account 2009 — *Provisional*

	Service	2009 Estimate provision	2009 Outturn
		€000	€000
	<i>Administration</i>		
A.1.	Salaries, wages and allowances	13,974	13,501
A.2.	Travel and subsistence	731	479
A.3.	Incidental expenses	1,587	618
A.4.	Postal and telecommunications services	545	407
A.5.	Office machinery and other office supplies And related services	1,961	1,007
A.6.	Office premises expenses	741	493
A.7.	Consultancy services	118	3
A.8.	Value for money and policy reviews	1	0
A.9.	Organisational review programme	676	497
	<i>Other Services</i>		
B.	National Economic and Social Development Office (grant-in-aid)	5,059	3,401
C.	Forum for Peace and Reconciliation	5	0
D.	Commemoration initiatives	170	133
E.	Tribunal of inquiry (Dunnes payments)	1	0
F.	Tribunal of inquiry (payments to messrs. C.J. Haughey and M. Lowry)	7,500	3,796
G.	National Forum on Europe	360	506
H.	Newfoundland and Labrador Business Partnerships Information society and eINCLUSION	300	291 0
I.	Commission of investigation	1	0
J.	Active Citizenship Office	56	17
	Gross Expenditure	33,786	25,149
	<i>Deduct:—</i>		
K.	Appropriations-in-aid	1,100	914
	Net Expenditure	32,686	24,235
	Surplus to be surrendered		8,450,714

Loan Guarantee Schemes

92. **Deputy Enda Kenny** asked the Minister for Enterprise, Trade and Innovation his plans to introduce a loan guarantee scheme to assist small businesses in obtaining credit from banks; and if he will make a statement on the matter. [21823/10]

Minister for Enterprise, Trade and Innovation (Deputy Batt O’Keeffe): As previously advised to this House, work is underway in my Department on the examination of a possible scheme of Loan Guarantees for the SME sector which could augment lending by banks by addressing particular market failures. This is in line with one of the recommendations contained

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in the Mazars Review on Bank Lending to SMEs. Enterprise Ireland and Forfas carried out examinations of loan guarantee schemes in the UK and in some other countries. Following more detailed examination, Forfas has recently submitted a report to my Department which is being considered. On completion of this work I will bring the results before the Government. As with any initiative, we will need to ensure that any scheme developed directly assists businesses, facilitates genuine additional lending in the market and, at the same time, safeguards the interests of the taxpayer.

Research and Development

93. **Deputy Ruairí Quinn** asked the Minister for Enterprise, Trade and Innovation if his attention has been drawn to the requirement for all EU member states to adopt a national action plan setting out specific objectives and actions to develop an attractive researcher career and increased researcher mobility, in accordance with the communication issued in 2008 by the European Commission, *Better Careers and More Mobility: A European Partnership for Researchers*; the progress that has been made in adopting such a national action plan; the result of the consultation process undertaken by his Department in this regard; and if he will make a statement on the matter. [21320/10]

Minister for Enterprise, Trade and Innovation (Deputy Batt O’Keeffe): Following the European Commission’s 2007 Green Paper, “The European Research Area: New Perspectives,” the Commission launched a number of initiatives aimed at achieving the ERA, including a Communication, published in May 2008, on “*Better careers and more mobility: A European Partnership for researchers*,” which targeted four key areas for improving researcher careers and mobility, namely:

- open recruitment and portability of grants
- meeting the social security and pension needs of mobile researchers,
- attractive employment and working conditions and
- enhanced training, skills and experience for researchers.

The Commission emphasised the “partnership” approach to its initiative, recognising the distinct competences of the Member States and the Commission in relevant areas. This approach was endorsed by the Competitiveness Council in September 2008 when the Council adopted Conclusions on “*Better careers and more mobility: A European Partnership for researchers*” and invited Member States to draw up National Action Plans comprising definition of national objectives and actions, on the basis of the priority lines of action proposed by the Commission, or any other appropriate actions, and to report regularly on actions undertaken or envisaged.

Ireland welcomed this initiative and is supportive of the concept of the European Partnership for Researchers between the Commission and the Council and the Member States. My Department has responsibility for preparing the National Action Plan and is currently drawing up a draft Action Plan. The plan will take into account consultations with key stakeholders, which have yet to be completed. The Action Plan, when completed, will record the state of progress in relation to relevant issues, recognising the competences of the relevant bodies in relation to further progress.

Ireland's National Action Plan is our plan of actions to improve researcher careers and mobility in line with overall EU partnership, taking into account our specific circumstances. It will address each of the four areas targeted by the European Commission and, in doing so, will also highlight areas where progress has already been made, for example:

- The implementation of the European Scientific Visa (Hosting Agreement Scheme) under Council Directive 2005/71/EC on Third Country Researchers;
- The establishment of the Irish Researchers Mobility Office, a one-stop shop for researchers linked to the European Researchers Mobility Portal, (now "Euraxess") which is operated by the Irish Universities Association and supported by my Department; and
- The adoption of the European Charter and Code for researchers in all seven of the Irish Universities.

Industrial Development

94. **Deputy Damien English** asked the Minister for Enterprise, Trade and Innovation the number of visits to the Industrial Development Authority business and technology park in Navan, County Meath that have taken place in 2010 by companies looking to set up here; and if he will make a statement on the matter. [21340/10]

95. **Deputy Damien English** asked the Minister for Enterprise, Trade and Innovation the number of new jobs created in the Industrial Development Authority business and technology park in Navan, County Meath for each of the years from 2008 and to date in 2010; and if he will make a statement on the matter. [21341/10]

96. **Deputy Damien English** asked the Minister for Enterprise, Trade and Innovation the number of jobs lost in the Industrial Development Authority business and technology park in Navan for each of the years 2008, 2009 and to date in 2010; and if he will make a statement on the matter. [21342/10]

Minister for Enterprise, Trade and Innovation (Deputy Batt O'Keeffe): I propose to take Questions Nos. 94 to 96, inclusive, together.

I am informed by IDA Ireland that there are 5 IDA supported projects located in the IDA Business Park in Navan, County Meath. I am delighted to say that, earlier this year, one of these companies, Generali PanEurope (GPE) and Generali International (GI) announced that they have commissioned a new building, to be located on the Park. The new building will act as Generali PanEurope's Headquarters and Generali International's Irish base. Generali has had a presence in Navan since 1999. Since then its operations have grown significantly and employment has increased fivefold. Combined, Generali International and Generali PanEurope employ over 100 people in Navan. It is envisaged that the numbers employed will continue to increase over the coming years, solidifying Generali's long term commitment to Navan and reflecting both companies' growth plans.

The remaining IDA supported companies located on the park are BT Ireland, Europ Assistance Holdings, PNC International and Welch Allyn Ltd. As employment figures in individual IDA companies are provided in confidence for statistical purposes only, it is not possible to provide details of the number of jobs gained and lost in IDA supported companies on the Park. Details of the number of jobs gained and lost in IDA companies in County Meath in 2008 and 2009 are shown on the attached tabular statement. Figures for 2010 will not be available until

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early 2011. I have been informed by IDA that, to date in 2010, there have not been any site visits to County Meath.

Table showing the number of new jobs created and the number of jobs lost in IDA supported companies in County Meath 2008 and 2009

Year	2008	2009
New Jobs Created	83	24
Jobs Lost	83	159

Redundancy Payments

97. **Deputy Tom Hayes** asked the Minister for Enterprise, Trade and Innovation the length of time it is taking for employers to obtain their rebate of payment of statutory redundancy; the maximum waiting time for payment; the number of staff allocated to that task; and if he will make a statement on the matter. [21364/10]

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.

The Redundancy Payments Section of my Department is currently processing rebate applications from employers submitted by post from October 2009 and those filed on-line from November 2009, so that the waiting time is approximately 6 to 7 months depending on the manner of filing the application. In respect of lump sum payments paid directly to employees in instances where employers are unable to pay the statutory redundancy entitlements, the Section is, in general, processing claims dating from September/October 2009. In some instances where the necessary supporting documentation for claims is not provided to my Department, or where queries arise, processing of claims can be further delayed until the required documentation is provided and/or outstanding queries are resolved.

Efforts continue to be made by my Department to deliver more acceptable turnaround processing times for Redundancy payments given the difficulties that this gives rise to for both individual employees and the business community. Measures already taken in the Department in 2009 to alleviate the pressures on the Payments area include:

- Almost **doubling the number of staff** working solely on redundancy payment claims through reassignment to a current level of 52 full time equivalents;
- Prioritisation of the Department’s **overtime budget** towards staff in the Section to tackle the backlog outside normal hours;
- Establishment of a **special call handling facility** in NERA to deal with the huge volume of telephone calls from people and businesses concerned about their payments;
- Better quality information relating to current processing times on the Department’s website;

- Engagement with the Revenue Commissioners to facilitate the **offset of redundancy rebate payments** by employers against existing outstanding tax liabilities which those employers owe to the Revenue Commissioners.

The backlog and waiting times remain at unacceptable levels. However, improvements are evident. I should point out that my Department has, in 2009, processed 50,664 claims, up 70% on 2008, and made corresponding payments totalling €336m, which results in average weekly payments to the value of €6.5m being issued. In the period 2007-2009, the level of new claims lodged with my Department has increased cumulatively by 200%. This contrasts with the previous two-year period 2005-2007 in which period the increase in new claims lodged was just 10%. During the period 1 January 2010 to 30 April, 2010, 23,593 claims were received and 27,592 were processed to the value of €159m which is a weekly average of €9.4m.

Responsibility for the payment functions arising under the Redundancy and Insolvency payment schemes is due to be transferred to the Department of Social Protection with effect from 1 January 2011. In transferring the functions between Departments, it is the intention that this will operate seamlessly and without any adverse impact on the service levels being experienced by individuals or the business community awaiting payment of redundancy claims.

Industrial Development

98. **Deputy Pat Breen** asked the Minister for Enterprise, Trade and Innovation, further to Parliamentary Question No. 103 of 12 May 2010, the number of site visits made by agencies under the aegis of his Department with a view to creating employment in Cork, Galway and Dublin in the years 2007 to date in 2010; the location of these visits; and if he will make a statement on the matter. [21408/10]

Minister for Enterprise, Trade and Innovation (Deputy Batt O’Keeffe): I have been informed by IDA that in the period from January 2007 to date in 2010, there have been a total of 469 site visits by potential investors to Dublin (City and County), Cork (City and County) and Galway (City and County). Details of the locations of these visits are set out in the attached tabular statement. Because potential investors regularly visit locations in both the city and the county on the one visit, it is not possible in the time available to give details of each of the itineraries undertaken. When the information becomes available, I will forward it to the Deputy.

Table showing the number of site visits to Dublin (city and county), Cork (city and county) and Galway (city and county) in the period from January 2007 to date in 2010

Location	2007	2008	2009	2010 to date
Dublin City & County	86	92	68	55
Cork City and County	17	41	29	14
Galway City and County	17	14	22	14

Redundancy Payments

99. **Deputy Denis Naughten** asked the Minister for Enterprise, Trade and Innovation the reason for the ongoing delay in processing an application to the insolvent fund within his Department from persons (details supplied) who were made redundant from a company in County Roscommon; when the outstanding moneys will be awarded; and if he will make a statement on the matter. [21477/10]

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 both the Redundancy and Insolvency Payments Schemes on behalf of the Department of Social and Family Affairs. I can confirm that my Department processed and paid claims under the Insolvency Payments Scheme in respect of Arrears of Wages, Holiday Pay and Minimum Notice for the person concerned and other former employees of this company in April 2010. I can also confirm that my Department received a Redundancy lump sum claim for the individual concerned on 4 January 2010. This claim awaits processing. In respect of redundancy lump sum payments paid directly to employees, such as in this instance, the Section is, in general, processing claims dating from September/October 2009.

On the Redundancy side the scale of the challenge is evident from the statistics that show incoming redundancy claims in 2009 amounted to 77,001 which represents a threefold increase over the level of claims lodged in 2007 and earlier years. In 2007, claims received were of the order of 25,000. Efforts continue to be made by my Department to deliver more acceptable turnaround processing times for Redundancy payments given the difficulties that this gives rise to for both individual employees and the business community. Measures already taken in the Department in 2009 to alleviate the pressures on the Payments area include:

- almost **doubling the number of staff** through reassignment to a current level of 52 full time equivalents;
- prioritisation of the Department's **overtime budget** towards staff in the Section to tackle the backlog outside normal hours;
- establishment of a **special call handling facility** in NERA to deal with the huge volume of telephone calls from people and businesses concerned about their payments.
- Better quality information relating to current processing times on the Department's website;
- Engagement with the Revenue Commissioners to facilitate the **offset of redundancy rebate payments** by employers against existing outstanding tax liabilities which those employers owe to the Revenue Commissioners.

The backlog and waiting times remain at unacceptable levels. However, improvements are evident. I should point out that my Department has, in 2009, processed 50,664 claims, up 70% on 2008. During the period 1 January 2010 to 30 April, 2010, 23,593 claims were received and 27,592 were processed. In the year to date, inroads have been made on the backlog of claims on hand, which reduced from 41,168 at the end of January to 36,333 at the end of April 2010.

Responsibility for the payment functions arising under the Redundancy and Insolvency payment schemes is due to be transferred to the Department of Social Protection with effect from 1 January 2011. In transferring the functions between Departments, it is the intention that this will operate seamlessly and without any adverse impact on the service levels being experienced by individuals or the business community awaiting payment of redundancy claims.

100. **Deputy Seán Fleming** asked the Minister for Enterprise, Trade and Innovation when redundancy payment will be finalised in respect of a person (details supplied) in County Laois; and if he will make a statement on the matter. [21518/10]

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 23 June 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% 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, my Department has been in contact with the employer seeking to obtain all of the necessary documentation and the employer has, at this point, provided some but not all of the documentation. Upon receipt of the outstanding documentation and if this is in order, it should be possible to process the claim for payment shortly thereafter.

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.

Industrial Development

101. **Deputy Phil Hogan** asked the Minister for Enterprise, Trade and Innovation the number of site visits made by the Industrial Development Authority to sites for the purpose of creating new businesses and employment in County Kilkenny for each year from 2007 to date in 2010; and if he will make a statement on the matter. [21530/10]

Minister for Enterprise, Trade and Innovation (Deputy Batt O'Keeffe): I have been informed by IDA Ireland that in the period from January 2007 to date in 2010, there have been 5 site visits by potential investors to County Kilkenny, 2 in 2007, 1 in 2008 and 2 in 2009.

102. **Deputy Seymour Crawford** asked the Minister for Enterprise, Trade and Innovation, further to Parliamentary Question No. 87 of 12 May 2010, the location of the 71 Industrial Development Authority supplied companies; the number that each company employs; if he is satisfied that the communities named in the question have received their fair share; if not, if he will ensure that genuine efforts are made to realise the need of these areas; and if he will make a statement on the matter. [21550/10]

Minister for Enterprise, Trade and Innovation (Deputy Batt O’Keeffe): Details of the locations of the companies, mentioned in my reply to the Deputy on 12 May 2010, are set out on the attached tabular statement as are the numbers employed in IDA supported companies in each of the counties in question. It is not possible to give employee figures in respect of individual companies, as information regarding numbers employed in individual companies is supplied in confidence, for statistical purposes only.

IDA is fully committed to securing balanced regional development, including winning investment for the Border region. Indeed, one of the high level goals set out in the IDA strategy document, entitled “*Horizon 2020*”, is that, in the period 2010 to 2014, 50% of FDI projects will be located outside of Dublin and Cork. As part of its strategy to attract inward investment, IDA Ireland introduces a prospective client company to 3 or 4 selected locations, which can meet the company’s requirements for skills, labour, site and/or building(s), and infrastructure. However, the promoting company takes the final decision on location in all cases.

Table showing the number of IDA supported companies per county and the total number of employees in IDA supported companies in those counties

County	No. of Companies	Employment by County
Donegal	13	1,683
Sligo	20	2,190
Leitrim	5	988
Cavan	5	1,033
Monaghan	6	356
Louth	22	1,637
Total	71	7,887

Work Permits

103. **Deputy Brendan Howlin** asked the Minister for Enterprise, Trade and Innovation when a full response will issue to a person (details supplied) in County Wexford; and if he will make a statement on the matter. [21742/10]

Minister of State at the Department of Enterprise, Trade and Innovation (Deputy Dara Calleary): I am in receipt of the Deputy’s representations in this regard and will respond in full shortly. I am advised that the person concerned holds a current Work Permit valid until 19 September 2010 with a particular employer as stated on the Permit. In the event that a person changes employer, it is a requirement of the Employment Permits legislation to apply for a new Work Permit with the new employer. Indeed, it is considered an offence under the Employment Permit Act 2006, to work for an employer other than the employer stated on the Work Permit issued.

Details in relation to the documentation required, fees and application forms can be found on my Department’s website at www.deti.ie. The individual should submit details of his employment history and current circumstances with the application form and these will be considered by the Employment Permits Section of my Department. As a Permit holder for a reasonably long period of time in the State, I would recommend also that the individual maintain his immigration and Permit permissions up to date as this may lead to difficulties should he wish to apply for residency at a future date with the Department of Justice and Law Reform.

Departmental Agencies

104. **Deputy John O'Mahony** asked the Minister for Enterprise, Trade and Innovation the agencies or bodies to which his Department provides funding or in respect of which it is administratively responsible; the bodies and agencies for which his Department is responsible in respect of his policy; the amount of funding provided in each of the years 2007 to 2010 in tabular form; and if he will make a statement on the matter. [21751/10]

Minister for Enterprise, Trade and Innovation (Deputy Batt O'Keeffe): The table appended lists the Offices, agencies, and other bodies and groups currently under the aegis of my Department. The funding allocated to each of these entities by my Department between 2007 and 2010 inclusive is also provided. The allocations include Exchequer funding and, where appropriate, National Training Fund monies.

In addition to the core funding provisions set out on the table, my Department also makes payments from time to time in respect of certain once-off payments, such as legal costs, which arise for some of the Offices under my Department's remit. My Department has also made payments to the Personal Injuries Assessment Board in respect of legal costs. While the Board primarily funds its operational costs through fees charged in the course of its activities, my Department has been advised by the Attorney General's Office that the Personal Injuries Assessment Board Act, 2003, does not allow such fees to be used to cover non-operational legal costs. My Department therefore bears such costs.

In addition to allocations from my Department, some of the agencies listed on the table below receive funding from other sources, such as fees, property rental, grant refunds, and from other Departments or bodies. Funding from these sources is not included in the table. Responsibility for FÁS and Skillnets and for the National Training Fund (NTF) transferred to the Minister for Education and Skills on 1 May 2010. However, the full 2010 allocation for both of these bodies, and for bodies under my remit that are funded from the NTF, is provided for the Deputy's information.

Appendix — Allocations 2007-2010 from Dept. of Enterprise, Trade and Innovation

	2007 REV Allocation	2008 REV Allocation	2009 REV Allocation	2010 REV Allocation
	€000	€000	€000	€000
<i>Offices</i>				
Labour Court	3,085	3,193	3,115	2,208
Labour Relations Commission	6,194	6,600	6,286	5,641
Companies Registration Office and Registry of Friendly Societies	10,097	10,091	8,912	7,995
Office of the Director of Corporate Enforcement	4,823	4,957	5,535	6,086
National Employment Rights Authority ¹	8,553	10,817	8,731	7,824
Patents Office ²				
Employment Appeals Tribunal ²				
<i>Agencies</i>				
County & City Enterprise Boards (35 in existence)	31,856	31,985	27,812	28,310
Competition Authority	6,104	6,776	5,568	4,734
Enterprise Ireland ³	278,066	297,444	333,660	416,678
FÁS ⁴	1,046,312	1,096,192	1,063,936	1,017,753
Forfás	35,035	38,475	37,164	43,555

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	2007 REV Allocation	2008 REV Allocation	2009 REV Allocation	2010 REV Allocation
	€000	€000	€000	€000
Health & Safety Authority	22,513	24,440	22,638	21,959
IDA Ireland	143,243	146,250	117,971	128,240
InterTradeIreland ⁵	11,892	10,682	8,499	7,848
Irish Auditing & Accounting Supervisory Authority (IAASA) ⁶	1,528	1,547	1,532	1,345
ODCA/National Consumer Agency ⁷	8,397	10,000	8,588	7,232
National Standards Authority of Ireland	7,719	8,787	8,241	7,432
Personal Injuries Assessment Board ⁸	—	—	—	60
Science Foundation Ireland	165,772	183,643	170,524	159,833
Shannon Development	3,350	3,357	957	7,532
<i>Other Bodies⁹</i>				
Skillnets ⁴	24,500	27,179	16,595	16,595
Joint Labour Committees	135	135	135	121
Company Law Review Group	133	133	113	101
Sales Review Group			20	18
Better Regulation Group	60	60	60	54

Notes

¹ The National Employment Rights Authority was established on an interim basis by the Government in February 2007.

² The Employment Appeals Tribunal and the Patents Office are funded from the Department’s central Administrative Budget and do not have separate budgetary allocations.

³ The Employment Subsidy Scheme (Temporary) was introduced during 2009 and is managed by Enterprise Ireland. The 2010 REV allocation for the agency includes an allocation of €114.5m for the scheme.

⁴ Responsibility for FÁS and Skillnets transferred to the Department of Education and Skills on 1 May 2010. The total REV allocation for the year is provided for information.

⁵ InterTradeIreland is co-financed by the Department of Enterprise, Trade and Innovation and the Department of Enterprise, Trade and Investment in Northern Ireland. The figures provided on the table refer to the contribution of the Department of Enterprise, Trade and Innovation.

⁶ Irish Auditing & Accounting Supervisory Authority (IAASA) is co-financed by the Department of Enterprise, Trade and Innovation and industry associations. The figures provided on the table refer to the contribution of the Department of Enterprise, Trade and Innovation.

⁷ The functions of the Office of the Director of Consumer Affairs (ODCA) were transferred to the National Consumer Agency when the Agency was established on a statutory basis in 2007.

⁸ Start-up funding was provided to the Personal Injuries Assessment Board in 2004 and 2005. The Board’s statutory activities have primarily been self-financing since 2006. The allocation of €60,000 for 2010 relates to pension costs.

⁹ In addition to the entities shown on the above table, the following bodies/groups which come under the aegis the Department of Enterprise, Trade and Innovation are funded through the Department’s agencies:

- i. Crafts Council of Ireland
- ii. National Competitiveness Council
- iii. Expert Group on Future Skills Needs

The Expert Group on Future Skills Needs reports jointly to the Minister for Enterprise, Trade and Innovation and the Minister for Education and Skills.

Industrial Development

105. **Deputy Martin Ferris** asked the Minister for Enterprise, Trade and Innovation if he has held discussions in the last 18 months with management of a company (details supplied) regarding the future of its two factories in Abbeyfeale, County Limerick and Mallow, County Cork; if not if he has plans to do so in the near future; and if he will make a statement on the matter. [21770/10]

Minister for Enterprise, Trade and Innovation (Deputy Batt O’Keeffe): I can assure the Deputy that IDA Ireland is in constant contact with Kostal both in Ireland and in Germany. A number of meetings have been held with local Irish management and parent company management recently and further meeting are planned. I am aware of the difficult automotive environment over the past 18 months, from which Kostal is now emerging. The company is well positioned to benefit as the market improves given its reputation/market leadership positions and its ongoing investment in new technology and people.

IDA is fully engaged with Kostal to secure the long term future of its operations in Abbeyfeale and Mallow. The Agency also engages closely with the German parent, Kostal GmbH to identify and explore opportunities to transform Kostal Ireland as a Centre of Excellence for electronics in the Group and maintain its leadership position within this sector through investment in new technology, training and research and development. IDA continues to explore opportunities in the wider Group with local and parent company management in positioning Ireland as a key location for future investment. It is my intention to meet with many important companies for Ireland, such as Kostal, over the coming period.

Departmental Expenditure

106. **Deputy John O’Mahony** asked the Minister for Enterprise, Trade and Innovation the amount of unspent money returned by his Department to the Department of Finance each year since 2007; the departmental budget for each year since 2007; the projects for which this money was originally earmarked in tabular form; and if he will make a statement on the matter. [21780/10]

Minister for Enterprise, Trade and Innovation (Deputy Batt O’Keeffe): Under Public Financial Procedures, at the end of each financial year unspent Voted monies must normally be surrendered to the Department of Finance. However, under the Multi-Annual Capital Envelope Framework, up to 10% of unspent Capital allocations in any year may be carried over to the following year. Table 1 below sets out the Exchequer provision for my Department for each of the years 2007, 2008 and 2009, along with the unspent surplus, the amount of un-used Capital allocations carried over to the subsequent year, and the net amount surrendered to the Department of Finance. Table 2 sets out the main areas where savings were realised in each of the years in question.

Table 1: Details of Departmental budget and surpluses, 2007-2009

		2007	2008	2009
		€,000	€,000	€,000
(a)	Departmental Budget ¹	1,407,633	1,516,345	1,495,714
(b)	Surplus for year	67,396	59,037	18,909
(c)	of which, unspent Capital allocations carried over to the subsequent year	23,428	18,326	6,440
(d)	Surplus surrendered to the Dept. of Finance (b-c)	43,968	40,711	12,469

¹In addition, the Department had an allocation from the National Training Fund (NTF) of €395,666 million for 2007, €409,907 million for 2008 and €381,483 million for 2009. Any surplus in NTF expenditure at the end of each year is retained by the Fund and is not returned to the Department of Finance. From 1 May 2010, responsibility for the NTF transferred to the Minister for Education and Skills.

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Table 2: Areas where main savings were realised

Year	Explanation for main savings
2007	<ul style="list-style-type: none"> • Appropriations-in-Aid were almost €20 million higher than forecast, reducing the requirement to draw-down Exchequer funds. • IDA’s Own Resource Income from grant refunds was higher than expected, resulting in a lower requirement for Exchequer funding. • The Department and its agencies carried a high number of vacancies throughout the year, with a consequent impact on the start-up of a number of new activities. • Planning and related issues led to delays in Enterprise Ireland infrastructural projects. • Reduction in applications under some demand-led grant schemes also contributed to the underspend.
2008	<p>As a result of a Government decision in July 2008 to reduce public expenditure, savings were realised in a number of areas, including:</p> <ul style="list-style-type: none"> • FAS • Science & Technology Programmes • Science & Technology Programmes • National Consumer Agency • Administrative Budget expenditure • Forfas • Workplace Innovation Fund • Enterprise Ireland • DA Ireland <p>The savings were due to a combination of administrative efficiencies and a lower-take up of grants in some demand-led schemes.</p>
2009	<ul style="list-style-type: none"> • There was a lower take-up than expected on some FAS programmes which were introduced in 2009. • FAS also achieved administrative efficiencies. • Savings were made by the National Consumer Agency due to staff vacancies and related non-pay savings. • Smaller savings were made on other programmes.

Redundancy Payments

107. **Deputy John O’Donoghue** asked the Minister for Enterprise, Trade and Innovation when a person (details supplied) in County Kerry will receive the result of their redundancy application. [21894/10]

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 recently processed this redundancy lump sum claim on behalf of the individual concerned and that payment of the amount due issued on 21 May, 2010.

Work Permits

108. **Deputy Ruairí Quinn** asked the Minister for Enterprise, Trade and Innovation if his attention has been drawn to the campaign being run by the Migrant Rights Centre to reform the employment permit system to enable migrant workers to change jobs more easily; if he will alter the employment permits to give full effect to section 8(3) of the Employment Permits Act 2006, which allows workers to change employment within a particular sector; if he intends to

support this campaign and act on these proposals; and if he will make a statement on the matter. [21916/10]

Minister of State at the Department of Enterprise, Trade and Innovation (Deputy Dara Calleary): The Employment Permits Act 2006 sets out in legislation the rules governing employment permits. One of the main objectives of this Act was to increase the rights and protections afforded to migrant workers and the means to ensure redress in the event of exploitative practices. The Act's provisions give 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 on-going basis.

Industrial Development

109. **Deputy Deirdre Clune** asked the Minister for Enterprise, Trade and Innovation if State supports were provided to a multinational company to help with the construction of a plant (details supplied) in County Cork; the impact recent announcements will have on this support; where State bodies who provided such supports now stand; and if he will make a statement on the matter. [21917/10]

110. **Deputy Deirdre Clune** asked the Minister for Enterprise, Trade and Innovation if State supports were provided to a multinational company to help with the construction of a plant (details supplied) in County Cork; the impact recent announcements will have on this support; where State bodies who provided such supports now stand; and if he will make a statement on the matter. [21918/10]

111. **Deputy Seán Barrett** asked the Minister for Enterprise, Trade and Innovation if, in view of the recent announcement by a company (details supplied) of its intention to phase out its operation at Pottery Road, Dún Laoghaire, County Dublin between 2011 and 2014, he will immediately contact the Industrial Development Authority and Enterprise Ireland to ensure that every effort is made to find an alternative pharmaceutical company to save the 210 jobs at risk; if he will provide a regular six monthly report to the Oireachtas Joint Committee on Enterprise, Trade and Employment on his efforts to find a replacement enterprise; and if he will make a statement on the matter. [21923/10]

Minister for Enterprise, Trade and Innovation (Deputy Batt O'Keeffe): I propose to take Questions Nos. 109 to 111, inclusive, together.

Pfizer's plan to cut its worldwide workforce by 6,000 in 14 sites over the next four years is aimed at integrating the Pfizer and Wyeth manufacturing and supply organizations, which have significant overcapacity following the Pfizer takeover of Wyeth late last year. After the completion of the reorganisation Pfizer will still be one of the largest and most strategic employers in Ireland, employing in excess of 4,000 people. It will continue to have manufacturing oper-

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ations at 7 separate locations. I have asked the IDA to immediately start to explore the possibility of other major players in life science sector taking over the facilities.

While any impact on jobs at the facilities in Loughbeg and Shanbally in Cork, and in Dún Laoghaire in Dublin, are not due to occur until 2012 to 2014, IDA is confident that a buyer will be found for at least some of its facilities and will work closely with Pfizer in this regard. In the recent past IDA/Pfizer has been successful with the sale of its Animal Health (Fort Dodge) plant in Sligo and its Loughbeg API plant, preserving jobs at both locations. Pfizer was approved and paid grant assistance in respect of the Loughbeg facility. However, since this was some time ago, there is now no repayment liability attaching to the assistance paid. In respect of the facility in Shanbally, Cork, Pfizer was not paid grant assistance.

The Government will work to support Pfizer’s growth plans in Ireland. They will secure further investment from Pfizer in Ireland, particularly in the Biopharma and services areas. I will keep the House informed of any significant developments.

Legal Costs

112. **Deputy Damien English** asked the Minister for Enterprise, Trade and Innovation the amount spent by his Department on legal advice in relation to the export credit insurance scheme from 2000 to date in 2010; if he will provide for an annual breakdown in tabular form. [21941/10]

Minister for Enterprise, Trade and Innovation (Deputy Batt O’Keeffe): The table below sets out the amount spent on legal advice in relation to export credit insurance from 2000 to 2010. This predominantly relates to issues arising from the scheme operated by this Department for several decades but which ceased operation in 1998. Part of the 2010 payment (€2,276.61) relates to work on the assessment of a possible reintroduction of State-supported Export Credit Insurance. The fees incurred in the years 2000-2003 related primarily to a major legal action involving the Department at that time. The expenses incurred since then relate primarily to legal work involved in the recovery of debt on old policies, which had previously been considered irrecoverable. However as a result of the Department’s work in pursuing these cases in recent years, a total of €6.6m has been recovered for the State to date.

Year	€
2000	159,713.50
2001	64,295.71
2002	404,899.06
2003	590,335.77
2004	81,505.50
2005	32,000.53
2006	54,495.93
2007	0
2008	16,262.52
2009	32,336.20
2010	5,374.86

Tax Code

113. **Deputy Seymour Crawford** asked the Minister for Finance the reason there are two

different rates of VAT regarding the breeding of horses; his views on same; and if he will make a statement on the matter. [21882/10]

Minister for Finance (Deputy Brian Lenihan): I am advised by the Revenue Commissioners that the rate of VAT on the supply of insemination services is 13.5%, regardless of the form of the service. The various rates mentioned to by the Deputy appear to refer to the different systems of VAT operating for farmers depending on whether they are registered for VAT or not. A farmer who is registered for VAT must charge VAT on the supply of all farm services, including insemination services, at the VAT rate appropriate to that service; which in this case is 13.5%.

Where a farmer is not registered for VAT he or she does not charge VAT on any farming services being supplied. However, where an unregistered farmer supplies any agricultural produce or service, including insemination, to a VAT-registered person, the farmer may add a flat-rate addition of 5.2% to the amount invoiced to the VAT-registered person. This flat-rate addition is designed to compensate the unregistered farmer for VAT suffered on his or her purchases.

114. **Deputy John O'Mahony** asked the Minister for Finance his plans to suspend the carbon tax on petrol and diesel in view of the high oil prices and the increasing costs to motorists to purchase fuel; and if he will make a statement on the matter. [22120/10]

116. **Deputy John O'Mahony** asked the Minister for Finance his plans to suspend the carbon tax on petrol and diesel in view of the high oil prices and the increasing costs to motorists; and if he will make a statement on the matter. [21352/10]

Minister for Finance (Deputy Brian Lenihan): I propose to take Questions Nos. 114 and 116 together.

I announced in the Budget that a carbon tax at a rate of €15 per tonne is being introduced on fossil fuels. The tax was applied to petrol and auto-diesel with effect from midnight, 9 December 2009; and applied from 1 May 2010 to kerosene, marked gas oil (also known as 'green diesel' or 'agricultural diesel'), liquid petroleum gas (LPG), fuel oil and natural gas. The application of the tax to coal and commercial peat is subject to a Commencement Order. These Budget announcements are contained in Finance Act 2010 which has now been enacted. I have no plans to suspend the carbon tax.

Tax Collection

115. **Deputy Tom Hayes** asked the Minister for Finance the position regarding a claim for medical expenses in respect of a person (details supplied) in County Tipperary; and if he will make a statement on the matter. [21351/10]

Minister for Finance (Deputy Brian Lenihan): I am advised by the Revenue Commissioners that the person in question made a valid claim in respect of medical expenses incurred, however, as this person had paid no income tax during the year in question i.e. 2009, no refund of tax was due.

Question No. 116 answered with Question No. 114.

Tax Code

117. **Deputy Phil Hogan** asked the Minister for Finance if carbon tax will be applied to peat production; and if he will make a statement on the matter. [21363/10]

Minister for Finance (Deputy Brian Lenihan): I announced in the Budget that a carbon tax at a rate of €15 per tonne is being introduced on fossil fuels. The tax was applied to petrol and auto-diesel with effect from midnight, 9 December 2009; and applied from 1 May 2010 to kerosene, marked gas oil (also known as ‘green diesel’ or ‘agricultural diesel’), liquid petroleum gas (LPG), fuel oil and natural gas. The application of the tax to coal and commercial peat is subject to a Commencement Order.

A full relief from the carbon tax applies to EU Emissions Trading System (ETS) installations in the powergen sector, but ETS installations in other sectors will be required to comply with EU minimum excise rates applying to the fuel in question. However, there is no EU minimum excise rate in the case of peat. Solid fuels, including commercial peat, as indicated above are subject to a commencement order; this is to allow time for issues such as fuel poverty and the sourcing of coal of a lower environmental standard from Northern Ireland to be addressed.

A number of Government Departments, including the Department of Finance are exploring options for how best to offset the impact of the carbon tax on low-income households. With regard to the sourcing of coal from Northern Ireland, work has already commenced on this matter within the Department of Environment, Heritage and Local Government. In addition, the Department of Environment, my Department and the Revenue Commissioners have met with the Solid Fuel Trade Group in this regard.

State Properties

118. **Deputy Thomas Byrne** asked the Minister for Finance the position regarding his interest in the property of a dissolved company which has a burden registered on a property (details supplied); if he will execute a discharge of the said burden; and if he has instructed the Chief State Solicitor in this matter. [21392/10]

Minister of State at the Department of Finance (Deputy Martin Mansergh): The Commissioners of Public Works on behalf of the Minister for Finance are responsible for the management of property under Sections 28, 29, 30 and 31 of the State Property Act; as a result of companies being dissolved either voluntarily or as a result of being struck off the Companies Register, the assets of the company become vested in the Minister for Finance. Following advice from the Commissioners of Public Works in the matter, the Minister for Finance can, if appropriate, waive his interest, in property under Section 28 of the Act. The application to the Minister to waive his interest on this particular case was submitted directly to the Chief State Solicitor’s Office. The Chief State Solicitor’s Office are currently investigating the matter, and the Commissioners of Public Works await legal advice in this regard.

Tax Yield

119. **Deputy Leo Varadkar** asked the Minister for Finance the amount of VAT received from petrol sales for each of the first four months of 2010 and each of the first four months of 2009 in tabular form; the amount of same in respect of diesel sales; and if he will make a statement on the matter. [21417/10]

120. **Deputy Leo Varadkar** asked the Minister for Finance the amount of excise received from petrol sales for each of the first four months of 2010 and each of the first four months of 2009 in tabular form; the amount of same in respect of diesel sales; and if he will make a statement on the matter. [21418/10]

Minister for Finance (Deputy Brian Lenihan): I propose to take Questions Nos. 119 and 120 together.

I am informed by the Revenue Commissioners that the data available on the amounts of Excise, exclusive of carbon tax, and VAT generated by clearances in the first 4 months of 2009 and 2010 on Petrol and Auto Diesel is as follows.

Mineral Oil Tax Receipts — exclusive of carbon tax

Petrol	2009	2010
	€m	€m
Jan	129.4	107.2
Feb	81.7	77.9
Mar	91.6	89.8
Apr	90.8	85.7
Total	393.5	360.6

Auto Diesel	2009	2010
	€m	€m
Jan	104.9	103.4
Feb	75.3	83.8
Mar	86.8	93.8
Apr	91.7	91.1
Total	358.6	372.2

Estimated VAT

Petrol	2009	2010
	€m	€m
Jan	43.9	45.8
Feb	29.1	33.2
Mar	33.0	38.9
Apr	33.8	39.1
Total	139.8	157.0

Auto Diesel	2009	2010
	€m	€m
Jan	5.0	5.1
Feb	3.6	4.1
Mar	4.0	4.7
Apr	4.0	4.7
Total	16.5	18.6

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VAT returns do not require the yield from a particular sector or sub-sector of trade to be identified. The figures provided in this reply for monthly VAT receipts are estimates of the amount of VAT yield that would be generated by the volume of clearances of Petrol and Auto Diesel up to the end of each month. VAT returns can be made monthly, bi-monthly, quarterly, half yearly or annually depending on the nature of the registration status of a trader, and this will dictate the point in time when VAT on sales will actually be paid. It should also be noted that the VAT content of purchases of Auto Diesel is a deductible credit for business in the Irish VAT system.

121. **Deputy Leo Varadkar** asked the Minister for Finance the amount of carbon tax received from petrol sales for each of the first four months of 2010 and each of the first four months of 2009 in tabular form; the amount of same in respect of diesel sales; and if he will make a statement on the matter. [21419/10]

Minister for Finance (Deputy Brian Lenihan): The carbon tax was introduced from midnight, 9 December 2009 in respect of petrol and auto-diesel. I am informed by the Revenue Commissioners that since its introduction, the total receipts from the carbon tax for the period January to April 2010, in respect of petrol and auto-diesel only, is €53.1 million, i.e. €48.4 million from the carbon charge and an estimated €4.7 million in respect of VAT. It should be noted that the carbon charge in respect of petrol and auto-diesel is payable in the month after it is released for consumption so each of the monthly figures below relate to sales in the previous month.

2010	€m
January	2.5
February	17.3
March	13.4
April	15.2
Total	48.4

122. **Deputy Leo Varadkar** asked the Minister for Finance the additional VAT taken in as a result of the increase in the price of petrol and diesel over and above budget day predictions; and if he will make a statement on the matter. [21420/10]

Minister for Finance (Deputy Brian Lenihan): I am informed by the Revenue Commissioners that VAT returns do not require the yield from a particular sector or sub-sector of trade to be identified. The figures provided in this reply for VAT receipts are estimates of the amount of VAT yield that would be generated by the volume of clearances of Auto Diesel and Petrol from January to April 2010. The estimated VAT gain is as follows:

Petrol	2010
	€m
Jan	0.7
Feb	0.4
Mar	1.5
Apr	2.6
Total	5.2

Auto Diesel	2010
	€m
Jan	0.0
Feb	0.0
Mar	0.1
Apr	0.3
Total	0.5

VAT returns can be made monthly, bi-monthly, quarterly, half yearly or annually depending on the nature of the registration status of a trader, and this will dictate the point in time when VAT on sales will actually be paid. It should also be noted that the VAT content of purchases of Auto Diesel is a deductible credit for business in the Irish VAT system.

While the VAT from Petrol and Auto-Diesel increases as the price of the fuels increase, it should however be borne in mind that to the extent that spending in the economy is re-allocated to petrol and other oil products, and away from other VAT liable spending, and to the extent that the overall level of economic activity is reduced by higher oil prices, there may be little or no net gain to the Exchequer.

Banking Sector Regulation

123. **Deputy Leo Varadkar** asked the Minister for Finance if he will require that the credit review group to issue monthly reports on the scale of bank lending to small and medium enterprises; and if he will make a statement on the matter. [21421/10]

Minister for Finance (Deputy Brian Lenihan): You will be aware that on foot of recapitalisations arising out of NAMA, I am imposing specific lending targets on the main business banks, AIB and Bank of Ireland. They will make available for targeted lending not less than €3 billion each for new or increased credit facilities to SMEs in both 2010 and 2011. The two banks were required to submit SME lending plans both by geography and sector for 2010 and 2011 in light of the €3 billion target. These plans were recently submitted to my Department and they are being reviewed by my officials and Mr. John Trethowan, the Credit Reviewer. Following these reviews and the finalisation of the lending plans, I will decide on the appropriate reporting arrangements.

Semi-State Sector

124. **Deputy Leo Varadkar** asked the Minister for Finance his plans to appoint a bord snip to assess costs and propose savings within the semi-State sector; and if he will make a statement on the matter. [21422/10]

Minister for Finance (Deputy Brian Lenihan): I am as anxious as anyone else to ensure a competitive, efficient semi-state sector. I am not certain that a “Bord Snip” type process would be the most effective way to proceed as the commercial Semi-State Sector for example operates outside the Exchequer and the issue of cost savings is a matter for the management and boards. I have no problem however with Dáil Éireann and its committees probing such matters with State Bodies as I will continue to do with my colleagues.

Tax Code

125. **Deputy Leo Varadkar** asked the Minister for Finance when he intends to apply VAT

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to services provided by local authorities such as refuse charges; the amount he anticipates he will raise from this in a full year; if he will consider using the money to reduce local authority rates charges to business; and if he will make a statement on the matter. [21423/10]

Minister for Finance (Deputy Brian Lenihan): Services supplied by State bodies, including local authorities, will become subject to VAT from 1 July 2010. This is as a consequence of the European Court of Justice case C-544/07 against Ireland on 16 July 2009, which ruled that Ireland should amend its VAT legislation to provide that State and public bodies are in general subject to VAT. This case goes back to 2004 when infringement proceedings were taken by the European Commission against Ireland. Given the time that has passed since the Court's Judgement, and since the commencement of the case, it is imperative that the VAT implementation takes place as soon as possible. 1 July 2010 was chosen as the date of implementation of VAT in this regard in order to allow time to process the relevant legislation and for State and public bodies, including local authorities, to prepare for the change to their administrative systems.

With regard to the Exchequer revenue implications of the application of VAT to the activities of public bodies, including local authorities, this will be difficult to estimate, even after the tax has been applied for some time. It is considered that there should be some positive revenue yield for the Exchequer, but, it will be far lower than might be initially envisioned. While yield will accrue from the VAT being applied to services that were up to now exempt, any VAT charged to business customers will be reclaimed by them in the normal manner resulting in a Revenue neutral position in so far as those customers are concerned. Public bodies will now be in a position to claim VAT input credit in respect of VAT paid on the inputs they use in providing their services, which they can not do at present. Consequently, any Exchequer gain from VAT being charged by public bodies will be reduced by VAT on input claims by public bodies and also by the business recipients of public body services.

With regard to the suggestion that VAT revenues generated from local authorities be ring-fenced in order to reduce local authority rates that apply to business, it is the general practice not to ring-fence revenues for specific purposes but rather take an overall view on priorities in the context of expenditure and budgetary decisions which, of course, are dependent on Exchequer revenues.

Tax Collection

126. **Deputy Michael Creed** asked the Minister for Finance if he will issue a refund of over-paid taxes in respect of a person (details supplied) in County Cork; and if he will make a statement on the matter. [21427/10]

Minister for Finance (Deputy Brian Lenihan): I have been advised by the Revenue Commissioners that a refund of income tax for 2009 issued to the taxpayer on 14 May 2010.

Banking Sector Regulation

127. **Deputy Leo Varadkar** asked the Minister for Finance if a sole trader or small-medium enterprise who has a performing loan may seek a review from the credit review office where a bank uses a standard annual review clause to either increase the margin applicable to the loan over EURIBOR or apply an excessive renewal or annual charge; and if he will make a statement on the matter. [21440/10]

128. **Deputy Leo Varadkar** asked the Minister for Finance if a sole trader or small-medium enterprise who has an overdraft operating within the approved parameters and reverting regularly to credit may seek a review from the credit review office where a bank uses a standard annual review clause to either increase the margin applicable to the overdraft over EURIBOR or apply an excessive renewal or annual charge; and if he will make a statement on the matter. [21441/10]

Minister for Finance (Deputy Brian Lenihan): I propose to take Questions Nos. 127 and 128 together.

A sole trader or SME is entitled to seek a review from the Credit Review Office where they consider that the terms or conditions attached to a credit facility or its price are so onerous as to amount to a constructive refusal on the same basis as when an application for credit is actually refused. This applies regardless of whether they have an existing performing loan or overdraft operating within approved parameters.

129. **Deputy Leo Varadkar** asked the Minister for Finance if a sole trader or small-medium enterprise may seek a review from the credit review office where a bank seeks to remove or reduce overdraft facilities; and if he will make a statement on the matter. [21442/10]

Minister for Finance (Deputy Brian Lenihan): A sole trader or SME is entitled to seek a review from the Credit Review Office when there is a reduction or removal of an overdraft facility on the same basis as when an application for credit is refused. I would strongly urge businesses to avail of the opportunity for an independent review of decisions to enhance their chances of obtaining credit or retaining existing credit.

Consultancy Contracts

130. **Deputy Joan Burton** asked the Minister for Finance the accountancy firms that have been awarded contracts with the National Asset Management Agency since its inception; the value of each of these contracts to date; and if he will make a statement on the matter. [21459/10]

Minister for Finance (Deputy Brian Lenihan): All major contracts awarded by the National Asset Management Agency since its inception, including those for accountancy services, have been fully compliant with standard public procurement procedures and have been awarded through www.etenders.gov.ie, the website for Irish public tenders. These procedures require that the most economically advantageous bid be accepted. The names of the successful service providers are published on the NAMA website at www.nama.ie.

The contractual details of all contracts between NAMA and individual service providers are negotiated on a case by case basis, are commercially sensitive and are confidential. I am advised by NAMA that while NAMA is building up its operational resources, and pending recruitment of the necessary skilled staff by the NTMA, arrangements have also been made to second staff, on a short-term basis, from a number of firms.

Proposed Legislation

131. **Deputy Finian McGrath** asked the Minister for Finance if he will support a submission (details supplied) on the Central Bank Reform Bill 2010. [21479/10]

Minister for Finance (Deputy Brian Lenihan): The submission forwarded by the Deputy refers to amendments to Section 35 of the Credit Union Act 1997 contained in the Central Bank Reform Bill 2010. The submission seeks the deferral of the insertion of the new Sections

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35A and 35B, stating that the conditions attached require consultation and much further discussion. I do not agree with this proposition for the following reasons.

Section 35 of the Credit Union Act 1997 imposes limits on credit unions in relation to longer-term lending. The restrictions contained in Section 35 are an important asset and liability instrument which has protected the financial stability of the credit union movement over many years. The matter was considered by my Department following extensive consultation with the two credit union representative bodies — the Irish League of Credit Unions (ILCU) and the Credit Union Development Association (CUDA) — and with the Registrar of Credit Unions. I have decided that, in addition to extending from 20% to 30% the proportion of a credit union loan book that may apply to loans over five years, it is necessary now to give the Registrar of Credit Unions powers to require credit unions to have appropriate liquidity, provisioning and accounting requirements in place.

The Registrar of Credit Unions will take a balanced and proportionate approach to the implementation of the new Section 35 requirements and has set out for the credit union representative groups transitional arrangements and clarifications on the implementation approach. These include transitional arrangements for a 15% provisioning requirement up to 30 September 2011, trial periods, exceptions with regard to top-up loans and relaxation of the 100% provisioning requirement in respect of rescheduled loans which have missed two or more payments. The transitional arrangements as proposed by the Registrar will help to ease the position for credit unions in the current financial year and the next financial year ending in September 2011. They will also allow time for credit unions to adjust to the new regime. The effect of the new provisions on credit unions will be closely monitored.

The submission also refers to requirements imposed by the Registrar of Credit Unions in relation to the holding of Regulatory Reserves by credit unions. Reserves enable credit unions to deal with future uncertainties and to act flexibly in adverse economic conditions. This is a separate requirement to the obligation on boards of credit unions to ensure that adequate provisions are made for bad and doubtful loans. I am advised that the Total Regulatory Reserve is comprised of the Statutory Reserve and, where relevant, an amount held in a non-distributable additional regulatory reserve account. A minimum of 8 per cent of total assets must be held in the Statutory Reserve and the remaining 2 per cent may be held in the Statutory Reserve or additional regulatory reserve account. Financial institutions, including credit unions, are required to hold minimum levels of regulatory reserves as well as making adequate provisions for bad and doubtful debts. The economic environment in which we now operate places increased emphasis on the maintenance of adequate reserves and credit unions are expected to operate with a level of reserves above the minimum regulatory requirement and to comply with the requirements issued by the Registrar of Credit Unions.

As I indicated during the second stage debate on the Central Bank Reform Bill 2010, there is a balance to be struck between meeting members' needs to reschedule loans and ensuring the stability of the credit union sector overall. It is in the interests of every credit union in the country that the stability of the sector is safeguarded. The proposals being brought forward in connection with the Bill will achieve this fundamental aim.

Tax Collection

132. **Deputy Pat Breen** asked the Minister for Finance, further to Parliamentary Question No. 183 of 3 February 2010, the position regarding an application in respect of a person (details supplied) in County Clare; and if he will make a statement on the matter. [21488/10]

Minister for Finance (Deputy Brian Lenihan): I understand from the Chief State Solicitor that he has not yet applied to the High Court for a grant of Letters of Administration in this case but expects to do so shortly. As noted in my previous reply, the applicant's case for a waiver of the State's interest in the estate under Section 73 of the Succession Act, 1965 will then be considered by the Chief State Solicitor and by the Attorney General who will make a recommendation to me in the matter.

Departmental Programmes

133. **Deputy Ruairí Quinn** asked the Minister for Finance the number of employers who have availed of the bike to work scheme on a county basis; the number of employees who have benefitted from the scheme; the cost of the scheme to date; and if he will make a statement on the matter. [21492/10]

Minister for Finance (Deputy Brian Lenihan): The cycle to work scheme came into operation on 1 January 2009. With a view to keeping the scheme simple and reducing administration on the part of employers, there is no notification procedure for employers involved. Accordingly, the Revenue Commissioners do not have statistics on the uptake of the scheme by employers or employees. The scheme operates on a self-administration basis, and relief is automatically available provided the employer is satisfied that the conditions of their particular scheme meet the requirements of the legislation.

The purchase of bicycles and associated safety equipment by employers for employees or directors is subject to the normal Revenue audit procedure with the normal obligations on employers to maintain records (e.g. delivery dockets, invoices, payments details, etc.). The employer is also obliged to keep all salary sacrifice agreements entered into between the employer and employees/ directors, together with all signed statements from employees/directors regarding use of the bicycles and safety equipment. It was estimated at the time of the introduction of the scheme that approximately 7,000 employees would avail of it over the first five year period of its operation (the exemption may apply only once in any five year period in respect of any employee).

Tax Collection

134. **Deputy Brian O'Shea** asked the Minister for Finance his views on the mortgage interest relief situation of a person (details supplied) in County Wexford; and if he will make a statement on the matter. [21519/10]

Minister for Finance (Deputy Brian Lenihan): Section 5 of the Finance Act 2009 was amended whereby the level of tax relief investors can claim on the interest for mortgages and loans on residential rental properties was reduced to 75% of the interest accrued from 7th April 2009. This measure was introduced at a time when mortgage interest rates were at historical lows and the repayment burden on investors had been reduced significantly. The fact that rents are falling, after a number of years of strong growth was taken into consideration in framing the supplementary Budget 2009 and on this basis it was decided to reduce rather than abolish this relief. It should be borne in mind that ordinary workers on relatively modest incomes are being asked to make additional contributions to help with the recovery in public finances and it is felt that it is fair and equitable that residential investors contribute a proportionate share of the burden of adjustment needed in this economy.

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

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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. As is normal practice the tax treatment of interest payments on loans for rented residential property together with all other taxation issues will be given due consideration in the context of ongoing budgetary and taxation policy.

135. **Deputy Paul Kehoe** asked the Minister for Finance, further to Parliamentary Question No. 51 of 28 January 2010, the reason the mortgage holder's full entitlement was reinstated; the basis on which the figures were arrived at; and if he will make a statement on the matter. [21522/10]

Minister for Finance (Deputy Brian Lenihan): I am advised by the Revenue Commissioners that initially the person concerned took out a new mortgage in 2003. A further new mortgage was taken out in 2007. Immediately prior to the 2010 Finance Act, mortgage interest relief was only available for a maximum of seven tax years. On that basis, the person concerned ceased to be granted mortgage interest tax relief at the end of 2009, covering the seven tax years 2003-2009 inclusive. When the precise status of the 2007 mortgage was clarified by Revenue in January 2010, following contact with the person concerned, Revenue determined that relief was due on that mortgage. It was on that basis therefore, that the entitlement was reinstated by Revenue.

Tax Code

136. **Deputy Seymour Crawford** asked the Minister for Finance if his attention has been drawn to the fact that significant supplies of plastic film used for the wrapping of baled silage are being sold from Northern Ireland with no VAT being charged on this product; if his further attention has been drawn to the fact that legitimate farm suppliers have to charge a levy towards the recycling of the used plastic yet those who buy from the unauthorised sales persons have their used plastic collected without a problem; the amount of tax and levies that have been lost in this process over the past two years; and if he will make a statement on the matter. [21551/10]

Minister for Finance (Deputy Brian Lenihan): I am advised by the Revenue Commissioners that the VAT rules for the sale of goods (including silage wrap) from one Member State to another are as follows. Sales between a VAT registered business in Northern Ireland and another VAT registered business (including a farmer) in this State are zero rated in Northern Ireland and the purchaser must self-account to Revenue in this State for VAT on the transaction at 21%. Sales between a VAT registered business in Northern Ireland and a consumer in the State are subject to VAT (at the UK standard VAT rate of 17.5%) in Northern Ireland if the consumer in this State is not registered for VAT. It is therefore legitimate for farmers to purchase their goods under either of these circumstances in Northern Ireland, subject to the VAT registration thresholds and subject to compliance by them with the self-accounting rules if they are VAT registered.

The Deputy has not provided sufficient information to enable Revenue to establish if a breach of VAT legislation has occurred. From enquiries to date, Revenue is not aware of VAT problems concerning silage wrap being sold from Northern Ireland. If the Deputy has more specific information he might provide that information to Revenue so that the matter can be investigated.

With regard to the levy on plastic, I am informed by the Department of the Environment, Heritage and Local Government that under the Waste Management (Farm Plastics) Regulations 2001, a wide range of obligations are imposed on both producers (i.e. manufacturers and importers) and suppliers of farm plastics (i.e. silage bale wrap and sheeting) requiring them to collect and recover such plastics at end-of-life. As an alternative to operators self-complying in this regard, both producers and suppliers of farm plastics may contribute to, and participate in, compliance schemes established for the recovery of farm plastics waste.

The Irish Farm Films Producers Group (IFFPG) — which comprises membership of film manufacturers, importers and suppliers — is a not-for-profit organisation and is at present the sole approved body in Ireland for the purposes of operating a compliance scheme for the recovery of farm plastics. Under the terms of its approval, the IFFPG is required to meet specified targets equating to the recovery of 60% of all farm plastics placed on the market in 2009 and in each year thereafter. Almost 12,500 tonnes of farm plastics were collected by the IFFPG in 2008 for the purpose of recycling, representing a national recovery rate of over 74% of farm plastics placed on the Irish market in that year.

The scheme funds its activities by means of the imposition on producer members of an Environmental Protection Contribution (EPC) levy of €127 per tonne of farm plastics placed on the Irish market. These levies are included in the sale price of the product and are passed through each step in the trading chain, down ultimately to the individual farmer. The EPC levies collected are transferred by producers to the IFFPG for the purpose of funding authorised collection agents on a nationwide basis to collect waste silage / bale wrap, before transporting it to recycling facilities both at home and abroad for reprocessing. This is an essential function which ensures that this product is, as far as possible, disposed of in a manner which is not harmful to the environment.

In addition, the levy income is supplemented by a differential weight-based collection fee applied on the collection of farm plastics from both individual farmyards and designated collection points of which there were approximately 140 operating nationally in 2009. A farmer who cannot demonstrate that he has sourced farm plastic from a legitimate source must pay a higher collection fee. Neither the levy nor the collection fees are prescribed in the regulations, they are set by the Board of the IFFPG at a level that ensures their operating costs are met having regard to the producer responsibility obligations on their members.

Departmental Agencies

137. **Deputy John O'Mahony** asked the Minister for Finance the agencies or bodies to which his Department provides funding or in respect of which it is administratively responsible; the bodies and agencies for which his Department is responsible in respect of his policy; the amount of funding provided in each of the years 2007 to 2010 in tabular form; and if he will make a statement on the matter. [21753/10]

Minister for Finance (Deputy Brian Lenihan): The following Offices and Bodies are under the aegis of the Department of Finance but are funded from their own Votes and I am not administratively responsible for them.

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	Vote
Presidents Establishment	1
Comptroller and Auditor General	5
Superannuation and Retired Allowances	7
Appeal Commissioners	8
Revenue Commissioners	9
Office of Public Works	10
State Laboratory	11
Secret Service	12
Valuation Office	15
Public Appointments Service	16
Commission for Public Service Appointments	17
Ombudsman	18

The following table sets out the Bodies or Agencies that are funded or co-funded from Vote 6 — Office of the Minister for Finance together with the amount of funding provided in the years 2007-2010.

	2007	2008	2009	2010
	€'000	€'000	€'000	€'000
Special EU Programmes Body	1,320	1,103	1,200	1,195 (est)
Credit Union Advisory Committee	38	37	30	46
Civil Service Adjudicator*	44	57	68	70
Civil Service Arbitration Board*				
Civil Service Disciplinary Code of Appeals Board*				
Independent Mediation Officer under the Civil Service Grievance Procedure*				
Committee for Performance Awards	37	60	46	1
Public Service Benchmarking Body	2,013	42	33	1
Review Body on Higher Remuneration in the Public Sector	285	189	268	60
Disabled Drivers Medical Board of Appeal	286	320	371	350
Commission on Taxation	0	313	520	0
Interim Civil Service Childcare Agency	1,612	25	13	25

*All funded from the Civil Service Arbitration and Appeals Procedure Subhead in the Finance Vote. The total figure covers funding to all of these bodies.

Departmental Expenditure

138. **Deputy John O'Mahony** asked the Minister for Finance the amount of unspent money by his Department each year since 2007; the departmental budget for each year since 2007; the projects for which this money was originally earmarked in tabular form; and if he will make a statement on the matter. [21782/10]

Minister for Finance (Deputy Brian Lenihan): The attached table sets out details of the Budget Estimates, by Subhead, for the years 2007-2010. The Subheads reflect the particular projects (programmes) that fall within the ambit of my Vote in each year. The table also sets out the amounts unspent and surrendered in each of the years in question. The Deputy should

note that the total unspent in 2007 was €4.687m but, in accordance with Capital Carryover rules, €0.800m of this was carried forward to 2008 and only €3.887m was surrendered to the Exchequer.

Vote 6 Estimate for the years:	2007	2008	2009	2010
Description	€'000	€'000	€'000	€'000
	Provision	Provision	Provision	Provision
SALARIES, WAGES AND ALLOWANCES	38,600	40,500	40,230	36,211
TRAVEL AND SUBSISTENCE	1,250	1,000	650	450
INCIDENTAL EXPENSES	2,100	2,000	1,550	1,100
POSTAL AND TELECOMMUNICATIONS SERVICES	1,400	1,500	1,325	1,017
OFFICE MACHINERY AND OTHER OFFICE SUPPLIES	3,000	3,200	2,235	1,800
OFFICE PREMISES EXPENSES	1,360	2,150	1,100	850
CONSULTANCY SERVICES	90	20	20	5
VALUE FOR MONEY AND POLICY REVIEWS	1,050	1,400	890	750
<i>Admin</i>	<i>48,850</i>	<i>51,770</i>	<i>48,000</i>	<i>42,183</i>
EXPENSES ARISING FROM THE SALE OF ACC BANK	3,606	5		
ESRI	3,300	5,500	3,300	3,075
IPA	3,500	3,900	3,700	3,400
OSI	6,000	—	—	—
GAELEAGRAS NA SEIRBHÍSE POIBLÍ	440	460	450	300
CIVIL SERVICE ARBITRATION AND APPEALS	70	70	70	70
REVIEW BODY ON HIGHER REMUNERATION IN THE PS	300	175	55	60
PUBLIC SERVICE BENCHMARKING BODY	1,800	100	5	1
COMMITTEE FOR PERFORMANCE AWARDS	60	60	60	1
CMOD	2,550	10,730	3,232	2,035
STRUCTURAL FUNDS TECHNICAL ASSISTANCE	2,000	2,100	1,515	1,195
TECHNICAL ASSISTANCE COSTS OF REGIONAL ASSEMBLIES	1,450	1,500	1,400	930
COMMITTEES AND COMMISSIONS	380	850	1,190	405
COMMITTEES AND SPECIAL INQUIRIES	—	—	—	2,000
PAYMENTS TO THE PROMOTERS OF CERTAIN CHARITABLE LOTTERIES	8,618	8,618	8,618	8,618
CHANGE MANAGEMENT FUND	1,970	1,500	1,000	1,500
PEACE PROGRAMME/NORTHERN IRELAND ITERREG	13,310	12,000	2,530	4,395
SPECIAL EU PROGRAMMES BODY	1,500	1,835	1,565	1,195
IRELAND/WALES AND TRANSNATIONAL INTERREG	350	300	550	500
CIVIL SERVICE CHILDCARE INITIATIVE	2,200	2,237	25	25
PROCUREMENT MANAGEMENT REFORM	1,300	1,500	800	350
CONSULTANCY SERVICES	530	500	2,300	4,742
<i>Programmes</i>	<i>55,234</i>	<i>53,940</i>	<i>32,365</i>	<i>34,797</i>
Gross Total	104,084	105,710	80,365	76,980
APPROPRIATIONS-IN-AID	6,583	8,550	12,010	6,822
Net Total	97,501	97,160	68,355	70,158
SAVINGS SURRENDERED	3,887	10,012	3,181	N/a
			<i>Provisional</i>	

[Deputy Brian Lenihan.]

Subhead	Description	Provision	Outturn	Variance
A.1.	SALARIES, WAGES AND ALLOWANCES	38,600	38,896	296
A.2.	TRAVEL AND SUBSISTENCE	1,250	960	-290
A.3.	INCIDENTAL EXPENSES	2,100	1,927	-173
A.4.	POSTAL AND TELECOMMUNICATIONS SERVICES	1,400	1,413	13
A.5.	OFFICE MACHINERY AND OTHER OFFICE SUPPLIES	3,000	2,849	-151
A.6.	OFFICE PREMISES EXPENSES	1,360	1,178	-182
A.7.	CONSULTANCY SERVICES	90	65	-25
A.8.	VALUE FOR MONEY AND POLICY REVIEWS	1,050	804	-246
	<i>Admin</i>	<i>48,850</i>	<i>48,092</i>	<i>-758</i>
B	EXPENSES ARISING FROM THE SALE OF ACC BANK	3,606	3,639	33
C	ESRI	3,300	3,300	—
D	IPA	3,500	3,500	—
E	OSI	6,000	5,250	-750
F	GAELEAGRAS NA SEIRBHÍSE POIBLÍ	440	432	-8
G	CIVIL SERVICE ARBITRATION AND APPEALS	70	46	-24
H1	REVIEW BODY ON HIGHER REMUNERATION IN THE PS	300	281	-19
H2	PUBLIC SERVICE BENCHMARKING BODY	1,800	2,013	213
H3	COMMITTEE FOR PERFORMANCE AWARDS	60	37	-23
I	CMOD	2,550	2,403	-147
J1	STRUCTURAL FUNDS TECHNICAL ASSISTANCE	2,000	1,574	-426
J2	TECHNICAL ASSISTANCE COSTS OF REGIONAL ASSEMBLIES	1,450	1,390	-60
K	COMMITTEES AND COMMISSIONS	380	323	-57
L	PAYMENTS TO THE PROMOTERS OF CERTAIN CHARITABLE LOTTERIES	8,618	8,618	—
M	CHANGE MANAGEMENT FUND	1,970	1,408	-562
N1	PEACE PROGRAMME/NORTHERN IRELAND INTERREG	13,310	12,800	-510
N2	SPECIAL EU PROGRAMMES BODY	1,500	1,320	-180
O	IRELAND/WALES AND TRANSNATIONAL INTERREG	350	349	-1
P	CIVIL SERVICE CHILDCARE INITIATIVE	2,200	1,886	-314
Q	PROCUREMENT MANAGEMENT REFORM	1,300	886	-414
R	CONSULTANCY SERVICES	530	259	-271
	<i>Programmes</i>	<i>55,234</i>	<i>51,714</i>	<i>-3,520</i>
	Gross Total	104,084	99,806	-4,278
S	APPROPRIATIONS-IN-AID	6,583	6,992	409
	Net Total	97,501	92,814	-4,687

Subhead	Description	Provision	Outturn	Variance
A.1.	SALARIES, WAGES AND ALLOWANCES	40,500	40,433	-67
A.2.	TRAVEL AND SUBSISTENCE	1,000	693	-307
A.3.	INCIDENTAL EXPENSES	2,000	1,578	-422
A.4.	POSTAL AND TELECOMMUNICATIONS SERVICES	1,500	1,411	-89
A.5.	OFFICE MACHINERY AND OTHER OFFICE SUPPLIES	3,200	2,379	-821
A.6.	OFFICE PREMISES EXPENSES	2,150	1,972	-178
A.7.	CONSULTANCY SERVICES	20	52	32
A.8.	VALUE FOR MONEY AND POLICY REVIEWS	1,400	960	-440
	<i>Admin</i>	<i>51,770</i>	<i>49,478</i>	<i>-2,292</i>
B	EXPENSES ARISING FROM THE SALE OF ACC BANK	5	—	-5
C	ESRI	5,500	5,500	—
D	IPA	3,900	3,900	—
E	GAELEAGRAS NA SEIRBHÍSE POIBLÍ	460	413	-47
F	CIVIL SERVICE ARBITRATION AND APPEALS	70	58	-12
G1	REVIEW BODY ON HIGHER REMUNERATION IN THE PS	175	191	16
G2	PUBLIC SERVICE BENCHMARKING BODY	100	44	-56
G3	COMMITTEE FOR PERFORMANCE AWARDS	60	61	1
H	CMOD	10,730	6,122	-4,608
I1	STRUCTURAL FUNDS TECHNICAL ASSISTANCE	2,100	1,409	-691
I2	TECHNICAL ASSISTANCE COSTS OF REGIONAL ASSEMBLIES	1,500	1,356	-144
J	COMMITTEES AND COMMISSIONS	850	670	-180
K	PAYMENTS TO THE PROMOTERS OF CERTAIN CHARITABLE LOTTERIES	8,618	8,618	—
L	CHANGE MANAGEMENT FUND	1,500	1,072	-428
M	PEACE PROGRAMME/NORTHERN IRELAND INTERREG	12,000	10,641	-1,359
N1	SPECIAL EU PROGRAMMES BODY	1,835	1,102	-733
N2	IRELAND/WALES AND TRANSNATIONAL INTERREG	300	344	44
O	CIVIL SERVICE CHILDCARE INITIATIVE	2,237	1,560	-677
P	PROCUREMENT MANAGEMENT REFORM	1,500	872	-628
Q	CONSULTANCY SERVICES	500	1,945	1,445
	<i>Programmes</i>	<i>53,940</i>	<i>45,878</i>	<i>-8,062</i>
	Gross Total	105,710	95,356	-10,354
R	APPROPRIATIONS-IN-AID	8,550	8,208	-342
	Net Total	97,160	87,148	-10,012

[Deputy Brian Lenihan.]

Subhead	Description	Provision	Prov. Outturn	Variance
A.1.	SALARIES, WAGES AND ALLOWANCES	40,230	39,700	-530
A.2.	TRAVEL AND SUBSISTENCE	650	355	-295
A.3.	INCIDENTAL EXPENSES	1,550	1,007	-543
A.4.	POSTAL AND TELECOMMUNICATIONS SERVICES	1,325	966	-359
A.5.	OFFICE MACHINERY AND OTHER OFFICE SUPPLIES	2,235	1,659	-576
A.6.	OFFICE PREMISES EXPENSES	1,100	810	-290
A.7.	CONSULTANCY SERVICES	20	—	-20
A.8.	VALUE FOR MONEY AND POLICY REVIEWS	890	817	-73
	<i>Admin</i>	<i>48,000</i>	<i>45,314</i>	<i>-2,686</i>
B	ESRI	3,300	3,300	—
C	IPA	3,700	3,700	—
D	GAELEAGRAS NA SEIRBHÍSE POIBLÍ	450	410	-40
E	CIVIL SERVICE ARBITRATION AND APPEALS	70	68	-2
F1	REVIEW BODY ON HIGHER REMUNERATION IN THE PS	55	268	213
F2	PUBLIC SERVICE BENCHMARKING BODY	5	33	28
F3	COMMITTEE FOR PERFORMANCE AWARDS	60	46	-14
G	CMOD	3,232	1,655	-1,577
H1	STRUCTURAL FUNDS TECHNICAL ASSISTANCE	1,515	969	-546
H2	TECHNICAL ASSISTANCE COSTS OF REGIONAL ASSEMBLIES	1,400	1,023	-377
I	COMMITTEES AND COMMISSIONS	1,190	974	-216
J	PAYMENTS TO THE PROMOTERS OF CERTAIN CHARITABLE LOTTERIES	8,618	8,618	—
K	CHANGE MANAGEMENT FUND	1,000	402	7,618
L1	PEACE PROGRAMME/NORTHERN IRELAND INTERREG	2,530	1,452	-2,128
L2	SPECIAL EU PROGRAMMES BODY	1,565	1,200	-113
M	IRELAND/WALES AND TRANSNATIONAL INTERREG	550	507	650
N	CIVIL SERVICE CHILDCARE INITIATIVE	25	13	482
O	PROCUREMENT MANAGEMENT REFORM	800	208	-787
P	CONSULTANCY SERVICES	2,300	6,094	-2,092
	<i>Programmes</i>	<i>32,365</i>	<i>30,940</i>	<i>-1,425</i>
	Gross Total	80,365	76,254	-4,111
R	APPROPRIATIONS-IN-AID	12,010	11,059	-951
	Net Total	68,355	65,195	-3,160

Subhead	Description	Provision
A.1.	SALARIES, WAGES AND ALLOWANCES	36,211
A.2.	TRAVEL AND SUBSISTENCE	450
A.3.	INCIDENTAL EXPENSES	1,100
A.4.	POSTAL AND TELECOMMUNICATIONS SERVICES	1,017
A.5.	OFFICE MACHINERY AND OTHER OFFICE SUPPLIES	1,800
A.6.	OFFICE PREMISES EXPENSES	850
A.7.	CONSULTANCY SERVICES	5
A.8.	VALUE FOR MONEY AND POLICY REVIEWS	750
	<i>Admin</i>	<i>42,183</i>
B	ESRI	3,075
C	IPA	3,400
D	GAELEAGRAS NA SEIRBHÍSE POIBLÍ	300
E	CIVIL SERVICE ARBITRATION AND APPEALS	70
F1	REVIEW BODY ON HIGHER REMUNERATION IN THE PS	60
F2	PUBLIC SERVICE BENCHMARKING BODY	1
F3	COMMITTEE FOR PERFORMANCE AWARDS	1
G	CMOD	2,035
H1	STRUCTURAL FUNDS TECHNICAL ASSISTANCE	1,195
H2	TECHNICAL ASSISTANCE COSTS OF REGIONAL ASSEMBLIES	930
II	COMMITTEES AND COMMISSIONS	405
I2	CMOMMISSIONS AND SPECIAL INQUIRIES	2,000
J	PAYMENTS TO THE PROMOTERS OF CERTAIN CHARITABLE LOTTERIES	8,618
K	CHANGE MANAGEMENT FUND	1,500
L	PEACE PROGRAMME/NORTHERN IRELAND INTERREG	4,395
M	SPECIAL EU PROGRAMMES BODY	1,195
N1	IRELAND/WALES AND TRANSNATIONAL INTERREG	500
N2	CIVIL SERVICE CHILDCARE INITIATIVE	25
O	PROCUREMENT MANAGEMENT REFORM	350
P	CONSULTANCY SERVICES	4,742
	<i>Programmes</i>	<i>34,797</i>
	Gross Total	76,980
Q	APPROPRIATIONS-IN-AID	6,822
	Net Total	70,158

Public Sector Recruitment

139. **Deputy Leo Varadkar** asked the Minister for Finance the number of exemptions requested by Departments and or State agencies to the current moratorium on recruitment and promotion; if he will provide the full details in each such case including the requesting body; the reasons for the request; the number of staff requested and to provide in detail, his response to each such request. [21792/10]

Minister for Finance (Deputy Brian Lenihan): The moratorium on recruitment and promotion was introduced by the Government at the end of March 2009. The moratorium allows for certain general exemptions in the Education and Health Sectors for the filling of certain key posts as well as for the Local Authorities in relation to fire, health and safety, Interreg and beach warden posts. Information in relation to the posts covered by these general exemptions can be sought from the relevant Ministers.

Departments have been implementing the moratorium in respect of themselves and the bodies under their aegis. Where a Department feels that a post should be filled, it requires the sanction of the Minister for Finance for an exception to the moratorium. Requests for exceptions are not made in respect of every vacancy. Unless otherwise stated in tables 2 and 3 below, the information covers the period up to the end of April 2010.

Civil Service

In the case of the civil service approximately 2,300 staff have left since the introduction of the moratorium. Approval has been given to fill some 300 posts by recruitment and some 470 posts by way of redeployment or promotion. This has resulted in a net reduction of 2,000 posts.

Separate from the above, in an effort to meet the priority needs of the Department of Social Protection arising from increases in the Live Register, a temporary levy has been applied to Government Departments in order to source some 550 posts for that Department — this is being achieved on a numbers and cost neutral basis. In addition sanction has also been given for some 276 temporary posts for Census 2011 and for various temporary ‘summer relief’ type posts.

It should be noted that in accordance with the terms of the moratorium, exemptions can only be sought by Government Departments and Offices after they had exhausted all internal possibilities of redeploying staff, reorganising work and so on. In the majority of cases sanctions have been given for the filling of posts by redeployment or promotion which would not lead to an overall increase in numbers serving (since consequential vacancies are not generally filled unless specifically sanctioned.) As the attached table shows some 770 posts were sanctioned to be filled of which some 300 are likely to be filled by external recruitment, leading to a net reduction of some 2,000 in the civil service.

Public Service

My Department has received 205 requests for 1,668 exceptions (WTEs) to the moratorium in the Public Service. 147 requests have been sanctioned in full or in part in respect of 885 posts. 25 requests have been refused and a decision is pending in relation to 33 requests. Summary information by Department is set out in table 1.

In the context of the Draft Public Service Agreement 2010-2014, the Government has clarified that the application of the moratorium on recruitment and promotion will be kept under review and will be revisited in each sector as the staffing levels specified (or to be specified) in the Employment Control Framework (ECF) for the sectors are achieved. ECFs for the various Vote Groups are generally in the process of being finalised at present.

Table 1: Public Service

Public Service by Vote	No. of requests	Requests granted	Requests refused	Decision pending	No. of posts sought	No. of posts granted
Enterprise, Trade & Employment	35	26	5	4	131.0	67.0
Social & Family Affairs	10	10	0	0	13.3	13.3
Defence	7	0	0	7	536.0	214.0
Arts, Sports & Tourism	17	11	6	0	18.0	12.0
Health	32	21	0	11	117.6	103.0
Transport	5	3	1	1	37.0	11.0
Agriculture, Food & Fisheries	8	4	4	0	66.0	50.0
Communications, Energy & Natural Resources	30	27	0	3	64.0	61.0
Community, Rural & Gaeltacht Affairs	0	0	0	0	0.0	0.0
Education	32	28	3	1	341.5	226.5
Justice, Equality & Law Reform	10	8	0	2	292.0	118.0
Environment, Heritage & Local Government	19	9	6	4	51.5	9.0
Foreign Affairs	0	0	0	0	0.0	0.0
Finance	0	0	0	0	0.0	0.0
Taoiseach's	0	0	0	0	0.0	0.0
	205	147	25	33	1,667.9	884.8

Table 3: Requests for Exceptions in the Public Service

Department of Enterprise, Trade and Employment

No.	Requesting Body	Purpose of Sanction	Grade	No. of posts	Decision	No. of posts granted	Date Sanctioned	Comment
1	DETE — Enterprise Ireland	Retirement	Manager	1	Yes — on a permanent basis	1	May-09	Retirement
2	DETE — Enterprise Ireland	Graduate	Graduate	16	Yes — on a temporary/acting basis	16	May-09	16 graduate posts
3	DETE — Roscommon CEB	Vacancy	CEO	1	No	0	May-09	Vacancy
4	DETE Cork CEB	Replacing maternity leave	Administrative Officer	1	No	0	Jun-09	Replacing maternity leave
5	DETE — FAS DG	Statutory post	DG	1	Yes — on a permanent basis	1	Jun-09	Statutory post
6	DETE -NCA Registrar	No vacancy	AP-HAD	1	Yes — on a permanent basis	1	Jun-09	Registrar
7	DETE — Enterprise Ireland	Rollover of contract posts for overseas (4 sanctioned)	Various	53	Yes — on a temporary/acting basis	4	Jun-09	Rollover of contract posts for overseas (4 sanctioned)
8	DETE — PIAB	Renewal of contract posts (5 sanctioned)	CO	6	Yes — on a temporary/acting basis	5	Jul-09	Renewal of contract posts (5 sanctioned)
9	DETE — NCA student		Student	1	Yes — on a temporary/acting basis	1	Jun-09	Student
10	DETE — NCA	Retirement — Head of Corporate Services (other than the Incentivised Scheme of Early Retirement)	AP — STANDARD	1	Yes — on a permanent basis	1	Aug-09	Retirement (other than the Incentivised Scheme of Early Retirement)
11	DETE — NCA	Retirement (other than the Incentivised Scheme of Early Retirement)	AP — STANDARD	1	Yes — on a permanent basis	1	Aug-09	Retirement (other than the Incentivised Scheme of Early Retirement)

Department of Enterprise, Trade and Employment — *continued*

No.	Requesting Body	Purpose of Sanction	Grade	No. of posts	Decision	No. of posts granted	Date Sanctioned	Comment
12	DETE — NCA	Retirement — Commercial Practises Division (other than the Incentivised Scheme of Early Retirement)	HEO (x5)	5	Yes — on a permanent basis	5	Aug-09	Retirement (other than the Incentivised Scheme of Early Retirement)
13	DETE — NCA	Retirement (other than the Incentivised Scheme of Early Retirement)	EO (X3)	3	Yes — on a permanent basis	3	Aug-09	Retirement (other than the Incentivised Scheme of Early Retirement)
14	DETE — NCA		CO (X2)	2	Yes — on a permanent basis	2	Aug-09	
15	DETE — IAASA	Vacancy	Accountant	1	No	0	Aug-09	Vacancy
16	DETE — FAS	Decision of Rights Commissioner	Training Instructor	1	Yes — on a permanent basis	1	Sep-09	Decision of rights Commissioner
17	DETE — Interreg — Tradelinks 2 project	new project	Project Manager	1	Yes — on a temporary/acting basis	1	Sep-09	new project
18	DETE — Interreg — Tradelinks 2 project	new project	Financial Administrator	1	Yes — on a temporary/acting basis	1	Sep-09	new project
19	DETE — Interreg — Tradelinks 2 project	new project	4 Regional Coordinators	4	Yes — on a temporary/acting basis	4	Sep-09	new project
20	DETE — Interreg — Tradelinks 2 project	new project	4 Support Co-ordinators	4	Yes — on a temporary/acting basis	4	Sep-09	new project
21	DETE — Competition Authority	Incentivised Scheme of Early Retirement in the Public Service	Case Officer	1	No	0	Oct-09	Incentivised Scheme of Early Retirement in the Public Service
22	DETE — FÁS	Retirement (other than the Incentivised Scheme of Early Retirement)	ADG — Finance & IT	1	Yes — on a permanent basis	1	Oct-09	Retirement (other than the Incentivised Scheme of Early Retirement)

Department of Enterprise, Trade and Employment — *continued*

No.	Requesting Body	Purpose of Sanction	Grade	No. of posts	Decision	No. of posts granted	Date Sanctioned	Comment
23	DETE — Forfas	New project — Self Financing — Manager of European Space Research Office	Manager	1	Yes — on a temporary/acting basis	1	Dec-09	New project — Self Financing
24	DETE — PIAB	Incentivised Scheme of Early Retirement in the Public Service	Legal Services Manager	1	Yes — on a temporary/acting basis	1	Jan-10	Incentivised Scheme of Early Retirement in the Public Service
25	DETE- Enterprise Ireland	Temporary Overseas Contract posts	Contract Posts (Overseas Jan-Mar 10) — Various Grades	2	Yes — on a temporary/acting basis	2	Feb-10	Temporary Overseas Contract posts
26	DETE — Enterprise Ireland	Support for Credit Review	CO	1	Yes — on a permanent basis	1	Mar-10	Support for Credit Review
27	DETE — Competition Authority	Request under consideration	Board Members 2	2	Request under consideration	0	Mar-10	Request under consideration
28	DETE — Competition Authority	Statutory post	Chairperson of Board	1	Yes — on a temporary/acting basis	1	Mar-10	Statutory post
29	DETE — SFI	City of Science Project	Project Manager	1	Yes — on a temporary/acting basis	1	Mar-10	City of Science Project
30	DETE — SFI	City of Science Project	CO	1	No	0	May-10	PA for Dublin City of Science
31	DETE — FAS	Request under consideration		4	Request under consideration	0	Mar-10	Request under consideration
32	DETE — NSAI	Ongoing contracts	Various	4	Yes — on a temporary/acting basis	4	Apr-10	Ongoing contracts
33	DETE — NCA		3 Student posts	3	Yes — on a temporary/acting basis	3	May-10	
34	DETI — Forfas	Request under consideration	PO	1	Request under consideration	0		Request under consideration
35	DETI — Competition Authority	Request under consideration	CO	2	Request under consideration	0	May-10	Request under consideration

Department of Social and Family Affairs

No.	Requesting Body	Purpose of Sanction	Grade	No. of posts	Decision	No. of posts granted	Date Sanctioned	Comment
1	Family Support Agency	To cover Term-time vacancies in front line mediation service — Portlaoise + Sligo		1	Yes	1		
2	Family Support Agency	To cover Term-time vacancies in front line mediation service — Raheny + Wexford		0.8	Yes	0.8		
3	Family Support Agency	Temporary appointment due to end June 2009 — Castlebar FMS office		0.5	Yes	0.5		
4	Family Support Agency	Temporary appointment due to end June 2009 — Letterkenny office		0.4	Yes	0.4		
5	Family Support Agency	Supervision + Management of Mediation Service in Southern and Westerns Regions — temporary appointment due to end June 09		1.6	Yes	1.6		
6	Family Support Agency	Supervision + Management of Mediation Service in Southern and Westerns Regions — temporary appointment due to end January 10		1.6	Yes	1.6		
7	Family Support Agency	To cover Shorter Working Year Scheme vacancies in front line mediation service — Letterkenny, Portlaoise, Sligo, Raheny, Athlone, Wexford & HQ		4.5	Yes	4.5		
8	Family Support Agency	Temporary appointment due to end June 2010 — Castlebar FMS office		0.5	Yes	0.5		
9	Family Support Agency	Temporary appointment due to end June 2010 — Letterkenny office		0.4	Yes	0.4		
10	Citizens Information Board	Temporary ICT contracts due to end March 2010 — Dublin HQ		2	Yes	2		

Department of Defence

No.	Requesting Body	Purpose of Sanction	Grade	No. of posts	Decision	No. of posts granted	Date Sanctioned	Comment
1	Defence Forces	To retain the capacity of the organisation to operate effectively across all roles while contributing to the necessary public service economies	Cadets and army/naval service recruits. Promotion across a range of ranks. Acting up appointments for overseas deployment.	529	Yes	207	July 2009 and November 2009	Recruitment of 42 cadets and promotions across a range of ranks. 100 acting up appointments.
2	Defence Forces	Retirement of Military Judge which is a statutory post	Colonel	1	Yes	1	April 2010	Statutory post
3	Defence Forces	Retirement of Director of Military Prosecutions which is a statutory post	Colonel	1	Yes	1	June 2009	Statutory post
4	Defence Forces	Civilian employees. Temporary post and extension of contract.	Pharmacist	2	Yes	2	July 2009	
5	Defence Forces	Civilian employee contract extension.	Social Worker	1	Yes	1	July 2009	
6	Defence Forces	Civilian Employee. Management of provision of electrical services.	Foreman	1	Yes	1		
7	Defence Forces	Civilian employee to assist in the re-fit of Naval ships.	Welder	1	Yes	1	April 2010	

Department of Arts, Sports and Tourism

No.	Requesting Body	Purpose of Sanction	Grade	No. of posts	Decision	No. of posts granted	Date Sanctioned	Comment
1	National Library of Ireland	To fill Director post	Director	1	1. Yes, application was approved	1	18/12/09	Statutory position
2	National Library of Ireland	2 vacancies due to retirement and internal promotion	Keeper, Asst Keeper	2	1. Yes, application was approved	2	22/9/09	Due to the specialised nature of the work of the Library
3	Irish Sports Council	To fill Director post	CEO	1	1. Yes, application was approved	1	14/5/09	Statutory position
4	Arts Council	To fill Director post	Director	1	1. Yes, application was approved	1	20/8/09	Statutory position
5	Failte Ireland	temporary posts	Principal Officer (temporary)	1	4. Application was refused	0		
6	Failte Ireland	temporary posts	Principal Officer (temporary)	1	1. Yes, application was approved	1	13/1/10	Payment of acting up allowance paid temporarily due to maternity leave
7	Failte Ireland	E Business manager	Assistant Principal	1	1. Yes, application was approved	1	13/1/10	Post filled as a necessity for the development of the Tourism Sector
8	National Concert Hall	Fixed term contract post	IT Manager	1	1. Yes, application was approved	1	19/11/09	Key post for the successful running of the National Concert Hall
9	National Concert Hall	Fixed term contract post	Financial Accountant	1	1. Yes, application was approved	1	19/11/09	Key post for the successful running of the National Concert Hall
10	National Concert Hall	Fixed term contract post	Learn & Explore Administrative Assistant	1	1. Yes, application was approved	1	19/11/09	Key post for the successful running of the National Concert Hall
11	National Concert Hall	Fixed term contract post	Graphic Designer	1	1. Yes, application was approved	1	19/11/09	Key post for the successful running of the National Concert Hall

Department of Arts, Sports and Tourism — *continued*

No.	Requesting Body	Purpose of Sanction	Grade	No. of posts	Decision	No. of posts granted	Date Sanctioned	Comment
12	National Concert Hall	Fixed term contract post	On line Marketing Executive	1	4. Application was refused	0		
13	National Concert Hall	Fixed term contract post	Lighting Technician/stage hand	1	4. Application was refused	0		
14	National Concert Hall	Fixed term contract post	Box Office Cashier Supervisor	1	4. Application was refused	0		
15	National Concert Hall	Fixed term contract post	Operations Assistant Manager	1	4. Application was refused	0		
16	National Concert Hall	Fixed term contract post	Own Promotions Executive	1	4. Application was refused	0		
17	Chester Beatty Library	To fill Director post	PO 1	1	1. Yes, application was approved	1	29/3/10	Key post

Department of Health and Children

No.	Requesting Body	Purpose of Sanction	Grade	No. of posts	Decision	No. of posts granted	Date Sanctioned	Comment
1	HSE	Front line post	Senior Locum	0.6	3. No decision to date	0		Further info awaited
2	Galway University Hospital	Critical management post	General Manager	1	1. Yes, application was approved	1	17/06/2009	
3	HIQA	Level of expenditure on external advice	Legal Advisor (AP1)	1	1. Yes, application was approved	1	31/07/2009	
4	HIQA	Operational reasons	Regional Operations Manager (PO)	1	1. Yes, application was approved	1	31/07/2009	
5	HIQA	Value for money	Health Technology Assessment — AP1	2	1. Yes, application was approved	2	31/07/2009	
6	HIQA	Value for Money	HTA — Engineer Grade I	2	1. Yes, application was approved	2	31/07/2009	
7	HIQA	Value for Money	HTA — Engineer Grade III	2	1. Yes, application was approved	2	31/07/2009	
8	HSE	New HSE structure	Regional Operation Director (Assist Nat., Dir)	4	1. Yes, application was approved	4	07/07/2009	
9	HSE	New HSE structure	Care Group (Assistant National Director)	4	1. Yes, application was approved	4	07/07/2009	
10	Mental Health Commission	Front line post	Consultant Psychiatrist	5	1. Yes, application was approved	5	31/07/2009	
11	Mental Health Commission	Front line post	Assistant Inspector (Occupational Therapist)	1	1. Yes, application was approved	1	31/07/2009	

Department of Health and Children — *continued*

No.	Requesting Body	Purpose of Sanction	Grade	No. of posts	Decision	No. of posts granted	Date Sanctioned	Comment
12	Mental Health Commission	Service reasons	Staff Officer (Temp Contract Renewal)	1	1. Yes, application was approved	1	31/07/2009	
13	National Treatment Purchase Fund	Fair Deal requirements	EO / HEO	6	1. Yes, application was approved	6	31/07/2009	
14	Central Mental Hospital	Front line post	Mental Health Nurses	23	1. Yes, application was approved	23	31/08/2009	
15	St Loman's Hospital	Front line post	Mental Health Nurses	36	1. Yes, application was approved	36	31/08/2009	
16	Temple Street Hospital	Critical nursing management post	Director of Nursing	1	1. Yes, application was approved	1	20/10/2009	
17	Galway University Hospital	Key post for flu pandemic	Chief Medical Scientist	1	3. No decision to date	0		Further info awaited
18	HSE	Front line post	General Dental Surgeon	3	1. Yes, application was approved	2	25/11/2009	Sanction was only given for two of the three posts
19	HSE	Front line post	Principal Environmental Health Officers	2	3. No decision to date	0		Further info awaited
20	HSE	Front line post	Fire Prevention Officer	1	3. No decision to date	0		Further info awaited
21	HSE	Front line post	Clinical Perfusionist Post	1	3. No decision to date	0		Further info awaited
22	Children's Hospital, Crumlin	Front line post	Paediatric Intensive Care Unit (PICU) Nurses	5	1. Yes, application was approved	5	8/12/1009	The filling of these posts was to be met through redeployment first, and where this was not possible, suppression

Department of Health and Children — *continued*

No.	Requesting Body	Purpose of Sanction	Grade	No. of posts	Decision	No. of posts granted	Date Sanctioned	Comment
23	Temple Street Hospital	Front line post	Paediatric Intensive Care Unit (PICU) Nurses	2	1. Yes, application was approved	2	8/12/1009	The filling of these posts was to be met through redeployment first, and where this was not possible, suppression
24	HSE	Development post for Primary Care Teams	Senior Dietician (Sligo/Leitrim/Cavan)	1	1. Yes, application was approved	1	18/01/2010	
25	HSE — St. James, Dublin	Critical maintenance post	Maintenance Manager	1	1. Yes, application was approved	1	18/01/2010	
26	HSE — St. Lukes Kilkenny	Front line post	Clinical Nurse Manager II	2	1. Yes, application was approved	2	18/01/2010	
27	An Bord Altranais	Front line post	Director of Operations	1	3. No decision to date	0		
28	Pharmaceutical Society of Ireland	Front line post	Pharmacist Chief II	1	3. No decision to date	0		
29	Pharmaceutical Society of Ireland	Front line post	Senior Pharmacist	3	3. No decision to date	0		
30	Pharmaceutical Society of Ireland	Front line post	Grade IV (Inspection & Enforcement Unit)	1	3. No decision to date	0		
31	Pharmaceutical Society of Ireland	Front line post	Solicitor — Grade VIII	1	3. No decision to date	0		
32	Pharmaceutical Society of Ireland	Front line post	Head of Registration — Grade VII	1	3. No decision to date	0		

Note: Includes HSE exemptions sought between May 2009 and January 2010. Under the Employment Control Framework 2010-2012, HSE exceptions under the moratorium under the moratorium are at the discretion of the HSE HR National Director.

Department of Transport

No.	Requesting Body	Purpose of Sanction	Grade	No. of posts	Decision	No. of posts granted	Date Sanctioned	Comment
1	Road Safety Authority (RSA)	New Posts	Assistant Principals	3	not approved			
		New Posts	Higher Executive Officers	3	not approved			
		New Posts	Executive Officers	2	not approved			
		New Posts	Clerical Officers	3	not approved			
		New Posts	Vehicle Inspector	11	not approved			
2	Commission for Aviation Regulation (CAR)	Renew Contract	Principal Officer	1	Approved	1	Dec-09	Vacancy filled to meet statutory obligation
		Renew Contract	Assistant Principals	2	Approved	2	Dec-09	Vacancy filled to meet statutory obligation
		Renew Contract	Executive Officers	3	Approved	3	Dec-09	Vacancy filled to meet statutory obligation
3	National Accident Investigation Office	Filling Post	Principal Officer	1	Approved	1	Nov-09	Important for safety purposes
4	National Transport Authority	New Posts	CEO	1	Approved	1	Jan-10	Newly established Authority
		New Posts	Senior Management	4	Approved/ Not approved	3	Jan-10	Newly established Authority
5	Medical Bureau of Road Safety (MBRS)	Filling Post	Admin Manager	1	No decision to-date			
		Filling Post	Scientist	1	No decision to-date			
		Filling Post	Manager	1	No decision to-date			

Department of Agriculture, Food and Fisheries

No.	Requesting Body	Purpose of Sanction	Grade	No. of posts	Decision	No. of posts granted	Date Sanctioned	Comment
	Request details to follow.							

Department of Communications, Energy and Natural Resources

No.	Requesting Body	Purpose of Sanction	Grade	No. of posts	Decision	No. of posts granted	Date Sanctioned	Comment
1	Central Fisheries Board	To meet legal obligations under the Water Framework Directive	Technician (Hydroacoustics)	1	1. Yes, application was approved	1	28/07/2009	1 year temporary position. Necessity to protect recent investment in the Inland Fisheries resource and in recognition of EU and statutory requirements applying to the Fisheries Boards.
2	Central Fisheries Board	To meet legal obligations under the Water Framework Directive	Research Officer	1	1. Yes, application was approved	1	28/07/2009	1 year temporary position. Necessity to protect recent investment in the Inland Fisheries resource and in recognition of EU and statutory requirements applying to the Fisheries Boards.
3	Central and Regional Fisheries Boards	To meet legal obligations under the Water Framework, Habitats and Eels Directives	Fishery Officers	23	1. Yes, application was approved	23	28/07/2009	4 month seasonal positions. Necessity to protect recent investment in the Inland Fisheries resource and in recognition of EU and statutory requirements applying to the Fisheries Boards.

Department of Communications, Energy and Natural Resources — *continued*

No.	Requesting Body	Purpose of Sanction	Grade	No. of posts	Decision	No. of posts granted	Date Sanctioned	Comment
4	Eastern Regional Fisheries Board	For increased surveillance in the Dublin, Dundalk and Wexford districts.	Fishery Officers	3	1. Yes, application was approved	3	28/07/2009	6.5 month temporary positions.Necessity to protect recent investment in the Inland Fisheries resource and in recognition of EU and statutory requirements applying to the Fisheries Boards.
5	Shannon Regional Fisheries Board	To fill recently vacated post	Fisheries Environmental Officer	1	1. Yes, application was approved	1	28/07/2009	1 year temporary position.Necessity to protect recent investment in the Inland Fisheries resource and in recognition of EU and statutory requirements applying to the Fisheries Boards.
6	Western Regional Fisheries Board	Cover for maternity leave	Administrative Assistant, Grade IV	1	1. Yes, application was approved	1	28/07/2009	1 year temporary position. Necessity to protect recent investment in the Inland Fisheries resource and in recognition of EU and statutory requirements applying to the Fisheries Boards.
7	Western Regional Fisheries Board	For housekeeper at Aasleagh Lodge	Summer Student	1	1. Yes, application was approved	1	28/07/2009	4 month seasonal position.Generates substantial own resources income for the Board.

Department of Communications, Energy and Natural Resources — *continued*

No.	Requesting Body	Purpose of Sanction	Grade	No. of posts	Decision	No. of posts granted	Date Sanctioned	Comment
8	North Western Regional Fisheries Board	To fill recently vacated post	Assistant Inspector	1	1. Yes, application was approved	1	28/07/2009	Permanent position. Necessity to protect recent investment in the Inland Fisheries resource and in recognition of EU and statutory requirements applying to the Fisheries Boards.
9	North Western Regional Fisheries Board	For increased salmon protection effort	Fishery Officers	3	1. Yes, application was approved	3	28/07/2009	3 month seasonal positions. Necessity to protect Inland Fisheries resource and in recognition of EU and statutory requirements applying to the Fisheries Boards.
10	Northern Regional Fisheries Board	To fill recently vacated post	Fisheries Environmental Officer	1	1. Yes, application was approved	1	28/07/2009	Permanent position. Necessity to protect recent investment in the Inland Fisheries resource and in recognition of EU and statutory requirements applying to the Fisheries Boards.
11	Northern Regional Fisheries Board	For administrative support for the CEO/Assistant CEO	Administrative Assistant, Grade IV	1	1. Yes, application was approved	1	28/07/2009	6 month temporary position. recent investment in the Inland Fisheries resource and in recognition of EU and statutory requirements applying to the Fisheries Boards.
12	Northern Regional Fisheries Board	To meet minimum staffing levels required to run angling centres.	General Operatives	2	1. Yes, application was approved	2	28/07/2009	5 month seasonal positions. Necessity to protect recent investment in the Inland Fisheries resource and in recognition of EU and statutory requirements applying to the Fisheries Boards.

Department of Communications, Energy and Natural Resources — *continued*

No.	Requesting Body	Purpose of Sanction	Grade	No. of posts	Decision	No. of posts granted	Date Sanctioned	Comment
13	Central Fisheries Board	For EU Life+ Programme	Research Officers (including Project Manager)	3	1. Yes, application was approved	3	28/07/2009	4 year contract positions Externally funded: 50% EU, 50% National Parks and Wildlife Service. Necessity to protect recent investment in the Inland Fisheries resource and in recognition of EU and statutory requirements applying to the Fisheries Boards.
14	Central Fisheries Board	For EU Life+ Programme	Fisheries Assistant	1	1. Yes, application was approved	1	28/07/2009	4 year contract position. Externally funded: 50% EU, 50% National Parks and Wildlife Service. Necessity to protect recent investment in the Inland Fisheries resource and in recognition of EU and statutory requirements applying to the Fisheries Boards.
15	Shannon Regional Fisheries Board	Protection and conservation work at Scartleigh Dam	Fishery Officer	1	1. Yes, application was approved	1	28/07/2009	1 year contract position. Board would be unable to carry out contract with Kerry County Council who are fully funding this post.
16	Shannon Regional Fisheries Board	To fulfil contract with ESB to provide fisheries enforcement services on ESB fisheries in the Shannon region	Fishery Officers	2	1. Yes, application was approved	2	28/07/2009	1 year contract positions. Board would be unable to carry out contract with ESB who are fully funding this post.

Department of Communications, Energy and Natural Resources — *continued*

No.	Requesting Body	Purpose of Sanction	Grade	No. of posts	Decision	No. of posts granted	Date Sanctioned	Comment
17	Shannon Regional Fisheries Board	For EU Life+ Programme	Project Manager	1	1. Yes, application was approved	1	28/07/2009	5 year contract position. Externally funded: 50% EU, 50% National Parks and Wildlife Service and others. Necessity to protect recent investment in the Inland Fisheries resource and in recognition of EU and statutory requirements applying to the Fisheries Boards.
18	Shannon Regional Fisheries Board	For EU Life+ Programme	Research Officer	1	1. Yes, application was approved	1	28/07/2009	5 year contract position. Externally funded: 50% EU, 50% National Parks and Wildlife Service and others. Necessity to protect recent investment in the Inland Fisheries resource and in recognition of EU and statutory requirements applying to the Fisheries Boards.
19	Central Fisheries Board	For Marine Sports Fish Programme	Technician (Data Mining)	1	1. Yes, application was approved	1	28/07/2009	1 year contract position. Funded by Marine Institute and own resources
20	Geological Survey of Ireland	To facilitate participation by the INFOMAR programme team in two EU sponsored marine geology projects.	Specialist contract staff	4	1. Yes, application was approved	4	23/10/2009	Posts funded from EU sources at no cost to Exchequer. Participation in the projects will leverage external funding to the benefit of the economy. Participation in and attraction of such projects is a stated objective of the INFOMAR programme. The posts are for a three-year fixed term under specific purpose contracts linked to EU projects

Department of Communications, Energy and Natural Resources — *continued*

No.	Requesting Body	Purpose of Sanction	Grade	No. of posts	Decision	No. of posts granted	Date Sanctioned	Comment
21	Commission for Energy Regulation	To replace retiring Commissioner for Energy Regulation	Commissioner	1	1. Yes, application was approved	1	09/11/2009	5 year contract. Current and future role of the CER, both nationally and at a regional and EU level, justifies a full-time multi-member Commission.
22	Department of Communications, Energy and Natural Resources	To extend the contract of the Department's Research Coordinator by 50 weeks.	Research Coordinator	1	1. Yes, application was approved	1	18/11/2010	Work to be undertaken is a critical time-defined component of the Knowledge Society Strategy. No further renewal of contract beyond period specified.
23	Commission for Energy Regulation	To renew contract of employment of legal advisor	Level 4, Band A	1	1. Yes, application was approved	1	21/01/2010	Permanent contract. Significant savings can be realised from use of in-house legal advice compared with cost of procuring such advice from external sources.
24	Broadcasting Authority of Ireland	Replace Finance Officer	Finance Officer	1	1. Yes, application was approved	1	04/02/2010	Sanctioned on basis of redeployment from within the public service.
25	Ordnance Survey Ireland	Replace Principal HR/Corporate Services	Principal	1	3. No decision to date			
26	Ordnance Survey Ireland	Replace Assistant Principal, Corporate Services	Assistant Principal	1	3. No decision to date			
27	South Western Regional Fisheries Board	To fill recently vacated post	Inspector	1	3. No decision to date			

Department of Communications, Energy and Natural Resources — *continued*

No.	Requesting Body	Purpose of Sanction	Grade	No. of posts	Decision	No. of posts granted	Date Sanctioned	Comment
28	Central Fisheries Board	To formally assign staff member to role of Director of Finance and pay higher duties allowance in absence of post holder who is on sick leave.	Director	1	1. Yes, application was approved	1	16/03/2010	Agreed for up to six months.
29	Commission for Energy Regulation	For design and implementation of the Petroleum Safety Framework	Petroleum Safety Manager	1	1. Yes, application was approved	1	31/03/2010	Permanent post. Sanctioned on basis that new functions for petroleum safety conferred on the CER require specialist expertise.
30	Commission for Energy Regulation	To assist the Petroleum Safety Manager (see above) in the design and implementation of the Petroleum Safety Framework.	Support Analyst	2	1. Yes, application was approved	2	31/03/2010	Permanent posts. Sanctioned on basis that new functions for petroleum safety conferred on the CER require specialist expertise.

Department of Community, Rural and Gaeltacht Affairs

No.	Requesting Body	Purpose of Sanction	No. of posts	Decision	No. of posts granted	Date Sanctioned	Comment
0	Nil requests		0		0		

Department of Education and Science

No.	Requesting Body	Purpose of Sanction	Grade	No. of posts	Decision	No. of posts granted	Date Sanctioned	Comment
1	Co Roscommon VEC	To replace retiring CEO; statutory post	Chief Executive Officer, VEC	1	1. Yes, application was approved	1	26/6/09	Temporary 6 month appointment pending reorganisation of VECs. Extended to 28 Feb 2010. 17 February 2010 — further extended to 30 April 2010.
2	Department of Education & Science	Renewal of secondment of 276 teachers to Education Services	Teacher	276	1. Yes, application was approved	170	6/7/09	Continuation of highest priority teacher training and support. Partial approval granted. 276 posts were sought of which 170 were approved.
3	Church of Ireland College of Education	To replace retiring principal	Principal, College of Education	1	1. Yes, application was approved	1	6/7/09	Need for head of organisation.
4	Vocational Education Committees	To award a fixed term contract to fill one existing caretaker vacancy on a temporary basis to ensure the smooth running of Certificate examinations during June 2009. To give delegated sanction to award similar contracts in other VECs, in similar circumstances, during June 2009, should the need arise.	Caretaker	1	1. Yes, application was approved	1	27/5/09	To ensure uninterrupted running of State examinations. One immediate post sanctioned; delegated sanction to appoint others should the need arise.

Department of Education and Science — *continued*

No.	Requesting Body	Purpose of Sanction	Grade	No. of posts	Decision	No. of posts granted	Date Sanctioned	Comment
5	NCTE	To fill 1 National Coordinator post; Renewal of contracts of 2 Project Officers; Renewal of either 1 Senior Administrative Assistant or 1 Secretary Grade III post	National Coordinator; 2 Project Officers; Senior Admin Asst or Secretary Grade III	4	1. Yes, application was approved	4	31/7/09	Majority of staff of NCTE employed on fixed term contracts. Need to reappoint a minimum number of these staff (4) to maintain services.
6	Co Dublin VEC	Replace CEO	Chief Executive Officer, VEC	1	1. Yes, application was approved	1	15/10/09	Temporary 3 month acting appointment pending reorganisation of VECs. 17 February 2010 — further extended to 30 April 2010.
7	Co Offaly VEC	Replace CEO	Chief Executive Officer, VEC	1	1. Yes, application was approved	1	9/10/09	Temporary 3 month acting appointment pending reorganisation of VECs. Extended to 28 Feb 2010. 17 February 2010 — further extended to 30 April 2010.
8	City of Waterford VEC	Replace CEO	Chief Executive Officer, VEC	1	1. Yes, application was approved	1	15/10/09	Temporary 3 month acting appointment pending reorganisation of VECs. Extended to 28 Feb 2010. 17 February 2010 — further extended to 30 April 2010.
7	Co Westmeath VEC	Replace CEO	Chief Executive Officer, VEC	1	1. Yes, application was approved	1	15/10/09	Temporary 3 month acting appointment pending reorganisation of VECs. 17 February 2010 — further extended to 30 April 2010.
8	Co Donegal VEC	Replace CEO	Chief Executive Officer, VEC	1	1. Yes, application was approved	1	15/10/09	Temporary 3 month acting appointment pending reorganisation of VECs. 17 February 2010 — further extended to 30 April 2010.

Department of Education and Science — *continued*

No.	Requesting Body	Purpose of Sanction	Grade	No. of posts	Decision	No. of posts granted	Date Sanctioned	Comment
9	City of Limerick VEC	Replace CEO	Chief Executive Officer, VEC	1	1. Yes, application was approved	1	15/10/09	Temporary 3 month acting appointment pending reorganisation of VECs. 17 February 2010 — further extended to 30 April 2010.
10	Institute of Technology Tralee	To employ two Technicians to ensure the continued provision of certain courses	Laboratory Technicians	2	1. Yes, application was approved	2	23/9/09	To ensure the continued provision of certain courses
11	New Body amalgamating HETAC, FETAC & NQAI	CEO of NQAI/Interim CEO of new qualifications and QA Body	Chief Executive Officer	1	1. Yes, application was approved	1	22/12/09	CEO of NQAI and Interim appointment of CEO for the new body to be established amalgamating HETAC, FETAC and the NQAI
14	DLIADT	To replace 4 Technicians	Technician	4	1. Yes, application was approved	4	13/10/09	Health and Safety. Courses would have to be suspended
15	IoT Carlow	To replace 4 Technicians	Technician	4	1. Yes, application was approved	4	17/11/09	Health and Safety. Courses would have to be suspended
16	Galway-Mayo IoT	To replace 2.5 Technicians	Technician	2.5	1. Yes, application was approved	2.5	17/11/09	Health and Safety. Courses would have to be suspended
17	IoT Tallaght	To replace 2 Technicians	Technician	2	1. Yes, application was approved	2	17/11/09	Health and Safety. Courses would have to be suspended
18	IoT Tralee	To replace 2 Technicians	Technician	2	1. Yes, application was approved	2	17/11/09	Health and Safety. Courses would have to be suspended
19	IT Blanchardstown	To replace 5 staff on maternity leave	4 Lecturers and 1 Asst Lecturers	5	1. Yes, application was approved	5	16/10/09	Fixed purpose contracts to cover 5 staff on mat leave

Department of Education and Science — *continued*

No.	Requesting Body	Purpose of Sanction	Grade	No. of posts	Decision	No. of posts granted	Date Sanctioned	Comment
20	IoT Sligo	Project Manager Higher Certificate in Custodial Care	Project Manager	1	1. Yes, application was approved	1	26/10/09	Fixed term contract to coincide with contract with Prison Service
21	Dublin Institute of Technology	To replace 6 Technicians	Technician	6	1. Yes, application was approved	6	17/11/09	Health and Safety. Courses would have to be suspended
22	Athlone IoT	To replace 1 Technician	Technician	1	1. Yes, application was approved	1	17/11/09	Health and Safety. Courses would have to be suspended
23	Commission to Inquire into Child Abuse	to retain 6 staff on rolling 3 month contracts to continue work of commission	2 x f/t EO, 1 x p/t EO, 1 x p/t IT Manager, 2 x p/t SO	4	1. Yes, application was approved	4	6/1/2010	To continue essential work of the Commission to Inquire into Child Abuse. Please note that the 6 posts equate to less than 4 WTE
24	FETAC	Appt of 3 staff on 3 year fixed term contracts to carry out EQARF project. Fully EU funded.	Director, Policy Officer, Project Administrator	3	1. Yes, application was approved	3	12/2/10	Fully funded by EU. FETAC won tender to carry out EQARF project.
25	Vocational Support Services Unit (VSSU)	To replace the deceased Director of the Vocational Support Services Unit	Professional Accountant Grade I	1	4. Application was refused			
26	Comhairle um Oideachas Gaeltachta agus Gaelscolaíochta (COGG)	Appt of 4 staff on initial one year renewable contracts to carry out the functions of COGG. 3 x Development Officer posts and one CO post. Upgrade one existing EO post to HEO level.	3 x Engineer Grade II, 1 x CO, 1 EO to HEO upgrade	4	4. Application was refused			To perform the functions of COGG. The provision of supports for the teaching of Irish at 1st and 2nd level.

Department of Education and Science — *continued*

No.	Requesting Body	Purpose of Sanction	Grade	No. of posts	Decision	No. of posts granted	Date Sanctioned	Comment
27	FETAC	Ext of contracts for 1 year of 3 FETAC Monitors for monitoring and assessment of education providers	3 Monitors	3	4. Application was refused	0	28/4/10	
28	HEA	Ext of contracts of 3 EOs for various tasks	3 EOs	3	1. Yes, application was approved	3	28/4/10	Part approval granted — 3 posts for 7 months. 1 year extension sought.
29	DIAS	To appoint one experienced researcher, on a 13-month fellowship contract to assist on an externally-funded research project (Marie Curie Early Stage Research Training Project)	Researcher	1	1. Yes, application was approved	1	19/5/2010	To assist in the completion of an externally-funded research project. 1 x 13 month fixed-term contract
30	DIAS	To employ one junior post-doctoral researcher on a fixed-term contract for a six month period.	Junior post-doctoral researcher	1	3. No decision to date			
31	NEWB	Replacement of CEO	CEO	1	1. Yes, application was approved	1	20 May 2010	To continue the work of the CEO. 1 x 5 year fixed-term contract
32	Mayo VEC	Replacement of Education Officer	Education Officer	1	1. Yes, application was approved	1	11 May 2010	to replace vacancy at EO level. 1 for 6 months

Department of Justice, Equality and Law Reform

No.	Requesting Body	Purpose of Sanction	Grade	No. of posts sought	Decision	No. of posts granted	Date Sanctioned	Comment
1	Garda	Appointment of 3 Chief Superintendents & 10 Superintendents & 1 Assistant Garda Commissioner	1 Assistant Garda Commissioner, 3 Chief Superintendents, 10 Superintendents	14	Yes, application was approved.	14	22/05/2009	To replace key staff who are retiring
2	Garda	Appointment of 1 Assistant Garda Commissioner	1 Assistant Garda Commissioner	1	Yes, application was approved.	1	28/09/2009	To replace key staff who are retiring
3	Garda	Appointment of 1 Assistant Garda Commissioner, 9 Chief Superintendent, 14 Superintendents, 28 Inspectors, 120 Sergeants (172 posts in total)	1 Assistant Garda Commissioner, 9 Chief Superintendents, 14 Superintendents, 28 Inspectors, 120 Sergeants	172	No formal sanction given as an Employment Control Framework is in the process of being agreed with the Department of Justice for the Justice Sector. Its will then be a matter for the Garda to manage staff numbers within the agreed Framework and associated pay allocation.			
4	Garda	Reappointment of Garda to Garda Technical Bureau	1 Garda	1	Yes, application was approved.	1	09/03/2010	Reappointment of a Guard who had left force who had previously been given technical training and worked in the Bureau. 3 staff due to retire from the Bureau this year and this guard's training and experience would make him suitable to fill one of these posts.

Department of Justice, Equality and Law Reform — *continued*

No.	Requesting Body	Purpose of Sanction	Grade	No. of posts sought	Decision	No. of posts granted	Date Sanctioned	Comment
5	Garda	Reapointment of Garda to the Garda Force	1 Garda	1	Yes, application was approved.	1	16/04/2010	Sanction was given on foot of legal advice from the Office of the Attorney General which advised that this Garda had a legitimate expectation that she would be re-appointed on the basis of an agreement between the Minister for Justice and the Garda Commissioner in 1980 regarding the extension of the categories to be considered for re-appointment which included members who resign from the Force to take up a post with UN.
6	Garda	Reappointment of 2 Garda to the Garda Force	2 Garda	2	Application under consideration			Justice are seeking approval to the reappointment of 2 garda, 1 of whom who left the Force to take up UN posts and another who left to set up a Driving school.
7	Irish Youth Justice Service	Extension of contracts for 27 staff employed in the Finglas and Oberstown Children Detention Schools.	10 Residential Childcare Workers, 4 Night Supervisors, 6 General Operatives, 1 Chef, 1 Assistant chef, 1 Assistance Maintenance Officer, 2 Clerical Officer, 1 Night Unit manager, 1 Assistant Deputy Director	27	Yes, application was approved.	27	26/06/2009	To facilitate the ordered restructuring of staffing in the youth detention centres prior to the closure of one detention centre.
8	Irish Youth Justice Service	Extension of contract for 1 worker at Trinity House	1 General Operative	1	Yes, application was approved.	1	02/09/2009	To maintain catering services at weekends.

Department of Justice, Equality and Law Reform — *continued*

No.	Requesting Body	Purpose of Sanction	Grade	No. of posts sought	Decision	No. of posts granted	Date Sanctioned	Comment
9	Irish Youth Justice Service	Extension of contract for 5 workers at Trinity House	2 Residential Childcare Workers, 2 Night Supervisors, 1 Clerical Officer	5	Yes, application was approved.	5	18/09/2009	To facilitate the ordered restructuring of staffing in the youth detention centres prior to the closure of one detention centre.
10	Irish Youth Justice Service	Extension of contracts for 68 staff employed in the Children Detention Schools to 31 March 2010.	31 Residential Childcare Workers, 12 Night Supervisors, 13 General Operatives, 1 Chef, 1 Assistance Maintenance Officer, 6 Clerical Staff, 3 Night Unit Managers, 1 Assistant Night Unit Manager	68	Yes, application was approved.	68	25/09/2009	To facilitate the ordered restructuring of staffing in the youth detention centres prior to the closure of one detention centre.

Department of the Environment, Heritage and Local Government

No.	Requesting Body	Purpose of Sanction	Grade	No. of posts	Decision	No. of posts granted	Date Sanctioned	Comment
1	An Bord Pleanála	Delay in filling staff complement due to industrial relations issue	SEO	1	Sanction was refused	0	09.06.09	Request for sanction does not fall within the “very limited circumstances” where Ministerial exceptions can be sought.
2	Private Residential Tenancies Board	PRTB wish to engage 30 COs rather than 22 agency staff for same cost	CO	30	Sanction was refused	0	21.05.09	Request for sanction does not fall within the “very limited circumstances” where Ministerial exceptions can be sought.

Department of the Environment, Heritage and Local Government — *continued*

No.	Requesting Body	Purpose of Sanction	Grade	No. of posts	Decision	No. of posts granted	Date Sanctioned	Comment
3	Environmental Protection Agency	Reappointment as term has expired	Director	1	Yes, sanction was given — on a permanent basis	1	11.09.09	Post is vital for operation of services
4	Wicklow County Council *	Incentivised Scheme of Early Retirement in the Public Service	Director of Services	1	Yes, sanction was given — on a temporary/acting basis	1	18.12.09	Post is vital for operation of services
5	Irish Regions Office	Contract expired	EU Programmes & Communication Officer	1	Yes, sanction was given — on a permanent basis	1	27.01.10	Post is vital for operation of services
6	BMW Regional Assembly	Contract expired	Auditor	1	Yes, sanction was given — on a permanent basis	1	24.03.10	Post is vital for operation of services
7	Environmental Protection Agency	NewPost to Manage Dumping at Sea Permits	Technical Manager	1	Sanction was refused	0	08.03.10	Request for sanction does not fall within the “very limited circumstances” where Ministerial exceptions can be sought.
8	Dublin Docklands Development Authority	Incentivised Scheme of Early Retirement in the Public Service	Secretary	1	No decision to date			

Department of the Environment, Heritage and Local Government — *continued*

No.	Requesting Body	Purpose of Sanction	Grade	No. of posts	Decision	No. of posts granted	Date Sanctioned	Comment
9	Dublin Docklands Development Authority	Contract is due to expire	Director of Finance	1	No decision to date			
10	Housing Finance Agency	To fill one full time and one part time EO posts to supply administrative support and loan book management	EO	1.5	Yes, sanction was given — on a permanent basis	1.5	08.03.10	Post is vital for operation of services
11	Housing Finance Agency	To fill a jobshare CO post due to a member of staff switching to job share	CO	0.5	Yes, sanction was given — on a permanent basis	0.5	08.03.10	Post is vital for operation of services
12	Housing Finance Agency	To fill 1 full time & 1 part time CO posts arising as consequential vacancies from the filling of the EO posts above	CO	1.5	Sanction was refused	0	08.03.10	Request for sanction does not fall within the “very limited circumstances” where Ministerial exceptions can be sought.
13	Radiological Protection Institute of Ireland	To fill the post of Director of Advisory Services following the departure of Dr. Colgan to the IAEA	PSO	1	Yes, sanction was given — on a permanent basis	1	08.03.10	Post is vital for operation of services
14	Radiological Protection Institute of Ireland	Fill the consequential vacancy arising from filling the post of Director of Advisory Services	SSO	1	Sanction was refused	0	08.03.10	Request for sanction does not fall within the “very limited circumstances” where Ministerial exceptions can be sought.

Department of the Environment, Heritage and Local Government — *continued*

No.	Requesting Body	Purpose of Sanction	Grade	No. of posts	Decision	No. of posts granted	Date Sanctioned	Comment
15	Radiological Protection Institute of Ireland	Fill the consequential vacancy arising from filling the post of Director of Advisory Services	SO	1	Sanction was refused	0	08.03.10	
16	Local Government Management Agency	Director of OLAM	Director	1	No decision to date			
17	Southern & Eastern Regional Assembly	To fill a first level controller post to implement the systems of controls for the Ireland Wales Programme	Grade 1V	4	Yes, sanction was given — on a permanent basis	1	19.04.10	Post is vital for operation of services
18	An Bord Pleanála	Contract Expired. Application to extend contract for 1 year	Planning Inspector	1	Yes, sanction was given — on a temporary/acting basis	1	23.04.10	Post is vital for operation of services
19	Dublin Docklands Development Authority	Sanction sought to acting up allowance for the Acting CEO	Acting CEO	1	No decision to date	0		

Civil Service	Exception Sought	Grade	No. of Exceptions Sought Promotion/ Recruitment Redeployment	Decision	Sanction Date	Exceptions Granted Promotion/ Recruitment Redeployment	Basis of Sanction
Courts Service	5 Legal Researchers	Legal Researchers	5	Approved	01-Jun-09	5	Approved but next 6 Tipstaff to be suppressed
	1 CO in Limerick from PAS CO panel	CO	1	Approved	18-Nov-09	1	1 CO from PAS
	1 CO in Waterford from PAS CO panel	CO	1	Approved	18-Nov-09	1	1 CO from PAS
	Dep Gen Solicitor (AP) acting to Gen Solicitor (PO) to be made substantive	Gen Solicitor	1	Approved	06-Nov-09	1	Sanctioned as substantive Gen Solicitor on basis of suppressing Dep Gen Solicitor post
	Tip staffs (criers and ushers) for judiciary	Tip Staff (criers and ushers)	5	Approved	11-Mar-10	5	Operational needs.
	Permanent Court messenger Galway	Court Messenger	1	Approved	21-Jan-10	1	Statutory requirements
	10 Judicial Fellowships to the High Court	Fellowships	10	Under Consideration	—	—	Fellows considered to provide key support to the Judiciary
	4 Assistant Principal Officer posts in Dublin	Assistant Principal	4	Under Consideration			3 to replace 4 normal retirements and 1 lateral transfer
	3 Executive Officers in Dublin	Executive Officer	3	Under Consideration			2 to replace retirements and 1 to replace transfer
	1 Clerical Officer Wexford/Waterford	Clerical Officer	1	Under Consideration			To replace staff member transferring to a Garda Station
	Service Officer with Allowance for Dublin	Service Officer	1	Under Consideration			Vacancy created on retirement of incumbent
PRA	35 Technical Promotions	Examiner of Maps	35	Part Approved	During 2009	20	20 Mapping Draughtspersons promoted to next level. Old grade defunct while their new grade has big workload. Part Granted (no allowance for 15 staff)
	Deputy Registrar, Head of Operations (departmental grade, Director equivalent)	Deputy Registrar	1	Approved	09-Mar-10	1	Business Critical Post
	Mapping Advisor, (departmental grade, PO standard equivalent)	Mapping Advisor	1	Approved	09-Mar-10	1	Business Critical Post
	Personnel Officer, (PO standard)	PO	1	Approved	09-Mar-10	1	Business Critical Post
	2 AP higher and 2 AP std	AP	4	Part Approved	09-Mar-10	1	Promotions

Civil Service	Exception Sought	Grade	No. of Exceptions Sought Promotion/ Recruitment Redeployment	Decision	Sanction Date	Exceptions Granted Promotion/ Recruitment Redeployment	Basis of Sanction
JELR	CEO Legal Aid Board	CEO	1	Approved	28-Aug-09	1	Statutory Post, extension for a 5 year fixed term contract
	CEO Equality Authority	CEO	1	Approved	23-Apr-09	1	Statutory Post, extension for a 5 year fixed term contract
	Employment Assistance Officer (EAO)	Employment Assistance Officer	1	Approved	06-May-09	1	Existing Civil Servant, cost neutral
	Garda Inspectorate — 2 members	Garda Inspectorate	2	Approved	07-Aug-09	2	2 new members of Inspectorate sanctioned for a 2 year period
	Deputy Chief State Pathologist	Deputy Chief State Pathologist	1	Approved	07-Jul-09	1	Exception made to make temp contract established (see file)
	Head of IT	Head of IT	1	Approved	17-Feb-10	1	Acting up allowance for 1 year
	2 Legal Researchers -INIS/ORAC	Legal Researcher	2	Approved	02-Feb-10	2	Renewal of Contracts for 1 year
	Director General (Dep Sec)	DG	1	Under Consideration	—	1	Approved at lower level.
	International Policy (Asst Sec)	Asst Sec	1	Under Consideration	—	0	—
	JELR ISER 10 PO posts	PO	8	Part Approved	—	4	—
	JELR shared services (Payroll Project Team 1 AP, 2 HEOs and 1 EO)	Eo to AP	5	Under Consideration	—	—	—
	JELR shared services (1 AP, 2 EOs and 2 Cos)	CO to AP	5	Under Consideration	—	—	—
12 Junior Solicitors	Solicitors	12	Approved	15-Apr-10			
Irish Prison Service	Renewal of Contract for the Director General	Director General	1	Approved	June 09	1	Renewal of 5 year contract
	Chief Officer competition	Chief Officer	1	Approved	31-Jul-09	1	Prison operational reasons.
	40 Recruit Prison Officers	Prison Officer	40	Approved	31-Jul-09	40	Prison operational reasons.
	3 Governor 1's	Governor	3	Approved	31-Jul-09	3	Prison operational reasons.
	2 Governor 2 posts	Governor	2	Approved	20/10/09	2	Prison operational reasons.
	1 Governor 2 Post	Governor	1	Approved	20/10/09	1	Prison operational reasons.
	Recruit grade prison officers	Prison Officers	40	Part Approved	23-Oct-09	40	Prison operational reasons.

Civil Service	Exception Sought	Grade	No. of Exceptions Sought Promotion/ Recruitment Redeployment	Decision	Sanction Date	Exceptions Granted Promotion/ Recruitment Redeployment	Basis of Sanction
	Mandatory Drug Testing (Allowances)	—	2	Approved	13-Oct-09	2	Prison operational reasons.
	Governor posts	Governor	15	Approved	—	—	—
	Recruit grade prison officers	Prison Officer	40	Approved	22-Jan-10	40	38 recruit prison officers and 2 psychologists
	Assistant Chief Officer	Asst Chief Officer	15	Approved	11-Feb-10	1	—
	Governor III	Governor	1	Under Consideration			Required for Transformation Implementation Team
	Assistant Governor	Asst Gov	1	Under Consideration			Required for Transformation Implementation Team
	Assistant Principal	Assistant Principal	1	Under Consideration			Required for Transformation Implementation Team
	2 Clerical Officers	Clerical Officer	2	Under Consideration			Required for Transformation Implementation Team
Garda Civilian	Acting up allowances			Under Consideration	—	—	—
	GPO head of HR strategy	PO	1	Under Consideration	—	—	—
	Head of Garda Infor Services centre	PO	1	Under Consideration	—	—	—
	Head of Training unit Templemore	AP	1	Approved	12-Mar-10	1	1 year contract extension
	IT staff 9	Various	9	Under Consideration	—	—	—
D/E&S	Programme for Govt 22 Psychologist & 3 SENO staff	Psychologists/SENO	25	Approved	25-May-09	25	Extending a service and reducing spend on panel scheme
	Chief Inspector vacancy from retirement	Chief Inspector	1	Approved	Nov 09	1	Business Critical Post
	A/Secretary post	Asst Secretary	2	Part Approved	08-Oct-09	1	Business Critical Post
	CEO of State Examinations Commission	Asst Secretary	1	Approved	08-Oct-09	1	Business Critical Post
	School Inspectorate	10 Retired School Inspectors	10	Approved	03-Feb-10	10	
	NCCA	8 Education Officers		Under Consideration	—	—	

Civil Service	Exception Sought	Grade	No. of Exceptions Sought Promotion/ Recruitment Redeployment	Decision	Sanction Date	Exceptions Granted Promotion/ Recruitment Redeployment	Basis of Sanction
D/Social Protection	New Management Board Structure	A/Sec and Director	4	Agree in principle to fill two of three A/Sec arising in '09 and to replace over '09 and '10 four departing Directors by two /Secs.	Decision by Minister 8/10/09 to proceed. Sanction issued 19 April '10 to appoint 2 A/Secs to replace 4 departing Directors.	4	Agreed to restructure responsibilities at Mgt Board level from 5 A/Sec and 5 Directors to 6 A/Sec and 1 Director. This involved replacing 4 departing Directors by 2 A/Secs
	To fill vacancy resulting from retirement in Child Family & Supplementary Policy & Services	Asst Secretary	1	Approved	Oct-09	1	Business Critical Post
	Regional & Pensions Service Delivery	Asst Secretary	1	Approved	Oct-09	1	Business Critical Post
	General Register Office	Asst Secretary	1	Refused	—	0	—
	GPs required to operate med assessment scheme	Medical Assessors	4	Approved	09-Nov-09	4	Control function in monitoring validity of illness cases
	Dep Head for med assessment scheme	Deputy Chief Medical Advisor	1	Approved	13-Jul-09	1	To provide management level to ensure appropriate monitoring of illness cases
	Director — This is a statutory post (PO plus €12,000)	Chief Appeals Officer	1	Approved	23-Oct-09	1	Statutory Requirement to have Director in place
	Head of Office — renewal of contract	Pension Ombudsman	1	Approved	01-Apr-09	1	Statutory requirement to have Ombudsman in place
	3 posts sanctioned for Buncrana Office Donegal	Service Officer	3	Approved	24-Aug-09	3	Not possible to recruit Service Officer staff locally or via CAF
	8 Buncrana Office Donegal	Staff Officer	8	Approved	06-Oct-09	8	Supervisory posts
	Promotions (Dundalk)	CO to SO	20	Approved	01-Jul-09	20	Reduce Live Register “waiting time” for new claimants
	Promotions Dundalk Initiative	CO to SO	25	Approved	23-Dec-09	25	Reduce Live Register “waiting time” for new claimants
	Sanction to run competition for PO post in Sligo	Principal Officer		Approved	18-Jan-10	1	No assignment to date
	Package of up to 100 posts being requested — 50 promotions in 2010 and 50 in 2011.	SO, EO and HEO, AP,	100	Part Approved	25-Mar-10	20	To deal with increases in the Live Register
	Social Welfare Appeals Officers (Retired)	AP	12	Approved	20-May-10	12	Backlog of Appeals office Claims requiring decisions

Civil Service	Exception Sought	Grade	No. of Exceptions Sought Promotion/ Recruitment Redeployment	Decision	Sanction Date	Exceptions Granted Promotion/ Recruitment Redeployment	Basis of Sanction
	Special Adviser to Minister	Special Adviser	1	Approved	06-May-10	1	Ministerial appointments to D/SP
	Special Media Adviser to Minister	Media Adviser	1	Approved	06-May-10	1	Ministerial appointments to D/SP
	Personal Assistant to Minister	Personal Assistant	1	Approved	06-May-10	1	Ministerial appointments to D/SP
	Personal Secretary to Minister	Personal Secretary	1	Approved	06-May-10	1	Ministerial appointments to D/SP
D/AFF	Filling of 2 A/Sec posts	Assistant Secretary	2	Part Approved	19-Mar-10	1	Business Critical Post — — Veterinary Inspector carrying out senior insp duties.
	Filling of vacancy in Direct Payment Schemes	Assistant Secretary	1	Approved	10-Jul-09	1	
	Senior Management, technical and scientific (45) to address skills deficits and ensure EU directives compliance	Various	45	Part Approved	19-Mar-10	21	
	Statutory posts	Audit & Senior management	2	Approved	19-Mar-10	2	
	Acting up allowance	HEO	1	Approved	2/10/09	1	
	Acting up allowance	AP	1	Part Approved	07-Apr-10	1	
D/EH&LG	To replace retiring and promoted Assistant Secretary	Assistant Secretary	1	Approved	19/6/09	1	Business Critical Post
	Request for 35 posts, 14 via promotion and 21 via recruitment	various Tech and administrative grades	35	Under consideration	—	—	Business Critical Posts
	Met Eireann — Director	Director	1	Approved	18-Sep-09	1	Business Critical Post
	To replace Principal on loan	PO	1	Approved	29/1/10	1	Acting position
	National Parks&Wildlife — 8 posts	1xInsp G I, 1x Insp G 2, 4 x Insp G 3, 2 x Conservation Rangers	8	Approved	27-Mar-10	8	
	Met Eireann — 6 Posts	1xAst Dir, 1x Meteor, 4x Met officers	6	Approved	27-Mar-10	6	
	1 x Water Quality Inspector	Water Quality Inspector	1	Approved	27-Mar-10	1	

Civil Service	Exception Sought	Grade	No. of Exceptions Sought Promotion/ Recruitment Redeployment	Decision	Sanction Date	Exceptions Granted Promotion/ Recruitment Redeployment	Basis of Sanction
	1 x Principal Adviser (Environment Inspectorate)	Principal Adviser	1	Approved	27-Mar-10	1	
	1 x Inspector Grade III	Inspector Grade III	1	Approved	27-Mar-10	1	
	General Service Posts	1 x PO, 2 AP, 1 AO, 1 EO	5	Approved	27-Mar-10	5	
	Miscellaneous posts in D/EH& LG	Multiple grades	13	Refused	27-Mar-10	0	
	To replace retired assistant secretary — Heritage Division	Assistant Secretary	1	Approved	21-Apr-10	1	Business Critical Post — already deferred for 1 year
Enterprise, Trade and Innovation	Reappointment of 2 Rights Commissioners	PO equivalent	2	Approved	28/04/2009	2	Non-discretionary volume of LRC cases and need to maintain state IR machinery.
ET&I (Labour Relations Commission)	Personal Assistant, Personal Secretary and 2 Civilian Drivers for Minister of State Kelleher	HEO, EO, Civilian Driver	4	Approved	06/05/2009	4	Political staff to assist Min of State.
	Personal Assistant, Personal Secretary and 2 Civilian Drivers for Minister of State Lenihan	HEO, EO, Civilian Driver	4	Approved	12/05/2009	4	Political staff to assist Min of State.
ET&I (Labour Relations Commission)	Deputy Director of Conciliation Services	PO	1	Approved	29/5/2009	1	Business Critical Post in LRC necessary to maintain state IR machinery.
	Personal Assistant, Personal Secretary and 2 Civilian Drivers for Minister of State Calleary	HEO, EO, Civilian Driver	4	Approved	09/06/2009	4	Ministerial Staff

Civil Service	Exception Sought	Grade	No. of Exceptions Sought Promotion/ Recruitment Redeployment	Decision	Sanction Date	Exceptions Granted Promotion/ Recruitment Redeployment	Basis of Sanction
ET&I (Labour Court)	Reappointment of 2 Members of Labour Court	N/A	2	Approved	02/06/2009	2	Statutory posts needed for operation of divisions of Labour Court
ET&I (Office of Director of Corporate Enforcement)	Part-time services of retired High Court Judge	High Court Judge	1	Approved	03/06/2009	1	To adjudicate on legal documents in Anglo Irish Bank investigation
ET&I (Labour Relations Commission)	Reappointment of 2 Rights Commissioners	PO equivalent	2	Approved	13/08/2009	2	Non-discretionary volume of LRC cases and need to maintain state IR machinery.
ET&I (National Employment Rights Authority)	Solicitor	Solicitor	1	Application was refused	10/09/2009	0	
ET&I (Patents Office)	Request for higher duties allowances for 2 EOs	HEO	2	Approved	10/09/2009	2	Temporary replacements in Trademarks Division
ET&I	Renew contracts of 2 legal researchers	EO	2	Approved	16/09/2009	2	To provide research for drawing up Companies Consolidation bill. 2 EO posts to be suppressed for duration of temporary contract.
ET&I (Labour Court)	Deputy Chairman of Labour Court	Assistant Secretary	1	Approved	31/01/2010	1	Statutory post. Filled by agreement by ICTU nominee.
ET&I	Additional 10 IT posts	HEO and EO	10	Under Consideration			
ET&I	Appointment of Legal Advisor on secondment from Office of AG	Legal Advisor	1	Under Consideration			
ET&I (Labour Court)	Filling of Ordinary member of Labour Court post	Principal Officer Higher	1	Approved	15/04/2010	1	Statutory post. Filled by retention of member until new nomination is received.

Civil Service	Exception Sought	Grade	No. of Exceptions Sought Promotion/ Recruitment Redeployment	Decision	Sanction Date	Exceptions Granted Promotion/ Recruitment Redeployment	Basis of Sanction
Enterprise, Trade & Innovation	Minister O'Keeffe's Special Advisors	Principal Officer	2	Approved	18/05/2010	2	Political Appointment
	Minister O'Keeffe's Personal Assistant	Higher Executive Officer	1	Approved	18/05/2010	1	Political Appointment
	Minister O'Keeffe's Personal Secretary	Executive Officer	1	Approved	18/05/2010	1	Political Appointment
CRAGA	To start up and oversee new Irish SI translation unit.	Director	1	Approved	08/04/2009	1	Response to High Court ruling.
	To manage the translation of Statutory Instruments into Irish	Aistritheoir Grád II	1	Approved	08/04/2009	1	Response to High Court ruling.
	To manage the translation of Statutory Instruments into Irish	Aistritheoir Grád III	1	Approved	08/04/2009	1	Response to High Court ruling.
	Ministerial Staff	Personal Assistant (HEO)	1	Approved	06/05/2009	1	Political Appointment
	Ministerial Staff	Personal Secretary	1	Approved	06/05/2009	1	Political Appointment
	Ministerial Staff	Civilian Driver	1	Approved	30/04/2009	2	Political Appointment
	To translate documents into Irish for EU.	Detached National Expert	1	Approved	05/11/2009	3	Temporary fixed term contracts renewed for 1 year.
	To replace 2 Assistant Secretaries, one of whom had retired and the other promoted.	Assistant Secretary	2	Approved	23/04/2010 & 14/05/2010	2	Department was operating with only 1 Assistant Sec. Business critical post
Charitable, Donations and Bequests Office	To renew contract of Secretary to Commissioners.	Solicitor (AP)	1	Under Consideration	—	—	—

Civil Service	Exception Sought	Grade	No. of Exceptions Sought Promotion/ Recruitment Redeployment	Decision	Sanction Date	Exceptions Granted Promotion/ Recruitment Redeployment	Basis of Sanction
National Advisory Committee on Drugs	To recruit researcher into drugs.	Researcher (AP)	1	Approved	11-Mar-10	1	Sanction granted to Health Research Board to recruit and second the Researcher to the NACD. Post considered a 'Business Critical Post'.
	Minister Carey's Special Advisor	Principal Officer	1	Approved	19-Apr-10	1	Political Appointment
	Minister Carey's Media Advisor	Principal Officer	1	Approved	19-Apr-10	1	Political Appointment
	Minister Carey's Personal Assistant	Higher Executive Officer	1	Approved	19-Apr-10	1	Political Appointment
	Minister Carey's Personal Secretary	Executive Officer	1	Approved	19-Apr-10	1	Political Appointment
	Minister of State White's Personal Assistant	Higher Executive Officer	1	Approved	19-May-10	1	Political Appointment
	Minister of State White's Personal Secretary	Executive Officer	1	Approved	19-May-10	1	Political Appointment
	Minister of State White's Civilian Drivers	Civilian Driver	2	Approved	19-May-10	2	Political Appointment
	Ministerial Staff (Minister of State White)	Special Advisor	1	Under consideration			
Finance	Banking specialist (temporary fixed term contract for 3 years)	Banking Specialist (Assistant Secretary level)	1	Approved	21/8/09	1	Urgent need for expertise in banking area.
	Package of IT posts.	1 ICT AP, 2 ICT E0s, 1 promotion EO to HEO (ICT)	4	Approved	23/12/09	4	Is in line with the ICT staffing recommendations made by the Special Group on Public Service Numbers and Expenditure Programmes
	Assistant Secretary in CMOD 8 POs	Assistant Secretary	1	Approved	Jan 2010	1	Business Critical Post
		Principal	8	Approved	12-Apr-10	8	Business Critical posts in situation where staffing levels were already below approved revised limits
	Director, Language Training Unit; higher duties allowance	Assistant Principal	1	Approved	Oct-09	1	Business Critical post

Civil Service	Exception Sought	Grade	No. of Exceptions Sought Promotion/ Recruitment Redeployment	Decision	Sanction Date	Exceptions Granted Promotion/ Recruitment Redeployment	Basis of Sanction
Revenue	Promotion of 2 COs to EO	EO	2	Approved	24/6/09	2	Skilled staff. Newly commissioned Cutter to be launched and used in fight against illegal importation of drugs
	Package of 200 posts.	17 PO, 44 AP, 64 HEO/AO, 75 CO/EO (Total 200)	200	Approved	22/12/09	200	To fill key management, audit and policy posts to ensure effective tax collection through a mix of redeployment, internal promotion and open competition.
	To have internal competition for 2 CO positions in Print Room.	Clerical Officer	2	Under Consideration	—	—	—
	To have internal competition for 2 CO positions in Print Room.	Clerical Officer	2	Approved	17/02/2010	2	Open to Service Officers — regrading of 2 Service Officer posts to CO and filled by redeployment — with no overall increase in numbers.
	Completion of final 2 phases of 2003 Uplift Agreement i.e. uplift of 20 Tax Officers to EO; 28 Higher Tax Officers to HEO & 5 CO Programmers to EO JSA	Uplift of 20 Tax Officers to EO; 28 Higher Tax Officers to HEO & 5 CO Programmers to EO JSA	53	Approved	30/03/2010	—	Revenue Integration to General Service grades. This was a legacy of the Revenue Agreement on Integration agreed with the Unions following the integration of Customs staff with Tax staff. End result is more effective casework management following targeted training.
	Revenue Solicitor and Asst Secretary post in Investigations and Prosecutions Division	Revenue Solicitor and Asst Secretary	2	Approved	22/04/2010	2	Particular responsibilities attaching to each post.

Civil Service	Exception Sought	Grade	No. of Exceptions Sought Promotion/ Recruitment Redeployment	Decision	Sanction Date	Exceptions Granted Promotion/ Recruitment Redeployment	Basis of Sanction
Valuation Office	Promotions	Chief Superintendents of Mapping	2	Approved		2	Element of restructuring plan for VO.
	Higher Superintendents of Mapping	Higher Superintendents of Mapping	2	Approved		2	Element of restructuring plan for VO.
	Appeal Officer	Appeal Officer	1	Approved		1	Internal competition — no backfilling of resulting vacancies — overall numbers not affected.
	A minimum of 1 Asst Registrar (HEO) and 3 COs for Valuation Tribunal to deal with ongoing Tribunal Appeals arising from National Revaluation	1 Asst Registrar (HEO) and 3 COs	4	Approved	15/04/2010	4	To ensure that the statutory deadlines for processing of appeals following the Revaluation process be met. Sanctioned on basis that an EO post be suppressed for 1 year, while an EO filled the HEO position on an acting up basis. 1 CO post to be filled on redeployment and the other 2 on temp contract for 11 mths each.
C&AG	Vacancies at various Grades	4 PO, 4.7 AP, 14.5 HEO/EO, 1.7 CO (Total 24.9)	24.9	Approved	15-Mar-10	25	Extra responsibilities e.g. NAMA, new Accounting Standards, extra work on Revenue account
	1 Director of Audit	Assistant Sec level	1	Approved	30-Apr-10	1	Scale of operations and complex issues involved.

Civil Service	Exception Sought	Grade	No. of Exceptions Sought Promotion/ Recruitment Redeployment	Decision	Sanction Date	Exceptions Granted Promotion/ Recruitment Redeployment	Basis of Sanction
OPW	Upgrade	Architect	1	Refused	29/5/09	0	
	To fill vacancies	Service Officers	3	Approved	22/6/09	3	No viable alternatives to filling vacancy
	Commissioner (Property Management Services)	Commissioner (Assistant Secretary)	1	Approved	26-Aug-09	1	To enable OPW to effectively deliver on the current demands for its services made by Government, other Departments and their agencies and the public.
	Recruit 16 graduates at a reduced salary to replace those finishing the Graduate Architect Training Scheme.	Architect training programme	16	Approved	14/08/09	16	Participation in scheme for 5 years, — reduced salaries and fees
	To fill vacancy in new section	Quantity Surveyor	1	Approved	08/12/09	1	NPPOU section in Trim
	To fill possible vacancy in Director of the Botanic Gardens pending decision on 3 yr career break for incumbent to assume major positions in US	Acting up Director of Botanic Gardens	1	Approved	01/04/2010	1	Provided that the previous post of the new Acting Director remain unfilled for the duration of the Director's absence on career break
Attorney General	Advisory Counsel Grade 111	Advisory Counsel Grade 111	1	Approved		1	Important legal post
	Head of Administration	Head of Administration	1	Approved	01-Jan-00	1	Principal post in charge of the office
	Assistant Parliamentary Counsel Grade 11	Assistant Parliamentary Counsel Grade 11	3	Approved		3	Important legal posts
	Advisory Counsel Grade 1 (Vacancy)	Assistant Secretary Level	1	Approved (acting-up basis for 3 yrs)	21-Sep-09	1	Business Critical Post
	Advisory Counsel Grade 11	Advisory Counsel Grade 11	1	Approved		1	Important legal post because of the workload in the office
	Dep Director	Deputy Secretary level	1	Approved	23-Feb-10	1	Business Critical Post (Internal TLAC type competition. Consequentials, if any, also sanctioned within ECF.)
	Advisory Counsel Grade 111	Advisory Counsel Grade 111	1	Approved		1	Important legal post because of the workload in the office

Civil Service	Exception Sought	Grade	No. of Exceptions Sought Promotion/ Recruitment Redeployment	Decision	Sanction Date	Exceptions Granted Promotion/ Recruitment Redeployment	Basis of Sanction
Chief State Solicitor	Solicitor	Solicitor	1	Approved		1	Official appointed on completion of apprenticeship
National Library	Keeper of Manuscripts	Keeper of Manuscripts	1	Approved		1	Specialised post
Chester Beatty Library	Assistant Keeper 11/Systems Librarian	Assistant Keeper 11/Systems Librarian	1	Approved		1	Specialised post — vacant for some time
	Director	PO (Higher Level)	1	Approved	22-Jan-10	1	Head of the Library — to be filled by open competition
Central Statistics Office	Assistant Director General	Assistant Director General	1	Approved	22-Oct-09	1	Business Critical Post -approved on the basis any resultant internal vacancy is suppressed
	Assistant Director General for Macroeconomic and Environment Divisions	Assistant Director General	1	Approved	Agreed by Minister 14 April 2010	1	Business Critical Post
	Senior Statistician	Senior Statistician	1	Under Consideration	—	—	—
Defence	Night watchman	Night Watchman	1	Approved		1	To provide security at the Galway premises
	Director of Military Prosecutions	Director of Military Prosecutions	1	Approved		1	Statutory post
	Assistant Principal/Senior Systems Analyst	Assistant Principal/Senior Systems Analyst	1	Approved		1	Sanctioned in Galway as a result of the suppression of a PO and the transfer of his duties to Dublin
	Head Services Officer	Head Services Officer	1	Approved		1	Needed for the decentralisation of premises to Newbridge
	Services Officer	Services Officer	1	Approved		1	—
	Director	Director	1	Approved		1	—
	Principal Officer	Principal Officer	1	Approved		1	—
	Special Adviser	Special Adviser	1	Approved	09/04/2010	1	Ministerial staff
	Special Adviser	Special Adviser	1	Approved	16/04/2010	1	Ministerial staff
	Personal Assistant	Personal Assistant	1	Approved	09/04/2010	1	Ministerial staff
	Personal Secretary	Personal Secretary	1	Approved	09/04/2010	1	Ministerial staff

Civil Service	Exception Sought	Grade	No. of Exceptions Sought Promotion/ Recruitment Redeployment	Decision	Sanction Date	Exceptions Granted Promotion/ Recruitment Redeployment	Basis of Sanction
DPP	To fill retirement vacancy	Head of Directing Division (between Asst Sec and Dep Sec)	1	Approved	05-Jun-09	1	Business Critical Post
	Chief Prosecution Solicitor	Chief Prosecution Solicitor (between Asst Sec and Dep Sec)	1	Approved	02-Nov-09	1	Business Critical Post
Foreign Affairs	5 Third Secretaries	Third Secretaries	5	Approved		5	From the 2008 competition to provide for succession planning
	Assistant Secretary	Assistant Secretary	1	Approved	19-Feb-10	1	Business Critical Post
	Counsellor and First Secretary	Counsellor and First Secretary	2	Approved		2	Business Critical Post
Taoiseach	Assistant Principal	Assistant Principal	1	Approved		1	Head of the IT Unit to be filled from redeployment
	Administrative Officers	Administrative Officers	3	Approved		3	For succession planning
	Special Adviser to Minister of State Curran, Chief Whip	Special Adviser	1	Approved	30-Apr-10	1	Transfer of staff to Minister from previous Dept
	Staff for Minister of State/Chief Personal Staff	PA & 2 x Worksharing Sec Assistants	2	Approved	06/05/2010	2	Transfer of staff to Minister from previous Dept
Transport	Coastal Sector Unit Managers	Coastal Sector Unit Managers	3	Approved		3	Needed for health and safety reasons
	Operations and Training Officer in the coastal service	Operations and Training Officer in the coastal service	1	Approved		1	Needed for health and safety reasons
	Assistant Secretary Vacancy from retirement (Public Transport)	Assistant Secretary	1	Approved	22-Oct-09	1	Key management level post
	A/Sec vacancy	Assistant Secretary	1	Refused	—	—	—
	Principal Officer	Principal Officer	2	Approved		2	To be filled from internal competition.
	Principal Officer Personal Staff for Mininster Dempsey	Principal Officer 1 x PA & 1 x Personal Sec	1 2	Under Consideration Approved	— 21-Apr-10	— 2	—

Civil Service	Exception Sought	Grade	No. of Exceptions Sought Promotion/ Recruitment Redeployment	Decision	Sanction Date	Exceptions Granted Promotion/ Recruitment Redeployment	Basis of Sanction
Health	DG of OMCYA	Deputy Secretary	1	Approved	23-Dec-09	1	Head of Office of Min for Children etc
Tourism, Culture & Sport	Filling of two posts in Minister's Constituency Office by transfers from other Departments	Executive Officer	2	Approved	20-May-10	2	Posts vital to the functioning of the Constituency Office
	Minister Hanafin's Special Advisor	Principal Officer	1	Approved	27-Apr-10	1	Political Appointment
	Minister Hanafin's Press Advisor	Higher Executive Officer	1	Approved	27-Apr-10	1	Political Appointment
	Minister Hanafin's Personal Assistant	Higher Executive Officer	1	Approved	27-Apr-10	1	Political Appointment
	Minister Hanafin's Personal Secretary	Executive Officer	1	Approved	27-Apr-10	1	Political Appointment
National Archives	Filling of vacancies to avoid the closure of the reading room	CO, EO and Service Officers	6	Under consideration			
Communications, Energy & Natural Resources	Filling of Assistant Secretary post arising from retirement — Communications and Broadcast brief	Assistant Secretary	1	Pending			
			1,109		Total	769	
Temporary staff approved for Live Register, etc							
D/SFA	LEVY of Staff (i.e. temporary transfers) to Dept Social & Family Affairs			Total posts approved (LEVY):	550		

Temporary Posts for CENSUS of Population 2011 [CENTRAL STATISTICS OFFICE]

Civil Service	Exception Sought	Grade	No. of Exceptions Sought Promotion/ Recruitment Redeployment	Decision	Sanction Date	Exceptions Granted Promotion/ Recruitment Redeployment	Basis of Sanction
Central Statistics Office	Staff for the Household Budget Survey i.e. interviewers etc	Staff for the Household Budget Survey i.e. interviewers etc		Approved		85	These staff required for the Household Budget, Business Register and Annual Services Inquiry — 85 Temporary Contracts during 2009 & 2010
	ICT Executive Officer	ICT Executive Officer		Approved		2	Required for preparatory work on the Census of Population 2011
	Executive Officer	Executive Officer		Approved		4	Required for 18 months to work on the Census. Will be re-assigned to another department on completion of that work
	Clerical Officer	Clerical Officer		Approved		24	The CSO was asked to seek staff from other departments for a period of 10 months for Census of Agriculture work. In the event, staff were not available so sanction was later granted to appoint COs on temporary contract
	Statistician	Statistician		Approved		1	To work full time on an OECD 'Programme for International Assessment of Adult Competencies'
	Executive Officer	Executive Officer		Approved		2	Also required for this programme
	Grades from Clerical Officer to Assistant Principal	Grades from Clerical Officer to Assistant Principal		Approved		158	These are internal CSO staff required from early 2010 to end 2011 to prepare for and finalise the Census 2011
	Census Liaison Officers, Regional Supervisors, Field Supervisors and Clerical Officers	Census Liaison Officers, Regional Supervisors, Field Supervisors and Clerical Officers		Under Consideration	—	—	—
Temporary part-time enumerators	Temporary part-time enumerators		Under Consideration	—	—	—	
				Total posts approved (temps):		276	

Departmental Expenditure

140. **Deputy Jim O’Keeffe** asked the Minister for Finance, further to Parliamentary Questions No. 100 of 31 March and No. 69 of 28 April 2010, if he will now furnish the details required in respect of the amount of expenditure incurred between 1 January 2009 to 31 December 2009 by his Department and offices, agencies and any other bodies falling within his remit, on the lease, rental or purchase of car parking spaces for use by civil and public servants; and if he will make a statement on the matter. [21794/10]

Minister for Finance (Deputy Brian Lenihan): I have by informed by the Office of Public Works that they lease car parking spaces for a number of Departments and Offices falling under the Office of Public Works remit. In the period 1st January 2009 to 31st December 2009, based on the information available to the Office of Public Works for the assignment of space in leased buildings to the Departments/Offices involved, the total expenditure incurred by the Office of Public Works for leased car park spaces was €10,660,628, where the specific cost of leased car parking costs are defined in the lease.

The criteria for compiling the answer comprises of the following:

- Leases that are specifically for the provision of car-parking facilities only — involving some 53 leases which include 3 on a repayment basis.
- Leases at building level that include car-parking facilities where the annual cost of car-parking is included in the annual rent but is shown as a separate cost in the Property System with the number of spaces involved — involving some 144 leases which include 13 on a repayment basis.
- Leases from above generating expenditure in 2009.

The total number of leased car spaces in 2009 was of the order of 5,766 and this is broken down in the following table:

Location	No. of Spaces	Average Cost of Space
		€
Dublin	3,684	2,542
Regional	2,082	445

OPW did not purchase any new car parking spaces in 2009.

Financial Institutions Support Scheme

141. **Deputy Enda Kenny** asked the Minister for Finance the extent of moneys paid by the banks for the deposit guarantee scheme to date; if he will confirm that this money is ring fenced; the purpose for which it is intended; if he will consider using an element of this fund for the purposes of introducing a loan guarantee scheme; and if he will make a statement on the matter. [21824/10]

Minister for Finance (Deputy Brian Lenihan): The legal basis for the Deposit Guarantee Scheme in Ireland is set out in the European Communities (Deposit Guarantee Scheme) Regulations 1995 (S.I. No. 168 of 1995) as amended. These Regulations implement the European Union Directive on Deposit Guarantee Schemes (94/19/EC) as amended. The Deputy will be aware that the Irish Deposit Guarantee Scheme covers 100% of retail deposits with all credit institutions authorised in Ireland (including credit unions) up to a maximum of €100,000 per

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qualifying depositor per institution and that the Scheme is administered by the Central Bank and Financial Services Authority of Ireland (CBFSAI).

The level of contribution required from each credit institution is 0.2% of eligible deposits held at all branches of the credit institution in the EEA, including deposits on current accounts and share accounts with a building society, but excluding interbank deposits and deposits represented by negotiable certificates of deposit. While deposits held in credit unions are already covered to the extent set out above, I intend to make regulations to provide for a contribution amount specific to credit unions, in accordance with Section 4(2)(a) of the Financial Services (Deposit Guarantee Scheme) Act 2009.

Each contribution by a credit institution is maintained in a Deposit Protection Account at the CBFSAI. The total amount currently held in Deposit Protection Accounts is approximately €603.5 million. This amount is for use only in relation to the administration of the Deposit Protection Account, including any possible pay-out in the event of an insolvency of a credit institution, as required by the legislation. In that context, I do not propose using an element of this fund for the purposes of introducing a loan guarantee scheme as suggested by the Deputy.

The Deputy may also be aware that work is underway within the Department of Enterprise, Trade and Employment on the examination of a possible scheme of loan guarantees and my officials have held a number of discussions with officials of that Department on the subject. Key concerns being addressed include the extent to which such a scheme would increase lending to SMEs (as against enhancing security for the banks) and the extent of taxpayer exposure and I understand that the work is nearing completion.

Tax Code

142. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Finance the reason for the Revenue Commissioners' failure to respond to queries from Inland Revenue in the Six Counties in respect of a person (details supplied) in County Monaghan; and if he will ensure a response issues quickly as Inland Revenue will not pay her the tax credits to which she is entitled until it receives the information it has requested from Revenue. [21825/10]

Minister for Finance (Deputy Brian Lenihan): I am informed by the Revenue Commissioners that there is no record of any correspondence having been received from either HMRC or the taxpayer in relation to their tax affairs.

Criminal Prosecutions

143. **Deputy Mary Upton** asked the Minister for Finance the number of prosecutions that have been initiated against unlicensed estate agents or letting agents who do not have the required licence under the Auctioneers and House Agents Act 1974; and if he will make a statement on the matter. [21893/10]

Minister for Finance (Deputy Brian Lenihan): I am informed by the Revenue Commissioners that the following table contains the information requested by the Deputy regarding prosecutions and convictions in respect of unlicensed trading contrary to the Auctioneers and House Agents Act 1947. The figures cover the years 2008 to date. It should be noted that there is no direct correlation between the institution of proceedings and the number of convictions in a given year, as the latter often relates to cases initiated in a previous year.

Proceedings Instituted in year			Numbers Convicted in year			Fines Imposed in year		
2008	2009	2010	2008	2009	2010	2008	2009	2010
6	5	1	2	4	2	€715	€1,480	€665

Tax Code

144. **Deputy Michael McGrath** asked the Minister for Finance if his attention has been drawn to a matter (details supplied) concerning the interaction of the carbon tax and VAT. [21947/10]

Minister for Finance (Deputy Brian Lenihan): I am advised by the Revenue Commissioners that in accordance with section 10(1) of the Value-Added Tax 1972 (as amended), the amount on which Value-Added Tax is chargeable is the total consideration receivable by the supplier, “including all taxes, commissions, costs and charges whatsoever” but not including the value-added tax itself. As the Deputy will be aware, VAT is an EU wide tax and Irish VAT law must comply with the EU VAT Directives. Article 78 of EU Council Directive 2006/112/EC provides that the taxable amount to which VAT is applied shall include “taxes, duties levies and charges, excluding the VAT itself”. Accordingly, as in the case of excises on other products, it is correct to include any carbon tax element of a gas bill in the amount on which VAT is chargeable.

Tax Collection

145. **Deputy Michael Ring** asked the Minister for Finance when a one-parent family tax credit will be sorted out in respect of a person (details supplied) in Dublin 11. [22001/10]

Minister for Finance (Deputy Brian Lenihan): I am advised by the Revenue Commissioners that the person in question has been asked to provide documentation in support of the One Parent Family Credit. On receipt of the supporting documentation the claim will be dealt with.

Tribunals of Inquiry

146. **Deputy Michael Lowry** asked the Minister for Finance the reason there is a different calculation between his Department and the Department of the Taoiseach regarding the cost (details supplied) of the Moriarty tribunal; if he will provide a detailed breakdown of the €2.564 million and to whom it was paid; if he will clarify the precise and accurate details on this issue; and if he will make a statement on the matter. [22089/10]

Minister for Finance (Deputy Brian Lenihan): The reply recently given by the Taoiseach was in response to questions about payments by that Department, and set out the total paid by that Department in relation to the Moriarty Tribunal, up to end-April 2010. The reply which I gave on 1 April 2010 set out the total paid by the Department of the Taoiseach and the Department of Communications, Energy and Natural Resources, up to end-February 2010. The Department of the Taoiseach total to end-February 2010 was €38.946 million, made up of €7.752 million in Tribunal administration and €31.194 million in Tribunal legal costs. The Department of Communications, Energy and Natural Resources total to end-February was €2.7 million, made up of €0.136 million in administration and €2.564 million in legal costs, discharged from 2002 to end-February 2010 in connection with that Department’s involvement with the Moriarty Tribunal. The Department of Communications, Energy and Natural Resources will be able to provide information regarding the sum of €2.564 million.

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No decision in relation to third party legal costs has been made to date by the Moriarty Tribunal and accordingly, no such costs have been paid by either Department. Expenditure by the Department of Communications, Energy and Natural Resources in relation to the Moriarty Tribunal will in future replies to Parliamentary Questions be classified and shown separately from that paid by the Department of the Taoiseach.

Tax Collection

147. **Deputy Finian McGrath** asked the Minister for Finance if he will support the case of a person (details supplied). [22115/10]

Minister for Finance (Deputy Brian Lenihan): I have been advised by the Revenue Commissioners that they have noted the additional material supplied by the parties, but that it does not provide grounds for further mitigation of the interest due. The stamp duty return is a standard process and must be completed in all cases to enable Revenue to stamp an instrument, whether a penalty is charged or not. Given the circumstances of the case, Revenue would like to invite the parties and/or their representatives to meet with officials in Dublin Stamping District to have the stamping process explained and to assist them with the completion of the return. A letter to this effect has been issued to the parties.

Health Services

148. **Deputy John O'Mahony** asked the Minister for Health and Children when a person (details supplied) in County Mayo will receive their refund for a eye test carried out in September 2009; and if she will make a statement on the matter. [21323/10]

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.

Grant Payments

149. **Deputy Tom Hayes** asked the Minister for Health and Children when the back-to-school clothing and footwear allowance will be open for applications for September 2010; if different arrangements have been made for 2010 to process this payment; if additional staff have been allocated to processing this payment for 2010, in view of the increase in applications in 2009; and if she will make a statement on the matter. [21361/10]

Minister for Health and Children (Deputy Mary Harney): I understand that the HSE and officials from my Department have sought the agreement of the Department of Finance for a number of temporary posts for the administration of the Back to School Clothing and Footwear allowance this year and that this has been agreed. However, 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 further information requested regarding the administration of the scheme. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

Physical Education Facilities

150. **Deputy Joan Burton** asked the Minister for Health and Children if there is a grant

scheme to aid the purchase of appropriate equipment for such an external play area; the Health Service Executive support services that are in place to ensure that these facilities are in place in time for the transfer of students with these specific special needs into the school. [21552/10]

Minister of State at the Department of Health and Children (Deputy John Moloney): I wish to advise the Deputy that my Department does not fund the provision of play equipment for children. Furthermore, due to industrial action affecting the Health Service Executive it is not possible for the Executive to supply the additional 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

151. **Deputy Jack Wall** asked the Minister for Health and Children when a person (details supplied) in County Kildare will receive an appointment for a medical procedure; and if she will make a statement on the matter. [21801/10]

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.

Private Rented Accommodation

152. **Deputy Bernard J. Durkan** asked the Minister for Health and Children the cause or causes for the delay in processing applications for rent or mortgage support; if her attention has been drawn to the hardship caused to persons who have been waiting for up to three months for a decision; the action she has taken or proposes to take to address these issues; and if she will make a statement on the matter. [22095/10]

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 Waiting Lists

153. **Deputy Frank Feighan** asked the Minister for Health and Children when a bed will be made available in respect of a person (details supplied). [21319/10]

Minister for Health and Children (Deputy Mary Harney): I regret that due to industrial action in the HSE I am not in a position to arrange a substantive response to this Question. Subject to the resources available to it, the National Treatment Purchase Fund arranges treatment for patients who have been on a surgical waiting list for more than three months. It is open to the person in question or anyone acting on their behalf to contact the Fund directly in relation to their case.

Community Care

154. **Deputy Fergus O'Dowd** asked the Minister for Health and Children the position regarding respite care at the Cottage Hospital, Drogheda, County Louth; and if she will make a statement on the matter. [21321/10]

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

155. **Deputy Joe Costello** asked the Minister for Health and Children if there are plans to close down Baggot Street Community Hospital, Dublin 2, or to reduce the services being provided at present in the hospital; and if she will make a statement on the matter. [21330/10]

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.

156. **Deputy Joe Costello** asked the Minister for Health and Children if there are plans to close down Sir Patrick Dunn's Hospital, Dublin, or to reduce the services being provided at present in the hospital; and if she will make a statement on the matter. [21331/10]

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

157. **Deputy Ciarán Lynch** asked the Minister for Health and Children when a person (details supplied) in County Cork, whose appointment for orthodontic treatment at St. Finbarr's Hospital, Cork, was cancelled, will now be treated; and if she will make a statement on the matter. [21333/10]

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

158. **Deputy Damien English** asked the Minister for Health and Children the number of bed days lost at Our Lady's Hospital, Navan, County Meath due to delayed discharges for each of the years from 2007 to date in 2010 in tabular form. [21339/10]

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 Cards

159. **Deputy Ciarán Lynch** asked the Minister for Health and Children when a decision will

issue on an application for a medical card in respect of a person (details supplied) in County Cork; and if she will make a statement on the matter. [21350/10]

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.

Social Welfare Benefits

160. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children if decisions by community welfare officers to refuse payments are recorded by her Department; and if she will make a statement on the matter. [21359/10]

Minister for Health and Children (Deputy Mary Harney): The information referred to by the Deputy is not recorded by my Department. 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

161. **Deputy Mary Upton** asked the Minister for Health and Children the reason funding has been cut to an organisation (details supplied); and if she will make a statement on the matter. [21373/10]

Minister of State at the Department of Health and Children (Deputy John Moloney): I wish to inform the Deputy that the funding level provided to the organisation in question is a service matter. 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, it may interest the Deputy to know that both the Minister for Health and Children and the Health Service Executive have arranged meetings with the named organisation in the next couple of weeks, at which the question of funding and other matters will be discussed.

Vaccination Programme

162. **Deputy Pat Breen** asked the Minister for Health and Children if she will report on the immunisation programme in schools in County Clare for the past two years; the uptake for DTaP/IPV, MMR and BCG vaccines; the schools involved, in tabular form; if all schools participated in this programme; and if she will make a statement on the matter. [21380/10]

Minister for Health and Children (Deputy Mary Harney): The matters raised by the Deputy are service issues and are the responsibility of the Health Service Executive. I wish to advise the Deputy that, due to industrial action affecting the HSE, it is not possible for the Executive to supply current information in relation to the school immunisation programme. 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

163. **Deputy Bernard Allen** asked the Minister for Health and Children if the Health Service

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Executive will define the standardised approach for the allocation of home help hours and specifically the meaning in terms of the client of the impact on the availability of necessary hours; in terms of the HSE home help employees, the way the standardisation will affect their terms and conditions and or contract of employment; in terms of the private providers, if there are limits on hours available to clients through provision of hours delivered by direct HSE home helps; and if these limits will be mirrored by restrictions on funding allocated to private providers who deliver care services on behalf of the HSE. [21384/10]

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.

Medical Cards

164. **Deputy Aengus Ó Snodaigh** asked the Minister for Health and Children the reason a person (details supplied) in Dublin 20 has not been granted a medical card. [21386/10]

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

165. **Deputy Pat Breen** asked the Minister for Health and Children the position regarding an application in respect of a person (details supplied) in County Clare; and if she will make a statement on the matter. [21415/10]

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.

Tobacco-Related Diseases

166. **Deputy James Reilly** asked the Minister for Health and Children the EU countries that have already given effect to Commission Decision No. 2003/641/EC of 5 September 2003 on the use of colour photographs or other illustrations as health warnings on tobacco products; the reason for her delay in bringing forward regulations under the Public Health (Tobacco) (Amendment) Act 2009 in order to give effect to the Commission Decision; her plans to introduce the regulations; when it is envisaged that they will take effect; and if she will make a statement on the matter. [21426/10]

Minister of State at the Department of the Health and Children (Deputy Áine Brady): Section 6 of the Public Health (Tobacco) (Amendment) Act, 2009 provides for regulations to facilitate the introduction of the combined text and photo warnings on tobacco products and the regulations are currently being drafted. The date for the introduction of the new warnings will be determined following consultation with the relevant stakeholders. To date, Belgium and the United Kingdom have given effect to this non binding Commission Decision.

Health Services

167. **Deputy Catherine Byrne** asked the Minister for Health and Children the services in place for adolescents under 18 years who are suffering from drug and alcohol addiction; the number of dedicated detox beds available for under 18 year olds; the number of rehabilitation beds available to under 18 year olds around the country and their location; the after-care services available; and if she will make a statement on the matter. [21443/10]

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.

168. **Deputy Seán Ó Fearghaíl** asked the Minister for Health and Children if a long-term residential placement will be provided in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [21480/10]

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

169. **Deputy Paul Kehoe** asked the Minister for Health and Children the position regarding the provision of cancer care services at a clinic (details supplied) in County Waterford; if all contract negotiations been finalised; and if she will make a statement on the matter. [21486/10]

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 the Deputy that on 30 April 2010 the HSE and the clinic referred to reached an agreement to put in place an interim arrangement for the provision of radiotherapy services in the South East until the end of December next. I welcome this development which will remove any uncertainty for patients about ongoing radiotherapy treatment in this region.

Services for People with Disabilities

170. **Deputy Seán Ó Fearghaíl** asked the Minister for Health and Children the steps to be taken by a person (details supplied) in County Kildare, with significant disabilities, to establish if they are a victim of the Thalidomide drug; and if she will make a statement on the matter. [21532/10]

Minister of State at the Department of Health and Children (Deputy John Moloney): Following a meeting with the Irish Thalidomide Association in 2008, Minister Harney referred five individuals, who were not included in the 1975 Compensation Scheme for thalidomide survivors, to an independent, recognised international expert, Dr. Peter Kohler of Stockholm in Sweden, for a clinical assessment of their condition. Dr. Kohler determined that one of the five individuals was a victim of thalidomide exposure. The Department is not currently considering any further claims in relation to thalidomide. However, it is open to any individual who believes themselves to be a victim of thalidomide, to forward detailed documentary evidence to the

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German Agency which administers compensation to those determined as victims of the drug, for consideration of their case.

Hospital Waiting Lists

171. **Deputy Seán Ó Fearghail** asked the Minister for Health and Children when surgery will be carried out on a person (details supplied) at Tallaght Hospital, Dublin 24; if arrangements will be made for the release of this patient's file to the National Treatment Purchase Fund, in order that the necessary intervention will be expedited; and if she will make a statement on the matter. [21533/10]

Minister for Health and Children (Deputy Mary Harney): I regret that due to industrial action in the HSE I am not in a position to arrange a substantive response to this Question. Subject to the resources available to it, the National Treatment Purchase Fund arranges treatment for patients who have been on a surgical waiting list for more than three months. It is open to the person in question or anyone acting on their behalf to contact the Fund directly in relation to their case.

Health Services

172. **Deputy Joe Carey** asked the Minister for Health and Children the amount of funding that was allocated to the Health Service Executive for County Clare from 2006 to 2009 for the purposes of providing speech therapy; the number of clients that accessed the service in the same period broken down into the different age categories; and if she will make a statement on the matter. [21539/10]

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.

Medicinal Products.

173. **Deputy Maureen O'Sullivan** asked the Minister for Health and Children if she will comment on the assertion that the switching of medications from a branded drug such as fosamax or actonel, for treatment of osteoporosis, to generic alendronate is a false economy as research has shown that persons who were switched to a cheaper version of a generic drug did not show any improvement in their bone density and that patients had side effects with the cheaper generic drug. [21548/10]

Minister for Health and Children (Deputy Mary Harney): Over the past number of weeks I have answered a number of parliamentary questions and representations on this matter. I have made it quite clear on each occasion that 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.

I have received the report of the joint Department of Health and Children/Health Service Executive working group established to set out a proposed model for the implementation of a system of reference pricing combined with generic substitution. The report will be published shortly. The introduction of a system of reference pricing and interchangeable medicines will promote price competition and deliver ongoing savings for both the State and for patients. I

expect to see significant progress on this in 2010, including the implementation of legislative and administrative changes required to give it effect in 2011.

Medical Cards

174. **Deputy Michael Ring** asked the Minister for Health and Children when a person (details supplied) in County Mayo will be approved for a medical card. [21571/10]

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.

Inter-Country Adoptions

175. **Deputy Finian McGrath** asked the Minister for Health and Children if she will support the case of persons (details supplied). [21573/10]

Minister of State at the Department of Health and Children (Deputy Barry Andrews): It remains my intention to assist 20 named applicants to complete intercountry adoptions in respect of children from Vietnam on an exceptional basis and insofar as it is practicable in law. In communicating the decision to suspend the bilateral negotiations the Irish Government asked the Vietnamese Government whether it will be possible to proceed with these adoptions. The Vietnamese response was not definitive. The Government is attempting to put in place a mechanism in respect of these 20 applicants that safeguards against recent concerns raised in relation to intercountry adoption in Vietnam.

Medical Cards

176. **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. [21709/10]

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.

177. **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. [21710/10]

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 Service Staff

178. **Deputy Damien English** asked the Minister for Health and Children the reason the Kells branch of the Health Service Executive delayed the return to work by a career break

[Deputy Damien English.]

employee (details supplied); the reason for the delay; and if she will make a statement on the matter. [21720/10]

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.

Water Fluoridation

179. **Deputy Enda Kenny** asked the Minister for Health and Children the studies that have been carried out on the necessity to continue fluoridation of water here; if studies have been carried out on potential inherent dangers in the extent of fluoridation currently in the system; and if she will make a statement on the matter. [21721/10]

180. **Deputy Enda Kenny** asked the Minister for Health and Children the extent of fluoridation in the public water system here; the reason for fluoridation of water in 2010; and if she will make a statement on the matter. [21722/10]

Minister for Health and Children (Deputy Mary Harney): I propose to take Questions Nos. 179 and 180 together.

It is estimated that 65% of the population of the State reside in dwellings that are supplied with fluoridated water. A Forum on Fluoridation was established in 2000 to review the fluoridation of public piped water supplies. The main conclusion of the Forum's Report in 2002 was that the fluoridation of public piped water supplies should continue as a public health measure. Among the studies which support this conclusion was the North South Survey of Children's Oral Health (2002), which showed that tooth decay levels were lower among children who get fluoride in their water supply than among children in Northern Ireland, where there is no water fluoridation.

The European Commission has asked the Scientific Committee on Health and Environmental Risks (SCHER) to review any post-2005 evidence on the hazard profile, health effects, and human exposure to fluoride and to assess the risks that may be associated with the use of most common drinking water fluoridation agents. It is expected that a preliminary opinion will be published shortly.

The Irish Expert Body on Fluorides and Health, which was established in 2004, monitors new and emerging issues on fluoride and its effects on health and related matters. Its advice, based on a review of all previous and current international and national scientific data, is that the balance of the scientific evidence worldwide confirms that water fluoridation, at the optimal level, is safe and effective for protecting oral health. In May 2007, the World Health Organisation renewed its call for Governments throughout the world to introduce water fluoridation as an efficient public health measure.

Hospital Staff

181. **Deputy Joe Carey** asked the Minister for Health and Children the number of urologists treating prostate cancer in the public hospital system here along with their location; and if she will make a statement on the matter. [21727/10]

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.

182. **Deputy Joe Carey** asked the Minister for Health and Children her plans to increase the number of urologists in line with the 2005 Comhairle na n-Oispidéal report on urology services in Ireland; and if she will make a statement on the matter. [21728/10]

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 Prescriptions

183. **Deputy Paul Kehoe** asked the Minister for Health and Children her views on doctors writing prescriptions for patients on medical cards month after month, without seeing the patient; her plans to forbid doctors issuing prescriptions without physically seeing the patient; her further views on whether doctors continue to write prescriptions for patients who may be on medication which should be limited to a certain period of time; and if she will make a statement on the matter. [21736/10]

Minister for Health and Children (Deputy Mary Harney): Section 18 of the Form of Agreement with registered medical practitioners for the provision of services under section 58 of the Health Act 1970 (General Medical Services Scheme — GMS patients) states “*The medical practitioner shall prescribe such drugs and medicines as he considers necessary for any person for whom he is obliged to provide services.*”

Following discussions with the Irish Medical Organisation and the Irish Pharmaceutical Union, a repeat prescription facility, whereby prescriptions for certain drugs and medicines require renewal on a three monthly, rather than a monthly, basis, was introduced on 1 March 1991. Under this scheme, patients who are stabilized on their medication no longer need to visit their general practitioner every month in order to have their prescriptions renewed. Changes in GMS prescriptions from monthly to quarterly for suitable patients have created efficiencies for general practitioners and patients, by reducing unnecessary consultations and journeys to the GP and pharmacy.

Under the Medical Practitioners Acts, 1978 and 2007, the Medical Council is responsible for protecting the public by promoting and better ensuring high standards of professional conduct and professional education, training and competence among doctors. Doctors must always be guided by their primary responsibility to act in the best interests of their patients.

Departmental Agencies

184. **Deputy John O’Mahony** asked the Minister for Health and Children the agencies or bodies to which her Department provides funding or in respect of which it is administratively responsible; the bodies and agencies for which her Department is responsible in respect of her policy; the amount of funding provided in each of the years 2007 to 2010 in tabular form; and if she will make a statement on the matter. [21755/10]

Minister for Health and Children (Deputy Mary Harney): The Agencies funded by my Department in each of the years 2007-2010 as well as those agencies that my Department is administratively responsible for, but who are not directly funded by my Department, are set out in the following tables. The Deputy will also no doubt be aware that the Health Service Executive is accountable to me as Minister for Health & Children. The net amount voted by the Oireachtas in respect of Vote 40 — Health Service Executive is as follows:

2007 — €11,453,895;

2008 — €12,667,159;

2009 — €11,890,719.

In 2010 the Estimate of the HSE is €10,528,581.

Agencies directly funded by Department of Health and Children

Agency	2010	2009	2008	2007
		€	€	€
National Council on Ageing***	0	430,000	904,000	1,510,000
National Social Work Qualification Board	538,000	569,000	578,000	573,000
Irish Medicines Board	3,650,000	4,601,922	4,993,000	4,924,000
Post Graduate Medical and Dental Board*	0	0	10,362,000	9,795,000
Board for the Employment of the Blind (Blindcraft)****	0	17,000	10,000	4,717,000
Crisis Pregnancy Agency	0	8,178,000	8,706,000	8,574,000
Food Safety Authority Ireland	17,427,000	18,032,000	18,505,000	18,712,000
Institute of Public Health	1,542,000	1,517,000	1,576,000	1,562,000
Health Information & Quality Authority	14,757,000	11,100,000	14,800,000	6,389,000
Irish Health Safety Accreditation Board.**	0	0	0	843,000
Mental Health Commission	18,190,000	17,950,000	16,600,000	17,380,000
National Cancer Screening Service*	11,000	57,300,000	42,452,000	30,419,000
National Council Professional Development of Nursing & Midwifery	4,162,000	4,285,000	4,473,000	4,200,000
Office of Tobacco Control	1,726,000	1,620,000	1,819,000	2,495,554
Pre Hospital Emergency Care Council	3,161,000	3,281,000	3,438,000	3,414,850
Children's Acts Advisory Board	1,000	2,199,000	2,314,000	2,232,000
Women's Health Council***	0	500,000	658,000	654,000
National Treatment Purchase Fund	90,092,000	90,350,000	104,641,000	91,744,000
Food Safety Promotion Board	6,665,000	5,623,000	7,000,000	6,475,000
Health Research Board	34,157,000	35,241,000	36,885,000	36,085,000
Ombudsman for Children	2,223,000	2,310,000	2,409,000	2,080,992
Office of the Disability Appeals Officer	501,000	557,000	0	0
National Cancer Research Board	2,975,000	2,477,000	3,037,000	2,165,000
Health and Social Care Professionals Council	962,000	595,000	315,000	0

2010 figures as per Revised Estimates Volume.

*Transferred to HSE from 1/4/10.

**Subsumed into HIQA in 2007.

***Subsumed into DoHC in 2009.

****Wound Up in 2007.

Other Agencies (Not directly funded by DoHC)

Self-Funded	
An Bord Altranais	Self-funded (registration fee)
Dental Council	Self-funded (registration fee)
Medical Council	Self-funded (registration fee)
Irish Blood Transfusion Service	Self-funded through charges for blood and blood products
Health Insurance Authority	Self-funded through industry contribution
Opticians Board	Self-funded (registration fee)
Pharmaceutical Society of Ireland Council	Self-funded (registration fee)
Other	
Adoption Board	Part of Department — Vote 39
Hepatitis C and HIV Compensation Tribunal	DoHC-DoF funding through special accounts
Voluntary Health Insurance Board	Commercial State Body — Income from policy premia

Departmental Expenditure

185. **Deputy John O'Mahony** asked the Minister for Health and Children the amount of unspent money returned by her Department to the Department of Finance each year since 2007; the Departmental budget for each year since 2007; the projects for which this money was originally earmarked in tabular form; and if she will make a statement on the matter. [21784/10]

Minister for Health and Children (Deputy Mary Harney): The information requested by the Deputy is set out in the attached tables. In 2007, €55.9m was surrendered to the Department of Finance, €35.7m was surrendered in 2008 and €71.3m in 2009. In areas such as statutory enquiries, legal fees and compensation payments it is very difficult in any year to accurately estimate the level of payments which may fall to be made, therefore, if the allocated amount remains unspent at the end of the year it is surrendered to the Exchequer. Savings on allocations to health agencies have been achieved through efficiency measures and tight financial control. Savings on my Department's Administrative Budget have been achieved through the non-filling of vacant posts and other efficiency measures.

	2007 Allocation	2007 Actual	Variance
	€	€	€
V39 — Department Of Health And Children (Net)	480,472,000	424,563,643	55,908,357
V39 — Gross	480,852,000	432,999,564	47,852,436
Administration	51,921,000	47,803,254	4,117,746
Health Agencies	264,093,000	258,141,904	5,951,096
Statutory & Non Statutory Inquiries & Legal Fees	19,458,000	11,953,261	7,504,739
Compensation Payments (Inc. Hep C)	75,986,000	64,245,500	11,740,500
Others	8,839,000	7,541,230	1,297,770
State Claims Agency	17,555,000	10,925,393	6,629,607
Capital	43,000,000	32,389,021	10,610,979
V39 — Appropriations In Aid	380,000	8,435,921	-8,055,921
D — Appropriations In Aid	380,000	8,435,921	-8,055,921

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	2008 Allocation	2008 Actual	Variance
	€	€	€
V39 — Department Of Health And Children (Net)	533,382,000	497,675,703	35,706,297
V39 — Gross	533,383,000	501,689,772	31,693,228
Administration	46,880,000	40,116,552	6,763,448
Health Agencies	304,904,000	292,815,962	12,088,038
Statutory & Non Statutory Inquiries & Legal Fees	47,294,000	20,053,807	27,240,193
Compensation Payments (Inc. Hep C)	76,031,000	76,012,949	18,051
Others	9,173,000	7,699,143	1,473,857
State Claims Agency	25,000,000	42,608,076	-17,608,076
Capital	24,100,000	22,383,283	1,716,717
V39 — Appropriations In Aid	1,000	4,014,069	-4,013,069
D — Appropriations In Aid	1,000	4,014,069	-4,013,069

	2009 Allocation	2009 Actual	Variance
	€	€	€
V39 — Department Of Health And Children (Net)	491,174,000	419,836,114	71,337,886
V39 – Gross	495,490,000	425,436,507	70,053,493
Administration	43,129,000	37,499,828	5,629,172
Health Agencies	290,742,000	269,504,253	21,237,747
Statutory & Non Statutory Inquiries & Legal Fees	32,074,000	13,000,119	19,073,881
Compensation Payments (Inc. Hep C)	76,031,000	54,574,175	21,456,825
Others	8,514,000	7,580,426	933,574
State Claims Agency	30,000,000	29,979,194	20,806
Capital	15,000,000	13,298,512	1,701,489
V39 — Appropriations In Aid	4,316,000	5,600,393	-1,284,393
D — Appropriations In Aid	4,316,000	5,600,393	-1,284,393

Hospital Waiting Lists

186. **Deputy Damien English** asked the Minister for Health and Children the number of public patients waiting for their initial consultation at outpatient clinics; if she will provide a breakdown for each speciality at each public hospital where such consultations occur in tabular form; and if she will make a statement on the matter. [21796/10]

187. **Deputy Damien English** asked the Minister for Health and Children the length of time public patients must wait for their initial consultation at outpatient clinics; if she will provide a breakdown for each speciality at each public hospital where such consultations occur in tabular form; and if she will make a statement on the matter. [21797/10]

Minister for Health and Children (Deputy Mary Harney): I propose to take Questions Nos. 186 and 187 together.

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.

Ambulance Service

188. **Deputy Jan O’Sullivan** asked the Minister for Health and Children, further to Parliamentary Question No. 125 of 18 May 2010, if she will confirm that the Health Service Executive holds copies of, or has confirmed the existence of Garda vetting forms for all ambulance personnel that are, at the direction of the HSE, involved in the transport and treatment of public and private patients; and if she will make a statement on the matter. [21798/10]

189. **Deputy Jan O’Sullivan** asked the Minister for Health and Children if she will confirm that all of the seven private ambulance companies that are carrying out services for the Health Service Executive have been inspected; and if she will make a statement on the matter. [21800/10]

191. **Deputy Jan O’Sullivan** asked the Minister for Health and Children her plans to tier the ambulance sector in order to provide a more efficient and effective service; and if she will make a statement on the matter. [21803/10]

Minister for Health and Children (Deputy Mary Harney): I propose to take Questions Nos. 188, 189 and 191 together.

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 the matters raised remain of continuing concern to you, however, I would invite you to raise them with the HSE again in due course.

190. **Deputy Jan O’Sullivan** asked the Minister for Health and Children if the Health Service Executive has target response times for all public, private and voluntary ambulance services; if they are monitored and recorded and available for public inspection; and if she will make a statement on the matter. [21802/10]

Minister for Health and Children (Deputy Mary Harney): The HSE target ambulance response times from the National Service Plan for 2010 are outlined in the table below. I wish to advise the Deputy that due to industrial action it is not possible for the Executive to supply current performance data for the ambulance services. However if this matter remains of continuing concern to you, I would invite you to raise it with the HSE again in due course. HIQA in conjunction with the HSE and PHECC is at present working to develop additional time-based performance standards and indicators in relation to pre-hospital emergency response. The HSE has no role in setting performance targets for private or voluntary ambulance services.

Response Times	Reported	Expected Activity/Target 2009	Projected Outturn 2009	Expected Activity/Target 2010
Total number of Ambulance Transfers				
Emergency	Monthly	225,000	205,367	205,000
Urgent	Monthly	68,000	61,567	62,000
Non-urgent	Monthly	202,000	251,371	188,000
Community	Monthly	—	343,763	280,000
Responded to within pre-determined time bands				
< 8 minutes	Monthly	32%	30%	32%
< 14 minutes	Monthly	63%	60%	63%
< 19 minutes	Monthly	79%	73%	79%
< 26 minutes	Monthly	86%	84%	86%

Question No. 191 answered with Question No. 188.

192. **Deputy Jan O’Sullivan** asked the Minister for Health and Children if ambulances are to be included in regulation of hospitals by the Health and Information Quality Authority; and if she will make a statement on the matter. [21804/10]

Minister for Health and Children (Deputy Mary Harney): My Department is currently working on the preparation of legislation for the licensing of health care providers, based on standards to be set by the Health Information and Quality Authority. The licensing of ambulance services will be considered in this context.

Child Care Services

193. **Deputy Aengus Ó Snodaigh** asked the Minister for Health and Children if her attention has been drawn to the fact that as of 1 January 2010 the 116000 number reserved by the EU for an EU-wide missing children hotline service has been assigned to service providers in 12 countries and is functioning in 11; if she is concerned that Ireland is not amongst these and if she will take the immediate steps necessary including making the necessary funding available to enable the 116000 hotline to be up and running in Ireland on an island wide basis. [21806/10]

194. **Deputy Aengus Ó Snodaigh** asked the Minister for Health and Children the steps required to give effect to the new Article 27a relating to 116 numbers in Directive 2002/22/EC which requires member states to make every effort to ensure citizens have access to a service operating a hotline to report cases of missing children and when she intends to stop delaying and deliver on this. [21809/10]

Minister of State at the Department of Health and Children (Deputy Barry Andrews): I propose to take Questions Nos. 193 and 194 together.

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.

195. **Deputy Aengus Ó Snodaigh** asked the Minister for Health and Children the number of children who went missing from Health Service Executive care and the location they were found at in these circumstances. [21812/10]

Minister of State at the Department of Health and Children (Deputy Barry Andrews): I wish to advise the Deputy that due to industrial action in the public service by members of IMPACT, the HSE is not in a position to provide a response to this Parliamentary Question within the normal timeframe.

196. **Deputy Aengus Ó Snodaigh** asked the Minister for Health and Children if she is concerned that the Health Service Executive is in denial regarding the risk of trafficking to children in its care; and the steps she will take to address this grave matter. [21813/10]

Minister of State at the Department of Health and Children (Deputy Barry Andrews): It is a matter of great concern that a number of children go missing after they enter the State. Separated children going missing from care is not a phenomenon unique to Ireland. The issue of separated children who go missing from care is complex. There has been a tendency to

equate all missing children with trafficking. However the HSE advise that there is evidence to indicate that some of these individuals may be adults who disappeared before a comprehensive age assessment process could be undertaken by the HSE. It has been acknowledged by the HSE and also by other relevant statutory agencies that there are several factors that may contribute to the disappearance of a child from care and these are the following:

- The child's appeal for asylum has been refused and he/she is nearing eighteen and is reacting to the pending threat of repatriation.
- The person has been smuggled into the country to join the workforce on a consensual basis and is availing of the child protection service as a fast track route into the State.
- The child has been trafficked into the State by traffickers using the child protection service as a route.

The HSE has developed a strong working relationship with the Garda National Immigration Bureau (G.N.I.B.) in relation to missing children. The level of interagency cooperation between the H.S.E. and the G.N.I.B. has been consistently high and has intensified in recent years. A Joint National Protocol on Children who go missing from care has been agreed between the Garda and the H.S.E.. Several meetings have taken place between H.S.E. management, the G.N.I.B., and local Garda to adapt this protocol in terms of application to separated children who go missing. The following measures were agreed:

- Collaborative interviewing at the ports between social workers and Gardai.
- Fingerprinting of persons presenting as underage at the ports, for tracking purposes.
- Planned Garda surveillance of those at risk of going missing from the point of presentation at ports to the initial placement period in hostels.
- Monitoring of the notification system of missing persons to local Gardai to be closely monitored by Garda Inspectors.
- Joint training of H.S.E. staff and Gardai/ G.N.I.B. staff in relation to children at high risk of going missing.
- Sharing of photographic evidence between H.S.E. and Gardai.

My Office and the H.S.E. have also worked closely with the Department of Justice, Equality and Law Reform on the development of the National Action Plan on Anti-Human Trafficking and I am committed to ensuring that we play an active part in combating trafficking as outlined in this plan.

In addition the Implementation Plan arising from the Report of the Commission to Inquire into Child Abuse, 2009 contains a commitment that separated children will be accommodated in mainstream care, instead of hostels by December 2010. This move from hostel accommodation to residential and foster care should help to ensure that fewer children go missing. The HSE is phasing out the hostel arrangements and putting in place appropriate 24 hour care staff arrangements in the remaining hostels until they are closed. A number of hostels have already closed and the remaining ones are to close this year.

I am satisfied that the efforts made by the HSE and GNIB to address concerns regarding separated children are yielding some progress. Both agencies are committed to intensifying their joint work in this area with a view to preventing children from going missing and locating those who do.

Nursing Homes Support Scheme

197. **Deputy Jan O’Sullivan** asked the Minister for Health and Children if she has received representations from charitable organisations regarding the rate being offered to them by the National Treatment Purchase Fund for the care of residents under the nursing home scheme; if she will consider the difficulties posed in these circumstances; and if she will make a statement on the matter. [21816/10]

Minister of State at the Department of the Health and Children (Deputy Áine Brady): I can confirm that the Minister for Health and Children has received representations from a small number of voluntary organisations regarding the rate for the cost of care being offered to them by the National Treatment Purchase Fund (NTPF). However, I understand that, of the small number of voluntary organisations currently negotiating with the NTPF, at least two of these have recently concluded agreements.

As the Deputy is aware, the Nursing Homes Support Scheme commenced in October 2009. The commencement of the scheme brought about a fundamental change in the way in which long-term nursing home care is funded and, consequently, the way in which nursing homes and community hospitals, including the voluntary organisations referred to by the Deputy, are funded. In the past, many of these facilities were allocated a lump sum annually. In contrast, the new scheme supports the individuals in need of long-term residential care, not the facilities providing the care. This means that funding follows the patients and ensures that these facilities are not being funded for empty beds.

The legislation underpinning the Nursing Homes Support Scheme requires all nursing homes, including any facility which previously received funding under Section 39 of the Health Act 2004, to negotiate and agree a price for the cost of care with the NTPF should they wish to participate in the scheme. This is a necessary feature of the scheme due to the commitment by the State to meet the full balance of the cost of care over and above a person’s contribution. The NTPF has statutory responsibility for the negotiation of prices and is independent in the performance of its function. In carrying out this function, the NTPF has particular responsibility to ensure value for money for both the individual and the State.

Finally, as stated above, the Nursing Homes Support Scheme only applies to long-term nursing home care. Nursing homes and community hospitals can continue to have separate agreements with the HSE for the provision of other services, e.g. day care, respite and convalescence.

Health Services

198. **Deputy Jan O’Sullivan** asked the Minister for Health and Children if changes are proposed to prosthetic and orthotic services, which will require referral to a rehabilitation consultant; the reason this might be proposed and the way in which it will affect current services and service providers; if she will ensure there is full consultation in advance of any change; and if she will make a statement on the matter. [21817/10]

Minister of State at the Department of Health and Children (Deputy John Moloney): 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, both my Department and the Health Service Executive are concerned to ensure that rehabilitation services and the structure of same are the most efficient and appropriate. This led to the setting up of a working group to develop a National Strategy for the Provision of Rehabilitation Services. The group is expected to report shortly.

199. **Deputy Finian McGrath** asked the Minister for Health and Children if she will support a service at a school (details supplied) in Dublin. [21819/10]

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.

200. **Deputy Billy Timmins** asked the Minister for Health and Children the position regarding the case of a person (details supplied) in County Wicklow. [21830/10]

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.

Adoption Services

201. **Deputy Denis Naughten** asked the Minister for Health and Children the interim measures she will put in place in respect of foreign adoption applicants who have submitted applications in advance of the enactment of the Adoption Bill 2009; and if she will make a statement on the matter. [21834/10]

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. I brought forward at Committee stage an amendment to the Adoption Bill 2009 that will enable prospective adoptive parents to proceed with an adoption from a non-Hague or non-bilateral country, if prior to the establishment date, they have been issued with a Declaration of Eligibility and Suitability to adopt. The proposed amendment requires that the Adoption Authority (to be set up under the Act) would be satisfied that the particular adoption meets all the standards of the Hague Convention.

Hospital Services

202. **Deputy Bernard Allen** asked the Minister for Health and Children her plans for the former Erinville Maternity Hospital located on Western Road, Cork. [21871/10]

203. **Deputy Bernard Allen** asked the Minister for Health and Children her future plans for the Eye, Ear and Throat Hospital at Western Road, Cork. [21872/10]

Minister for Health and Children (Deputy Mary Harney): I propose to take Questions Nos. 202 and 203 together.

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.

Medicinal Products

204. **Deputy Chris Andrews** asked the Minister for Health and Children if a person is entitled to refuse a prescription from their general practitioner for a generic drug, when the person would strongly prefer being prescribed the brand name drug they have previously been prescribed. [21873/10]

Minister for Health and Children (Deputy Mary Harney): The prescribing of a proprietary medicine or a generic medicine is a matter for the prescriber in consultation with the patient.

Hospital Services

205. **Deputy Seán Sherlock** asked the Minister for Health and Children if she will review a decision not to grant financial assistance to a person (details supplied) in County Cork in respect of hospital visits; and if she will make a statement on the matter. [21881/10]

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 the HSE again in due course.

Children in Care

206. **Deputy Finian McGrath** asked the Minister for Health and Children if she will support the right to after-care for young people who leave State care (details supplied). [21890/10]

Minister of State at the Department of Health and Children (Deputy Barry Andrews): I am currently giving consideration to the legal position with regard to the provision of aftercare services, having regard to the existing legislative provisions as set out in the Childcare Act 1991. I met recently with Focus Ireland in this regard and had a constructive exchange of views and discussion on these matters.

I have received legal advice which confirms that the obligation contained in Section 45(4) of the Child Care Act 1991 is in substance mandatory. The legal advice is that the Act creates a statutory power and the HSE, as recipient of this power, must put itself in a position where it can exercise the power should the need arise. Section 45(4) of the Child Care Act allows me to write to the HSE and instruct it in this or in any other regard. I intend to do this and will in parallel continue to examine legislative options. In line with the Government commitment as reflected in the Ryan Implementation Plan funding of €1.0m was set aside by the HSE in its 2010 Service Plan, for the development of aftercare services in 2010.

Cancer Screening Programme

207. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children if her attention has been drawn to the fact that at least 40,000 letters were returned to the cervical cancer screening programme in March and April 2010 due to fact that they were addressed incorrectly or because the addressees had moved; if the database in question is used for other purposes by the Health Service Executive or other agencies, in which case other important correspondence may be missed by would be recipients; the action she will take; and if she will make a statement on the matter. [21892/10]

Minister for Health and Children (Deputy Mary Harney): I am aware of the issue raised by the Deputy. The NCSS has launched an investigation into this matter and it will provide a full statement once the investigation is complete. The NCSS has assured me that the return of these

unopened letters has had no adverse overall impact on uptake levels for the CervicalCheck Programme, which aims for an uptake level of 80% in the target population. During 2009 CervicalCheck aimed to screen 240,000 women, but in fact approximately 280,000 women were screened. Uptake levels in 2010 continue to reach projected monthly targets.

The reason for letters not reaching the intended person relate mainly to population mobility. There are over 1.2 million women aged 25 to 60 eligible for a free smear test as part of the CervicalCheck programme. As there is no central population database in Ireland, CervicalCheck has assembled a register from information supplied by the Department of Social Protection and self registration of women. The database used by CervicalCheck is known as the Cervical Screening Register (CSR). The CSR is a confidential, secure electronic database containing demographic details and screening history details of women in the eligible population. The Health (Provision of Information) Act 1997 provides the legislative framework for the compilation of the CSR.

CervicalCheck communicates with every woman whose details are provided and relies upon the accuracy of such information. If communications are not responded to, the NCSS sends a number of subsequent reminder letters to ensure that every effort is made to contact eligible women. CervicalCheck encourages any woman who changes her address to notify the programme of the change in her details. I understand that the information held on the CSR is used only by CervicalCheck and is not shared with any other agency.

Medical Cards

208. **Deputy John O'Donoghue** asked the Minister for Health and Children when a person (details supplied) in County Kerry will receive the result of their application for a medical card. [21897/10]

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

209. **Deputy Joe Carey** asked the Minister for Health and Children when a person (details supplied) in County Clare may expect to have an assessment for a hearing aid which they applied for in October 2009; and if she will make a statement on the matter. [21925/10]

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.

210. **Deputy Seymour Crawford** asked the Minister for Health and Children the position regarding the case of a person (details supplied) in County Westmeath; and if she will make a statement on the matter. [21930/10]

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.

Hospital Services

211. **Deputy Damien English** asked the Minister for Health and Children the number of operations cancelled at Our Lady's Hospital, Navan, County Meath, in 2008, 2009 and to date in 2010 in tabular form; and if she will make a statement on the matter. [21942/10]

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 Cards

212. **Deputy Michael D'Arcy** asked the Minister for Health and Children the position regarding an appeal for medical card services in respect of persons (details supplied) in County Wexford; and if she will make a statement on the matter. [21958/10]

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 Waiting Lists

213. **Deputy Mary O'Rourke** asked the Minister for Health and Children when a person (details supplied) in County Westmeath will be called for an appointment with a child psychologist. [22105/10]

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.

General Medical Services Scheme

214. **Deputy Michael D'Arcy** asked the Minister for Health and Children if persons who have started dental treatment procedures under the general medical card scheme and are in the middle of a treatment process can be allowed to proceed to finish the treatment with their dentist under the medical card scheme. [22116/10]

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.

Air Services

215. **Deputy Seán Barrett** asked the Minister for Transport if his attention has been drawn to the fact that an airline (details supplied) is requiring passengers whose flights were cancelled as a result of the volcanic ash cloud situation to wait 28 days to receive refunds of their flight costs; and if he will make a statement on the matter. [21456/10]

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 has been designated as the National Enforcement Body for the Regulation in the State. The Commission for Aviation Regulation is the competent body to enforce the provisions of the Regulation arising from cancellations due to depart from Ireland; for travellers whose cancelled flights were due to depart from other Member States, the relevant national enforcement body would 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, then the Commission for Aviation Regulation can take enforcement action.

Driving Licences

216. **Deputy Michael McGrath** asked the Minister for Transport the position regarding the issuing of reminder letters to holders of a driving licence (details supplied). [21387/10]

Minister for Transport (Deputy Noel Dempsey): Renewal reminder letters for driving licences about to expire, using data from the National Vehicle Driver File (NVDF), are issued directly by my Department. An external service provider is not involved in the process.

Rail Services

217. **Deputy Brian O'Shea** asked the Minister for Transport asked the Minister for Transport if he will give details of the discussions (details supplied) he has had regarding the future of the Waterford to Rosslare railway line; the outcome of these discussions; and if he will make a statement on the matter. [21414/10]

Minister for Transport (Deputy Noel Dempsey): I have had a number of conversations with Minister of State, Ciarán Cuffe regarding this issue. The matter referred to is an operational matter for C.I.E.

Tuskar Rock Air Crash

218. **Deputy Brian O'Shea** asked the Minister for Transport the names of those who attended the meeting at the Ministry of Defence in Brawdy, Wales on the afternoon of the Tuskar Rock accident (details supplied) 24 March 1968; and if he will make a statement on the matter. [21439/10]

Minister for Transport (Deputy Noel Dempsey): The information sought is not readily available in my Department. To be of assistance to the Deputy, I have asked that a comprehensive search be carried out of the relevant files from the period in question. As the number of files is significant, this will take some time. I will communicate further with the Deputy when this search has been completed.

Public Transport

219. **Deputy Joe McHugh** asked the Minister for Transport the amount of public service obligation funding that is allocated to Dublin Bus, Bus Éireann and Iarnród Éireann for 2010; the percentage funding that is given to private operators north of Letterkenny, north of Dungloe, and on the Inishowen Peninsula, County Donegal; and if he will make a statement on the matter. [21514/10]

Minister for Transport (Deputy Noel Dempsey): The allocation of the Public Service Obligation (PSO) provision for 2010 has been agreed between the National Transport Authority (NTA) and the CIÉ operating companies as follows:

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- Iarnród Éireann, €155.43 million;
- Bus Átha Cliath, €75.90 million;
- Bus Éireann, €44.69 million.

CIÉ has a statutory mandate under various Transport Acts to provide PSO services passenger services. The NTA governs the funding of these PSO services through the Public Service Contracts which are in place between Iarnród Eireann, Bus Eireann and Dublin Bus. These contracts set strict standards for operational performance and customer service and contain penalties for non-performance. Currently no Exchequer funding is provided to private operators but it is expected that the NTA would tender any new routes requiring additional public subsidy over and above that provided for within existing PSO contracts.

Question No. 220 withdrawn.

Departmental Expenditure

221. **Deputy John O'Mahony** asked the Minister for Transport the agencies or bodies to which his Department provides funding or in respect of which it is administratively responsible; the bodies and agencies for which his Department is responsible in respect of his policy; the amount of funding provided in each of the years 2007 to 2010 in tabular form; and if he will make a statement on the matter. [21759/10]

222. **Deputy John O'Mahony** asked the Minister for Transport the amount of unspent money returned by his Department to the Department of Finance each year since 2007; the departmental budget for each year since 2007; the projects for which this money was originally earmarked in tabular form; and if he will make a statement on the matter. [21789/10]

Minister for Transport (Deputy Noel Dempsey): I propose to answer Questions Nos. 221 and 222 together.

Exchequer funding has been allocated under Vote 32 to the following agencies under the remit of my Department since 2007:

State Body	Vote 32 Funding 2007	Vote 32 Funding 2008	Vote 32 Funding 2009	Vote 32 Funding 2010
	€000	€000	€000	€000
CIE Group	776,269	911,036	726,808	496,129
Railway Safety Commission	2,090	2,078	2,014	400
Railway Procurement Agency	11,000	10,958	10,598	29,748
National Roads Authority	1,782,874	1,679,461	1,470,009	1,636,324
Dublin Transportation Office / NTA	41,593	59,017	38,472	353,512
Road Safety Authority	31,124	39,704	32,835	28,746
Medical Bureau of Road Safety	5,911	4,448	4,363	4,557
Marine Casualty Investigation Board	300	250	200	250

In addition to the figures shown above, the following funding has been allocated to regional harbours for remedial works in the last four years:

- 2007 €10.5m;

- 2008 €3.705m;
- 2009 €3.699m;
- 2010 €4.1m.

More detailed information in relation to the total Departmental budget, individual Subheads, the amounts provided and the outturn for each year can be found in the relevant Revised Estimates Volume, published by the Department of Finance and available on its website. Up to 10% of an unspent capital allocation can be carried over into the following year. Where this occurs the relevant information is also published in the Estimates. The reasons for material variations in any Departmental Subheads are set out in the Annual Appropriation Accounts which are available on the website of the Comptroller and Auditor General. In addition, detailed budgetary information in relation to the agencies under the remit of my Department can be found in their annual reports and accounts.

Air Services

223. **Deputy Pat Breen** asked the Minister for Transport, further to his reply to Parliamentary Question No. 647 of 3 November 2009, which stated that the International Civil Aviation Organisation would conduct a comprehensive audit of Ireland's system for safety oversight of civil aviation early in 2010, if the ICAO audit in question has been completed and is available for public inspection; and if he will make a statement on the matter. [21827/10]

Minister for Transport (Deputy Noel Dempsey): The audit referred to by the Deputy is the comprehensive safety oversight audit conducted by ICAO under the Universal Safety Oversight Audit Programme (USOAP). The USOAP aims to promote global aviation safety through auditing of the Contracting States' capability for safety oversight. The audit consists of three phases, a preparatory phase, an "on-site" phase and a reporting and follow-up stage.

The ICAO Audit Team's on-site visit, from 12th-23rd March 2010, consisted of an audit of the organization, processes, procedures and programmes established and maintained by the State to help it fulfil its safety oversight obligations under the Chicago Convention. I understand that the outcome of the audit reflected positively on the oversight of aviation safety in Ireland. The next step in the process is the reporting and follow-up stage, during which ICAO will forward an interim report for consideration. Subsequently, the State will provide an action plan on the findings of the report to ICAO. ICAO will make the final report available to all Contracting States through the secure website of ICAO in November/December 2010. When the audit process has been completed, I will make the final report available for public inspection.

State Airports

224. **Deputy Pat Breen** asked the Minister for Transport, further to Parliamentary Question No. 198 of 5 May 2010, to provide the precise distance the Red Zone in question commences from the threshold of the runway; and if he will make a statement on the matter. [21828/10]

Minister for Transport (Deputy Noel Dempsey): I have been in contact with the Irish Aviation Authority (IAA) in relation to this matter. I have been advised by the IAA that the "Red Zone" at the eastern end of runway 10/28 commences 60 metres from the existing runway threshold. The IAA has further advised that all "Red Zones" were established based on the longest length of runway including all future expansion. With regard to the western end of Runway 10/28, there is provision for a 400 metre extension at Dublin Airport, and the "Red

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Zone” on the Fingal County Development Plan is positioned based on the maximum length this runway can be extended to.

Aviation Safety

225. **Deputy Thomas P. Broughan** asked the Minister for Transport the tests that were carried out by the Irish Aviation Authority prior to the changing of the guidelines on air travel through volcanic ash conditions this week; and if he will make a statement on the matter. [21926/10]

Minister for Transport (Deputy Noel Dempsey): The issue raised by the Deputy is an operational matter for the IAA and one in which I have no function. I understand that the Chief Executive of the IAA, Mr. Eamonn Brennan, has recently provided comprehensive information on this issue to the Deputy at his request.

Visa Applications

226. **Deputy Dan Neville** asked the Minister for Justice, Equality and Law Reform if he will support the case of a person (details supplied); and if he will make a statement on the matter. [21356/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The visa application referred to by the Deputy was approved by the Embassy of Ireland, London on 18 May 2010.

Citizenship Applications

227. **Deputy Brian O’Shea** asked the Minister for Justice, Equality and Law Reform the reason an application for a certificate of naturalisation was refused in respect of a person (details supplied) in County Waterford; and if he will make a statement on the matter. [21357/10]

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 October 2007 and I decided in my absolute discretion not to grant a certificate of naturalisation. The person in question was informed of this decision and the reasons for refusal in a letter issued to him on 7 May, 2010. It is open to the person concerned to lodge a new application for a certificate of naturalisation with the Citizenship Division of my Department at any time; however, he should bear in mind the reasons for refusal of his previous application.

Residency Permits

228. **Deputy Leo Varadkar** asked the Minister for Justice, Equality and Law Reform if he will assist a person (details supplied) in obtaining a new unconditional residency stamp on their new passport. [21366/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I have been informed by the Irish Naturalisation and Immigration Service of my Department that a person residing in the State on a Without Condition endorsement may have it transferred to a new passport by making an appointment with, or by forwarding their passports by registered post to, the General Immigration Division of the Irish Naturalisation and Immigration Service. It is open to the person concerned to forward their expired and current passports to the General Immigration Division by registered post or by writing to the Division requesting an appoint-

ment. Further information regarding the renewal of a Without Condition endorsement may be found on the Irish Naturalisation and Immigration Service website, www.inis.gov.ie.

Asylum Applications

229. **Deputy Phil Hogan** asked the Minister for Justice, Equality and Law Reform when a decision will issue on an application for subsidiary protection in respect of a person (details supplied) in County Kilkenny; and if he will make a statement on the matter. [21385/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The person concerned applied for asylum on 13 December 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 23 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.

230. **Deputy Phil Hogan** asked the Minister for Justice, Equality and Law Reform when a decision will issue on an application for subsidiary protection in respect of a person (details supplied) in County Kilkenny; and if he will make a statement on the matter. [21388/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The person concerned applied for asylum on 20 January 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 27 February 2009, that the Minister proposed to make a Deportation Order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why a Deportation Order should not be

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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.

Prison Building Programme

231. **Deputy Michael McGrath** asked the Minister for Justice, Equality and Law Reform the position regarding the development of a new prison at Kilworth, County Cork; and if there are any plans to bring to tender the design stage of the project. [21389/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Irish Prison Service is committed to the replacement of Cork Prison with a modern prison complex at Kilworth, County Cork on a site previously owned by the Department of Defence. While the project has not advanced to detailed design stage, it is anticipated that the capacity of the new prison will be in the region of 450.

A preliminary site suitability report was conducted which included reviewing its archaeology, flora and fauna, road/infrastructure, topography etc. These preliminary surveys confirmed that there are no significant constraints to the development of the site. The next step in the appraisal process is the preparation of a detailed business case in relation to the project. The business case will examine the various procurement options including a public private partnership option. The advice of the National Development Finance Agency will also be sought in relation to the project. It is intended to commence preliminary planning and design work on the project this year and to deliver the project on a phased basis. All aspects of the project, including the design phase and construction will be procured by means of a public tender process.

Asylum Applications

232. **Deputy Maureen O'Sullivan** asked the Minister for Justice, Equality and Law Reform if he will allow a person (details supplied) in Dublin 1 leave to remain in the State due to their medical condition and having been here for five years. [21400/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The person concerned applied for asylum on 6 May 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 16 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. In addition, he was notified, by letter dated 20 February 2008, 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, including medical information, 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

233. **Deputy Brian O'Shea** asked the Minister for Justice, Equality and Law Reform the position regarding an application for naturalisation in respect of a person (details supplied) in County Kilkenny; and if he will make a statement on the matter. [21410/10]

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 March 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. 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.

Prison Building Programme

234. **Deputy Leo Varadkar** asked the Minister for Justice, Equality and Law Reform the position regarding the Thornton Hall prison project, County Dublin; the costs incurred to date both in terms of land purchase and other matters; the estimated final cost; the estimated date of completion; and if he will make a statement on the matter. [21416/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The development of the new prison campus 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.

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Tenders for the design and construction of the access road to serve the prison development were issued in March 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.

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 by late 2015.

In relation to expenditure on the project, a total of €42.24 million has been expended on the project to end March 2010. This sum includes the site cost of €29.9 million. The cost of the site was offset by the sale of surplus prison lands at Shanganagh, County Dublin. An additional 8.7 acres has also been acquired at a cost of €1.3 million to provide a dedicated access route to the main prison site. This was done following representations from the local community which reflected concern in relation to the potential effect of increased traffic generated by the prison development.

This sum also includes €7.095 million expended on professional fees, €2.919 million on site preparation and various surveys, €0.468 million on landscaping and €0.553 million on security. As is the case with all major infrastructure projects a comprehensive set of geological, engineering and archaeological surveys have been undertaken at the site. These surveys will help to reduce the overall construction programme once a contract for the construction of the prison is awarded. In relation to the overall costs of the prison development, it would not be appropriate, for commercial and procurement reasons, to disclose details of the overall cost of the new prison as the project will be the subject of an EU wide tender competition later this year.

Visa Applications

235. **Deputy James Reilly** asked the Minister for Justice, Equality and Law Reform the reason the spouse of a person who is an Irish citizen (details supplied) was refused a joint spouse visa; the length of time the appeal will take; and if he will make a statement on the matter. [21430/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The visa application reference number 2187482 referred to by the Deputy was received in the Visa Office, Cairo on the 12 July 2009. Following consideration by a Visa Officer, the application was refused on the 6 August 2009. The application was refused for the following reasons:

INCO:— Inconsistencies e.g. contradictions in the information supplied — The person referred to made a visa application for a ‘Join-Spouse (Irish National)’, however in supporting documentation submitted with the application a ‘visit Visa’ is mentioned several times and also a request for a ‘Long Stay Visa’. It is therefore very unclear as to what visa was actually applied for. The person referred to was advised that if applying for a ‘Join Spouse Visa’, they must appeal this decision. If however applying for a ‘Visit Visa’ they should make a new application. In addition, if applying for a ‘visit Visa’ they should visit the following website which sets out the details in regards to application www.embassyofireland.org.

This application was appealed on 24 August 2009 and the decision to refuse the application was upheld by the visa appeal officer on 24 August 2009. The visa application reference number 3123752 referred to by the Deputy was received in the Visa Office, Cairo on the 1 December 2009. Following consideration by a Visa Officer, the application was refused on the 17 December 2009. The application was refused for the following reasons:

F:— Finances:— evidence provided was deemed insufficient or incomplete — has not submitted 6 months bank statements of reference in Ireland; has not submitted 3 pay-slips from reference in Ireland; has not submitted the P60 of reference in Ireland for 2008.

RH:— Relationship History — Has not shown evidence of a relationship being in existence prior to visa application/marriage. Note: For immigration purposes it is not sufficient for a relationship to have developed over the internet or by telephone/sms. A relationship must include a number of face to face meetings (excluding webcam) between the parties. Applicants must satisfy the Visa Officer that the relationship is bona-fide.

The visa application reference number 3696062 referred to by the Deputy was received in the Visa Office, Cairo on the 16 March 2010. Following consideration by a Visa Officer, the application was refused on the 13 April 2010. The application was refused for the following reasons:

F:— Finances:— evidence provided is deemed insufficient or incomplete.

IS:— Immigration status of the reference in Ireland. Evidence of this has not been provided — copy of passport of reference OB:— Obligations to return to home country not shown — e.g., no social, economic or professional ties in home country shown.

OC:— Observe the conditions of the visa — the visa sought is for a specific purpose and duration— the applicant has not satisfied the Visa Officer that such conditions would be observed.

Concerning application 3696062, it is open to the persons concerned to appeal the decision of the Visa Officer within two months of the date of refusal, in this case before the 13 June 2010. Comprehensive information on all aspects of the visa application process and the documents required is available on the website of the Irish Naturalisation and Immigration Service (www.inis.gov.ie). Each individual visa application is considered on its individual merits, with the onus resting with the applicant to satisfy the Visa Officer as to why a visa should be granted.

Garda Communications

236. **Deputy Leo Varadkar** asked the Minister for Justice, Equality and Law Reform, further to Parliamentary Question No. 179 of 13 May 2010, the categories of crime for which the PULSE system generates a reference number and letter that is sent to the person reporting the crime; the categories of crime that are not covered; and if he will make a statement on the matter. [21433/10]

237. **Deputy Leo Varadkar** asked the Minister for Justice, Equality and Law Reform, further to Parliamentary Question No. 179 of 13 May 2010, if a unique reference number is given to crime reported directly to the Garda station by telephone or in person rather than using the emergency telephone number; and if he will make a statement on the matter. [21434/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I propose to take Questions Nos. 236 and 237 together.

[Deputy Dermot Ahern.]

In the time available it has not been possible for the Garda authorities to provide the specific information requested by the Deputy on this matter. I will be in contact with the Deputy when the information is to hand.

Garda Recruitment

238. **Deputy Deirdre Clune** asked the Minister for Justice, Equality and Law Reform if the Garda Síochána is affected by the recruitment ban; if the Garda College will run a course to train new gardaí in 2010; the number of recruits such a course will take in 2010; the closing date for applications; when the course will begin; and if he will make a statement on the matter. [21445/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The moratorium on public service recruitment applies to the Garda Síochána. The Garda Commissioner is closely monitoring the levels of Garda strength around the country, taking into account the level of retirements and recent attestations of students. I will continue to consult with my colleague the Minister for Finance on when a resumption of Garda recruitment will be necessary so as to keep Garda numbers up to approved levels. In all this, my priority is to maintain Garda operational strength. A necessary first step will be a competition to establish a panel of approved candidates and, as I recently indicated, I believe that this should take place later this year.

Garda Strength

239. **Deputy Deirdre Clune** asked the Minister for Justice, Equality and Law Reform the number of gardaí who have retired, resigned and left the force over the past 12 months; the breakdown by rank of those that have left; the number of recruits that graduated within the same 12 months; and if he will make a statement on the matter. [21446/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed by the Garda authorities that, over the period 01 May 2009 to 30 April 2010 there was a total of 641 Departures from the Force. The following tables show the breakdown of those departures. I am further informed by the Garda authorities that, in the same period over 1,000 members graduated.

Rank	Totals	Category	Totals
Commissioner	—		
Deputy Commissioner	—	Compulsory Retirements	3
Assistant Commissioner	3	Voluntary Retirements	589
Chief Superintendent	12	Resignations	22
Superintendent	22	Medical Discharges	14
Inspector	21	Deaths	11
Sergeant	160	Dismissals	1
Garda	423	Resignations in Lieu of Dismissals	1
Total	641	Totals	641

240. **Deputy Deirdre Clune** asked the Minister for Justice, Equality and Law Reform the number of gardaí who have retired, resigned and left the force in County Cork over the past 12 months; the breakdown by rank of those that have left; and if he will make a statement on the matter. [21447/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed by the Garda Authorities that the number of discharges for all ranks in County Cork, (including the Divisions of Cork City, Cork North and Cork West) from the 01 May 2009 to the 20 May 2010 is as set out in the following table.

Rank	A/Com	C/Supt	Supt	Insp	Sgt	Garda	Total
01.05.09 – 20.05.10		1	3	2	15	34	55

Garda Reserve

241. **Deputy Deirdre Clune** asked the Minister for Justice, Equality and Law Reform the membership of the Garda Reserve for the years 2008, 2009 and to date in 2010 on a county basis; and if he will make a statement on the matter. [21448/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed by the Garda authorities that the personnel strength of the Garda Reserve in each Garda Division, as at 31 December 2009 and 31 March 2010 was as set out in the tables below. The personnel strength of the Garda Reserve, broken down by Garda Division as at 31 December 2008 is not readily available. However, the personnel strength of the Garda Reserve on that date was 331.

Divisional strength as at 31 December 2009

Division	Strength	Division	Strength	Division	Strength
DMR South Central	34	Tipperary	17	Sligo/Leitrim	9
DMR North Central	21	Cork City	36	Clare	8
DMR North	50	Cork North	7	Mayo	18
DMR East	15	Cork West	8	Galway	30
DMR South	29	Kerry	4	Roscommon/Longford	7
DMR West	46	Limerick	16	Westmeath	10
Kilkenny/Carlow	11	Donegal	12	Meath	8
Wicklow	10	Cavan/Monaghan	7	Kildare	14
Laois/Offaly	11	Louth	15	Waterford	18
Wexford	7				

Divisional strength as at 31 March 2010

Division	Strength	Division	Strength	Division	Strength
DMR South Central	36	Tipperary	17	Sligo/Leitrim	13
DMR North Central	21	Cork City	39	Clare	10
DMR North	52	Cork North	12	Mayo	22
DMR East	20	Cork West	10	Galway	38
DMR South	38	Kerry	4	Roscommon/Longford	9
DMR West	45	Limerick	21	Westmeath	10
Kilkenny/Carlow	15	Donegal	13	Meath	11
Wicklow	11	Cavan/Monaghan	11	Kildare	17
Laois/Offaly	12	Louth	20	Waterford	21
Wexford	12				

Garda Strength

242. **Deputy Deirdre Clune** asked the Minister for Justice, Equality and Law Reform the number of gardaí for the years 2008, 2009 and to date in 2010 on a county basis; and if he will make a statement on the matter. [21449/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed by the Garda authorities that the personnel strength of each Garda Division as at 31 December 2008 and 2009 and 31 March 2010, the latest date for which figures are readily available, was as set out in the following tables. The Garda Síochána's 2008 Policing Plan contained the Commissioner's proposals for re-aligning Garda Divisional boundaries to make them coterminous with local authority boundaries. As a consequence of this work, the geographical areas of Garda Divisions, districts and sub-district stations were realigned while at the same time ensuring that service delivery to the community was maintained to the highest possible standard.

Divisional strength as at 31 December 2008

Division	Strength	Division	Strength	Division	Strength
DMR South Central	787	Tipperary	384	Sligo/Leitrim	318
DMR North Central	715	Cork City	675	Clare	331
DMR North	783	Cork North	299	Mayo	329
DMR East	471	Cork West	309	Galway	453
DMR South	640	Kerry	341	Longford/Westmeath	341
DMR West	788	Limerick	634	Roscommon/Galway	294
Carlow/Kildare	376	Donegal	488	Meath	301
Wicklow	341	Cavan/Monaghan	418	Wexford	278
Laois/Offaly	336	Louth	296	Waterford/Kilkenny	457

Divisional strength as at 31 December 2009

Division	Strength	Division	Strength	Division	Strength
DMR South Central	776	Tipperary	395	Sligo/Leitrim	313
DMR North Central	719	Cork City	700	Clare	336
DMR North	832	Cork North	303	Mayo	309
DMR East	483	Cork West	305	Galway	600
DMR South	642	Kerry	339	Roscommon /Longford	292
DMR West	789	Limerick	635	Westmeath	258
Kilkenny/Carlow	314	Donegal	468	Meath	315
Wicklow	360	Cavan/Monaghan	406	Kildare	321
Laois/Offaly	327	Louth	306	Waterford	309
Wexford	286				

Divisional strength as at 31 March 2010

Division	Strength	Division	Strength	Division	Strength
DMR South Central	784	Tipperary	400	Sligo/Leitrim	322
DMR North Central	728	Cork City	696	Clare	337
DMR North	832	Cork North	304	Mayo	315

Division	Strength	Division	Strength	Division	Strength
DMR East	480	Cork West	310	Galway	599
DMR South	648	Kerry	342	Roscommon/Longford	293
DMR West	798	Limerick	645	Westmeath	258
Kilkenny/Carlow	318	Donegal	473	Meath	313
Wicklow	361	Cavan/Monaghan	413	Kildare	330
Laois/Offaly	330	Louth	318	Waterford	307
Wexford	287				

Vetting of Personnel

243. **Deputy John O'Mahony** asked the Minister for Justice, Equality and Law Reform when a person (details supplied) in County Mayo will receive their Garda clearance; and if he will make a statement on the matter. [21457/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Garda Central Vetting Unit provides employment vetting for a large number of organisations in Ireland registered with the Gardaí for this purpose and which employ persons in a full-time, part-time, voluntary or training capacity to positions where they would have substantial, unsupervised access to children and/or vulnerable adults. I am informed by the Garda Authorities that a vetting application in respect of the person referred to was received by the Vetting Unit. However, the application was incomplete and has been returned to the registered organisation for completion. Once a completed application is received by the Vetting Unit it will be processed accordingly.

Commercial Rent Reviews

244. **Deputy Finian McGrath** asked the Minister for Justice, Equality and Law Reform if he will support a matter (details supplied). [21465/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Deputy will be aware that I have legislated to prohibit upward only rent reviews in leases entered into on or after 28 February of this year (section 132 of the Land and Conveyancing Law Reform Act 2009). Similar action in relation to existing leases was not possible for legal and constitutional reasons. Nonetheless, I believe that the commencement of that section will have a persuasive effect in relation to those lease arrangements.

In addition, action has been taken to address concerns which have been raised about the ability of tenants to obtain reliable and comprehensive information in the context of the rent review process and a Working Group has been established with the following terms of reference: "To consider the operation of the current system for determining the rent payable on foot of a rent review clause, with particular emphasis on the arbitration process and the adequacy of the information available to all parties and, if necessary, to make such recommendations for change as may seem appropriate." It is envisaged that the Group will report by 30 June, 2010.

Every opportunity is also being taken to stress the need for landlords to take a flexible approach to rent review negotiations which arise in the context of current leases. It has been emphasised repeatedly that there is nothing to stop the parties to existing business leases from varying the terms of their contract and from agreeing to reduce the applicable rent, having regard to their individual circumstances and the realities of the market.

Visa Applications

245. **Deputy John O'Mahony** asked the Minister for Justice, Equality and Law Reform the reason for the delay in processing a visa application in respect of a person (details supplied) in County Mayo; and if he will make a statement on the matter. [21476/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I would refer the Deputy to my Reply to Parliamentary Question No. 112 on 20 May 2010.

Garda Recruitment

246. **Deputy Pat Rabbitte** asked the Minister for Justice, Equality and Law Reform the number of serving members of the Garda Síochána who have disabilities; the number of gardaí who have been recruited with disabilities; the number of gardaí who have disabilities arising from incidents related to their work; if arrangements are in place to accommodate members who, for whatever reason, have disabilities; and if he will make a statement on the matter. [21487/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): Recruitment in An Garda Síochána is governed by Statutory Regulation namely, the Garda Síochána (Admission & Appointments) Regulations 1988/2005. Following selection by the Public Appointments Commission each applicant must also undergo a physical competency test, a medical examination and character vetting. Section 46(1)(3) of Part 5 of the Disability Act 2005 provides that that part, which deals with Public Service Employment, does not apply to the Garda Síochána. Arrangements have been put in place, where required, to facilitate members with a disability, so they can continue to work. The information requested in relation to the number of Gardaí who have disabilities is not readily available and is being collated at present. When I have this information to hand I will contact the Deputy directly.

Garda Stations

247. **Deputy Joe Costello** asked the Minister for Justice, Equality and Law Reform when the refurbishment of Fitzgibbon Street Garda station, Dublin 1, is due to start; if he will make available the plans or give a briefing to the local community policing forum; and if he will make a statement on the matter. [21498/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Garda accommodation programme is based on agreed priorities established by An Garda Síochána and it is brought forward in close cooperation with the Office of Public Works, which has responsibility for the provision and maintenance of Garda accommodation. I am informed by the Garda authorities that, due to its condition, it will be necessary to vacate Fitzgibbon Street Garda Station to facilitate refurbishment of the premises. The Office of Public Works is currently making arrangements to refurbish Mountjoy Garda Station to accommodate personnel from Fitzgibbon Street Station during the relevant period and it is expected that this work will commence shortly.

I am further advised that at the Community Policing Forum meeting on 24 February last, local Garda management provided a briefing to the local community regarding the arrangements which will apply when Gardaí attached to Fitzgibbon Street commence operating out of Mountjoy Garda Station. The next meeting of the Community Policing Forum is scheduled for 26 May 2010 and An Garda Síochána will again be present to discuss any issues of concern to the local community.

Civil Proceedings

248. **Deputy James Bannon** asked the Minister for Justice, Equality and Law Reform the recourse that a person (details supplied) has to compensate for being held at an institution in County Tipperary against their will; and if he will make a statement on the matter. [21512/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I can advise the Deputy that if a person considers that a criminal offence was committed against them, that person is free to make a complaint to the Garda Síochána for investigation. If a person considers that he or she suffered a civil wrong including a breach of their constitutional rights, it is open to him or her to take a civil action against the wrongdoer. As the Deputy will fully appreciate it is not open to me to give legal advice to any individual on their particular individual circumstances.

Visa Applications

249. **Deputy Jimmy Deenihan** asked the Minister for Justice, Equality and Law Reform if he will review the decision to refuse a visa in respect of a person (details supplied); and if he will make a statement on the matter. [21515/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The application referred to by the Deputy was received in the Visa Office, Cairo on 18 December 2009. Following consideration by the Visa Officer the application was refused on 12/01/2010. The refusal decision was appealed on 02/03/2010. The Visa Appeal Officer upheld the original decision on 02/03/2010.

It is the policy of the Visa Section of my Department to permit only one appeal for each visa application. Each individual visa application is considered on its individual merits, the onus resting with the applicant to satisfy the Visa Officer as to why a visa should be granted. Comprehensive information with regard to all aspects of the visa application process and the documents required is available on the website of the Irish Naturalisation and Immigration Service (www.inis.gov.ie). It is open to the individual to make a fresh application if they so wish.

Citizenship Applications

250. **Deputy Thomas P. Broughan** asked the Minister for Justice, Equality and Law Reform the stage of the naturalisation application in respect of a person (details supplied) in Dublin 5. [21534/10]

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 September 2006 and I decided to defer making any final decision in this case until June 2009. The person concerned was notified of this position and the reasons for it in a letter issued to him on 2 September, 2008. Officials in the Citizenship Division inform me that further processing of the application is ongoing and the file will be re-submitted to me for a decision in the near future.

251. **Deputy Joanna Tuffy** asked the Minister for Justice, Equality and Law Reform the position regarding an application for naturalisation in respect of a person (details supplied) in County Dublin; and if he will make a statement on the matter. [21541/10]

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.

252. **Deputy Brian O'Shea** asked the Minister for Justice, Equality and Law Reform the position regarding a naturalisation application in respect of a person (details supplied) in County Kilkenny; and if he will make a statement on the matter. [21569/10]

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 May 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 further 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.

253. **Deputy Pat Breen** asked the Minister for Justice, Equality and Law Reform, further to Parliamentary Question No. 268 of 30 March 2010, when an application will be processed in respect of a person (details supplied) in County Clare; and if he will make a statement on the matter. [21703/10]

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 February 2010. All valid applications are dealt with in chronological order as this is deemed to be the fairest to all applicants. The average processing time from application to decision is now at 26 months. More complicated cases can at times take more than the current average, while an element of straight forward cases can be dealt with in less than that timescale. Additional resources have been allocated to the Citizenship Division of my Department in order to reduce backlogs and provide a better quality service to all applicants. This has had a positive impact on processing times and has enabled certain categories of applicant to be dealt with more expeditiously. These include refugees, spouses of Irish citizens and minors.

The length of time taken to process each application should not be classified as a delay, as the length of time taken for any application to be decided is purely a function of the time taken to carry out necessary checks. There is a limit to the reduction in the processing time that can be achieved as applications for naturalisation must be processed in a way which preserves the necessary checks and balances to ensure that it is not undervalued and is only given to persons who genuinely satisfy the necessary qualifying criteria.

254. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding an application for naturalisation in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [21711/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): Applications for certificates of naturalisation from the persons referred to in the Deputy's Question were received in the Citizenship Division of my Department in June 2009. The Irish Nationality and

Citizenship Act, 1956, as amended, provides that the Minister may, in his absolute discretion, grant an application for a certificate of naturalisation provided certain statutory conditions are fulfilled. The persons concerned did not fulfil all of the statutory conditions, consequently, the Citizenship Division of my Department have deemed both applications ineligible. The persons in question were informed of this decision in letters issued to them on 5 June, 2009. It is open to the persons concerned to lodge new applications for certificates of naturalisation if and when they are in a position to meet the statutory requirements.

Residency Permits

255. **Deputy Maureen O’Sullivan** asked the Minister for Justice, Equality and Law Reform when a decision will be made on a stamp four application in respect of persons (details supplied) in Dublin 1. [21730/10]

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. This application is currently under consideration and a decision will issue to the person concerned in the near future.

Garda Investigations

256. **Deputy James Bannon** asked the Minister for Justice, Equality and Law Reform the reason a serious assault (details supplied) was not fully investigated by the gardaí, nor any action taken against the assailant; and if he will make a statement on the matter. [21735/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed by the Garda authorities that the incident referred to by the Deputy was the subject of a full Garda investigation and an investigation file was submitted to the Director of Public Prosecutions (DPP). I am further informed that the case was heard at Cavan District Court on 26 February, 2009, when the summonses against the accused were dismissed.

I have no role in the investigation, prosecution or trial of alleged offences. This is a long standing principle of our system of justice. The role of An Garda Síochána is to investigate alleged offences, to gather whatever evidence may be available and to submit a report to the DPP. The question of whether or not a particular person should be prosecuted and for what criminal offence is the responsibility of the DPP. The DPP, who is independent in the performance of his functions, makes his decision on the basis of the Garda findings viewed against the background of common and/or statute law. Similarly, the courts are, subject only to the Constitution and the law, independent in the exercise of their judicial functions and the conduct of any court case is a matter entirely for the presiding judge.

Departmental Agencies

257. **Deputy John O’Mahony** asked the Minister for Justice, Equality and Law Reform the agencies or bodies to which his Department provides funding or in respect of which it is administratively responsible; the bodies and agencies for which his Department is responsible in respect of his policy; the amount of funding provided in each of the years 2007 to 2010 in tabular form; and if he will make a statement on the matter. [21756/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I can inform the Deputy that the main bodies within the remit of my Department include An Garda Síochána, the Courts Service, the Irish Prison Service and the Property Registration Authority in addition to those other bodies listed in the appendices to my Department’s most recent Annual Report

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which is available at www.justice.ie and also in the Oireachtas Library. Full details of estimates associated with all the bodies concerned for the current year are contained in the Revised Estimates for Public Services 2010 while the costs associated with these bodies for earlier years are contained in the Revised Estimates for Public Services for each of the years concerned. Copies of the Revised Estimates for Public Services are available at www.finance.irlgov.ie and in the Oireachtas Library.

Criminal Prosecutions

258. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Justice, Equality and Law Reform the number of prosecutions that have been initiated under provisions of the Gaming and Lotteries Act 1956; and if he will make a statement on the matter. [21767/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Garda Síochána Act 2005 makes provision for the compilation and publication of crime statistics by the Central Statistics Office, as the national statistical agency, and the CSO has established a dedicated unit for this purpose. I have requested the CSO to provide statistics directly to the Deputy.

Departmental Expenditure

259. **Deputy John O'Mahony** asked the Minister for Justice, Equality and Law Reform the amount of unspent money returned by his Department to the Department of Finance each year since 2007; the departmental budget for each year since 2007; the projects for which this money was originally earmarked in tabular form; and if he will make a statement on the matter. [21785/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): Details of the Department's budget and various expenditure headings is published annually in the Revised Estimates Volume and subsequently in the Annual Output Statement and the Appropriation Account. All of the publications in question are available in the library of the Houses of the Oireachtas. In line with well established public service financial procedures, as set out by the Department of Finance, a small proportion of the budget is surrendered to the exchequer each year. The amounts in percentage terms were 2.16% in 2007, 0.8% in 2008 and 1.8% in 2009.

Residency Permits

260. **Deputy Billy Timmins** asked the Minister for Justice, Equality and Law Reform the position regarding the case of a person (details supplied). [21889/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am pleased to inform the Deputy that the person referred to in the question has been granted further permission to remain in the State.

Departmental Correspondence

261. **Deputy Michael Ring** asked the Minister for Justice, Equality and Law Reform the reason a reply was not issued to correspondence (details supplied). [21914/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I wish to advise the Deputy that it has not been possible due to industrial action to process certain types of correspondence sent directly to my Office. While most of the industrial action that was being taken has now been suspended, some action by the Union involved is continuing across the

Civil Service. The further details supplied by the Deputy, including the precise destination and method of communication used, enables my office to confirm that the correspondence he refers to falls into this category.

I regret the inconvenience that this action is causing to the public and Members of the Oireachtas and can assure the Deputy that my Department is determined to ensure that full service is restored as soon as possible. In the interim, the person referred to should resubmit the correspondence to the Visa section of the Irish Naturalisation and Immigration Service, 13-14 Burgh Quay, Dublin 2 to allow for any outstanding issues to be addressed.

Departmental Properties

262. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform, further to Parliamentary Question No. 195 of 21 January 2010, his plans for the facility; and if he will make a statement on the matter. [21943/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I can advise the Deputy that my Department is still in consultation with the Irish Prison Service to see what potential alternative use might be made of the facility. The outcome of those consultations will inform future decisions.

Irish Prison Service

263. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform, further to Parliamentary Question No. 121 of 26 February 2009, if he will provide the corresponding figure for 2009; and if he will make a statement on the matter. [21945/10]

264. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform, further to Parliamentary Question No. 168 of 2 April 2009, if he will provide the corresponding figure for 2009; and if he will make a statement on the matter. [21946/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I propose to take Questions Nos. 263 and 264 together.

The following table sets out the requested expenditure figures for the Irish Prison Service in 2009. The first column shows expenditure on sports, gym and recreational equipment (including expenditure on balls) and the second column separately shows expenditure on balls.

Prison	Expenditure on all Sports, Gym and Recreation Equipment (including expenditure on balls) in 2009	Expenditure on Balls in 2009
	€	€
Dublin Prisons	137,516	31,271
Portlaoise	41,535	876
Midlands	7,453	1,548
Cork	13,903	8,224
Limerick	14,279	13,485
Loughan House	410	Nil
Shelton Abbey	186	Nil
Castlerea	2,762	1,249

All expenditure figures provided for 2009 above are subject to audit by the Comptroller and Auditor General. The figures for the Dublin prisons have been amalgamated as many of these

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items would have been procured centrally through the Regional Distribution Centre within the Irish Prison Service. In respect of expenditure on balls, the figures provided relate to the purchase of balls for use in a variety of sports including tennis, football, hand-ball, squash, table tennis and basketball.

As the Deputy will appreciate, there are significant benefits to be gained from participating in physical education, be it in a community setting or in the prison environment. In the prison setting, physical education affords prisoners the opportunity to take control of one aspect of their daily life, namely their physical well-being. This has the potential knock-on effect of increasing their motivation and confidence to tackle other identified issues such as substance abuse and to take up educational or workshop opportunities. It is also recognised that physical education, sport and recreation play a significant role in the management of prison life by providing positive outlets for energy.

The level of expenditure in the sports and recreation area, in any particular year, would be affected by the number of prisoners in custody and the requirement to adequately fit-out any new facilities provided during the year. In relation to 2009, the average daily number of prisoners increased by almost 10% on the previous year and there was a requirement to fit-out new accommodation blocks at Castlerea, Portlaoise and Wheatfield.

Road Traffic Offences

265. **Deputy Brian Hayes** asked the Minister for Justice, Equality and Law Reform if the Garda has the power, through existing legislation, to confiscate scramblers or motorised bikes which use public open spaces and cause considerable annoyance to local communities; his views on updating the existing legislation in order that these vehicles can be confiscated without warning; and if he will make a statement on the matter. [22113/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed by the Garda authorities that section 41 of the Road Traffic Act 1994 provides for a member of An Garda Síochána to detain, remove, store and subsequently release or dispose of a mechanically propelled vehicle in breach of road traffic legislation. I am further informed that An Garda Síochána is aware of ongoing difficulties with the types of vehicles referred to by the Deputy in certain areas and they take a proactive approach in dealing with the matter, including measures taken in consultation with local authorities. When persons are found using such vehicles in breach of legislation, appropriate action is taken. Any change to road traffic legislation is a matter for my colleague the Minister for Transport.

Passport Applications

266. **Deputy Finian McGrath** asked the Minister for Foreign Affairs if he will support the case of a person (details supplied). [21528/10]

Minister for Foreign Affairs (Deputy Micheál Martin): The Passport Service is facilitating the prioritisation of applications on the basis of demonstrable urgent humanitarian need. The Passport Service has been in contact with the person concerned and the matter is in hand. Further information has been sought from the applicant and I understand this will be forthcoming shortly.

Consular Services

267. **Deputy James Reilly** asked the Minister for Foreign Affairs the support he is providing to a group of Irish citizens (details supplied) who invested in a French lease back scheme that

has ended up costing them thousands of euro and who are now planning to take the matter to the French courts in view of the fact that they believe the management company has been fraudulent; and if he will make a statement on the matter. [21344/10]

Minister for Foreign Affairs (Deputy Micheál Martin): While my Department is not aware of this particular case, a number of other cases which have occurred in the context of the French leaseback system have been brought to the attention of the Embassy in Paris. The Deputy will be aware that the role of the Department of Foreign Affairs concerning private property transactions by Irish nationals abroad is limited, and that redress in such cases must be sought through the French legal system. I have asked officials in my Department to make contact with the group to explore if there is any assistance which can be provided, for example, the Embassy could provide a list of English-speaking lawyers in the area, if that were considered useful.

Human Rights Issues

268. **Deputy Finian McGrath** asked the Minister for Foreign Affairs if he will raise the issue of civilian deaths in Thailand with the United Nations. [21369/10]

Minister for Foreign Affairs (Deputy Micheál Martin): As stated in the House in reply to a Parliamentary Question on 20 May, the Government is extremely concerned about the recent surge in violence in Thailand, including the Army assault on the protesters' encampment in central Bangkok early on the morning of 19 May and the violence which has occurred both in Bangkok and in the provinces following the military intervention. I am deeply concerned by reports that 15 people were killed and hundreds injured during the intervention, in addition to the thirty-six deaths which had already occurred since 13 May.

The protests in Bangkok have been led by the United Front of Democracy against Dictatorship, also known as the "red-shirts", and have been underway since 13 March. The "red-shirts" are supporters of the former Prime Minister, Thaksin Shinawatra, who was ousted after a military coup in September 2006. They regard the current Government as illegitimate and have called for the dissolution of Parliament and for new elections. Following negotiations between the Government and protesters earlier this month, it appeared that a compromise between the parties had been reached, with Prime Minister Abhisit proposing a "reconciliation plan" and offering to hold elections in November.

However, the Prime Minister's offer was conditional on the protesters ending their occupation of the main shopping district in Bangkok. For their part, the protesters vowed to remain in the encampment until the Prime Minister set a specific date for dissolving Parliament. With neither party prepared to compromise, the Government intervened to close the encampment.

The EU recently expressed grave concern about the situation in Thailand, urging both sides in the conflict to negotiate and to solve the political crisis through peaceful and democratic means. The "red-shirts" had appealed for EU observers to be sent to Thailand but the Thai Government had insisted that it had the situation under control and did not need external assistance.

On the question of raising this matter at the UN, I understand that consideration will be given over the coming weeks to the idea of raising it at the Human Rights Council in Geneva. The UN Secretary-General, Ban Ki-moon, has also been monitoring the situation carefully. In a statement issued on 14 May, the Secretary-General stated that he was following developments in Thailand with growing concern and that he was saddened by the reports of numerous civilian deaths, including journalists, as a result of clashes between protesters and security forces. He appealed both to the protesters and the Thai authorities to do all within their power to avoid

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further violence and loss of life. He has encouraged them to return urgently to dialogue in order to de-escalate the situation and resolve matters peacefully.

I share the views of the Secretary-General. Replying to a Parliamentary Question on 30 March, I welcomed talks which had taken place between the Prime Minister and the “red-shirt” protesters and I expressed the hope that these talks would lay the foundation for broader dialogue on the range of issues which divide Thailand. I remain of the view that, if political stability is to be achieved and if Thailand is to successfully address the many challenges it faces, the parties there must engage in dialogue and work with each other in a spirit of peaceful, national reconciliation. The Government believes that the crisis can only be resolved through peaceful and democratic means. Together with our EU partners, we will do all in our power to promote this outcome.

Foreign Conflicts

269. **Deputy Finian McGrath** asked the Minister for Foreign Affairs the position regarding the peace talks in Columbia and the potential for inclusive dialogue with two groups (details supplied). [21370/10]

Minister for Foreign Affairs (Deputy Micheál Martin): I understand that there are no peace talks underway between the Government and the FARC and the ELN in Colombia. It is the stated position of the Colombian Government that it will not negotiate with the FARC or the ELN until they lay down arms, inter alia, in accordance with the Justice and Peace Law, 2005, of which the AUC and a number of individual FARC and ELN members have availed. Presidential elections will take place on 30 May in Colombia. I cannot anticipate any change in policy that might occur following these elections.

Passport Applications

270. **Deputy Finian McGrath** asked the Minister for Foreign Affairs if he will support the case of a person (details supplied) in Dublin 5. [21574/10]

Minister for Foreign Affairs (Deputy Micheál Martin): The person in question lodged his application at the counter in the Molesworth Street Office on 10 May, 2010. As a direct result of the ongoing industrial action by the Civil Public and Services Union (CPSU) it is presently taking up to twenty five working days to process individual applications submitted through the Passport Express Service, the Northern Ireland Passport Express Service and at the counters in the Passport Office. Applications submitted through ordinary post are taking up to eight weeks to process. 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. No guarantee can be provide that the application in question will be issued in time to allow for travel on 1 June 2010. The applicant should continue to monitor the progress of the application on the Departments’ web site at <http://www.dfa.ie/home/index.aspx?id=2859>

Departmental Investigations

271. **Deputy Darragh O’Brien** asked the Minister for Foreign Affairs the position regarding his investigation into the illegal use of Irish passports by foreign agents; the outcome of his discussions with the Israeli authorities; and if he will make a statement on the matter. [21723/10]

Minister for Foreign Affairs (Deputy Micheál Martin): I refer the Deputy to my reply to Priority Questions Nos. 1 and 2 on 20 May 2010. Over the past three months there has been

frequent contact between Irish officials and the UAE authorities, representatives from other countries whose passports were also used in this incident and representatives of the Israeli Government. On 22 February, I met with Israeli Foreign Minister, Avigdor Lieberman, in Brussels to outline how seriously we take the misuse of Irish passports. The Irish Ambassador in Tel Aviv also met with the Europe Director of the Israeli Foreign Ministry and registered our serious concerns. The Israeli Ambassador was invited to Iveagh House where senior officials of the Department of Foreign Affairs stressed the seriousness with which the Government viewed the matter. In our discussions with the Israeli authorities, we have requested them to give us any information they may have on the use of forged Irish passports. To date, we have not received a reply.

Departmental Agencies

272. **Deputy John O'Mahony** asked the Minister for Foreign Affairs the agencies or bodies to which his Department provides funding or in respect of which it is administratively responsible; the bodies and agencies for which his Department is responsible in respect of his policy; the amount of funding provided in each of the years 2007 to 2010 in tabular form; and if he will make a statement on the matter. [21754/10]

Minister for Foreign Affairs (Deputy Micheál Martin): There are no state agencies operating under the remit of my Department. There are currently three bodies, which operate under the aegis of my Department: the Development Education Advisory Committee (DEAC); the Government Emigrant Services Advisory Committee (previously known as *Díon*); and the Fulbright Commission (The Board of the Ireland — United States Commission for Educational Exchange). A further two bodies — the Advisory Board for Irish Aid (ABIA) and the Hunger Task Force — also operated during the period in question.

The Fulbright Commission, ABIA and the Hunger Task Force received funding from my Department during the period in question, as indicated in the following table. The remaining bodies are advisory committees, the administrations of which are all serviced directly by my Department's budget.

	Funding provided €			
	2007	2008	2009	2010
Fulbright Commission	254,000	254,000	254,000	254,000
Advisory Board for Irish Aid (ABIA)	1,152,868	738,047	N/A	N/A
The Hunger Task Force (grant)	25,987	257,669	18,334	N/A

Departmental Expenditure

273. **Deputy John O'Mahony** asked the Minister for Foreign Affairs the amount of unspent money returned by his Department to the Department of Finance each year since 2007; the departmental budget for each year since 2007; the projects for which this money was originally earmarked in tabular form; and if he will make a statement on the matter. [21783/10]

Minister for Foreign Affairs (Deputy Micheál Martin): The Department of Foreign Affairs is responsible for two Votes — Vote 28 (Foreign Affairs) and Vote 29 (International Cooperation). The following table sets out the Department's net budgetary allocations and surrendered surpluses for the years 2007 to 2009 for Vote 28 and Vote 29:

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Vote 28 — Dept of Foreign Affairs

	2007	2008	2009
	€000	€000	€000
Net Budgetary Allocation	214,945	233,437	206,762
Net Outturn	205,047	217,495	191,692
Surplus Surrendered	9,898	15,942	15,070

Vote 29 — International Cooperation

	2007	2008	2009
	€000	€000	€000
Net Budgetary Allocation	729,807	814,050	570,203
Net Outturn	726,672	767,578	565,700
Surplus Surrendered	2,835	46,472	4,503

Note: 2009 figures are provisional and subject to audit.

The amounts surrendered in each year arise from net savings arising under various administrative and programme subheads and not specifically from projects for which funds had previously been earmarked. The following table summarises the areas where the most significant savings or underspends occurred, together with a brief explanation in each case. (It should be noted that in some cases savings under a particular sub-head may have been applied in whole or in part to offset overspends in other areas with the result that the figures for savings/underspends in the table below do not match the net amount surrendered in a particular year.)

Vote 28 — Department of Foreign Affairs

Year	Subheads where Principal Savings/Underspends occurred.	Explanation
2007	<p>A6 Premises Expenses (€14.8 m)</p> <p>K Assistance to EU Candidate Countries (€868,000)</p> <p>N Support for the Ireland Funds (€2.0m)</p>	<p>Local conditions did not permit a number of planned purchases of premises abroad.</p> <p>Funds allocated for the Chernobyl reconstruction programme were not called upon.</p> <p>Issues regarding the nature of the possible legislation required were still under consideration and, accordingly, the allocated funds were not spent.</p>
2008	<p>A1 Salaries and Allowances (€5.6m)</p> <p>A2 Travel and Subsistence (€1.1 m)</p> <p>A5 Office Expenses (€3.8m)</p> <p>A6 Premises Expenses (€1.3m)</p> <p>I Contributions to International Organisations (€6.3m)</p> <p>N Support for Ireland Funds (€2.0m)</p>	<p>Savings in overtime, allowances to officers working at Missions abroad and reduced payroll costs for local staff at Missions abroad; savings in allowances including officers' rents overseas due to the strength of the Euro.</p> <p>Savings on air fares and general travel costs.</p> <p>Savings on capital purchases, consumables, equipment maintenance.</p> <p>Savings on capital purchases.</p> <p>Savings were due to lower than expected demand for contributions to the United Nations peacekeeping budget.</p> <p>Issues regarding the nature of the possible legislation required were still under consideration and, accordingly, the allocated funds were not spent.</p>
2009	<p>A1 Salaries and Allowances (€5.0m)</p> <p>A2 Travel and Subsistence (€1.9m)</p> <p>A4 Postal and telecommunications (€1.0m)</p> <p>A5 Office Expenses (€4.2m)</p> <p>I Contributions to International Organisations (€4.9m)</p> <p>K Assistance to EU candidate countries (€221,000)</p> <p>N EU Reform Treaty (€214,000)</p>	<p>Savings in allowances to officers working at Missions abroad, including savings in officers' rents overseas due to the strength of the Euro, and reduced payroll costs of local staff at Missions.</p> <p>Savings on air fares and general travel costs.</p> <p>Savings on postage and freight costs.</p> <p>Savings on capital purchases, consumables, equipment maintenance.</p> <p>Savings arose due to a lower than expected demand for contributions to the United Nations peacekeeping budget.</p> <p>Lower level of grants to training institutes relating to new EU member-states.</p> <p>Lower level of grants to training institutes relating to new EU member-states. Lower than anticipated expenditure on the referendum on the EU Reform Treaty.</p>

Vote 29 — International Cooperation

Year	Subheads where Principal Savings/Underspends occurred.	Explanation
2007	<p>A1 Salaries and Allowances (€0.72m)</p> <p>A2 Travel and Subsistence (€0.33m)</p> <p>A3 Incidental Expenses (€1.15m)</p> <p>A4 Postal and telecommunication (€0.42m)</p>	<p>Savings occurred due to a deferment in recruitment of sanctioned posts.</p> <p>Savings were generated through lower than expected travel to Irish Aid Programme Countries.</p> <p>Savings were delivered by lower than anticipated incidental expenditure incurred at Programme Country level.</p> <p>Savings were delivered through better use of satellite and internet based telecommunication between head quarters and Programme countries.</p>
2008	<p>A4 Postal and telecommunication (€0.42m)</p> <p>A6 Office Premises Expenses (€0.25m)</p> <p>B — Payments to Grant in Aid For Bilateral Cooperation (€29.950 m)</p> <p>C — Emergency Humanitarian Assistance (€3.0 m)</p> <p>D — Payments to International Funds for the Benefit of Developing Countries (€5.0 m)</p> <p>E — Contributions to United Nations and Other Development Agencies (€7.051 m)</p>	<p>Savings were generated through an upgrade of the bandwidth on the communication links between Head Quarters and Programme Countries.</p> <p>Savings were achieved on the rental costs for Chanceries and Official Residences.</p> <p>Savings arose on this subhead as a result of the Government decision in July 2008 to reduce the expenditure allocation to Vote 29 by €45 million.</p> <p>Explanation for saving under Subhead C is as for subhead B.</p> <p>Explanation for saving under Subhead D is as for Subhead B.</p> <p>Explanation for saving under Subhead E is as for Subhead B.</p>
2009	<p>A2 Travel and Subsistence (€1.26m)</p> <p>A3 Incidental Expenses (€1.07m)</p> <p>A4 Postal and telecommunication (€0.28m)</p> <p>A6 Office Premises Expenses (€0.42 m)</p> <p>A7 Consultancy Expenses (€0.5 m)</p> <p>A8 Value for Money and Policy Reviews (€0.55 m)</p>	<p>Savings were delivered through lower than anticipated air fare costs and a reduction in general travel costs.</p> <p>Savings were identified across incidental expenditure at Programme Country level.</p> <p>Continued improvements in the telecommunication infrastructure between the Irish Aid Programme Country missions and Headquarters have resulted in savings being delivered under this subhead.</p> <p>Savings were achieved on rental costs on Irish Aid Embassies and Residences.</p> <p>Savings were achieved through a less than anticipated demand for technical consultancy services in 2009.</p> <p>Savings arose due to a lower than anticipated requirement for consultancy services under this subhead.</p>

Passport Applications

274. **Deputy Joe McHugh** asked the Minister for Foreign Affairs the number of unprocessed applications for passports that are lodged in the passport office; and if he will make a statement on the matter. [21875/10]

Minister for Foreign Affairs (Deputy Micheál Martin): At 21 May, 2010 there were 62,944 applications in the system. My Department has obtained the necessary sanction to recruit 50 temporary staff and arrangements have been made for staff to commence work at short notice. If necessary, we are prepared to recruit additional staff.

These arrears are a direct result of the ongoing industrial action by the Civil Public and Services Union (CPSU). It is presently taking up to twenty five working days to process individual applications submitted through the Passport Express Service, the Northern Ireland Passport Express Service and at the counters in the Passport Office. Applications submitted through ordinary post are taking up to eight weeks to process. 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. There are very many Irish 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. 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 the backlog.

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. 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.

Emigrant Support Services

275. **Deputy Billy Timmins** asked the Minister for Foreign Affairs the bilateral or other arrangements that have been discussed between his Department and its counterpart in the United States in respect of the undocumented Irish in the United States in the past 12 months; and if he will make a statement on the matter. [21959/10]

Minister for Foreign Affairs (Deputy Micheál Martin): The difficult situation of the undocumented Irish in the US and the impact on their families in America and Ireland is a matter of deep concern to the Government. I would urge anybody who might be tempted in the current economic climate to follow in the footsteps of the undocumented to take account of the plight in which they now find themselves. Finding a solution for our undocumented citizens in the United States continues to be a Government priority. We are also committed to enhancing our bilateral migration arrangements with the US through the establishment of a reciprocal two year renewable visa scheme, known as the E3 visa, and the further development of the recently agreed working holiday programme.

Over the last 12 months my Department, and the Embassy in Washington in particular, has worked proactively with the US Administration and Congressional leaders to achieve positive progress on this important issue. The status of the undocumented can only be changed by virtue of legislation passed by both Houses of Congress in the US — it is not merely a matter of bilateral engagement between the two Governments.

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During my visit to Washington and New York in October 2009, I held extensive discussions on the prospect for progress on immigration reform with a significant number of key Democrats and Republicans in Congress. These included the Chair of the Senate Judiciary Committee, Senator Patrick Leahy, Senator John McCain, Senator Lindsey Graham, Senator Jeanne Shaheen, Senator Chris Dodd, Senator Bob Casey, the Chair of the House Sub Committee on Immigration, Zoe Lofgren and the members of the House of Representatives Friends of Ireland Group. I also discuss the matter on a regular basis with Ambassador Rooney. It has been made clear to us that the undocumented can only be provided for through comprehensive immigration reform.

During our St Patrick's Day visit Washington this year, the Taoiseach and I took the opportunity to discuss immigration reform and the undocumented Irish in our meetings with President Obama, Secretary of State Clinton and leading members of Congress. As part of his St Patrick's Day address, President Obama offered an assurance that his own commitment to comprehensive immigration reform remains unwavering. President Obama has since reiterated this commitment to immigration reform, and has welcomed what he has described as the "strong proposal" for reform presented at the end of April by senior Democratic Senators Harry Reid, Charles Schumer, and Robert Menendez. This proposal includes provision for a path towards legalisation for the undocumented, including the Irish, provided they first admit to having violated US laws, undertake the repayment of taxes and perform community service. This outline legislation also specifically mentions an E-3 visa arrangement for Irish citizens. Although the proposal is only the first step in a long process, the inclusion of an Irish E3 scheme at this initial stage is an important achievement for the Government and the Irish community.

While I am encouraged by these developments and also by the efforts which continue to be made on Capitol Hill to resolve this issue, very considerable political challenges remain, particularly in an election year. The Government will continue to maintain very close contact with the US Administration and Congress, as well as with Irish community advocates, to address this issue in the period ahead. Through the Emigrant Support Programme, we have provided \$285,000 to the Irish Lobby for Immigration Reform, since 2006, to assist with their lobbying efforts. In 2009, we also provided \$10,000 to the Chicago Celts for Immigration Reform.

Human Rights Issues

276. **Deputy Finian McGrath** asked the Minister for Foreign Affairs if he will support a matter (details supplied). [22091/10]

Minister for Foreign Affairs (Deputy Micheál Martin): Ireland and its EU partners have repeatedly expressed their concerns about democratic freedoms and human rights in Iran, and look forward to the day when these are fully established and protected. While the general principles set out in the document provided are entirely laudable, the National Council of Resistance of Iran is generally regarded as the political wing of the People's Mujahideen of Iran, an émigré group with little support in Iran and a very questionable history. The Government does not regard the PMOI/NCRI as representative of any substantial body of opinion in Iran, and has no dealings with it.

National Museum of Ireland

277. **Deputy Michael Ring** asked the Minister for Tourism, Culture and Sport if she will confirm the allocation of funding for 2009 and for 2010 in respect of a facility (details supplied) in County Mayo. [21348/10]

Minister for Tourism, Culture and Sport (Deputy Mary Hanafin): As the Deputy will be aware the National Museum of Ireland operates across four sites, one of which is the National

Museum of Ireland — Country Life, Turlough Park, Castlebar, Co. Mayo. My Department provides funding to the National Museum of Ireland as a single entity and not on a site by site basis. The funding provided by my Department to the National Museum in 2009 and 2010 is as set out below:

	2009 Allocation	2010 Allocation
	€	€
Current Funding	13,891,000	13,125,000
Capital Funding	1,524,000	2,000,000
Total	15,415,000	15,125,000

The National Museum of Ireland became an autonomous non-commercial semi-state body under the terms of the National Cultural Institutions Act 1997 with effect from May 2005. The Board of the Museum is responsible for all operational matters relating to the institution, and I, as Minister for Tourism, Culture and Sport, do not have a statutory function in respect of operational matters. It is, therefore, a matter for the Board of the Museum to allocate resources as it deems appropriate.

Sports Capital Programme

278. **Deputy Brian O'Shea** asked the Minister for Tourism, Culture and Sport when she intends to resume sports capital grants; and if she will make a statement on the matter. [21527/10]

Minister for Tourism, Culture and Sport (Deputy Mary Hanafin): Under the Sports Capital Programme, which is administered by my Department, and part funded from the proceeds of the National Lottery, funding is allocated to sporting and community organisations at local, regional and national level throughout the country. While no decision has been made on the timing of the next round of the Programme, €48 million has been provided in my Department's Vote in the 2010 Estimates to cover payments to be made from the C1 subhead, out of which grants are paid for the provision of sports and recreation facilities in respect of previously awarded grants.

Departmental Agencies

279. **Deputy John O'Mahony** asked the Minister for Tourism, Culture and Sport the agencies or bodies to which her Department provides funding or in respect of which it is administratively responsible; the bodies and agencies for which her Department is responsible in respect of her policy; the amount of funding provided in each of the years 2007 to 2010 in tabular form; and if she will make a statement on the matter. [21760/10]

Minister for Tourism, Culture and Sport (Deputy Mary Hanafin): The Department currently has thirteen bodies and agencies operating under its remit, as follows:

- The Arts Council;
- The Crawford Art Gallery Cork;
- The Chester Beatty Library;
- Fáilte Ireland (National Tourism Development Authority);
- The Irish Film Board;
- The Irish Museum of Modern Art;

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- The Irish Sports Council;
- The National Concert Hall;
- The National Gallery of Ireland;
- The National Library of Ireland;
- The National Museum of Ireland;
- The National Sports Campus Development Authority; and
- Tourism Ireland (Cross-Border body).

All of the above are statutory bodies with the exception of the Crawford Gallery, the National Concert Hall, the Irish Museum of Modern Art and Tourism Ireland which are companies limited by guarantee and the Chester Beatty Library which is a Trust. All of the bodies are involved in the implementation of policy and in contributing to its formulation. Details of the financial allocations to these bodies are set out in the Annual Estimates for Public Services and in the annual reports and financial statements of each body and agency, which are available in the Dáil Library or on the relevant corporate websites.

Departmental Programmes

280. **Deputy John O'Mahony** asked the Minister for Tourism, Culture and Sport her proposals to support community based art and sport related proposals throughout the country; and if she will make a statement on the matter. [21772/10]

Minister for Tourism, Culture and Sport (Deputy Mary Hanafin): The schemes operated by my Department which support community based art and sport related proposals throughout the country are the ACCESS Programme, the Sports Capital Programme and the Local Authority Swimming Pool Programme. Under the ACCESS programme, my Department is responsible for the provision of capital monies for arts centres, galleries, theatres, etc. In 2008 and 2009 €52m was expended in respect of such facilities. A further €16m is allocated in 2010 for regional arts capital projects throughout the country. Many of these projects are already under construction and will be completed in 2010. A list of the successful ACCESS II projects and the amount of grant aid allocated to each project is available on my Department's website. No date has been set for the next round of allocations under the ACCESS programme.

Under the Sports Capital Programme, which is administered by my Department, and part funded from the proceeds of the National Lottery, funding is allocated to sporting and community organisations at local, regional and national level throughout the country. Given the current budgetary situation and the high level of outstanding commitments it was considered prudent to pause prior to announcing the next round of the Programme and no date has been set for the next round of the Programme. Under the Local Authority Swimming Pool Programme grant aid to a maximum of €3.8m is provided to Local Authorities towards the capital cost of new swimming pools or the refurbishment of existing pools. No decision has been taken on the timing of a new round of the Local Authority Swimming Pool Programme.

A number of agencies under the aegis of my Department also provide funding for community based projects in the arts and sport areas. Details of the financial allocations to these bodies are set out in the Annual Estimates for Public Services and in the annual reports and financial statements of each body and agency, which are available in the Dáil Library or on the relevant corporate websites.

Departmental Expenditure

281. **Deputy John O'Mahony** asked the Minister for Tourism, Culture and Sport the amount of unspent money returned by her Department to the Department of Finance each year since 2007; the departmental budget for each year since 2007; the projects for which this money was originally earmarked in tabular form; and if she will make a statement on the matter.

[21788/10]

Minister for Tourism, Culture and Sport (Deputy Mary Hanafin): The surplus amounts surrendered by my Department to the Department of Finance and the departmental budgets for each year 2007 to 2009 are outlined in the table below. A detailed breakdown of the figures for 2007 and 2008 is published in the Comptroller and Auditor General's Audit of Appropriation Accounts for each year. The Appropriation Accounts also contain an explanation of the variances between the outturn figure and the estimate provision under various expenditure subheads.

In relation to the projects for which the surrendered funds were originally earmarked, the capital grant schemes in my Department are demand-led and depend on projects progressing to a satisfactory level to allow payment of funding. Accordingly, the funds allocated are not specifically earmarked for payment to a specific project in a given year and depend on the progress of the project. In relation to other capital projects, the Deputy will be aware that, in accordance with Section 91 of the Finance Act 2004, capital monies unspent in a particular year can be carried forward to be spent in the following year, subject to Department of Finance approval and certain limits. This deferred expenditure was applied to some unspent capital monies in 2007 and 2008, as approved by the Department of Finance.

The amounts of deferred expenditure are shown in the table below and are also outlined in detail in the Appropriation Accounts and the Revised Estimates Volume for my Department's Vote for each year. The remaining unspent amounts surrendered to the Department of Finance in 2007 and 2008 relate to current expenditure savings. Other than a small amount of capital expenditure in the administrative budget, all of the savings in 2009 relate to current expenditure, including administrative budget savings, pay savings and other efficiency savings.

Year	Net Estimate Provision ¹	Surplus surrendered	
			€m
2007	€m 670.118	Surplus	26.819
		Less deferred surrender	25.181
		Surplus surrendered	1.638
2008	725.343	Surplus	8.103
		Less deferred surrender	1.500
		Surplus surrendered	6.603
2009	525.576	Estimated Surplus ²	3.5
		Less deferred surrender	0
		Estimated Surplus to be surrendered ²	3.5

¹Includes deferred surrender of capital expenditure from previous year.

²Estimated pending completion of C&AG annual Audit of Appropriation Accounts.

Sports Capital Programme

282. **Deputy Michael McGrath** asked the Minister for Tourism, Culture and Sport the posi-

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tion regarding the draw down of certain sports capital grants to an organisation (details supplied) in County Cork. [21907/10]

Minister for Tourism, Culture and Sport (Deputy Mary Hanafin): Under the Sports Capital Programme, which is administered by my Department funding is allocated to sporting and community organisations for the capital costs of providing sports facilities and the purchase of non-personal sports equipment at local, regional and national level throughout the country. The organisation in question was awarded grants under the 2006 and 2007 Sports Capital Programme of €175,000 and €70,000 respectively. The organisation also received a RAPID top-up in 2006 of €52,500. The grant allocation was subject to the terms and conditions of the Programme, which includes the execution of a deed of covenant and charge. A deed of covenant and charge provides, *inter alia*, for a refund of the grant in the event of the facility not continuing to be used for the purpose for which the grant was allocated.

The Department's legal adviser, the Chief State Solicitor's Office — CSSO — deals with the grantee's solicitor in ensuring that these issues are satisfactorily resolved before grants can be paid. The current position is that the Chief State Solicitor's Office is awaiting paper work from the grantees solicitor. When this is received and if all matters are in order, the grant can then be paid.

Ferry Services

283. **Deputy Michael Ring** asked the Minister for Community, Rural and Gaeltacht Affairs if the vessel *MV Stenland* has been sold; if his attention has been drawn to the fact that this vessel was Lasta Mara Teo's back-up vessel for the island subsidy; the vessel that is now acting as back-up vessel; and if he will make a statement on the matter. [21543/10]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Pat Carey): Lasta Mara Teo has a contract with my Department to provide a cargo service to the Aran Islands for the 5-year period from 1 January 2008 to 31 December 2012, using the vessels 'Bláth na Mara' and 'Madelen' as main vessels. Under the terms of the contract, the company is also required to maintain access to a back-up vessel registered under the name 'Stenland' or an equivalent type vessel, to be of a standard approved by the Minister for use when either of the main vessels may be unavailable to provide the service.

My Department has agreed to Lasta Mara's request to nominate the 'Madelen' as back-up vessel as the company wished to avail of an opportunity to sell the 'Stenland.' In agreeing to this alteration to the terms of the contract, regard was had to the satisfactory service being provided by the company, the very few occasions on which the 'Stenland' was actually required as the back-up vessel and an assurance from the company that another vessel that it has acquired will also be available for the service, if the need arises.

Departmental Agencies

284. **Deputy John O'Mahony** asked the Minister for Community, Rural and Gaeltacht Affairs the agencies or bodies to which his Department provides funding or in respect of which it is administratively responsible; the bodies and agencies for which his Department is responsible in respect of his policy; the amount of funding provided in each of the years 2007 to 2010 in tabular form; and if he will make a statement on the matter. [21748/10]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Pat Carey): Funding provided to the statutory agencies under the remit of my Department is shown in the Revised Estimates

each year and in the Appropriation Accounts, each of which are available in the Dáil library and on the internet at www.finance.gov.ie and www.audgen.gov.ie respectively. In the table below, the funding provided to the agencies in 2007 and 2008 is taken from the outturns shown in the Appropriation Accounts. The Appropriation Accounts for 2009 are not yet published. Accordingly, the figures used for 2009 are the provisional outturns shown in the Revised Estimates. In the case of 2010 the figures used are the allocations shown in the Revised Estimates.

In the context of the recent transfer of functions, the Family Support Agency has transferred to my Department from the former Department of Social and Family Affairs. The position regarding this agency's funding, using the same sources as above, is also included in the table below.:

Agency/Body	2007	2008	2009	2010
	€'000	€'000	€'000	€'000
Údarás na Gaeltachta	39,369	44,054	37,635	29,915
Western Development Commission	6,495	6,511	4,458	2,230
Waterways Ireland	36,218	38,140	34,504	33,585
An Foras Teanga	16,167	18,670	16,420	16,634
An Coimisinéir Teanga	694	831	864	796
Family Support Agency	35,339	35,981	34,660	33,509

National Drugs Strategy

285. **Deputy John O'Mahony** asked the Minister for Community, Rural and Gaeltacht Affairs the sums of money which have been allocated to the ten regional drugs task forces; if these moneys have been drawn down by these task forces; the projects currently being implemented by same; and if he will make a statement on the matter. [21774/10]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Pat Carey): The allocations from my Department to the Regional Drugs Task Forces for 2010 are as set out in Table 1 below.

Table 1: 2010 allocations to Regional Drugs Task Forces

Regional Drugs Task Force	2010 Allocation
	€
East Coast Area	817,985
Midland	894,739
Mid-West	1,576,095
North East	1,038,588
North West	806,369
North Dublin City & County	870,066
South East	1,193,006
South West	894,750
Southern	1,089,369
Western	740,085
Total	9,921,052

[Deputy Pat Carey.]

The projects currently being allocated funding are set out in Table 2 below. Drawdown of funding is done on a six monthly basis. It is a matter for Task Forces themselves to decide on the allocation and re-allocation of available funding between projects. At present, preparations are being made for the draw down of the second six monthly allocation of funding for the period July to December 2010.

Table 2: Regional Drug Task Force Projects

Ref No.	Projects
	<i>East Coast RDTF Projects</i>
EC-1	The Bara Project
EC-2	Wicklow Child & Family Project
EC-3	Wicklow Traveller Group
EC-4	Task Force Budget
EC-6	ISPCC
EC-7	Living Life
EC-8	Treo Nua
	<i>Midlands RDTF Projects</i>
M1	Operational Budget
M5	Community Drug Action Group
M9	Education Co-ordinator
M10	MRYS Youth Health Officer
M11	Open Door Mullingar
M12	Midlands Family Support & Community Harm Reduction
M13	Open Door Athlone
M15	MQI Rehab & Aftercare worker
M17	Holistic/Complimentary Therapies
M19	Strengthening Families Programme
M20	Attic Youth Café Drug Education Initiative
M21	Community GP/Pharmacy Liaison Nurse
M22	Traveller Drugs Worker
	<i>Mid West RDTF Projects</i>
MW-1	Aljeff Prison Support Programme
MW-22	Operational Budget
MW-22	Operational Budget-Small Grants
MW-28	Aljeff Day Treatment Programme
MW-30	In The Know
MW-31	Newcastle West CBDI
MW-32	LYS CBDI
MW-33	CYS Youth Drug Prevention Project
MW-34	Sth East Limerick Youth Drug Prevention Project
MW-35	Strengthening Families Programme
MW-37	CASC North Tipperary
MW-38	Support to Respite House
MW-1L	Limerick City In The Know
MW-2L	Limerick City Outreach -Aljeff
MW-3L	Limerick City Family Programme -Aljeff
MW-4L	Limerick City Transitional House-Aljeff

Ref No.	Projects
MW-5L	Limerick City Northstar
MW-6L	Limerick City CBDI-LYS
MW-7L	Limerick City Budget
MW-38 CI	Cocaine Initiative — Bushy Park Aftercare Supports
MW-39 CI	Cocaine Initiative — CBCS Training
	<p><i>North East RDTF Projects</i></p> <p>NE-1 North East Family Support Network</p> <p>NE-2 Operational Budget</p> <p>NE-4 South Meath Response</p> <p>NE-6+16 Turas Aftercare Programme</p> <p>NE-7 Cavan Drug Awareness</p> <p>NE-13 ISPCC Louth</p> <p>NE-14 ISPCC Meath</p> <p>NE-15 Louth / Meath Community Drug & Alcohol Team</p> <p>NE-16 Turas Counselling Service</p> <p>NE-18 Traveller Specific Drugs Outreach Worker</p> <p>NE-19 Tabor House</p> <p>NE-22 C/I Cocaine Initiative</p>
	<p><i>North West RDTF Projects</i></p> <p>NW-3 Task Force Budget</p> <p>NW-4 White Oaks Rehabilitation Centre</p> <p>NW-5 Youth Drug & Alcohol Services Leitrim</p> <p>NW-10 Diploma Co-ordinator</p> <p>NW-12 Youth Drug & Alcohol Service, Sligo</p> <p>NW-13 Youth Drug & Alcohol Service, Donegal</p> <p>NW-14 Holistic Therapy Service, Sligo</p> <p>NW-15 Holistic Therapy Service, Leitrim</p> <p>NW-16 Diploma Bursary</p> <p>NW-17 Certificate in Drug & Alcohol Studies</p> <p>NW-18 Holistic Therapy Service, Donegal</p> <p>NW-19 Assertive Outreach Worker Sligo</p> <p>NW-20 Young Men's Programme</p> <p>NW-21 Homework Club</p> <p>NW-23 Substance Misuse Worker for the Homeless</p> <p>NW-24 Parentstop — Tackling Drugs & Alcohol</p> <p>NW-25 Assertive Outreach Worker Letterkenny</p> <p>NW-26 68A Low Threshold Service Sligo</p> <p>NW-27 NWAFF Family Support Programme</p>
	<p><i>Northern RDTF Projects</i></p> <p>N-1 Greater Blanchardstown Response to Drugs</p> <p>N-2 Swords Baldoyle Youth Service</p> <p>N-3 Balbriggan Youth Service</p> <p>N-6 Operational Budget</p> <p>N-9 RDTF Information Campaign</p> <p>N-10 PMVT Lantern</p> <p>N-11 Education Bursary</p> <p>N-12 Fingal Travellers Organisation</p>

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Ref No.	Projects
N-22	North Fingal School Completion Programme
N-23	Swords & Balbriggan Community Policing Forum
	<i>South East RDTF Projects</i>
SE-1	Croi Nua Aislinn Centre
SE-2	St Francis Farm
SE-3	Ceim Eile Half Way House
SE-4	Healthy Choices/Healthy Decisions
SE-5	The Cornmarket Project
SE-10	Co Waterford CBDI
SE-11	Inner City Ferrybank CBDI
SE-12	Extension to Co Waterford Frontline Project
SE-15	CRYS CBDI Worker
SE-19	Task Force Operational Budget
SE-23	Outreach Worker — South Tipperary
SE-24	Outreach Worker — Carlow/Kilkenny
SE-26	Outreach Worker — Waterford
SE-27	Aiseiri Addiction Treatment Centre
SE-28	Family Support Development Worker
SE-32	Outreach Worker — Wexford
	<i>South West RDTF Projects</i>
SW-1	Drug Prevention Education Initiative (DPEI)
SW-2 & SW-3	Counselling Pool
SW-4	Operational Budget
SW-6	Innovation Fund
SW-8 & SW-11	ÁRAS
SW-9	HALO
	<i>Southern RDTF Projects</i>
S-1	Operational Budget and Small Grants
S-3	Club Kerry
S-4	Club Cork
S-5	Link Worker Cork
S-6	Link Worker Kerry
S-7	Bandon Community Drugs Initiative
S-8	Tralee Community Drugs Initiative
S-9	Kerry Diocesan Youth Services Killarney
S-14	Cobh Community Drugs Initiative
S-15	Cloyne Diocesan Youth Services Mallow
S-16	Kerry Diocesan Youth Services Listowel
S-17	Tabor Lodge Aftercare
S-18	Matt Talbot Aftercare
S-19	Anchor Aftercare
S-20	Fellowship House Aftercare
S-21	Strengthening Families Programme
S-22	Cuan Mhuire Aftercare
S-23	Fermoy Community Drugs Initiative
S-24	Youghal Community Drugs Initiative

Ref No.	Projects
S-27	Renewal Aftercare
S-29	Mitchelstown Community Drugs Initiative
S-30	Talbot Grove Aftercare
S-31	Macroom Community Drugs Initiative
S-32 C/I	Anchor Treatment Centre
	<i>Western RDTF Projects</i>
W-1 & W-3	Operational Budget
W-4	Aids West Education Support Worker
W-5	Family Support
W-6	Primary Prevention Initiative for YP/Jigsaw
W-7	Education Support Worker
W-8	Homeless Substance Misuse Worker
W-9	Counsellor for NUI Galway
W-10	Pharmacy Liaison Worker
W-13	Community Liaison Worker Co Galway
W-14	Community Liaison Worker Galway City
W-15	Community Liaison Worker Mayo
W-16	Service Users Group
W-17	Grants — SFP/Youth Initiative

Departmental Expenditure

286. **Deputy John O'Mahony** asked the Minister for Community, Rural and Gaeltacht Affairs the amount of unspent money returned by his Department to the Department of Finance each year since 2007; the departmental budget for each year since 2007; the projects for which this money was originally earmarked in tabular form; and if he will make a statement on the matter. [21777/10]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Pat Carey): My Department's annual estimates and provisional outturns are published in the Revised Estimates Volumes, which are available at www.finance.gov.ie. The final outturns are published in the Appropriation Accounts, which are available at www.audgen.gov.ie. Both publications are also available in the Dáil library.

In the table below, the relevant details, including the total estimate and the surplus to be surrendered, are taken from the Appropriation Accounts for 2007 and 2008 — the latest years in respect of which published Appropriation Accounts are available. The estimates for 2009 and 2010 are taken from the Revised Estimates Volume. The audit of the Appropriation Account for 2009 has not yet been completed and, accordingly, the expenditure shown is the provisional outturn; the final figure for the surplus to be surrendered to the Exchequer is not yet available. As the Deputy is aware, the estimates and expenditure are made up of various subheads. The overall surplus to be surrendered comprises the sum of the variations across subheads and therefore does not relate back to specific projects. However, all major variations in subheads, as between estimates and outturn, are explained in the Appropriation Accounts.

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Estimates, Outturn and Surplus to be Surrendered 2007-2010 (€000)

	2007	2008	2009	2010
Estimate	475,001	508,595	443,873	384,980
Outturn	448,971	490,480	**440,636	N/A
Surplus to be surrendered	26,031	18,115	***3,237	N/A

*The figures in this table are rounded to the nearest €1,000 — there are rounding differences in some cases.

**Provisional outturn.

***The final figure for the surplus to be surrendered to the Exchequer will be available when the 2009 Appropriation Account is published. The figure shown is a calculation based on the estimate for the year less the provisional outturn published in the 2010 Revised Estimates Volume.

Community Development

287. **Deputy Tom Sheahan** asked the Minister for Community, Rural and Gaeltacht Affairs if the commercial units at Cerdann Na Coilte, Dingle, County Kerry are ready to be occupied following their vacation by tenants for refurbishment some time ago; and if he will make a statement on the matter. [21931/10]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Pat Carey): Responsibility in regard to the commercial units referred to by the Deputy is a matter for Údarás na Gaeltachta. I understand from An tÚdarás that the units have not been fully vacated, nor have they been refurbished.

Departmental Programmes

288. **Deputy Michael Ring** asked the Minister for Community, Rural and Gaeltacht Affairs when CLÁR funding will be provided to a projects (details supplied) in County Mayo. [21999/10]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Pat Carey): Funding under the CLÁR Programme for the projects referred to by the Deputy was approved in August 2008. In line with the normal arrangements that apply, it is a matter for the applicant to subsequently draw down the funding based on progress in completing the works. To date, all funding claimed and vouched by the applicant in question has been paid. This represents the majority of the funding that was originally approved. The balance of the funding will be provided when claimed validly by the applicant, in line with the conditions of the original approval.

289. **Deputy Michael Ring** asked the Minister for Community, Rural and Gaeltacht Affairs the CLÁR funding that has been approved to projects in 2010 to date; the project details, location and amount of funding, in tabular form; and if he will make a statement on the matter. [22000/10]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Pat Carey): CLÁR funding approved by my Department in 2010 to date has been under two measures — the School Outdoor Play Facilities Enhancement Scheme and the Bilingual Signage Enhancement Scheme — and the relevant details requested by the Deputy are set out in the table below. Applications are not being accepted under other CLÁR measures at present, having regard to the high level of existing commitments and the level of resources available.

	€
<i>1. CLÁR Bilingual Signage Enhancement Scheme</i>	
Glór Chluainín, Co Leitrim	2,000.00
Melvin Gaels GAA Club, Co Leitrim	207.50
Drumsna Development Association Ltd, Co Leitrim	1,191.75
Belturbet Tidy Towns, Co Cavan	1,826.14
Coiste na mBhailte Slachtmhara, Co Cork	2,000.00
Midfield Development Association, Co Mayo	2,000.00
<i>2. CLÁR Primary School Outdoor Play Facilities Enhancement Scheme</i>	
Gaelscoil Chluainín, Co Leitrim	7,500.00
Meelin N.S., Co Cork	4,699.09
S.N. Móin Ruadh, Co Kilkenny	7,438.35
Scoil Mhuire N.S., Co Galway	7,500.00
<i>Total Number of Projects Approved</i>	<i>10</i>
<i>Total CLÁR funding Approved</i>	<i>36,362.83</i>

Social Welfare Benefits

290. **Deputy John O'Donoghue** asked the Minister for Social Protection the reason a person (details supplied) in County Kerry has not received supplementary welfare allowance. [21899/10]

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.

291. **Deputy John O'Donoghue** asked the Minister for Social Protection when a person (details supplied) in County Kerry will receive the result of their application for supplementary welfare allowance. [21902/10]

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 Code

292. **Deputy Olwyn Enright** asked the Minister for Social Protection the action he is taking to alleviate the impact of the carbon tax on lower income households; and if he will make a statement on the matter. [21939/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): The Department of Social Protection already assists low income households with heating costs through their basic payments, through the fuel allowance scheme and through the household benefits package of electricity and gas allowances. These schemes have been improved significantly in recent years. The fuel allowance is paid for 32 weeks each year from end September to end April. In the 2009/2010 heating season over 340,000 recipients benefited from the allowance at a cost of over €231million.

Some 376,000 pensioners are receiving the household benefits which provides 2,400 electricity units per annum (or the gas equivalent) over the year and it is estimated that some 140,000 of these households are receiving both fuel allowance and the electricity units /gas allowance

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under the household benefits to assist with the heating and other energy requirements. The household benefit package cost €184million in 2009.

Proper household insulation is absolutely vital in tackling fuel poverty. Initiatives such as the Warmer Homes Scheme, operated by Sustainable Energy Ireland, under the aegis of the Department of Communications, Energy and Natural Resources have a very valuable role to play in that regard, as does funding from the Department of the Environment, Heritage and Local Government to improve the quality of existing local authority housing and the Housing Adaptation Grants for older people and people with disabilities. Considerable progress has been made in this area in recent years. In his Carbon Budget Statement, the Minister for Environment, Heritage and Local Government, outlined details of €130 million in funding for insulation, €76 million of which will be used to assist low income families.

The Department of Communications, Energy and Natural Resources has overarching responsibility for the energy portfolio and has convened an Inter-Departmental/Agency Group on Affordable Energy to coordinate and drive Government policy in this area. The Inter Departmental/Agency Group has been asked to draw up an Energy Affordability Strategy. This strategy will set out existing and future approaches to addressing energy affordability and will have regard both to the impact of the carbon tax on low income households and the range of supports outlined above in making its recommendations. As part of its work, the Group will make recommendations as to the precise package of measures, including in the area of income support, that should be put in place to assist those at risk of fuel poverty.

293. **Deputy Róisín Shortall** asked the Minister for Social Protection when and the way he proposes to amend the qualifying rules and benefits under mortgage interest supplement. [22003/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): There are currently just over 16,500 people in receipt of mortgage interest supplement, compared to 8,091 recipients in 2008. Expenditure for the year ending December 2009 was €60.7m; the estimate for 2010 is €63.9m. The mortgage interest supplement scheme is currently under review. The main purpose of this review is to examine how the scheme can best meet its objective of catering for those who require assistance on a short-term basis. The review group includes representatives from my Department, the Community Welfare Service, the Departments of Finance and Environment, Heritage and Local Government, together with a representative from the Office of the Financial Regulator.

As part of the initial review, guidelines on specific and immediate operational issues were drawn up and circulated to the community welfare officers. These guidelines are available on the Department's website at www.welfare.ie The group is examining trends in programme and administrative costs, the impact of the Financial Regulator's statutory Code of Practice on Mortgage Arrears and legislative and operational issues arising, including the cap on hours of employment. The review is also considering whether alternative approaches to achieving the scheme's objectives are warranted in the light of recent changes in the economic climate and the mortgage market.

More recently, the Government has established a broader and more comprehensive review of mortgage arrears and personal debt. The Mortgage Arrears and Personal Debt Review Group under the independent chairmanship of Mr. Hugh Cooney, comprises representatives from my own Department, the Departments of Finance, Taoiseach, Environment, Heritage and Local Government, Justice, Equality and Law Reform, and Communications, Energy and Natural Resources. In addition the Group has representatives from the Office of the Financial

Regulator, the ESRI, the Irish Banking Federation, the Free Legal Advice Centre and the Law Reform Commission.

The terms of reference for the Group are based on the Renewed Programme for Government, with an emphasis on protecting the family home. They include a review of the statutory Code of Conduct on Mortgage Arrears and , the recently agreed protocol between the Irish Bankers Federation and the Money Advice and Budgeting Service on debt default, with a view to expanding the options available for dealing with debt situations to avoid foreclosure.. In addition, the Group is examining measures adopted in other jurisdictions and considering ways of expanding existing mortgage-support measures. I understand that the Group will make its report to the Minister for Finance by the end of June. The conclusions and recommendations from the review of the mortgage interest supplement scheme, which is currently being finalised, will inform the work of this group.

Departmental Programmes

294. **Deputy Olivia Mitchell** asked the Minister for Social Protection the number of unemployed graduates that have participated in the Gradlink programme since its introduction; and if he will make a statement on the matter. [21375/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): There are currently 19 jobseekers categorised as availing of the IBEC Gradlink programme. The objective of the IBEC Gradlink programme is to assist recent graduates improve their skills during the current downturn and prepare them for the economic recovery. The IBEC Gradlink programme was introduced in January 2010 and is run under the auspices of the Irish Business and Employer Confederation (IBEC). The Department's function is to continue payment of the participant's jobseeker's entitlement in the normal way.

Question No. 295 answered with Question No. 66.

Social Welfare Benefits

296. **Deputy Ciarán Lynch** asked the Minister for Social Protection if he will re-examine the refusal of fuel allowance in respect of a person (details supplied) in County Cork; if he will consider reinstating this allowance with payment of arrears; and if he will make a statement on the matter. [21407/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): The fuel allowance scheme is intended to help households who are dependent on long-term social welfare payments and who are unable to provide for their own heating needs. Entitlement to the allowance is based on a household income test. If, in addition to their pension from the Department, the applicant or members of his/her household have a combined income of more than €100.00 per week, or savings/investments of more than €58,000, a fuel allowance is not payable. According to the information available to the Department, the person is in receipt of a private pension in excess of €100.00 per week. Consequently, he is not entitled to a fuel allowance.

297. **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. [21411/10]

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

298. **Deputy Leo Varadkar** asked the Minister for Social Protection the details of the promised scheme to give employers a PRSI holiday for newly created jobs; and if he will make a statement on the matter. [21424/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): The Employer Job (PRSI) Incentive Scheme will be commenced in June and will be administered by the Department of Social Protection. Regulation pertaining to the scheme is in the final stages of preparation, as are details of scheme administration. 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

299. **Deputy Leo Varadkar** asked the Minister for Social Protection the number of persons in receipt of the living alone allowance; the cost of same in each of the past ten years; if he will provide a breakdown in numbers of recipients by contributory pensioner, non-contributory pensioner, widowed pensioner, incapacity recipient or disability allowance recipient, invalidity pensioner and blind pension and by age, the total number 66 years or older and 65 years or younger; and if he will make a statement on the matter. [21435/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): I have attached a tabular statement showing the expenditure on living alone allowance by each scheme and a second tabular statement showing the number of recipients of living alone allowance by the primary scheme of the recipient. A breakdown of Widow/er's Contributory Pension by age is not available while Disability Allowance is not payable after age 65.

Expenditure for Living Alone Allowance Relating to the following Schemes 2000 to 2009.

Year	State Pension Contributory ⁽¹⁾	State Pension Non-Contributory	Widow/er's Contributory Pension	Widow/er's Non-Contributory Pension ⁽²⁾	Disability Allowance ⁽⁴⁾	Invalidity Pension ⁽³⁾	Blind Pension
	€	€	€	€	€	€	€
2000	9,335,326	9,933,123	15,347,332	3,069,867		224,224	58,859
2001	9,964,755	9,971,562	15,609,994	3,011,008	1,155,154	2,052,050	158,558
2002	10,415,605	9,952,342	15,888,673	2,961,358	3,105,102	2,710,308	156,957
2003	10,766,756	10,044,434	16,271,455	2,870,067	4,117,313	3,201,198	157,357
2004	11,009,398	9,997,187	16,608,592	2,771,168	5,159,554	3,606,403	164,164
2005	10,911,701	10,072,062	17,645,628	2,726,724	5,933,528	4,035,632	164,564
2006	12,502,890	13,197,584	18,115,297	5,205	6,783,977	3,364,561	107,708
2007	20,904,884	13,174,762	18,559,341	6,807	7,539,932	3,601,598	107,708
2008	21,577,956	13,297,684	19,171,552	7,207	8,435,627	3,721,718	106,506
2009	21,983,161	13,226,013	18,835,617	4,805	8,942,534	3,715,312	108,909

⁽¹⁾ Retirement Pension is not included with State Pension Contributory prior to 2007.

⁽²⁾ In September 2006 Persons in receipt of Widow/er's Non-Contributory Pension and Blind Pension aged over 65 switched to State Pension Non-Contributory.

⁽³⁾ Living Alone Allowance was introduced for Invalidity Pensioners under 66 on 5th April 2001. Recipients of Invalidity Pension aged over 65 switched to State Pension Contributory from September 2006.

⁽⁴⁾ Living Alone Allowance was introduced for persons on Disability Allowance in April 2001.

Recipients of Living Alone Allowance Relating to the following Schemes 2000 to 2009.

Year	State Pension Contributory ⁽¹⁾	State Pension Non-Contributory	Widow/er's Contributory Pension	Widow/er's Non-Contributory Pension ⁽²⁾	Disability Allowance ⁽⁴⁾	Invalidity Pension ⁽³⁾	Blind Pension
2000	23,315	24,808	38,330	7,667		560	147
2001	24,887	24,904	38,986	7,520	2,885	5,125	396
2002	26,013	24,856	39,682	7,396	7,755	6,769	392
2003	26,890	25,086	40,638	7,168	10,283	7,995	393
2004	27,496	24,968	41,480	6,921	12,886	9,007	410
2005	27,252	25,155	44,070	6,810	14,819	10,079	411
2006	31,226	32,961	45,243	13	16,943	8,403	269
2007	52,210	32,904	46,352	17	18,831	8,995	269
2008	53,891	33,211	47,881	18	21,068	9,295	266
2009	54,903	33,032	47,042	12	22,334	9,279	272

⁽¹⁾ Retirement Pension is not included with State Pension Contributory prior to 2007.

⁽²⁾ In September 2006 Persons in receipt of Widow/er's Non-Contributory Pension and Blind Pension aged over 65 switched to State Pension Non-Contributory.

⁽³⁾ Living Alone Allowance was introduced for Invalidity Pensioners under 66 on 5th April 2001. Recipients of Invalidity Pension aged over 65 switched to State Pension Contributory from September 2006.

⁽⁴⁾ Living Alone Allowance was introduced for persons on Disability Allowance in April 2001.

Social Welfare Code

300. **Deputy Leo Varadkar** asked the Minister for Social Protection if any research has been carried out on the excess costs of living alone; the way this relates to the current level of the living alone allowance; and if he will make a statement on the matter. [21436/10]

301. **Deputy Leo Varadkar** asked the Minister for Social Protection if consideration has been given to allowing persons on jobseeker's benefit, jobseeker's allowance or the one-parent family payment to apply for the living alone allowance; the estimated cost of such a change in policy; and if he will make a statement on the matter. [21437/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): I propose to take Questions Nos. 300 and 301 together.

The European Survey on Income and Living Conditions (SILC) is the main data source for measuring poverty and social exclusion in Ireland. Consistent poverty is the official measurement of poverty in Ireland which measures the percentage of persons below 60 per cent of average income, who are also deprived of goods and services regarded as essential for living in Ireland today, as measured by deprivation indicators. The most recent figures for 2008 show that the level of consistent poverty in Ireland is 4.2 per cent but older people living alone are 4 times less likely to experience consistent poverty than the general population. The level of consistent poverty among older people living alone fell dramatically from 4.1 per cent in 2007 to 0.9 per cent in 2008. Similarly older people living alone were much less likely than the general population to be at risk of poverty using only income as the measure (11 per cent vs. 14.4 per cent).

These reductions represent the success of Government policy in relation to supporting older people. The priority has been to increase personal rates of pension in addition to enhancing the household benefits package which includes TV licence, telephone, electricity/gas and the fuel allowance rather than supplements like the living alone increase. The objective is to use resources to improve the position of all pensioners to the fullest extent possible rather than

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focusing on particular groups. The living alone increase is an additional payment of €7.70 per week made to people aged 66 years or over who are in receipt of certain social welfare payments and who are living alone. It is also available to people who are under 66 years of age who are living alone and receiving payments under one of a number of invalidity type schemes.

The living alone increase is primarily a benefit for aged 66 or over. Accordingly, there are no plans to extend the payment to people receiving other social welfare payments. In addition, some schemes by their nature could not attract a living alone increase as individuals living alone cannot qualify. This would apply to the one-parent family payment which requires that a child must live with the recipient. My Department does not have information available on the living arrangements of individuals on social welfare payments other than those who are in receipt of living alone increase and accordingly it is not possible to cost the proposal outlined by the Deputy.

Pension Provisions

302. **Deputy Michael Ring** asked the Minister for Social Protection if a person (details supplied) in County Mayo has sufficient contributions to qualify for a State contributory pension on reaching 66 years; if not, if they can make voluntary contributions until they reach the age of 66 years in order to qualify for the State contributory pension. [21438/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): The Department, to help people assess their position regarding possible future pension entitlements, issues to them a copy of their contribution history record and a ‘Working it Out’ booklet which explains how entitlement to a State pension (contributory) is assessed. In order to be admitted as a voluntary contributor a person must:

- have at least 260 weeks PRSI contributions paid while in employment or self-employment;
- apply to the Department within 12 months after the end of the contribution year during which they last paid compulsory PRSI or had a credited contribution;
- agree to pay voluntary contributions from the start of the contribution week after the week in which they last paid compulsory PRSI or had a credited contribution.

The person concerned may wish to contact the Voluntary Contributions Section of the Department to enquire about the possibility of paying voluntary contributions.

Voluntary Contributions Section

Department of Social Protection,
Cork Road,
Waterford.

Telephone: (051) 356000 (01) 7043000

e-mail: volcons@welfare.ie

Social Welfare Appeals

303. **Deputy James Reilly** asked the Minister for Social Protection the reason a person (details supplied) in County Dublin who was receiving disability allowance for 20 years has had their entitlement to this payment cancelled; when the appeal will be concluded; and if he will make a statement on the matter. [21491/10]

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. I am advised by the Social Welfare Appeals Office that, following receipt of the grounds of appeal from the person concerned, the relevant Departmental papers and comments of the Department have been sought. On receipt of its response the case will be referred to an Appeals Officer for consideration. The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

Social Welfare Benefits

304. **Deputy James Bannon** asked the Minister for Social Protection the position regarding an application for unemployment or jobseeker's allowance in respect of a person (details supplied) in County Longford; and if he will make a statement on the matter. [21510/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): The person concerned submitted an application for jobseeker's allowance on 29 March 2010. The payment of jobseeker's allowance is subject to a means test and in this regard the file has been forwarded to a Social Welfare Inspector. I understand the Inspector interviewed the person concerned on 20 May 2010 and he has been asked to furnish additional documentation. The jobseeker's allowance file will be returned to a Deciding Officer for decision once the Inspector's report is complete. A person may apply for supplementary welfare allowance from their local Community Welfare Officer while any application for jobseeker's allowance is being processed.

305. **Deputy James Bannon** asked the Minister for Social Protection the position regarding an application for child dependant allowance in respect of a person (details supplied) in County Longford; and if he will make a statement on the matter. [21513/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): The person concerned is currently in receipt of one parent family payment at a weekly rate of €225.80 (€196.00 personal rate + €29.80 child dependent rate in respect of one child). The person concerned has not been awarded child dependent allowance in respect of two other children as they are resident with their father under a Court Order. If there has been a change in circumstances the person concerned should contact Social Welfare Local Office in Longford.

306. **Deputy Seán Ó Fearghaíl** asked the Minister for Social Protection if he will consider correspondence (details supplied) in respect of a person; if a domiciliary care allowance will be approved; and if he will make a statement on the matter. [21520/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): An application for domiciliary care allowance was received in respect of the person in question on 6th April 2010. This application was referred to one of the Department's Medical Assessors who was of the opinion that the child did not meet the required medical criteria to qualify for the allowance. A letter issued to the applicant on 19th May 2010 advising her of the decision to refuse payment. In the case of an application which is refused, the applicant may submit additional information and ask for the case to be reviewed and/or they may appeal the decision by writing to the Social Welfare Appeals Office. On the basis of the additional information supplied by the Deputy, the case will now be reviewed and the customer will be notified in writing of the decision.

Departmental Expenditure

307. **Deputy Olwyn Enright** asked the Minister for Social Protection the estimated full year spend on all payments administered by his Department in 2010 in tabular form; the estimated number of persons eligible for these payments in 2010 in tabular form; and if he will make a statement on the matter. [21537/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): The 2010 Revised Estimate Volume provides for total expenditure of €20.96 billion, of which €385 million relates to the cost of the administration of the Department. The information sought by the deputy is detailed in tables 1, 2, 3 below.

Table 1: Vote 38

2010 REV

		€000	Estimate of Average Number of Recipients
	ADMINISTRATION	385,316	N/A
	<i>SOCIAL ASSISTANCE</i>		
B.	State Pension (Non-Contributory)	946,740	97,020
C.	Blind Pension	15,686	1,470
D.	Child Benefit (No of children)	2,260,990	1,135,300
E.	Jobseeker's Allowance	2,759,911	235,170
F.	Farm Assist Scheme	96,280	8,400
G.	Employment Support Services	229,330	24,386
H.	Pre-Retirement Allowance	75,440	6,500
I.	One-Parent Family Payment	1,119,932	90,870
J.	Widow(er)s' Pension & Guardian's Payment (N/C)	22,460	2,315
K.	Deserted Wives Without Dependent Children	5,070	415
L.	Family Income Supplement	215,040	30,000
M.	Carer's Allowance	541,460	52,000
N.	Supplementary Welfare Allowances	1,026,439	See Table 3
O.	Disability Allowance	1,100,970	101,500
P.	Respite Care Grant	153,000	90,000
Q.	Free Schemes (Assistance)	408,536	See Table 3
R.	School Meals Schemes	35,000	N/A
S.	Grant to the Family Support Agency	33,509	N/A
T.	Grant to Citizens Information Board	45,872	N/A
U.	Domiciliary Care Allowance	99,264	26,727
V.	Miscellaneous Services	4,892	N/A
	Subtotal Assistance	11,195,821	
	<i>SOCIAL INSURANCE</i>		
W.	Payment to the Social Insurance Fund under Section 7(9) of the Social Welfare Consolidation Act 2005.	1,551,448	N/A
	Gross Total	13,132,585	
	<i>Deduct:—</i>		
X.	Appropriations-In-Aid	212,720	N/A
	Net Total	12,919,865	

Table 2: Social Insurance Fund

2010 REV

	€000	Estimate of Average Number of Recipients
<i>SOCIAL INSURANCE FUND</i>		
INCOME	7,073,988	N/A
<i>EXPENDITURE</i>		
<i>Benefits:</i>		
Illness Benefit	884,420	78,200
Invalidity Pension	685,610	56,600
Occupational Injuries Benefits	109,750	15,000
Maternity Benefit	351,890	25,000
Health and Safety Benefit	650	58
Adoptive Benefit	1,300	72
Treatment Benefits	34,000	N/A
State Pension (Contributory)	3,430,910	271,000
State Pension (Transition)	111,100	9,300
Jobseeker's Benefit	1,545,840	146,000
Widows', Widowers' Pension (Con)	1,320,260	1,900
Guardian's Payment (Con)	10,500	415
Widowed Parent Grant	4,800	800
Deserted Wife's Benefit	93,790	8,600
Carer's Benefit	31,260	2,100
Bereavement Grant.	20,400	24,000
Free Schemes (Insurance)	302,482	See Table 3
Redundancy & Insolvency Payments (a)	340,000	66,740
Subtotal benefits	9,278,962	
Administration (b)	280,700	N/A
Total Expenditure	9,559,662	
Excess of expenditure over income	2,485,674	
Surplus carried forward	934,226	
<i>Deduct:</i> Excess of expenditure over income	-2,485,674	
Surplus/deficit at end-year	-1,551,448	
Subvention from Vote 38	1,551,448	

Table 3: Vote 38 Subheads G, J, N, Q and Free Schemes (Insurance)

2010 REV

		€000	Estimate of Average Number of Recipients
G.	ESS		
1.	Back to Work Allowance	48,870	6,600
2.	Back to Education Allowance	169,760	17,616

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		€000	Estimate of Average Number of Recipients
3.	Part Time Job Incentive	1,130	170
4.	Assistance towards training etc. of BTWA participants	3,000	On Demand
5.	Credit Union loan guarantee scheme	20	On Demand
6.	Activation and Family Support Programme	6,000	On Demand
7.	Second-chance education opportunities	380	On Demand
8.	Assist persons unemployed for 5 years or more	0	On Demand
9.	Special payments to long-term unemployed & lone parents	170	On Demand
	Total	229,330	
J.	Widow(er)s' Pension & Guardian's Payment (N/C)		
1.	Widows'/Widowers' Pension (Non/Con)	17,760	1,900
2.	Guardian's Payment (Non/Con)	4,700	415
	Total	22,460	
N.	SWA		
1.	Basic Supplementary Welfare Allowance Payments	194,550	36,592
2.	Direct Provision payments	5,000	5,060
3.	Supplements i.e.		
	— Rent (secondary benefit)	509,200	98,000
	— Mortgage Interest (secondary benefit)	63,928	16,000
	— Other — diet & heating	14,930	On Demand
4.	Except. & urgent needs	90,000	287,000
5.	B-to-S Clothing etc.	82,830	165,000
6.	Humanitarian Aid	1	N/A
7.	Administration	66,000	N/A
	Total	1,026,439	

Table 3: Subheads G, J, N, Q and Free Schemes (Insurance)

2010 REV

		€000	Estimate of Average Number of Beneficiaries
	FREE SCHEMES (Assistance):		
1.	Free travel	77,000	687,060
2.	Fuel allowance	165,520	220,618
3.	Electricity allowance	82,498	144,216
4.	Free Television Licence	23,076	151,026
5.	Telephone allowance	54,047	172,540
6.	Natural gas allowance	6,176	11,638
7.	Bottled gas allowance	219	1,404
	Total	408,536	

2010 REV

		€000	Estimate of Average Number of Beneficiaries
	FREE SCHEMES (Insurance):		
1.	Free travel	—	N/A
2.	Fuel allowance	62,330	114,667
3.	Electricity allowance	119,650	209,255
4.	Free Television Licence	36,100	236,221
5.	Telephone allowance	67,140	214,321
6.	Natural gas allowance	17,230	32,447
7.	Bottled gas allowance	32	263
	Total	302,482	

Flood Relief

308. **Deputy Pat Breen** asked the Minister for Social Protection, further to Parliamentary Question No. 103 of the 19 January 2010, the funding made available to date to the humanitarian assistance scheme for flood claims in County Clare; the number of applications for support; the number of applications refused support; and if he will make a statement on the matter. [21564/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): The HSE's Community Welfare Service in County Clare has been providing support to households under the humanitarian assistance scheme since last November's flooding. Up to the 7th May 2010 they had made 453 payments to 100 individuals to the value of €243,201. The HSE has advised that no claim has been refused.

People seeking assistance should contact their local Community Welfare Office. Further information and applications forms in relation to the humanitarian assistance scheme are available from the Community Welfare Service in the affected areas and from the Department's website (www.welfare.ie) and the HSE's website (www.hse.ie).

Social Welfare Benefits

309. **Deputy Jack Wall** asked the Minister for Social Protection the position regarding an application for rent allowance in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [21568/10]

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

310. **Deputy Bernard J. Durkan** asked the Minister for Social Protection when a decision will issue on an oral hearing appeal in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [21714/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): I am advised by the Social Welfare Appeals Office that, an oral hearing of this case took place on 17th May 2010 and the Appeals

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Officer is now considering the appeal in the light of all the evidence submitted, including that adduced at the oral hearing. The person concerned will be notified of the Appeals Officer decision when the appeal has been determined. The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

311. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the progress made to date in the determination of eligibility for disability allowance and invalidity payment in the case of a person (details supplied) in County Meath; and if he will make a statement on the matter. [21715/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): I am advised by the Social Welfare Appeals Office that an Appeals Officer, having fully considered all the evidence, disallowed the appeal of the person concerned by way of summary decision. The person concerned has been notified of the decision. The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

Legislative Programme

312. **Deputy Jack Wall** asked the Minister for Social Protection the position regarding the commitment in the programme for Government 2007 to legislate for acquired gender identity for transsexuals; and if he will make a statement on the matter. [19012/10]

313. **Deputy Jack Wall** asked the Minister for Social Protection the position regarding the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [19013/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): I propose to take Questions Nos. 312 and 313 together.

The Renewed Programme for Government, published in October 2009, contains a commitment to introduce legal recognition of the acquired gender of transsexuals. An inter-departmental committee has been established with the following terms of reference:- “To advise the Minister for Social and Family Affairs on the legislation required to provide for legal recognition by the State of the acquired gender of transsexuals. In particular to propose heads of a bill to provide for

- The establishment of a process for legal recognition of the acquired gender of persons suffering from Gender Identity Disorder who have made the transition from one gender to the other.
- The establishment of a gender recognition register.
- The granting of entitlement to transsexuals to marry in the legally recognised re-assigned gender
- Any other provisions as may be deemed necessary consequent on the main provisions of the Bill”.

The committee is made up of representatives of various Departments and Offices of State and had its first meeting on Thursday, 6 May 2010. It is envisaged that the committee, as part of its deliberations, may invite submissions from interested groups, experts in the field and the public. I would expect that the committee will make its recommendations within a period of about 6 months. It is not possible at this early stage to say when the resulting proposals will be introduced in the legislative programme, or indeed, when a Bill will be introduced. I would, however, assure the Deputy that the matter will be treated as a priority by the Department when the deliberations of the committee are finalised.

The position in relation to the Court proceedings referred to is that the matter is under appeal to the Supreme Court. In the circumstances, it is not appropriate for me to comment further.

Social Welfare Benefits

314. **Deputy John O'Mahony** asked the Minister for Social Protection the number availing of the farm assist scheme for County Mayo in 2007, 2008 and 2009 in tabular form; and if he will make a statement on the matter. [21773/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): The number of farmers availing of the farm assist scheme in Co. Mayo are as follows:

2007 — 1,506;

2008 — 1,522;

2009 — 1,681;

2010 — 1,751 (at mid May).

The farm assist scheme which was introduced in the Social Welfare Act, 1999 is a practical response by the Department to the situation of low-income farmers and it represents a long-term safety net for them. It benefits farm families with children and also provides increased payments to farming couples without children and to single farmers on low income.

Departmental Expenditure

315. **Deputy John O'Mahony** asked the Minister for Social Protection the amount of unspent money returned by his Department to the Department of Finance each year since 2007; the departmental budget for each year since 2007; the projects for which this money was originally earmarked in tabular form; and if he will make a statement on the matter. [21786/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): The Department of Social Protection incurs voted expenditure under Vote 38 and non-voted expenditure from the social insurance fund. Only voted expenditure is subject to surrender to the Exchequer in the event of an underspend. The following table shows the estimate and outturn for Vote 38 in 2007, 2008 and 2009:

Vote 38	Estimate	Outturn	Difference	% Difference
	€000	€000	€000	%
2007	8,424,644	8,181,274	-243,370	-2.89%
2008	9,631,887	9,328,040	-303,847	-3.15%
2009*	11,130,092	10,877,552	-252,540	-2.27%

* Provisional pending completion of audit by the Comptroller and Auditor General.

[Deputy Éamon Ó Cuív.]

Almost all expenditure of the Department of Social Protection is incurred on scheme payments to individual recipients such as pensioners and jobseekers based on pre-determined qualifying conditions and rates of payment, generally set out in legislation. The expenditure, which is demand-led, is driven by economic, social and demographic factors and the under-spends in the years in question are primarily due to these factors.

Social Welfare Benefits

316. **Deputy Willie O’Dea** asked the Minister for Social Protection when a person (details supplied) in County Limerick will receive back payment owed to them for the period 7 March to 28 March inclusive. [21906/10]

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.

317. **Deputy Fergus O’Dowd** asked the Minister for Social Protection the number of persons receiving the household benefits in 2009; the cost of this package in 2009; if he will provide a breakdown of the number of persons in receipt of the household package (details supplied) and the associated breakdown of cost per group; and if he will make a statement on the matter. [21909/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): I have set out below a tabular statement showing the expenditure on household benefits and free travel by each scheme and a second tabular statement showing the number of recipients of household benefits and free travel by the primary scheme of the recipient. A more detailed breakdown of the recipients of household benefits and free travel is not currently available.

Table: Expenditure on Household Benefits and Free Travel, 2009.

Household Benefits and Free Travel	Expenditure 2009
	€000
Fuel Allowances	193,624
Free Electricity	165,515
Free Travel	73,489
Free Bottled Gas	742
Free Natural Gas	16,957
Free Television Licence	55,712
Free Telephone Rental	120,180
Total	626,219

Table: Number of Recipients of Household Benefits and Free Travel by Type of Payment Received, 2009

Type of Payment	Free Electricity Allowance	Free Television Licence	Free Telephone Allowance	Free Bottled Gas	Free Natural Gas	Free Travel
State Pension (Contributory)	127,683	147,180	141,410	145	18,115	219,647
State Pension (Non-Contributory)	55,792	58,996	55,711	147	2,048	96,580
State Pension (Transition)	170	196	189	0	24	634

Type of Payment	Free Electricity Allowance	Free Television Licence	Free Telephone Allowance	Free Bottled Gas	Free Natural Gas	Free Travel
Widow/er's (Contributory) Pension	55,719	64,049	62,333	41	7,691	74,981
Widow/er's (Non-Contributory Pension	229	244	240	1	13	218
Invalidity Pension	18,414	21,006	19,359	64	2,359	48,022
Deserted Wife's Allowance	23	24	23	0	1	33
Deserted Wife's Benefit	940	1,191	1,143	5	236	1,643
One Parent Family Payment	0	0	8	0	0	30
Occupational Injury Benefit	226	316	307	0	48	337
Free Fuel	1,067	1,083	1,061	1	12	1,045
Blind Pension	521	571	426	0	39	1,369
Carer's Allowance	21,006	24,079	23,484	219	2,615	42,953
Disability Allowance	31,996	35,741	31,531	364	2,620	95,813
Others	23,298	26,466	25,386	43	2,359	95,172
Total	337,124	381,142	362,611	1,030	38,180	678,477

Pension Provisions

318. **Deputy Róisín Shortall** asked the Minister for Social Protection the number of occupational pension scheme contributors who make contributions on a compulsory basis with a breakdown by public and private sector. [21924/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): Between defined contribution and defined benefit schemes, there were more than 850,000 pension scheme members in 2008. Excluding some 300,000 public sector members, that means that more than 500,000 private sector employees are members of occupational pension schemes. There is no compulsion on private sector employees to join an occupational pension scheme. Any decision to do so is usually theirs to take. One possible exception is where an employer insists on membership of their occupational pension scheme as part of a person's terms of employment. However, there is no data on the numbers of employers, schemes or employees that this may impact upon. The vast majority of public sector workers are automatically enrolled into a pension scheme on commencement of employment.

Social Welfare Benefits

319. **Deputy Jack Wall** asked the Minister for Social Protection the position regarding an application for rent allowance in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [21965/10]

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 Code

320. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the steps he has taken to date or proposes to take to ensure that every effort is made to meet the requirements of those who have become unemployed and who find themselves with mortgage and other domestic commitments well in excess of anything likely to be manageable in their circumstances; and if he will make a statement on the matter. [22092/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): People who are unemployed and unable to meet their mortgage commitments may be entitled under the supplementary welfare allowance scheme to receive a supplement in respect of their mortgage interest. The scheme is administered by the community welfare service of the Health Service Executive (HSE) on behalf of the Department. The purpose of mortgage interest supplement is to provide short term support to enable people to meet their mortgage interest repayments in respect of a house which is their sole place of residence. The supplement assists with the interest portion of the mortgage repayments only.

Each application for mortgage interest supplement is determined by a community welfare officer taking account of the relevant legislative provisions and on the basis of the merits of each individual case. In addition, the HSE may make a single exceptional needs payment to help meet essential, once-off, exceptional expenditure, which a person could not reasonably be expected to meet out of their weekly income. Eligible people would normally be in receipt of a social welfare or HSE payment. There is no automatic entitlement to such payments. ENPs are payable at the discretion of the HSE.

People who are experiencing difficulties in meeting their mortgage repayments or other household bills should immediately contact their finance agency or the relevant utility company to discuss arrangements to address their issues. They should also contact the money advice and budgeting service (MABS) which provides assistance for people with financial difficulties. The service operates from 65 locations throughout the country and can be contacted either through a national telephone helpline or a website. The Government is providing over €18 million this year to the MABS to enable them to assist people with managing their finances and coping with debt problems.

Family Support Services

321. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the number of applications for family income supplement received on an annual basis in the past five years to date in 2010; the number approved or refused in each year; and if he will make a statement on the matter. [22093/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): The information requested by the Deputy is set out in the attached table.

FIS claims

	2005	2006	2007	2008	2009	2010 to date 14/5/10
Received	23,928	30,996	36,868	42,942	46,542	18,769
Awarded	19,371	25,253	27,857	41,669	33,106	12,983
Refused	2,982	4,807	4,394	8,429	9,595	3,266

Social Welfare Benefits

322. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the number of applications for back to education allowance received on an annual basis in the past five years to date in 2010; the number approved or refused in each year; and if he will make a statement on the matter. [22094/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): Participants in the back to education allowance (BTEA) scheme transfer from another social welfare payment. Annual statistics are

collated by the department for the number of participants on the basis of the relevant academic year. Statistics are not available on the number of applications received or the number who are refused entry to the scheme and, consequently, remain on their existing payment. Details of the number of participants in the BTEA scheme for the academic years 2005/2006 to 2009/2010 are presented in the accompanying Table.

BTEA Participants 2005/2006 to 2009/2010

Academic year	Number of Participants
2005/2006	7,285
2006/2007	8,090
2007/2008	8,883
2008/2009	11,646
2009/2010	20,808

Social Welfare Appeals

323. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the average length of time currently taken to process an appeal in respect of jobseeker's allowance, unemployment benefit, child benefit and widow's or widower's pension; and if he will make a statement on the matter. [22096/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): The statistics requested by the Deputy are given in the accompanying table. A number of initiatives are currently underway designed to enhance the capacity of the office to deal with the current caseload and inflows. In that regard, 2 additional Appeals Officers were assigned to the Office in 2009. A number of additional staff are being assigned to the administration area of the Office. The organisation of the Appeals Officer's work has been changed so as to increase productivity. A project to improve the business processes in the office is underway and a number of improvements have already been implemented. Significant enhancements are being made to the Office's IT and phone systems.

Notwithstanding these measures, it is clear that further additional staff will be required in the short term to address the backlog that has developed. Any such staff must be very experienced and be in a position to operate without significant training. Therefore it has been decided to use experienced retired staff strictly on a short term basis to supplement the current resources.

Average Time in weeks taken To Process Appeals at 30/4/2010

Benefit	Weeks
Child Benefit	19.9
Jobseeker's Allowance (Means)	22.7
Jobseeker's Allowance	18.8
Jobseeker's Benefit	18.2
JA/JB Fraud Control	53.1
Survivor's Pension (Contributory)	26.4
Survivor's Pension (Non-contributory)	21.6

Social Welfare Benefits

324. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the average length of time currently taken to process an application for unemployment benefit; and if he will make a statement on the matter. [22097/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): The national average processing times for jobseeker claims decided during April were 2.33 weeks for jobseeker's benefit and 6.92 weeks for jobseeker's allowance.

325. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the average length of time taken to process an application for contributory and or non-contributory old age pension; and if he will make a statement on the matter. [22098/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): The Department is committed to ensuring that claims are processed as expeditiously as possible having regard to the eligibility conditions that apply to each scheme. Over the past number of years a range of initiatives aimed at streamlining the processing of claims, supported by modern technology, have been implemented in the pension scheme area in Sligo. Significant improvements have been achieved in claim processing times and backlogs have been eliminated. Operational processes and procedures and the organisation of work are continually reviewed to ensure that processing capability is maximised.

From January 2009, new processing targets, based on processing 90% of claims, were introduced for all schemes. The processing targets and average performance achieved for the period May 2009 to April 2010 in respect of State Pension Contributory (SPC) and State Pension Non Contributory (SPNC) and State Pension Transition (SPT) are outlined below.

Scheme	Processing Target	Performance (May 2009 to April 2010)
State Pension Contributory	90% by entitlement date	94% achieved
State Pension Non Contributory	90% within 10 weeks	70% achieved
State Pension Transition	90% within 6 weeks	88% achieved

326. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the number of applications for one parent family allowance received in the past 12 months; the number approved and refused; the number referred to appeal; the number of such appeals in respect of which the original decision was overturned; and if he will make a statement on the matter. [22099/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): The statistics in respect of One-Parent Family claims requested by the deputy are contained in the accompanying tables:

Month	Registered	Awarded	Disallowed	Closed (Withdrawn)
April 2010	1,597	1,053	167	360
Mar 2010	1,720	1,202	196	362
Feb 2010	1,974	1,071	191	390
Jan 2010	2,522	788	128	307
Dec 2009	1,867	949	115	259
Nov 2009	2,452	1,242	167	371
Oct 2009	3,034	1,198	195	407

Month	Registered	Awarded	Disallowed	Closed (Withdrawn)
Sep 2009	3,253	952	144	315
Aug 2009	2,629	816	132	296
Jul 2009	3,493	1,046	207	366
Jun 2009	3,215	1,045	176	320
May 2009	3,367	1,237	146	270

OFP appeals registered in the period Jan 2009 to end Dec 2009

	Number
Total Registered	803
Appeal allowed	120
Appeal disallowed	319
Decision revised by DO	201
Appeal withdrawn by appellant	78
Total appeal finalised	718

OFP appeals registered in the period Jan 2010 to end Apr 2010

	Number
Total Registered	385
Appeal allowed	25
Appeal disallowed	81
Decision revised by DO	74
Appeal withdrawn by appellant	30
Total appeal finalised	210

The statistics in respect of appeals are not kept in the same format as the One-Parent Family claims and therefore a breakdown by month is not available.

327. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the number of applications for child benefit received in each of the past two years to date in 2010; the number granted and refused; the number referred to appeal; the number of appeals in respect of which the original decision was overturned; and if he will make a statement on the matter. [22100/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): The information requested by the Deputy is set out in the accompanying table.

	2008	2009
Claims Received	93,996	81,451
Claims Awarded	102,062	88,533
Claims Disallowed	1,547	2,393
Appeals Received	688	1,294
Appeals allowed	54	12

[Deputy Éamon Ó Cuív.]

The number of claims cleared exceeds the number of claims received in each year, due to a carry forward of claims outstanding from the previous year. Statistics relating to 2010 are not currently available due to ongoing industrial action.

328. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the number of refusals of jobseeker's allowance in each of the past five years to date in 2010; the most common grounds for refusal; and if he will make a statement on the matter. [22101/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): The accompanying table shows the number of disallowances of jobseekers allowance in each of the years from 2006 to date:

	Total Decisions	Total Disallowances
2006	80,313	10,024
2007	82,072	10,711
2008	110,967	12,996
2009	194,932	21,375
16/5/2010	80,640	10,484

There are a number of reasons why a claim may be disallowed. The most common grounds for refusal are:

Means in Excess

The customer does not satisfy the means test. Their income is greater than the appropriate rate for the jobseekers allowance scheme, taken into account their family composition.

Not Habitually Resident in this country

This is where a customer's centre of interest is deemed not to be in Ireland. There are a number of other factors involved in determining if a customer is Habitually Resident in the State.

Other grounds for refusal relate to the conditions of being available for work or being genuinely seeking work.

All decisions relating to the claim are made by deciding officers and where a person is dissatisfied with a deciding officer's decision, they have a right to appeal to the independent Social Welfare Appeals Office.

329. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the number of applications for carer's allowance refused in each of the past five years to date in 2010; the number of such refusals based on medical grounds or means test; and if he will make a statement on the matter. [22102/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): Entitlement to carer's allowance is based on the applicant satisfying medical, means and residency conditions. The information requested by the Deputy is presented in tabular format.

Carer's allowance refusals 2006-2010

	2006	2007	2008	2009	2010*
Total carer's allowance claims refused	1,032	1,453	2,528	4,081	2,047
Claims refused — medical or means grounds	724	980	1,637	2,975	1,535

*To 30 April 2010.

Defence Forces Recruitment

330. **Deputy Mary O'Rourke** asked the Minister for Defence when he plans to introduce recruitment again to the Naval and Defence Forces; and if so, the dates and numbers and so on. [21371/10]

Minister for Defence (Deputy Tony Killeen): 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.

I am advised by the Military Authorities that the strength of the Permanent Defence Force as at 30 April 2010 was 9,856 comprising 8,036 Army, 797 Air Corps and 1,023 Naval Service personnel. As the Deputy will be aware I have recently approved the recruitment of 40 Recruits for the Naval Service. The recruitment competition for the Naval Service commenced on Friday 14 May 2010 and will close on Friday 4 June 2010. Further recruitment to the Permanent Defence Force along with issues relating to promotions and acting appointments are kept under ongoing review.

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.

Defence Forces Property

331. **Deputy Brian O'Shea** asked the Minister for Defence his plans for digitising the aerial photographic archives of the Defence Forces for publication on the Internet in view of the education and heritage value of such a project and the popularity of modern day aerial photography technologies; and if he will make a statement on the matter. [21413/10]

Minister for Defence (Deputy Tony Killeen): The Air Corps provides an aerial photographic service for the Defence Forces. Photographs produced at the request of the military authorities were done so for security or Air Corps operational reasons. They were never produced or categorised with a view to making them available to the public. In the past, the Air Corps provided an aerial photographic service to Ordnance Survey Ireland. This arrangement is now discontinued but Ordnance Survey Ireland may be able to provide information on the photographs retained by it. There are no plans in place to commence a project to publish the aerial photographs held by the Defence Forces. Aside from security issues involved, it would require significant expenditure of manpower and resources which could not be justified in the current circumstances.

Departmental Agencies

332. **Deputy John O'Mahony** asked the Minister for Defence the agencies or bodies to which his Department provides funding or in respect of which it is administratively responsible; the bodies and agencies for which his Department is responsible in respect of his policy; the amount of funding provided in each of the years 2007 to 2010 in tabular form; and if he will make a statement on the matter. [21749/10]

Minister for Defence (Deputy Tony Killeen): The bodies under the aegis of the Department are the Civil Defence Board, the Army Pensions Board and the Board of Coiste an Asgard. The information requested in relation to the yearly financial allocation is as follows:

Name of Agency	2007	2008	2009	2010
Civil Defence Board	€6,099m (Grant in aid)	€6,248m (Grant in Aid)	€6,148m (Grant In Aid)	€6,148m (Grant In Aid)
Army Pensions Board	€103,000	€105,000	€104,000	€110,000
Coiste an Asgard	€879,000	€803,000	€830,000	€0

The Department also provides support services (finance, IT, human resources) to these bodies. In the context of settling the Estimates for the Department for 2010, the Government decided that the national sail training scheme operated by Coiste an Asgard would be discontinued as recommended in the Report of the Special Group on Public Service Numbers and Expenditure. As a result, no funding has been provided in 2010. In addition, the Department makes a grant in aid to the Irish Red Cross Society. The Office of the Ombudsman for the Defence Forces is also provided for from the vote of the Department of Defence.

Departmental Expenditure

333. **Deputy John O'Mahony** asked the Minister for Defence the amount of unspent money returned by his Department to the Department of Finance each year since 2007; the departmental budget for each year since 2007; the projects for which this money was originally earmarked in tabular form; and if he will make a statement on the matter. [21778/10]

Minister for Defence (Deputy Tony Killeen): Details of the amount of the gross Departmental budget (i.e. the combined Defence and Army Pensions Estimates) and of the combined amount surrendered to the Exchequer for the years 2007 to 2009 are given in the following table. A broad indication of the composition of the amount surrendered each year follows the table.

Year	Budget (Gross)	Surrender	Reason for Surrender
	€m	€m	
2007	1,013	1.3	See Note (a)
2008	1,095	9.9	See Note (b)
2009	1,040	23.4	See Note (c)

(a) This amount was made up of savings across a range of pay and non-pay subheads (including subheads B — PDF Pay, D — RDF Pay and L — Buildings), offset by various excesses mainly on subheads I — Military Transport, M — Ordnance, Clothing and Catering, and reduced Appropriations-in-Aid.

(b) This amount was made up of savings across a range of pay and non-pay subheads (including subheads B — PDF Pay, I — Military Transport, L — Buildings and P — Travel and Freight Services), offset by various excesses mainly on subheads G — Defensive Equipment and M — Ordnance, Clothing and Catering.

(c) This amount was made up of savings across a range of subheads (including subheads G — Defensive Equipment, I — Military Transport, J — Naval Service, M — Ordnance, Clothing and Catering, and surplus Appropriations-in-Aid, offset by various excesses mainly on subheads C — PDF Allowances and R — Lands.

About 70% of the Defence Estimate is expended on the pay and allowances of Defence Forces personnel, civilian employees and civil service staff. The non-pay current expenditure provides for the day-to-day standing costs of the Defence Forces, expenditure on operations and the procurement of equipment. Defence capital expenditure focuses on new building works to improve the accommodation and facilities of the Defence Forces. The Army Pensions Estimate makes provision for the payment of retirement and disability-related benefits to former members of the Defence Forces and the spouses and children of deceased members.

Defence Forces Property

334. **Deputy Pat Breen** asked the Minister for Defence, further to Parliamentary Question No. 428 of 18 May 2010, if he will make available a copy of the executive or administrative Act that introduced or designated the restricted zone around Baldonnel Aerodrome, County Dublin, in 1955; and if he will make a statement on the matter. [21837/10]

Minister for Defence (Deputy Tony Killeen): I would refer the Deputy to my reply to Parliamentary Question No. 428 of 18 May, 2010 which stated that there was no statutory mechanism by which the zone was designated. The executive act that introduced the area was a submission to the then Dublin County Council in line with the Planning and Development Acts. Since then regular submissions have been made to make alterations to the area.

335. **Deputy Pat Breen** asked the Minister for Defence, further to Parliamentary Question No 594 of 13 December 2007, if he will outline in tabular form the respective sizes of both the proposed public safety zones and the existing red zones, each of which are also graphically outlined in the recent Mott McDonald report as well as the ratio, expressed as a percentage, of the said public safety zones to the red zones in respect of each of runways 05, 11, 23 and 29 at Casement Aerodrome, County Dublin.. [21838/10]

Minister for Defence (Deputy Tony Killeen): I would refer the Deputy to my reply to Parliamentary Question No. 297 of 11 May 2010 which stated that a comparison of the Public Safety Zones with the Red Zones is not practical due to the contours of the land encapsulated by these Zones.

Defence Forces Recruitment

336. **Deputy Deirdre Clune** asked the Minister for Defence when a decision on whether there will be a Defence Force cadet class in 2010 will be made; when such a decision will be communicated to the public to allow persons who are waiting to apply for the class to either make an application or make alternative career choices; and if he will make a statement on the matter. [21919/10]

Minister for Defence (Deputy Tony Killeen): 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.

The question of a cadet class in 2010 is being 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. Following agreement with the Department of Finance on the re-organisation, I will make an announcement, at the earliest possible opportunity, in relation to the holding of a cadetship competition in 2010.

Local Authority Charges

337. **Deputy Joe McHugh** asked the Minister for the Environment, Heritage and Local Government if he acknowledges that the non-principal private residence tax is being levied on owners of non-principal residences this month; if he further acknowledges that this tax is being levied this month on owners who paid the annual tax on 31 July 2009; the reason the tax is being levied twice in one tax year; his views on whether owners who paid that tax on 31 July 2009 should not be asked to pay the tax until 31 July 2010; if he will treat with one specific case (details supplied) in County Donegal; and if he will make a statement on the matter. [21832/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The €200 non-principal private residence charge was introduced in the Local Government (Charges) Act 2009, which came into force in July 2009. As an exceptional measure for the year of introduction, the liability date for the charge was fixed at 31 July 2009. The Act provides that the liability date for 2010 and future years is 31 March. Payment does not fall due until two months after the liability date and there is a further one month's grace period before penalties for late payment commence. A person liable for the charge in 2010 thus has until 30 June 2010 to meet that liability without incurring any additional charge.

Litter Pollution

338. **Deputy Pat Breen** asked the Minister for the Environment, Heritage and Local Government his plans to review the 1878 Public Health Ireland Act with a view to increasing the fines imposed for littering on a person's property; and if he will make a statement on the matter. [21953/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The Litter Pollution Acts 1997 to 2009 provide the statutory framework for combating litter pollution in Ireland. Section 6 of the 1997 Act places an onus on owners and occupiers of property to keep their properties litter free to the extent that they are public places or are visible from a public place. Section 9 of the same Act empowers local authorities to serve a notice on any person contravening the provisions of Section 6, requiring them to remove any litter to which the contravention relates, and/or to take any precautionary measures which the local authority considers necessary.

Penalties for offences under the Litter Pollution Acts 1997 to 2009 are substantial, ranging from an on-the-spot fine of €150, to a maximum fine of €3,000 on summary conviction and a maximum fine of €130,000 on conviction on indictment. The fines for continuing offences following conviction are €600 per day for summary offences and €10,000 per day for indictable offences. A person convicted of a litter offence may also be required by the Courts to pay the local authority's costs and expenses in investigating the offence, taking remedial action to remove the litter and in bringing the prosecution. I have no current plans to increase the level of fines for litter related offences.

Departmental Expenditure.

339. **Deputy Leo Varadkar** asked the Minister for the Environment, Heritage and Local Government if he has appointed, as proposed in the budget 2010, a bord snip for local government; if so, the members of same; the deadline he has set for the group to report; and if he will make a statement on the matter. [21425/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The Local Government Efficiency Review Group has been established and I have asked that

it complete its work by mid 2010. The Group's findings and recommendations will then be considered in the appropriate policy and financial contexts. The membership of the Group is as follows:

Mr. Pat McLoughlin, Chairman, CEO of the Irish Payment Services Organisation

Mr. Ian Talbot, Chief Executive, Chambers Ireland

Professor John O'Hagan, Department of Economics, Trinity College

Mr. John Quinlivan, former County Manager

Mr. Donal McNally, Second Secretary General, Department of Finance

Ms. Geraldine Tallon, Secretary General, Department of the Environment, Heritage and Local Government

Planning Issues

340. **Deputy Michael D'Arcy** asked the Minister for the Environment, Heritage and Local Government if, in view of the current economic climate, he will consider waiving fingerpost signage fees for businesses who wish to give directions to their premises. [21450/10]

341. **Deputy Michael D'Arcy** asked the Minister for the Environment, Heritage and Local Government his views on whether the €800 euro fee for fingerpost signs per annum is a reasonable charge in this current economic climate. [21451/10]

Minister of State at the Department of Environment, Heritage and Local Government (Deputy Ciarán Cuffe): I propose to take Questions Nos. 340 and 341 together.

Section 254 of the Planning and Development Act 2000 provides for a licensing system for the placement of various structures and appliances on, under, over or along a public road, including maps for indicating directions or places. This licensing system enables a local authority to exercise control over the placing of structures on roads to prevent traffic hazards arising.

The Planning and Development Regulations, 2001 prescribe the level of fees to be charged in respect of structures and appliances licensed under Section 254 of the 2000 Act. The Regulations prescribe a fee of €630 for an advertisement structure or €50 in the case of an advertisement structure that is of a fingerpost type, not exceeding 1 metre in length, consisting of a direction sign to indicate tourist accommodation. Consideration is being given in my Department to reviewing this matter and the associated fees, in consultation with planning authorities.

342. **Deputy Jimmy Deenihan** asked the Minister for the Environment, Heritage and Local Government if developers are obliged to facilitate the connection to the main gas line when it is immediately available to an estate; if the developer is obliged retrospectively as the property manager; and if he will make a statement on the matter. [21455/10]

Minister of State at the Department of Environment, Heritage and Local Government (Deputy Ciarán Cuffe): While I am not aware of any legal provisions which would compel a developer to facilitate a connection between an estate and the gas line, it would be general practice that a developer, in framing his development proposal and in his discussions with the planning authority and other key stakeholders including utility providers, would seek to make best use of the available infrastructure and services in the area.

Motor Tax

343. **Deputy Tom Sheahan** asked the Minister for the Environment, Heritage and Local Government if he will consider introducing terms of one month road tax for lorries involved in haulage business in view of the fact that many are only working on short-term contracts; and if he will make a statement on the matter. [21469/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I have no plans at present to introduce one-month terms for motor vehicle licences. A change from the present system of issuing licences on a quarterly, half-yearly and annual basis would result in significant increases in staffing requirements, administration and printing costs in motor tax offices. It could also lead to increases in the cost of motor tax to the average motorist as the increased administrative costs would have to be reflected in the rates of tax.

344. **Deputy Paul Kehoe** asked the Minister for the Environment, Heritage and Local Government if a van can be taxed commercially even if the owner is not yet VAT registered; if not and the van is taxed privately, if the owner can then legally carry work tools in the van; and if he will make a statement on the matter. [21494/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): When an application for a motor vehicle licence is received, motor taxation authorities are required by law to satisfy themselves that the tax disc for which the application is made is the appropriate disc for the vehicle in question. In the case of a commercial vehicle, the applicant must complete a statutory declaration, produce a weight docket if the vehicle is under a certain weight, provide evidence of commercial insurance and provide a roadworthiness certificate if the vehicle is over one year old. Evidence of registration for VAT is not routinely sought. There is no prohibition in the motor tax code in regard to the carrying of work tools in a vehicle which has been taxed privately.

Water and Sewerage Schemes

345. **Deputy Frank Fahey** asked the Minister for the Environment, Heritage and Local Government the stage of planning of the Claregalway sewerage scheme, County Galway; if the plan is with his Department or the county council; and if he will make a statement on the matter. [21503/10]

346. **Deputy Frank Fahey** asked the Minister for the Environment, Heritage and Local Government the stage of planning of the Barna sewerage scheme, County Galway; if the plan is with his Department or the county council; and if he will make a statement on the matter. [21504/10]

347. **Deputy Frank Fahey** asked the Minister for the Environment, Heritage and Local Government the stage of planning of the Clifden sewerage scheme, County Galway; if the plan is with his Department or the county council; and if he will make a statement on the matter. [21505/10]

348. **Deputy Frank Fahey** asked the Minister for the Environment, Heritage and Local Government the stage of planning of the Oughterard sewerage scheme, County Galway; if the plan is with his Department or the county council; and if he will make a statement on the matter. [21506/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I propose to take Questions Nos. 345 to 348, inclusive, together.

A comprehensive range of new water services infrastructure has been approved for County Galway 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 Galway is €130 million. The Programme provides for the commencement of contracts relating to the Claregalway, Clifden and Oughterard Sewerage Schemes, while work on the Barna Sewerage Scheme is substantially completed. My Department is currently examining the contract documents for the combined Claregalway and Milltown Sewerage Scheme and a decision on those documents will be conveyed to Galway County Council as soon as possible.

Further progress on the Clifden Sewerage Scheme must await the Council's response to my Department's request in March 2010 to review the contract documents and to submit a Certificate of Completion of Planning for the scheme. In relation to the Oughterard Sewerage Scheme, the Council has appointed consultants to prepare a Design Review Report so as to ensure that the most suitable and effective scheme is put forward. Once the Report is submitted and approved by my Department, the Council can then proceed with the preparation of contract documents for the scheme.

Local Authority Charges

349. **Deputy Joe McHugh** asked the Minister for the Environment, Heritage and Local Government if he will explain the facility that is in place for persons with more than one property who are not in a position to pay the €200 levy and who are unable to sell the second home on the open market due to limited demand; and if he will make a statement on the matter. [21525/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The Local Government (Charges) Act 2009, which sets out the provisions relating to the charge on non-principal private residences, does not provide for a waiver scheme. Owners of second properties would not normally be in a category of persons for whom a waiver scheme would generally be necessary or appropriate, and the charge is relatively modest. The Act places collection of the charge under the care and management of the relevant local authority.

Housing Adaptation Grants

350. **Deputy Olwyn Enright** asked the Minister for the Environment, Heritage and Local Government if an application for funding of an extension to facilitate the needs of a person (details supplied) in County Offaly has been submitted; and if he will make a statement on the matter. [21538/10]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): No application has been received in my Department in relation to this matter.

Local Authority Loans

351. **Deputy Joan Burton** asked the Minister for the Environment, Heritage and Local Government the nominal value of any loans being considered for transfer from a local authority to his Department and or to the National Asset Management Agency by local authority; and if he will make a statement on the matter. [21544/10]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): My Department issued a circular to housing authorities in early

[Deputy Michael Finneran.]

April 2010 setting out revised arrangements for the funding of land used for social housing and seeking information on local authority residential land holdings for the purpose of land-use strategy planning. This circular invites authorities to apply to my Department to recoup the cost of outstanding loans on the land where these loans are due to mature before the end of 2010 and where it is considered that the land is unlikely to be developed in the short to medium term. Subject to available funding my Department may pay off the costs of the land and transfer ownership to a central agency. These lands will continue to be available for social housing if housing projects are advanced by authorities under the Social Housing Investment Programme.

There is no proposal to transfer lands or loans currently held by local authorities to the National Asset Management Agency (NAMA). However, it is intended that my Department will work closely with NAMA in the interests of proper planning and to secure best use of public land.

Planning Issues

352. **Deputy Seán Ó Feargháil** asked the Minister for the Environment, Heritage and Local Government the position regarding a project brief (details supplied) submitted by a local authority for a development; if his attention has been drawn to the fact that the area is subject to severe flooding; and if he will make a statement on the matter. [21546/10]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): All planning authorities are required to have regard to the Guidelines to Planning Authorities on the Planning System and Flood Risk Management, issued under section 28 of the Planning and Development Act 2000, in the performance of their functions. Initial proposals for the project in question were recently submitted by Kildare County Council and are currently under examination in my Department.

Environmental Protection Agency

353. **Deputy Phil Hogan** asked the Minister for the Environment, Heritage and Local Government when the review of the Environmental Protection Agency will be completed; and if he will make a statement on the matter. [21549/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): On foot of a commitment in the Programme for Government, a review of the Environmental Protection Agency commenced in February 2010. Details of the review, including the associated public consultation process currently underway, are available on my Department's website at www.environ.ie I expect the Review Group to be in a position to submit its report and recommendations to me in Autumn 2010.

Social and Affordable Housing

354. **Deputy Pat Breen** asked the Minister for the Environment, Heritage and Local Government the number of families that have been housed in County Clare 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. [21555/10]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): Since the Rental Accommodation Scheme (RAS) became operational in September 2005 to the end of Quarter One of 2010, some 535 households in County Clare have been transferred from rent supplement. Of these, 343 are housed directly in RAS

accommodation and a further 192 are accommodated under other social housing options. A breakdown by year of these transfers is set out in the table.

Year	RAS Transfers	Other Social Housing Options	Total
2005	44	0	44
2006	48	48	96
2007	60	34	94
2008	75	59	134
2009	102	33	135
2010 (Qtr. 1)	14	18	32

355. **Deputy Pat Breen** asked the Minister for the Environment, Heritage and Local Government the number of homes in County Clare that have been made available for social housing under the long-term leasing scheme; and if he will make a statement on the matter. [21556/10]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): To date, no homes have been provided in County Clare under the long-term leasing scheme.

Housing Adaptation Grants

356. **Deputy Pat Breen** asked the Minister for the Environment, Heritage and Local Government the funding provided to Clare County Council under the housing adaption 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 County Clare adapted under this scheme in each of those years; the number that will be adapted under the scheme in Clare in 2010; and if he will make a statement on the matter. [21557/10]

357. **Deputy Pat Breen** asked the Minister for the Environment, Heritage and Local Government the funding provided to Clare County 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 County Clare adapted under this scheme in each of those years; the number that will be adapted under the scheme in County Clare in 2010; and if he will make a statement on the matter. [21558/10]

358. **Deputy Pat Breen** asked the Minister for the Environment, Heritage and Local Government the funding provided to Clare County 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 County Clare benefiting under this scheme in each of those years; the number that will benefit under the scheme in County Clare in 2010; and if he will make a statement on the matter. [21559/10]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): I propose to take Questions Nos. 356 to 358, 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

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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 Clare County 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	1,018,770	—	—	—	101	46
2006	846,596	—	—	—	77	32
2007	857,560	—	—	—	86	31
2008	2,100,790	28	66	15	149	39
2009	1,652,000	71	49	23	36	5

On 5 March 2010 my Department notified Clare County Council of an Exchequer allocation of €2.5 million for the grant schemes this year.

Turbary Rights

359. **Deputy Pat Breen** asked the Minister for the Environment, Heritage and Local Government, further to Parliamentary Question No. 757 of 20 April 2010, when an application will be processed in respect of a person (details supplied) in County Clare; and if he will make a statement on the matter. [21570/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The contracts of sale have been amended as required and my Department forwarded the deposit monies to the Chief State Solicitor's Office on 14 April 2010. It is now a matter for the solicitors for both sides to prepare the documents with a view to closing the sale.

Local Authority Charges

360. **Deputy Pat Rabbitte** asked the Minister for the Environment, Heritage and Local Government if a separated couple are exempt from the non-principal private residence charge when the second residence becomes the primary residence of one party; and if he will make a statement on the matter. [21739/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The Local Government (Charges) Act 2009 which sets out the provisions of the non-principal private residence charge, provides at section 4(4) for an exemption to the charge in the case of

a property where the owner is, or was, a party to a marriage, the other party to that marriage lives in the property in question as his or her sole or main residence and where a decree of divorce or judicial separation has been granted in respect of the marriage.

Departmental Agencies

361. **Deputy John O'Mahony** asked the Minister for the Environment, Heritage and Local Government the agencies or bodies to which his Department provides funding or in respect of which it is administratively responsible; the bodies and agencies for which his Department is responsible in respect of his policy; the amount of funding provided in each of the years 2007 to 2010 in tabular form; and if he will make a statement on the matter. [21752/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Details in respect of funding provided directly by my Department to agencies and bodies under the aegis of my Department for 2007, 2008, 2009 and 2010 are set out in the table below. Such agencies and bodies may be funded solely by my Department or through a combination of income from my Department, local authorities and other funds including their own resources and fees. Additional funding has been on occasion provided to various agencies in respect of specific projects.

Name of body/board	Funding Provided by DEHLG in 2007	Funding Provided by DEHLG in 2008	Funding Provided by DEHLG in 2009	2010 Allocation
	€	€	€	€
Affordable Homes Partnership	0	3,465,000	3,210,000	2,127,000
An Bord Pleanála	15,990,000	15,098,000	15,331,000	13,029,000
Building Regulations Advisory Board	8,000	19,000	11,000	20,000
An Chomhairle Leabharlanna	None	None	None	None
Comhar Sustainable Development Council	*420,080	*673,880	*465,332	*592,200
Designated Areas Appeals Advisory Board	157,046	175,091	42,708	200,000
Dublin Docklands Development Authority	None	None	None	None
Environmental Protection Agency	**39,659,257	**51,142,902	**51,531,573	**43,715,000
Fire Services Council	634,000	653,000	170,000	1,000
The Heritage Council	13,536,000	13,403,000	10,142,000	8,482,000
Housing Finance Agency	None	None	None	None
Irish Water Safety	639,000	652,000	556,000	539,000
Limerick Northside Regeneration Agency	0	801,000	2,803,000	2,803,000
Limerick Southside Regeneration Agency	0	801,000	2,802,000	2,802,000
Local Government Computer Services Board	None	None	None	None
Local Government Management Services Board	None	None	None	None
National Building Agency	None	None	None	None
Private Residential Tenancies Board	5,740,000	3,812,000	1,000,000	***0
Radiological Protection Institute of Ireland (RPII)	3,971,000	4,676,000	4,245,000	3,685,000
The Rent Tribunal	20,000	42,000	28,000	****0

*Environment Fund.

**Vote and Environment Fund.

***Self-financing — No longer in receipt of exchequer funding.

****Merged with PRTB.

Grant Payments

362. **Deputy Brendan Howlin** asked the Minister for the Environment, Heritage and Local Government when a full response will be issued in respect of representations made on behalf of a person (details supplied) in County Wexford on 25 January 2010 and acknowledged by his Department on 9 February 2010; and if he will make a statement on the matter. [21766/10]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): My Department reviewed the decision made in 1998 in relation to an application by the person referred to under the New House Grant Scheme. A letter advising of the outcome of this review was issued on 21 May, 2010.

Departmental Expenditure

363. **Deputy John O'Mahony** asked the Minister for the Environment, Heritage and Local Government the amount of unspent money returned by his Department to the Department of Finance each year since 2007; the departmental budget for each year since 2007; the projects for which this money was originally earmarked in tabular form; and if he will make a statement on the matter. [21781/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Details of expenditure estimates and outturns for the relevant years are set out in the following table.

Year	Estimate (Net)	Outturn (Net)	Deferred Surrender (Carryover)	Surplus surrendered
	€m *	€m *	€m *	€m *
2007	2,964	2,950	0	14
2008	3,184	3,154	6	23
2009	2,668	2,652	3	13
2010	2,174			

*All figures rounded up.

Further information in this regard is contained in the annual Revised Estimates for Public Services published by the Department of Finance and Appropriation Accounts published by the Comptroller and Auditor General (the latter contain explanations of variations between estimate and outturn).

House Prices

364. **Deputy Joan Burton** asked the Minister for the Environment, Heritage and Local Government, further to Parliamentary Question No. 30 of 22 April 2010, the timeline for the creation of a comprehensive house price database, as foreseen in the programme for Government; and if he will make a statement on the matter. [21822/10]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): The renewed Programme for Government sets out a clear commitment to create and maintain a comprehensive House Price Database based on sales prices. My Department has met with a broad range of interested parties in regard to the shape that such a register might take, and recommendations arising from this process will be made to Government shortly. The timing of the establishment of the register will be determined by a range of factors including the possible need for amendment of the Data Protection Acts to allow for publication of achieved sales prices.

State Airports

365. **Deputy Pat Breen** asked the Minister for the Environment, Heritage and Local Government, further to Parliamentary Question No. 320 of 11 May 2010 that the designation of public safety zones around Dublin, Cork and Shannon Airports will require primary legislation, the reason such designation will not be implemented in the various county development plans by way of the planning process; and if he will make a statement on the matter. [21826/10]

Minister of State at the Department of Environment, Heritage and Local Government (Deputy Ciarán Cuffe): As stated in reply to Question No. 320 of 11 May 2010, it is my understanding that development objectives and designations for the proposed public safety zones around the 3 state airports have already been incorporated into the development plans and, where applicable, local area plans of the relevant local authorities.

Water Services

366. **Deputy John Cregan** asked the Minister for the Environment, Heritage and Local Government his plans to have water meters installed in households throughout the country; if these meters will be installed by local authorities or private companies; and if there will be a tendering process for the work involved. [21836/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): In December 2009, following a decision by Government, I indicated that I would be bringing forward proposals for the installation of water meters in households served by public water supplies. These proposals, which my Department is now finalising, will give effect to the commitment in the renewed Programme for Government to introduce charging for domestic water in a way that is fair, significantly reduces waste and is easily applied. I expect to bring these proposals to Government in the coming weeks. I will provide further detail on these matters, including the installation of the meters and the tendering process, following their consideration and approval by Government.

Waste Disposal

367. **Deputy Enda Kenny** asked the Minister for the Environment, Heritage and Local Government the extent of public education programmes and other programmes now in place to implement a food waste strategy with the target of reducing fresh food waste; and if he will make a statement on the matter. [21883/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The National Waste Prevention Programme (NWPP) was established in April 2004 in accordance with the policy document Preventing and Recycling Waste — Delivering Change. Implementation of the Programme is a matter for the EPA. A National Waste Prevention Committee (NWPC), which includes a broad stakeholder group including governmental, non-governmental, business and sectoral interests, was also established to provide strategic direction for the EPA in implementing the Programme. The aim is to deliver substantive results on waste prevention and minimisation and integrate a range of initiatives addressing awareness-raising, technical and financial assistance, training and incentive mechanisms.

In 2009, the EPA published a new Prevention Plan 2009-2012 which is a framework statement of intent for work to be completed, subject to resources, on the Prevention Programme for the four-year period to 2012. A key part of the plan is the marketing and promotion of prevention opportunities available to all organisations and householders. The Programme will be resourced as necessary to reduce the volume of waste and with a view to building on its success to

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date. In particular, in accordance with the importance attributed to prevention in the Waste Framework Directive, my Department will work with the EPA and all relevant stakeholders to deliver an effective programme which supports those homes and businesses which seek to reduce their production of residual waste.

The Department will also work with the EPA on the development of a National Food Waste Prevention Programme, as outlined in the renewed Programme for Government. The EPA's website contains a list of useful resources in relation to food waste such as the "Less Food Waste" booklet, with advice on preventing food waste in the catering sector, "Calling Time on Waste" booklet, with advice on preventing food waste in pubs, and the "Stopfoodwaste.ie" website with tips on food waste prevention in the home and home composting.

EU Directives

368. **Deputy Enda Kenny** asked the Minister for the Environment, Heritage and Local Government the position regarding the implementation of the birds and habitats directive; and if he will make a statement on the matter. [21884/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Ireland is making significant progress in ensuring that these directives are correctly implemented. Since coming into office, I have placed a high priority on addressing the implications of a number of adverse findings against Ireland by the European Court of Justice. My Department is at present preparing substantial legislative measures to deal with transposition deficiencies that have been identified. The Planning and Development (Amendment) Bill 2009 and amended European Communities (Birds and Habitats) Regulations will ensure legal clarity in regard to obligations under these directives in respect of a range of consent processes.

In addition, a comprehensive designation programme of Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) undertaken by my Department is almost complete and will address concerns of the Court that Ireland had not correctly identified and protected these sites. Thirdly, measures are being taken to ensure that particular pressures on protected birds, species and habitats are addressed in terms of regulation and practice. These include a wide range of activities, including but not limited to aquaculture and fishery licensing, forestry consents, agricultural practices in certain areas, recreational activities in certain areas, turf-cutting on designated sites and arterial drainage.

Pest Control

369. **Deputy Enda Kenny** asked the Minister for the Environment, Heritage and Local Government the arrangements in place for controlling the population of wild mink in the country; the estimated extent of this population; and if he will make a statement on the matter. [21886/10]

370. **Deputy Enda Kenny** asked the Minister for the Environment, Heritage and Local Government the assessed damage and destruction of other wildlife species by wild mink; and if he will make a statement on the matter. [21887/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I propose to take Questions Nos. 369 and 370 together.

Mink found in the wild in Ireland are descended from animals that escaped from fur farms. They have been breeding in the wild since the 1950s and are now found throughout the country. A report published by my Department in 2009 estimated that the potential population of wild

mink in the State was between 20,500 and 33,500 individuals. The report also identified ground nesting birds as the wild species most vulnerable to mink predation. Accordingly, my Department is concentrating its resources on protecting the nesting sites of rare and threatened bird species including red-throated divers, corncrakes, waders and terns from a range of predators including mink. Experience has shown that targeted control of predators at specific times can have a significant benefit to the breeding success of these species. This year some €60,000 will be spent on this work. As wild mink are not protected under the Wildlife Acts 1976 and 2000 they can also be trapped freely by landowners and their agents.

Water and Sewerage Schemes

371. **Deputy Pat Breen** asked the Minister for the Environment, Heritage and Local Government, further to Parliamentary Question No. 175 of 25 February 2010, the reason a project (details supplied) in County Clare is not included in the Water Services Investment Programme 2010 — 2012; and if he will make a statement on the matter. [21949/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The Water Services Investment Programme 2010 — 2012, a copy of which is available in the Oireachtas Library, provides for the development of a comprehensive range of new water services infrastructure in County Clare. While the Programme includes contracts under construction and to commence to the value of some €38 million in the county during the period of the Programme, it was not possible to include the Broadford Sewerage Scheme amongst the priority contracts and schemes selected for inclusion.

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 Renewal. A key input to the development of the Programme was the assessment of needs prepared by local authorities, including Clare 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

372. **Deputy Pat Breen** asked the Minister for the Environment, Heritage and Local Government, further to Parliamentary Question No. 480 of the 20 October 2009, if funding will be provided for a project (details supplied) in County Clare; and if he will make a statement on the matter. [21950/10]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): I refer to the reply to Question No. 480 of 20 October 2009. My Department has been in regular contact with Kilrush Town Council in relation to this project. The Town Council is currently addressing remaining design concerns in conjunction with my Department. The project will be advanced as soon as possible within the Remedial Works Programme 2009-2011, subject to agreement on an inclusive programme of development works. My Department has also approved funding for the upgrade of six vacant properties in the Estate under the Energy Efficiency Grants Scheme.

Legal Costs

373. **Deputy David Stanton** asked the Minister for the Environment, Heritage and Local Government the number of legal proceedings taken against his Department which were settled out of court in the last 12 months; the amount of money paid out by his Department in respect of each case; if liability was admitted by his Department in any of these settlements; and if he will make a statement on the matter. [22112/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The information requested is set out in the table below.

No.	Amount	Liability Admitted (Yes/No)
1	€14,391.35	No
2	€1,800,000.00 (plus costs which have not yet been settled)	No
3	€0	No

Energy Conservation

374. **Deputy Liz McManus** asked the Minister for Communications, Energy and Natural Resources the breakdown of the warmer homes scheme by geographical area; the number of applicants for each area in 2009 and to date in 2010; the waiting lists for each area; and if he will make a statement on the matter. [21378/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The Warmer Homes Scheme (WHS), managed by the Sustainable Energy Authority of Ireland (SEAI), provides energy efficiency improvements to homes in, or at risk of, fuel poverty. The scheme is delivered using two modes of delivery, community based organisations (CBOs) of which 23 have been approved to date, and a panel of private contractors. CBOs work in partnership with their local network of poverty and community support organisations including public health nurses, MABS and the Society of Saint Vincent de Paul to identify and address vulnerable homes. Through this devolution model each CBO is responsible for managing the applications in their own operational areas. SEAI is therefore not directly involved in the application process where CBOs are involved. Private contractors were engaged on a pilot basis in 2009 to address the increasing demand for the scheme. Through these mechanisms, the Warmer Homes Scheme (WHS) was delivered to 16,240 homes in 2009. A further 2,886 homes received similar measures through the ESB's Home Insulation Scheme in 2009.

I am pleased to report that the WHS is now available nationwide using a dual model of delivery with CBOs in their set geographical areas and private contractors extending the geographic reach of the programme while also providing deeper measures including central heating in certain homes. The waiting time for the WHS varies, and is generally between 3 and 6 months. SEAI with the combined use of CBOs and contractors is actively working towards reducing waiting time for the scheme, making it as accessible as possible to those in most need and providing a consistent delivery of the scheme nationwide. More generally the Deputy may wish to note that a dedicated hot line — 1800 250 204 — has been in operation for some time and all queries, from scheme applicants and public representatives, on delivery dates for individual households and/or funding agreements are dealt with immediately. In addition, the WHS programme manager, Mr. Michael Martin of the SEAI, is available to deal with queries on 042

939 1548. The availability of both points of contact ensures that there is no delay in dealing with specific queries related to the delivery of the WHS.

The number and location of recipients of the WHS and the Home Insulation scheme in 2009 and the WHS to date in 2010 are as follows:

Counties	Total No. of Low Income Homes to receive EE upgrades from SEI & ESB in 2009	Total No. of Low Income Homes in receipt of the WHSYTD 2010
Carlow	521	0
Cavan	415	102
Clare	110	12
Cork	3,022	1,134
Donegal	573	239
Dublin	2,320	746
Galway	759	24
Kerry	808	248
Kildare	906	265
Kilkenny	829	20
Laois	387	14
Leitrim	218	113
Limerick	453	222
Longford	199	68
Louth	1,627	319
Mayo	384	155
Meath	851	283
Monaghan	373	94
Offaly	544	26
Roscommon	431	153
Sligo	47	20
Tipperary	203	83
Waterford	1,443	301
Westmeath	466	77
Wexford	595	488
Wicklow	642	274
Total	19,126	5,480

Telecommunications Services

375. **Deputy Eamon Scanlon** asked the Minister for Communications, Energy and Natural Resources the position regarding the provision of broadband for the Lecklasser, Ballinrillick areas of County Sligo; and if he will make a statement on the matter. [21397/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): Neither area cited in the Deputy's Question has been designated for inclusion as part of the National Broadband Scheme (NBS). Prior to the commencement of the NBS a detailed mapping exercise was carried out to help determine those areas that would be included in the scheme and those which, by virtue of being already substantially served by existing broadband suppliers, were to be excluded. EU State aid and competition rules govern how states can intervene in areas where there are existing service providers operating. Accordingly, the NBS

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is prohibited from providing a service in served areas where to do so would give rise to an unacceptable level of market distortion. That mapping exercise found a number of broadband suppliers were already active in the areas referred to in the Deputy's Question and consequently the localities were excluded from the Scheme. Details of broadband services available in each county, including county Sligo, can be found on ComReg's website at *www.callcosts.ie*.

Postal Services

376. **Deputy Liz McManus** asked the Minister for Communications, Energy and Natural Resources if he has been in contact with the Data Commissioner in regard to his latest proposal for postcodes; the outcome of that meeting; and if he will make a statement on the matter.

[21403/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I have met with the Data Commissioner in 2009 and in 2010 in regard to this matter and detailed discussions have also taken place at official level. The Commissioner has confirmed that he does not oppose a unique identifier postcode model provided that appropriate safeguards were put in place as to the uses that could be made of such a postcode. I will consult with the Data Commissioner in this regard as necessary in the context of the introduction of a postcodes system.

Electricity Generation

377. **Deputy James Reilly** asked the Minister for Communications, Energy and Natural Resources the electricity consumption each month from January 2006 to date in 2010; and if he will make a statement on the matter. [21412/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): EirGrid plc is the Irish transmission system operator and has a statutory responsibility for forecasting and reporting on supply and demand in the Irish electricity system. EirGrid has been able to provide the following data in regard to the total consumption of electricity in Ireland by month from January 2007 to April 2010: the data is in Mega Watt hours.

2007

Jan-07	2,575,729
Feb-07	2,334,759
Mar-07	2,480,148
Apr-07	2,150,440
May-07	2,189,904
Jun-07	2,097,771
Jul-07	2,146,290
Aug-07	2,160,588
Sep-07	2,180,423
Oct-07	2,385,204
Nov-07	2,475,997
Dec-07	2,559,503

2008

Jan-08	2,657,784
Feb-08	2,475,172
Mar-08	2,531,911
Apr-08	2,367,250
May-08	2,232,206
Jun-08	2,104,297
Jul-08	2,189,857
Aug-08	2,172,357
Sep-08	2,213,883
Oct-08	2,423,006
Nov-08	2,474,432
Dec-08	2,573,212

2009

Jan-09	2,614,442
Feb-09	2,316,288
Mar-09	2,380,155
Apr-09	2,145,815
May-09	2,133,573
Jun-09	1,992,126
Jul-09	2,038,974
Aug-09	2,033,392
Sep-09	2,073,643
Oct-09	2,223,931
Nov-09	2,319,991
Dec-09	2,511,656

2010

Jan-10	2,619,371
Feb-10	2,329,531
Mar-10	2,414,704
Apr-10	2,111,541

EirGrid was not in a position to provide the monthly breakdown for 2006 but has advised that the annual consumption of electricity in 2006 was 27,920.4 gW hours (based on 52 weeks) where 1 gW hour is 1,000 Mega Watt hours. EirGrid now publishes monthly electricity statistic reports on its website and this data, which includes details on monthly electricity demand, demand growth, peak demand and installed generation capacity, is readily accessible in respect of the months from July 2009 onwards.

EirGrid also publishes an annual Generation Adequacy Report, which sets out estimates of the demand for electricity in the following 7-year period, the likely production capacity that will be in place to meet this demand, and assesses the consequences in terms of the overall supply/demand balance. In its most recent Generation Adequacy Report for the period 2010 to 2016, EirGrid highlighted that the change in the economic climate since 2008 has been

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reflected in a reduction in electricity demand. It also noted that this reduction in demand, coupled with the connection of new generation, improved generator availability, and increased interconnection, means that there is adequate capacity to meet demand in accordance with system standards over the next seven years.

Departmental Agencies

378. **Deputy John O'Mahony** asked the Minister for Communications, Energy and Natural Resources the agencies or bodies to which his Department provides funding or in respect of which it is administratively responsible; the bodies and agencies for which his Department is responsible in respect of his policy; the amount of funding provided in each of the years 2007 to 2010 in tabular form; and if he will make a statement on the matter. [21747/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I can inform the Deputy that the State Boards, agencies, regulators or other bodies under the remit of my Department are as follows:

- An Post
- Bord Gáis Éireann
- Bord na Móna
- Broadcasting Authority of Ireland
- Central Fisheries Board
- Commission for Communications Regulation
- Commission for Energy Regulation
- Digital Hub Development Agency
- EirGrid
- Electricity Supply Board (ESB)
- Foyle, Carlingford and Irish Lights Commission
- Irish National Petroleum Corporation
- Mining Board
- National Oil Reserves Agency
- Ordnance Survey Ireland
- Radio Telefís Éireann
- Regional Fisheries Boards (7)
- Sustainable Energy Ireland
- Teilifís na Gaeilge

My Department also provides funding to the National Digital Research Centre.

The following table gives details of the Bodies to which funding has been provided, through my Department's Vote, in each of the years 2007 to 2010:

Agency/Body	Subhead (in 2010)	2007 Expenditure	2008 Expenditure	2009 Expenditure	2010 Estimate
		€000	€000	€000	€000
Digital Hub Development Agency	B2 — Multimedia Developments	1,724	1,940	1,731	2,360
National Digital Research Centre	B2 — Multimedia Developments	2,500	2,624	3,188	5,194
RTÉ	C1 — Grant to RTÉ for Broadcasting Licence Fees	194,838	201,067	204,255	195,000
	C3 — Deontas I Leith Theilifís na Gaeilge	10,268	Prior to April 2007 funding for TG4 was provided to RTÉ. In April 2007 TG4 became an independent statutory entity		
TG4		21,629	36,390	36,133	34,050
Broadcasting Commission of Ireland	— Broadcasting Commission of Ireland	3,810	5,000	4,550	BAI replaced the BCI / BCC in Oct 2009 and is now funded through an industry levy
Sustainable Energy Ireland	D1 — SEI Admin & General Expenses; D2 — Sustainable Energy Programmes; D3 — Energy Research Programmes; — Energy Efficiency Awareness Initiatives	54,200	64,855	80,288	126,441
Loughs Agency	F1 — Inland Fisheries	2,694	2,625	2,382	3,052
North West Regional Fishery Board		2,933	3,087	3,188	26,559
Nothern Regional Fishery Board		2,866	3,130	2,877	

Agency/Body	Subhead (in 2010)	2007 Expenditure	2008 Expenditure	2009 Expenditure	2010 Estimate
		€000	€000	€000	€000
Shannon Regional Fishery Board		3,150	3,139	3,285	
Western Regional Fishery Board		4,194	3,966	3,769	
Eastern Regional Fishery Board		3,380	3,365	3,112	
Central Fishery Board		6,887	9,616	7,395	
Southern Regional Fishery Board		2,572	2,507	2,680	
South Western Regional Fishery Board		2,511	2,642	2,767	
Ordnance Survey Ireland	E6 — OSI	OSI transferred from Dept. Finance in Jan 2008	5,970	5,087	4,985
	Totals	320,156	351,923	366,687	397,641

Departmental Expenditure

379. **Deputy John O'Mahony** asked the Minister for Communications, Energy and Natural Resources the amount of unspent money returned by his Department to the Department of Finance each year since 2007; the departmental budget for each year since 2007; the projects for which this money was originally earmarked in tabular form; and if he will make a statement on the matter. [21776/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The total amount of unspent money surrendered by my Department to the Department of Finance since 2007 is €59.801m. The amount surrendered per year, broken down by programme/service, is set out in the tables below.

2007

Item	Allocation	Expenditure	Surplus to be surrendered
	€000	€000	€000
Salaries, Wages & Allowances	21,625	23,494	-1,869
Travel & Subsistence	1,918	1,696	222
Incidental Expenses	2,219	1,818	401
Postal & Telecom Services	1,487	1,078	409
Office Machinery & Other Office Supplies	7,963	8,157	-194
Office Premises	1,697	1,636	61
Consultancy Services	2,664	2,095	569
Equipment, Stores & Maintenance	222	190	32
Value for Money & Policy Reviews	202	61	141
Coast Protection & Management	465	465	—
Foreshore Development	52	52	—
Marine Tourism	1	—	1
Marine Institute	19,554	19,554	—
National Seabed Survey	4,000	6,254	-2,254
Bord Iascaigh Mhara	28,086	25,086	3,000
Fisheries Conservation & Management	611	612	-1
Fish Processing	—	—	—
Aquaculture Development	2,537	2,537	—
Aquaculture Licences Appeals Board	246	246	—
Development & Upgrading of Harbours for Fishery Purposes	11,308	10,954	354
Sea Fisheries Protection Authority	5,572	5,572	—
Inland Fisheries	27,412	31,357	-3,945
Salmon Conservation	10,000	11,858	-1,858
Energy Conservation	54,200	54,200	—
Gas Services	36	41	-5
Energy RTDI Programmes	960	479	481
Energy Efficiency Initiatives	4,957	4,957	—
Strategic Energy Infrastructure	1	—	1
Information & Communications Technology Programme	35,684	37,947	-2,263
Multimedia Developments	7,168	4,356	2,812
RAPID Programme	1,650	901	749
Grant to RTE for Broadcasting Licence Fees	195,013	194,838	175

[Deputy Eamon Ryan.]

Item	Allocation	Expenditure	Surplus to be surrendered
	€000	€000	€000
Payment to an Post for Collection of Broadcasting Licence Fees	12,036	12,221	-185
Broadcasting Commission of Ireland	6,376	3,810	2,566
TG4	31,897	31,897	—
Broadcasting Fund	10,264	10,255	9
Grants for Digital Terrestrial Television	3,800	4,320	-520
Petroleum Services	287	300	-13
Mining Services	6,763	2,162	4,601
GSI Services	1,008	684	324
Geoscience Initiatives	1,500	1,154	346
Subscriptions to International Organisations	1,600	1,051	549
EU Programmes Clearance of Accounts	2	—	2
Change Management Fund for Non Commercial Bodies funded by the Department	750	164	586
Other Services	568	—	568
Gross Total	526,361	520,509	5,852
Appropriations-in-Aid	237,169	237,944	755
Net Total	289,192	282,565	6,627
Deferred to 2008 (under Section 91 of the Finance Act 2004)	-2,047		
Surplus to be Surrendered	4,580		

2008

Item	Allocation	Expenditure	Surplus to be surrendered
	€000	€000	€000
Salaries, Wages & Allowances	17,621	18,335	-714
Travel & Subsistence	1,238	892	346
Incidental Expenses	1,767	1,546	221
Postal & Telecoms Services	1,017	518	499
Office Machinery & Other Office Supplies	7,717	5,834	1,883
Office Premises Expenses	1,637	1,925	-288
Consultancy Services	2,606	2,249	357
Equipment, Stores & Maintenance	227	316	-89
Value for Money & Policy Reviews	204	3	201
Information & Communications Technology Programme	53,634	49,031	4,603
Multimedia Developments	7,223	4,572	2,651
RAPID Programme	1,147	517	630
Information Society & eInclusion	2,934	1,767	1,167
Grant to RTE for Broadcasting Licence Fees	208,940	201,067	7,873
Payment to an Post for Collection of Broadcasting Licence Fees	12,718	12,630	88
Broadcasting Commission of Ireland	6,442	5,000	1,442

Item	Allocation	Expenditure	Surplus to be surrendered
TG4	36,580	36,390	190
Broadcasting Fund	10,997	10,478	519
Grants for Digital Terrestrial Television	2,000	1,514	486
Energy Conservation	70,570	62,430	8,140
Gas Services	36	36	—
Energy RTDDI Programme	13,159	2,642	10,517
Energy Efficiency Awareness Initiatives	2,500	2,500	—
Strategic Energy Infrastructure	1	—	1
Petroleum Services	532	631	–99
Mining Services	7,178	4,737	2,441
GSI Services	754	383	371
Geoscience Initiatives	2,900	2,883	17
National Seabed Survey	4,000	3,937	63
Ordnance Survey Ireland	6,000	5,970	30
Inland Fisheries	36,137	34,110	2,027
Salmon Conservation	16,000	12,710	3,290
Subscriptions to International Organisations	986	300	686
Change Management Fund for Non Commercial Bodies funded by the Department	250	—	250
Other Services	456	—	456
Gross Total	538,108	487,853	50,255
Appropriations-in-Aid	247,024	237,245	–9,779
Net Total	291,084	250,608	40,476
Deferred to 2009 (under Section 91 of the Finance Act 2004)	–15,500		
Surplus to be Surrendered	24,976		

2009

Item	Allocation	Expenditure	Surplus to be surrendered
	€000	€000	€000
Salaries, Wages & Allowances	18,552	18,011	541
Travel & Subsistence	809	504	305
Incidental Expenses	1,245	1,130	115
Postal & Telecoms Services	720	453	267
Office Machinery & Other Office Supplies	4,655	3,163	1,492
Office Premises Expenses	1,500	1,158	342
Consultancy Services	1,155	739	416
Equipment, Stores & Maintenance	225	188	37
Value for Money & Policy Reviews	42	12	30
Information & Communications Technology Programme	46,049	40,021	6,028
Multimedia Developments	6,731	5,544	1,187
RAPID Programme	1,147	774	373
Information Society & eInclusion	824	812	12
Grant to RTE for Broadcasting Licence Fees	207,640	204,255	3,385

[Deputy Eamon Ryan.]

Item	Allocation	Expenditure	Surplus to be surrendered
Payment to an Post for Collection of Broadcasting Licence Fees	13,714	12,444	1,270
Broadcasting Commission of Ireland	4,550	4,550	—
TG4	36,133	36,133	—
Broadcasting Fund	10,804	11,888	-1,084
Grants for Digital Terrestrial Television	—	—	—
SEI Admin & General Expenses	8,350	8,350	—
Sustainable Energy Programmes	96,422	59,267	37,155
Energy Research Programmes	8,676	12,224	-3,548
Strategic Energy Infrastructure	1	—	1
Energy Efficiency Awareness Initiatives	894	890	4
Petroleum Services	975	755	220
Mining Services	6,684	3,676	3,008
GSI Services	438	157	281
Geoscience Initiatives	1,228	1,127	101
National Seabed Survey	3,363	3,525	-162
Ordnance Survey Ireland	5,087	5,087	—
Inland Fisheries	34,046	31,455	2,591
Salmon Conservation	4,187	4,612	-425
Subscriptions to International Organisations	303	296	7
Change Management Fund for Non Commercial Bodies funded by the Department	1	—	1
Gas Services	32	32	—
Other Services	501	—	501
Gross Total	527,683	473,232	54,451
Appropriations-in-Aid	249,184	240,699	-8,485
Net Total	278,499	232,533	45,966
Deferred to 2010 (under Section 91 of the Finance Act 2004)	-15,721		
Surplus to be Surrendered			30,245

Telecommunications Services

380. **Deputy Aengus Ó Snodaigh** asked the Minister for Communications, Energy and Natural Resources if his attention has been drawn to the fact that as of 1 January 2010 the 116000 number reserved by the EU for an EU wide missing children hotline service has been assigned to service providers in 12 countries and is functioning in 11; if he is concerned that Ireland is not amongst these and if he will take the immediate steps necessary including making the necessary funding available to enable the 116000 hotline to be up and running in Ireland on an island wide basis. [21808/10]

381. **Deputy Aengus Ó Snodaigh** asked the Minister for Communications, Energy and Natural Resources the steps required to give effect to the new Article 27a on 116 numbers in Directive 2002/22/EC which requires member states to make every effort to ensure that citizens have access to a service operating a hotline to report cases of missing children and when he intends to stop delaying and deliver on this. [21811/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I propose to take Questions Nos. 380 and 381 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”. Directive 2009/136/EC which amends Directive 2002/22/EC deals with the promotion of specific numbers in the “116” range and the encouragement of services for which such numbers are reserved. 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. More generally, I would expect that cases of missing children would be reported to the Garda Síochána in the normal way.

Energy Conservation

382. **Deputy Paul Connaughton** asked the Minister for Communications, Energy and Natural Resources the reason a person (details supplied) in County Galway is not entitled to grant aid under the warmer homes scheme for persons who are in receipt of the fuel allowance; and if he will make a statement on the matter. [21910/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): An application under the Warmer Homes Scheme (WHS) was received from the individual in question on 1st February 2010. At that time the service was not available in the area in which the individual lives, however, the Sustainable Energy Authority of Ireland (SEAI) now informs me that the WHS has recently been expanded to cover the entire country and it is hoped to deliver the service to the named individual within the next two months. More generally the Deputy may wish to note that a dedicated Warmer Homes Scheme hot line — 1800 250 204 — has been in operation for some time and all queries, from scheme applicants and public representatives, on delivery dates for individual households and/or funding agreements are dealt with immediately. In addition, the WHS programme manager, Mr. Michael Martin of SEAI, is available to deal with queries on 042 939 1548. The availability of both points of contact ensures that there is no delay in dealing with specific queries related to the delivery of the WHS.

Inland Fisheries

383. **Deputy Phil Hogan** asked the Minister for Communications, Energy and Natural Resources the amount spent by the central and regional fisheries board on the Rivers Barrow, Nore and Suir over the past five years; if he will provide a breakdown of the figures and indicate if there are any counters along the River Barrow and if not, the way the number of salmon in the river is estimated; and if he will make a statement on the matter. [21960/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I have been advised by the Southern Regional Fisheries Board that expenditure incurred for the Rivers Nore, Suir and Barrow during the period 2005-2009 can be found in the following table.

[Deputy Eamon Ryan.]

Southern Regional Fisheries Board

Rivers Nore Suir and Barrow Expenditure incurred during the period 2005-2009 (€)

	2009	2008	2007	2006	2005
	€000	€000	€000	€000	€000
Protection	1,014,266	976,187	887,392	801,993	842,007
Environment	236,577	186,739	194,978	153,630	142,424
Development	379,371	422,939	356,011	219,623	297,981

I understand that the Central Fisheries Board has also undertaken works on the three rivers but does not have the figure for its total spend to hand. I have asked the Board to forward this information to you directly. I have been informed by the Southern Regional Fisheries Board that there is no counter on the River Barrow. However, the Board did operate a temporary counter on a tributary of the river for a short period during 2009 as part of an educational project. The performance of all salmon rivers is assessed by the Standing Scientific Committee (SSC) using a standard methodology. Fish counters represent only one of the methods by which salmon stock levels are assessed. In calculating the estimated salmon run, reliance is also placed by the Committee on catch data and surveys by the Boards' staff of spawning beds, fish populations and habitats, as well as juvenile electro-fishing results.

The Committee sets out how the required number of salmon to maintain good stock status in the catchment is calculated in their annual report. The number of fish above this conservation limit is available as a surplus for exploitation. Further details on individual catchments are set out in the Committee's most recent report at www.dcenr.gov.ie. The Committee estimates that the Barrow (including Pollmounty waters) will only reach 40% of its conservation limit in 2010.

Common Fisheries Policy

384. **Deputy Enda Kenny** asked the Minister for Agriculture, Fisheries and Food the reforms to the Common Fisheries Policy that he has made in order to pursue Ireland's interests and in keeping with the renewed programme for Government 2009; and if he will make a statement on the matter. [21885/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The current review of the Common Fisheries Policy (CFP) was initiated by the European Commission when it issued a Green Paper in April 2009 and sought responses to the proposals it contained. Minister Killeen, who had responsibility for the Fisheries portfolio at that time, appointed Dr. Noel Cawley to chair a nationwide public consultation process. The result of these extensive consultations contributed in no small way to Ireland's Response to the Green Paper which issued on the 23rd of February. The report in its entirety, and all formal submissions received during the public consultation process, are available on www.fishingnet.ie.

Ireland's response on the CFP reform sets down a number of informed recommendations which we believe must be incorporated into the new Common Fisheries Policy. They take a pragmatic approach, promoting measures that collectively take account of economic, social, environmental and sustainability factors important to the Irish seafood sector. The changes we consider necessary include:

- New focus on addressing discarding of fish at sea with a complete ban being introduced for stocks in a depleted state;

- The retention of a management system based on national quotas supported by increased flexibility and a rejection of the mandatory privatisation of fish quotas or the introduction of international trading of fish quotas;
- Access to coastal waters to be re-examined with a view to an extension of the coastal limit to 20 miles with new management arrangements in place to strengthen coastal communities dependant on inshore coastal fisheries;
- New measures to strengthen the market for EU producers and increase quay side prices;
- Reinvigoration of European aquaculture with continued structural support and a road-map that establishes a route for growth in harmony with Community environmental law;
- New regional structure to decision-making at EU level, with increasing industry responsibility and the development of a culture of compliance.

Consultation at European level on the review is ongoing, with a variety of meetings being held, including a stakeholders' conference and an informal meeting of Agriculture and Fisheries Ministers to discuss the reform, both of which were held in Spain at the start of May. In addition, I attended a bilateral meeting with the Maria Damanaki, the new EU Commissioner for Fisheries and Maritime Affairs, in March 2010. This meeting was arranged at my request to discuss Ireland's Response to the Commission's Green Paper.

At this meeting we discussed many areas where we have common ground with the EU Commission. However, I made it quite clear that Ireland does not support the Commission's ideas expressed in the Green Paper which would allow our national fish quotas to be privatised and traded away to large European fishing companies. I stressed that one of Ireland's main objective in the Reform Process will be to protect the national fish quotas as a public resource to be used for the benefit of our family owned fleet and to support our coastal communities. Under the planned EU timetable for the review, a summary of the consultation process will be published in 2010. It will be followed by a legislative proposal to the Council and the European Parliament to be adopted in 2011, with a view to its entering into force in 2012. A working document concerning reform options is being prepared by the Commission and is expected to be presented at the Agriculture and Fisheries Council scheduled for the 28th and 29th June 2010.

Nationally, I intend to continue close collaboration with the Federation of Irish Fishermen and the other stakeholders to put Ireland's case forward during the review, to vigorously defend Ireland's maritime interests, and to convince our colleagues in other Member States and in the Commission to strengthen the current policy in line with Ireland's submission on the reform of the CFP.

Proposed Legislation

385. **Deputy Denis Naughten** asked the Minister for Agriculture, Fisheries and Food when he intends to publish the Animal Health and Welfare Bill; and if he will make a statement on the matter. [21944/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Drafting of the Animal Health and Welfare Bill, which gives effect to commitments in the Programme for Government and the Renewed Programme for Government on issues relating to animal health and welfare is ongoing in my Department. The legislation will amend and consolidate legislation in the area of animal health, particularly to reflect the changed disease status of our animals. Existing legislation will also be updated to ensure that the welfare of all animals, including

[Deputy Brendan Smith.]

non-farm animals, is properly protected and that the penalties for offenders are increased significantly. The Bill will provide any necessary statutory basis to give effect to the commitment in the Programme for Government that the responsibility for the welfare of all animals (including non-farm animals) will be consolidated in my Department. I intend to submit the proposed heads of this Bill to the Government at an early date this year.

Grant Payments

386. **Deputy John Perry** asked the Minister for Agriculture, Fisheries and Food if a REP scheme payment will be expedited in respect of a person (details supplied) in County Sligo; and if he will make a statement on the matter. [21336/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The original REPS 4 plan submitted by the person named was found to be incorrect. An adjusted plan submitted on 19 April 2010 was again incorrect, and my officials have been in contact with the applicant's planner with a view to resolving the matter.

Irish Horseracing Industry.

387. **Deputy Mary Upton** asked the Minister for Agriculture, Fisheries and Food if he will establish a special forum to bring together all sectors of the horse, greyhound and gambling industries to address the serious issues in the industry and to attempt to establish reforms within the industry by consensus; and if he will make a statement on the matter. [21372/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Since taking over responsibility for the horse and greyhound racing industries on May 12 2010, I have had the opportunity to meet many of the stakeholders in these very important industries. I look forward to maintaining that engagement, with a view to working with all the stakeholders in the best interests of these industries. The regulation of gambling is under the remit of my colleague, the Minister for Justice, Equality and Law Reform. Submissions have been made both to that Department and the Department of Finance on the matter of betting. I will be engaging with my Ministerial colleagues in regard to all the issues raised.

Grant Payments

388. **Deputy Michael Ring** asked the Minister for Agriculture, Fisheries and Food the number of herd owners on an estate (details supplied) who have yet to receive their payments; when he will finish assessing the right to claim of each herd owner as well as the specific share claim associated in order that this matter can be finally resolved in view of the fact that some claimants have not received a payment in four years; and the position regarding the affidavit for this estate. [21374/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): This is a very complex situation involving fourteen parcels of common land and ninety claimants. The area involved is claimed by individual farmers under various area-based schemes including the Single Payment Scheme, Disadvantaged Areas Scheme and REPS.

There are four applicants (two of which declared the commonage for the first time in 2009 and the other two in 2007), whose claims on the commonage parcels are being processed at present. None of these applicants hold SPS payment entitlements. The legal documentation submitted by these applicants in relation to their legal right to claim the commonage is under examination by my Department together the follow-up legal searches. My Department is also conducting a full review of all of the claimants on the commonage and the affidavits sworn by

the claimants. Following completion of this review and the conclusion of the legal searches, my Department will contact with the persons concerned.

389. **Deputy Tom Sheahan** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Kerry will receive their REP scheme payment; and if he will make a statement on the matter. [21468/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The payment belonging to the person named is at an advanced stage of processing and he will be advised of the outcome shortly.

Agri-Environment Options Scheme

390. **Deputy Pat Breen** asked the Minister for Agriculture, Fisheries and Food, further to Parliamentary Question No. 244 of 12 May 2010, the number of applications received for inclusion in the new agri-environmental options scheme; the length of time expected to process these applications; and if he will make a statement on the matter. [21565/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): There has been significant interest in the Agri-Environment Options Scheme since it opened for applications on 30 March 2010. The closing date for receipt of applications was Monday 17 May 2010 and at close of business on that day some 4,400 applications had been submitted to my Department's office at Johnstown Castle Estate in Wexford. However, given the short time frame for submitting applications, and in order to facilitate farmers, applications were also accepted in my Department's local offices. These application are currently being forwarded to be processed centrally in Wexford. Current indications are that the total number of applications will be close to 8,000, but the actual figure cannot be ascertained until all applications have been received and recorded in Wexford.

Under EU Regulations, payments can not be made until all applications received have been subjected to a rigorous administrative check, including an area cross-check with the declarations received under the Single Payment Scheme. It is not possible, at this early stage, to anticipate how long this process will take but my objective is to ensure that it is completed and that payments issue as quickly as possible.

Departmental Agencies

391. **Deputy John O'Mahony** asked the Minister for Agriculture, Fisheries and Food the agencies or bodies to which his Department provides funding or in respect of which it is administratively responsible; the bodies and agencies for which his Department is responsible in respect of his policy; the amount of funding provided in each of the years 2007 to 2010 in tabular form; and if he will make a statement on the matter. [21746/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): While there are 12 State Bodies/Agencies under the aegis of my Department, it does not provide funding for all of them. The bodies that do not receive funding from my Department are Coillte Teoranta and the Irish National Stud Company which are both commercial bodies and the Veterinary Council of Ireland and National Milk Agency which are funded by means of registration fees or a statutory levy.

The table lists out the remaining State Bodies/Agencies and the amount of funding provided since 2007.

[Deputy Brendan Smith.]

Funding for State Bodies/Agencies under the aegis of the Department of Agriculture, Fisheries and Food

Body	2007	2008	2009	2010
Teagasc ¹	€140.450m	€139.964m	€131.927m	€126.165m
Bord Bia ²	€27.705m	€26.851m	€28.221m	€29.116m
— Quality Assurance	€2.950m	€4.400m	€3.619m	€4.300m
— Healthy Eating/Food Dude	€3.326m	€3.778m	€2.000m	€2.000m
— EU school fruit	—	—	€0.166m	€0.500m
— Beef Expo	—	—	€0.396m	—
Aquaculture Licensing Appeals Board (ALAB)	€0.256m	€0.410m	€0.656m (including judicial review fees)	€0.360m (Estimate)
Bord Iascaigh Mhara	€31.638m (€25.089m DCMNR, €6.549m DAFF)	€48.378m	€34.932m	€18.583m (Estimate)
Marine Institute	€28.980m (€22.428m DCMNR €6.552m DAFF)	€31.069m	€27.546m	€24.830m (Estimate)
Sea Fisheries Protection Authority (SFPA)	€10.954m (€5.983m DCMNR, €4.971m DAFF)	€13.296m	€10.853m	€11.324m (Estimate)
Bord na gCon ³	€14.572m	€15.257m	€13.6256m	€11.853m
Horse Racing Ireland ³	€58.539m	€61.0288m	€54.502m	€47.411m

¹The figures shown above for Teagasc represent total State Grant in Aid paid provided to Teagasc for pay, non-pay, Superannuation, NDP Training and Capital. In addition to Grant in Aid, Teagasc receives other state funding from research programmes etc.

²The top figure is the funding provided to An Bord Bia through Grant-in-Aid. Also shown are other monies provided by the Department for specific purposes.

³Responsibility for HRI & Bord na gCon rested in the Department of Arts, Sport and Tourism from 1/1/2007 to 30/4/2010

Grant Payments

392. **Deputy John O'Mahony** asked the Minister for Agriculture, Fisheries and Food the number of farmers in County Mayo who have been approved for REPS 4 and are waiting to receive their payments in tabular form; and if he will make a statement on the matter.

[21771/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): There were 2,703 applications for REPS 4 in County Mayo. Of these, 2,081 have been paid in full and the remainder are being processed. 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 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.

Departmental Expenditure

393. **Deputy John O'Mahony** asked the Minister for Agriculture, Fisheries and Food the amount of unspent money returned by his Department to the Department of Finance each year since 2007; the departmental budget for each year since 2007; the projects for which this money was originally earmarked in tabular form; and if he will make a statement on the matter. [21775/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): A substantial proportion of expenditure under the Department's Vote comprises schemes and activities which are subject to external factors such as demand from beneficiaries, market and economic factors, animal disease incidence and the pace at which capital investment and research projects are completed by the beneficiaries of grant aid. Accordingly, savings on the funding provided in the Vote can and do arise due to lower than anticipated drawdown on various demand-led schemes. Conversely, the need for additional spending under particular headings can also arise.

The following are the relevant figures for the years 2007, 2008 and 2009.

	Vote	Expenditure	Savings
	€m	€m	€m
2007	1,761*	1,601	160
2008	2,144	2,104	**40
2009	2,003	1,937	66

*Reflects transfer of fisheries to Department in October 2007.

**Includes €9m budget adjustment implemented by Government during 2008.

The following are the Vote allocations on which there was an under spend (main items)

2007

	€m
Administration	1
Animal Health (disease control) and Welfare	29
Market Support technical costs	11
Compensatory Allowances	3
REPs	49
Early Retirement and Installation Aid schemes	21
On farm investment grant schemes	13
Forestry	6
Fisheries	12
BIM	15
Other	4

Savings were offset by additional expenditure on Bord Bia and food aid.

2008

	€m
Administration	8
Research	6
Animal Health (disease control) and Welfare	16

[Deputy Brendan Smith.]

	€m
Market Support technical costs	5
Compensatory Allowances	1
REPs	19
Early Retirement and Installation Aid schemes	11
Forestry	5
Fisheries	4
State bodies	9

Savings were offset by additional spending on the Farm Waste Management Scheme and food aid.

2009

	€m
Administration	8
Animal Health (disease control) and Welfare	16
Market Support technical costs	3
REPs	28
Early Retirement and Installation Aid schemes	3
Fisheries	4
State bodies	4
Other	3

Savings were offset by additional spending on the Disadvantaged Areas Scheme.

Grant Payments

394. **Deputy Pat Breen** asked the Minister for Agriculture, Fisheries and Food, further to Parliamentary Question No. 636 of 9 February 2010, when a single farm payment will be processed in respect of a person (details supplied) in County Clare; the penalties that will be incurred; and if he will make a statement on the matter. [21790/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): An appeal by the person named in relation to over-payments recouped from the applicant and relating to Single Farm Payments made between 2005 to 2009 has been successful and all monies concerned have been refunded.

395. **Deputy Denis Naughten** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Roscommon will receive their REP scheme payment; the reason for the delay in issuing same; and if he will make a statement on the matter. [21815/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Payment issued to the person named on 19 May 2010.

396. **Deputy Enda Kenny** asked the Minister for Agriculture, Fisheries and Food if headage payments are eligible to be paid in respect of a holding of a land (details supplied) since 2002; and if he will make a statement on the matter. [21891/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The herd number in question has been registered in the name of the person named since 16 May 2002. The person named submitted applications under the Single Payment Scheme and Disadvantaged Areas Scheme in respect of each of the years 2002, 2003, 2004, 2005, 2006, 2007, 2008 and 2009 and has been fully paid in respect of each application. The applicant applied for and was allocated a top-up from the National Reserve to his SPS payment entitlements in 2007.

397. **Deputy John O'Donoghue** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Kerry will receive the balance of the grant for their slatted unit. [21895/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The person concerned is an applicant under the Farm Waste Management Scheme. The first two instalments of grant-aid have been paid by my Department to the applicant and the final instalment will be paid in January 2011.

I have also announced that a special ex-gratia payment not exceeding 3.5 per cent of the value of the deferred amount will be made to farmers whose Farm Waste Management grants have been partially deferred. This payment will be made in January 2011 along with the final instalment.

398. **Deputy John O'Donoghue** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Kerry will receive their suckler cow grant for the year 2009. [21896/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The person named applied has 11 animals for consideration under the 2009 Suckler Welfare Scheme. It is a condition of this Scheme that for herds of more than 10 cows the calves must be weaned in at least two separate groups with each group being removed at a minimum interval of five days. The person named did not comply with this condition and, therefore, is not eligible for payment, as per the Terms and Conditions governing the Scheme.

399. **Deputy Paul Connaughton** asked the Minister for Agriculture, Fisheries and Food when the cow welfare grant will issue to a person (details supplied) in County Galway; and if he will make a statement on the matter. [21904/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The person named has 24 animals for consideration under the 2009 Suckler Welfare Scheme. It is a condition of this Scheme that for herds of more than 10 cows the calves must be weaned in at least two separate groups with each group being removed at a minimum interval of five days. Payment has not issued as the person named provided the same weaning date for all the animals. However, the applicant has recently submitted further information to my Department, which confirmed the graduated weaning process that he followed in his herd. As the initial error has been satisfactorily resolved, payment should issue to the applicant in the near future.

Milk Quota

400. **Deputy Seán Sherlock** asked the Minister for Agriculture, Fisheries and Food the position regarding the milk quota new entrants scheme; if applications are being expedited in view of the fact that the start date for the scheme was 1 April; and if he will make a statement on the matter. [21908/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The closing date for receipt of applications to the New Entrants Scheme was in fact 9 April 2010. A total of 82 applications was referred to the independent assessment group for adjudication. The group has recently concluded its deliberations and I hope to be in a position to make an announcement shortly.

Grant Payments

401. **Deputy Paul Connaughton** asked the Minister for Agriculture, Fisheries and Food when the top-up grant will be paid to sheep farmers; the exact amount of this payment; if it will be limited to flocks of certain sizes; and if he will make a statement on the matter. [21911/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Arrangements are currently at an advanced stage in my Department to allow the balancing payments due under the Upland Sheep Payment to issue to beneficiaries very shortly.

402. **Deputy Tom Sheahan** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Kerry will receive their full REPS 4 payment due since August 2009; and if he will make a statement on the matter. [21932/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The payment belonging to the person named is at an advanced stage of processing and he will be advised of the outcome shortly.

403. **Deputy Martin Ferris** asked the Minister for Agriculture, Fisheries and Food when REP scheme will be awarded to a person (details supplied). [21951/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): My officials have written to the person named requesting that documentation be submitted. The documentation has not yet been received and my officials have been in contact with the applicant's planner with a view to resolving the matter.

404. **Deputy Martin Ferris** asked the Minister for Agriculture, Fisheries and Food when REP scheme payment will be awarded to a person (details supplied). [21952/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Payment to the person named will issue within two weeks.

Rural Environment Protection Scheme

405. **Deputy David Stanton** asked the Minister for Agriculture, Fisheries and Food the number of applications for REPS 4 on a county basis; the number of applications which were accepted and rejected; the amount of money awarded to date on a county basis; and if he will make a statement on the matter. [22108/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The details requested are set out in the tabular statement attached. 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 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, 24,023 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 111 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.

REPS 4 applications and payments

County	Applications	Rejected Plans	Paid in full	Awaiting payment	Value of payments (estimated)
					€
Carlow	300	0	274	26	1,150,800
Cavan	1,101	3	852	249	3,578,400
Clare	1,333	0	1,268	65	5,325,600
Cork	3,221	16	2,191	1,030	9,202,200
Donegal	1,898	5	1,736	162	7,291,200
Dublin	51	1	35	16	147,000
Galway	2,757	0	2,225	532	9,345,000
Kerry	1,999	2	1,173	826	4,926,600
Kildare	373	2	329	44	1,381,800
Kilkenny	833	1	752	81	3,158,400
Laois	761	6	705	56	2,961,000
Leitrim	880	32	697	183	2,927,400
Limerick	1,344	0	1,169	175	4,909,800
Longford	681	0	588	93	2,469,600
Louth	218	1	188	30	789,600
Mayo	2,703	17	2,081	622	8,740,200
Meath	561	2	424	137	1,780,800
Monaghan	903	13	765	138	3,213,000
Offaly	706	4	636	70	2,671,200
Roscommon	1,405	1	1,264	141	5,308,800
Sligo	917	0	727	190	3,053,400
Tipperary Nth	854	1	789	65	3,313,800
Tipperary Sth	1,004	0	852	152	3,578,400
Waterford	675	1	579	96	2,431,800
Westmeath	709	3	651	58	2,734,200
Wexford	783	0	705	78	2,961,000
Wicklow	406	0	368	38	1,545,600
Totals	29,376	111	24,023	5,353	100,896,600

406. **Deputy David Stanton** asked the Minister for Agriculture, Fisheries and Food the number of REPS 3 farmers who have joined REPS 4, on a county basis; and if he will make a statement on the matter. [22109/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The majority of farmers who applied for REPS 4 were former participants in either REPS 1, REPS 2 or REPS 3.

[Deputy Brendan Smith.]

The following table details county-by-county the number of former participants in REPS 3 who applied for REPS 4.

County	
Carlow	132
Cavan	383
Clare	462
Cork	1,165
Donegal	276
Dublin	23
Galway	692
Kerry	478
Kildare	146
Kilkenny	182
Laois	347
Leitrim	543
Limerick	457
Longford	149
Louth	42
Mayo	887
Meath	147
Monaghan	291
Offaly	258
Roscommon	219
Sligo	237
Tipperary Nth	315
Tipperary Sth	396
Waterford	443
Westmeath	348
Wexford	217
Wicklow	149
Totals	9,384

The new Agri-Environment Options Scheme was open to all farmers but I expect that many of those who were formerly in REPS 3 have submitted applications for the new scheme. While figures are not yet available as to the number of ex-REPS 3 participants in the new Scheme, the level of interest shown was very high and I expect many will have taken the opportunity to apply in order to continue farming within an agri-environmental framework.

Departmental Research

407. **Deputy David Stanton** asked the Minister for Agriculture, Fisheries and Food if any research has been carried out by his Department or bodies under his aegis into the age profile of farmers; the findings of same; and if he will make a statement on the matter. [22110/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The Farm Structure Survey (Central Statistics Office 2007) showed that 51 percent of all farmers were aged 55 or more, while 26 percent were aged 45 or less. Specialist tillage farmers and dairy farmers tended to have a younger age profile with 46 and 39 percent respectively over the age of 55. As part

of the 2020 Strategy we are currently developing, my Department has commissioned the Rural Economy Research Centre of Teagasc to develop estimates of future farm numbers in 2020. This research, which is still ongoing, includes an examination of the demographic profile of farmers.

Crop Losses

408. **Deputy David Stanton** asked the Minister for Agriculture, Fisheries and Food the number of applications received by his Department for the once-off aid for damaged fodder and the aid for frost damaged crops respectively, on a county basis; the number of applications received, processed, awarded and rejected and amounts awarded to date; and if he will make a statement on the matter. [22111/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): A total of 256 applications under the Aid Scheme for Fodder Damaged by Floods were confirmed as eligible for aid following inspection. These payments were valued at €528,718 in total; the county breakdown is as follows:

County	No. Cases	Monetary Amount
		€
Clare	16	30,969.25
Cork	3	12,985.00
Galway	107	243,978.08
Kerry	1	1,750.00
Kilkenny	1	2,100.00
Leitrim	11	16,677.75
Longford	7	17,227.00
Louth	1	875.00
Mayo	21	18,060.00
Offaly	8	12,973.00
Roscommon	58	120,269.00
Sligo	2	1,400.00
Tipperary	1	1,575.00
Waterford	1	3,183.92
Westmeath	18	44,695.97
Totals	256	528,718.97

In respect of the Aid Scheme for Crops Damaged by Frost, a total of 361 applications were received, of which 60 have, to date, been found ineligible. Eligibility for assistance is determined by an analysis on a case-by-case basis of the information provided by the grower. The objective of the verification process is to establish not only the losses but also the impact of such losses on the grower's overall enterprise. Eligible growers are required to demonstrate that the potatoes and vegetables were damaged by frost and the extent of that damage. This assessment is ongoing and as soon as it is concluded payments will commence to issue to all applicants confirmed eligible. The county breakdown of applications is as follows:

[Deputy Brendan Smith.]

County	Cases	Number of Rejections
Carlow	9	1
Clare	1	—
Cork	47	12
Donegal	44	1
Dublin	55	13
Galway	12	1
Kerry	11	6
Kildare	9	1
Kilkenny	15	1
Laois	8	3
Limerick	3	1
Longford	1	—
Louth	25	8
Mayo	1	—
Meath	44	2
Monaghan	1	1
Offaly	9	—
Roscommon	4	—
Sligo	3	1
Tipperary	16	—
Waterford	7	—
Westmeath	3	1
Wexford	29	5
Wicklow	4	2

Higher Education Grants

409. **Deputy Brendan Howlin** asked the Tánaiste and Minister for Education and Skills further to the withdrawal of assistance towards college fees from the Millennium Partnership Fund from part-time students, if she accepts that there may be no return on the funding already provided if such students have to abandon their education for want of ongoing financial support; her plans to ensure that such students receive the supports they need to continue their education; and if she will make a statement on the matter. [21349/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): The Deputy will be aware that the need for budgetary adjustment has made it necessary to discontinue the Millennium Partnership Fund from the 2010/11 academic year. The fund was disbursed by local Partnership Companies, mostly in the form of small grants to individual students to cover costs of items such as books and travel. Most students in receipt of support from the fund will continue to be supported under the means-tested student maintenance grant schemes and many will benefit from the significantly higher special rate of grant. In addition, third level students in difficult financial circumstances will continue to have access to the Student Assistance Fund. Part-time courses did not qualify for support under the Millennium Partnership Fund.

Redundancy Payments

410. **Deputy Eamon Gilmore** asked the Tánaiste and Minister for Education and Skills when

the full redundancy payments, as recommended by a rights commissioner, will be awarded to persons (details supplied); and if she will make a statement on the matter. [21390/10]

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.

EU Funding

411. **Deputy Joe Costello** asked the Tánaiste and Minister for Education and Skills when the 120 former workers of a company (details supplied) will expect to be able to benefit from the EU Globalisation Adjustment Fund; the amount of funding that is available; and if she will make a statement on the matter. [21404/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): My Department submitted an application to the European Commission in October 2009 for co-financing support from the European Globalisation Adjustment Fund (EGF) towards the cost of a personalised package of retraining, upskilling, entrepreneurial supports and educational opportunities for workers made redundant at the S R Technics facility in North County Dublin. Earlier this year, the European Commission sought additional clarifications in relation to the EGF application. My Department has provided all additional information sought to date. The total value of the EGF programme of personalized supports for SR Technics workers is estimated at €11.5m of which the maximum 65% EGF support of €7.4m is being sought by the Irish authorities. The EGF application is currently being considered by the European Commission.

The EGF application process from initiation to final decision is a lengthy procedure involving not just the European Commission but also the Council of Ministers and the European Parliament. In the case of the EGF application in relation to workers made redundant at the DELL plant in Co. Limerick, the full approval process took some six months while receipt of EU monies took a further three months. It is also important to stress that there is no guarantee of success of any EGF application. In the interim, state agencies such as FAS, Enterprise Ireland and the City and County Enterprise Boards have made, and continue to make, the full range of their employment, training, guidance and advisory services available to all workers made redundant at S R Technics. A full range of education programmes provided by the VEC and third level sector is also available.

Departmental Programmes

412. **Deputy Olwyn Enright** asked the Tánaiste and Minister for Education and Skills her response to a request from a local authority (details supplied) seeking an easing of restrictions which are preventing the introduction of work placement and training programmes; and if she will make a statement on the matter. [21454/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): Placements under the Work Placement Programme are possible in the wider public service, subject to the agreement of the relevant parent Government Department. The placement of individuals under this scheme is not covered by the moratorium on recruitment in the public service. However, it is a condition of the Programme that any such placements should not displace an existing member

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of staff or be used to fill a vacant post. Subject to the above, FÁS would welcome quality Work Placement Programme opportunities from the South Dublin administrative area.

FÁS Training Programmes

413. **Deputy David Stanton** asked the Tánaiste and Minister for Education and Skills, further to Parliamentary Question No. 61 of 9 March 2010, the number of redundant apprentices who have completed phases one to four of their apprenticeship who have been given placements on the PP5 programme developed by FÁS and the institutes of technology; and if she will make a statement on the matter. [21716/10]

414. **Deputy David Stanton** asked the Tánaiste and Minister for Education and Skills, further to Parliamentary Question No. 61 of 9 March 2010, the number of redundant apprentices who are at phases five to seven of their apprenticeship who have been given on-the-job training with the ESB Networks to date; if all further placements have now been allocated; the number who have completed this programme to date; and if she will make a statement on the matter. [21717/10]

415. **Deputy David Stanton** asked the Tánaiste and Minister for Education and Skills, further to Parliamentary Question No. 61 of 9 March 2010, the number of redundant apprentices at the final phase of their apprenticeship who have completed FÁS phase seven equivalent assessments in their trade; the number awaiting these assessments by FÁS; and if she will make a statement on the matter. [21718/10]

416. **Deputy David Stanton** asked the Tánaiste and Minister for Education and Skills, further to Parliamentary Question No. 61 of 9 March 2010, the number of redundant apprentices who are being supported by Leargas EU lifelong learning funding and have been placed with overseas employers to complete their phase seven on-the-job training with assessment apprenticeships who have been given on-the-job training with the ESB Networks to date; if all further placements have now been allocated; the number who have completed this programme to date; and if she will make a statement on the matter. [21719/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): I propose to take Questions Nos. 413 to 416, inclusive, together.

To date a total of 236 (104 Phase 5 and 132 Phase 7) redundant apprentices have been provided with placements with ESB Networks. Currently 99 (53 Phase 5 and 46 Phase 7) redundant apprentices are in training with ESB Networks. A further 65 Phase 7 redundant apprentices will commence in July 2010 and this will complete the placement of 400 redundant apprentices with ESB.

FÁS also developed Phase 7-equivalent assessments for redundant apprentices at the final phase of their apprenticeship in the trades of Carpentry & Joinery, Electrical, Plumbing, Brick & Stone-laying and Plastering. To date, 39 redundant apprentices have completed Phase 7 assessments and 30 are currently undertaking Phase 7 assessments. In addition, FÁS is inviting a further 351 apprentices to undertake Phase 7 assessments.

Under the EU Leonardo da Vinci III Lifelong Learning Programme, Leargas in collaboration with FÁS, has supported 45 apprentices to date to complete their final on-the-job work placement in companies abroad. A total of 36 redundant apprentices are scheduled for on-the-job work placements by the end of 2010 and a further 15 during the first half of 2011. Infor-

mation on redundant apprentices placed on the PP5 programme is not currently available and will be provided to the Deputy shortly.

Higher Education Grants

417. **Deputy Richard Bruton** asked the Tánaiste and Minister for Education and Skills if there is any financial support that is be available for a young Irish graduate (details supplied) to participate in a Masters in International Affairs which is very competitively sought throughout the world. [21765/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): The Department of Education and Skills does not provide funding to support participation in programmes of this nature.

Residential Institutions Redress Scheme

418. **Deputy Michael McGrath** asked the Tánaiste and Minister for Education and Skills the measures that will be taken to protect the privacy of persons who have submitted papers to the Residential Institutions Redress Board and to ensure that such papers are not released. [21948/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): Section 28 of the Residential Institutions Redress Act, 2002 provides that both the Board and the Review Committee shall determine the disposal of the documents concerning applications made to them prior to the making of a Dissolution Order by the Minister, pursuant to section 3(3) of the Act. Any such Order requires a positive motion of each House of the Oireachtas.

Departmental Reports

419. **Deputy Joe McHugh** asked the Tánaiste and Minister for Education and Skills when the third level review will be completed; and if she will make a statement on the matter. [22285/10]

430. **Deputy Joan Burton** asked the Tánaiste and Minister for Education and Skills when she expects to receive the report of the HUNT committee on higher education. [21460/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): I propose to take Questions Nos. 419 and 430 together.

A High Level Group is currently developing a new national strategy for higher education. That Group is examining how well Ireland's higher education system is performing, how it ranks internationally, how well existing resources are being used and how the system should be configured to best meet the many challenges it faces over the next decade having regard to the key role it has to play in contributing to Ireland's economic recovery.

A round of consultation was completed in summer 2009, under which an open call for written submissions elicited a significant and valuable response. In addition, a series of discussion forums with academics, students, enterprise as well as bilateral meetings with other stakeholders, including the institutions, have been held. The outcomes of these consultations and other ongoing discussions are feeding into the current deliberations of the Strategy Group who are expected to complete their report before the Summer.

State Examinations

420. **Deputy Ciarán Lynch** asked the Tánaiste and Minister for Education and Skills when a decision will be made in regard to an application for the special accommodation scheme in

[Deputy Ciarán Lynch.]

respect of a person (details supplied) who will be sitting their leaving certificate examination in 2011; and if she will make a statement on the matter. [21324/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): The State Examinations Commission has statutory responsibility for operational matters relating to the certificate examinations including organising the holding of examinations and determining procedures in places where examinations are conducted including the supervision of examinations. I can inform the Deputy that the Commission operates a scheme of Reasonable Accommodations in the Certificate examinations. Applications for such accommodations are submitted by schools on behalf of their students. In view of this I have forwarded your query to the State Examinations Commission for direct reply to you.

Child Protection

421. **Deputy Brian Hayes** asked the Tánaiste and Minister for Education and Skills if she will give assurance that in every school where her Department undertakes a whole school evaluation that her inspectors will examine all files relating to the implementation of child protection policy, including those allegations or concerns reported to the Health Service Executive by the designated liaison person and ensure through in-depth inspection, checks and discussions with staff and the board of management that implementation shows compliance with written policy and Child Protection Guidelines and Procedures 2001 and that the findings are recorded in the whole school evaluation report; and if she will make a statement on the matter. [21332/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): The primary statutory responsibility for child protection lies with the Health Service Executive. The role of my Department is to provide guidance and support to schools in implementing child protection policy and to refer any allegations the Department receives to the appropriate authorities for investigation.

My Department has issued child protection guidelines and procedures to all schools. The guidelines are based on Children First — the Department of Health & Children's national guidelines for the protection and welfare of children. The Children First guidelines make very clear the reporting and investigation mechanisms to be followed in cases of suspected child abuse wherever they occur, and the lead role of the HSE. The guidelines for schools require each board of management to designate a senior member of staff, normally the principal, as the Designated Liaison Person (DLP) for the school. The DLP acts as a liaison person with the health authorities and other agencies on child protection issues and as a resource person to any staff member who has concerns in this regard.

As the Deputy will be aware, responsibility for ensuring that child protection requirements are complied with rests with the school board, the principal and the staff of each school. The Inspectorate of my Department undertakes whole-school evaluations in line with its quality assurance remit set out in Section 13 of the Education Act 1998. The WSE process involves evaluating schools under the areas of management, planning, curriculum provision, teaching and learning and student support.

The procedures in these evaluations include a specific review of school policies in the area of child protection. This review involves checking that each school has formally adopted the child protection guidelines as recommended in Children First and in the child protection guidelines of the Department of Education and Science. Confirmation is sought from the school authorities that the child protection procedures have been brought to the attention of manage-

ment, school staff and parents and that a copy of the procedures has been provided to all staff (including all new staff). The procedures also involve checking that a Designated Liaison Person (DLP) has been nominated by the school. Where necessary, inspectors examine the minutes of board meetings, the recorded details of the adoption of the school's child protection policy and official school documentation naming the Designated Liaison Person (DLP).

Inspectors may also follow up on any issues with members of school management and staff. The relevant findings are included in the WSE inspection report which is provided to the school's board of management and published on the Department's website. In addition, my Department's Schools Division may also follow-up with schools, where appropriate. The investigation of cases of concern reported to the Health Service Executive by a Designated Liaison Person is a matter for the Health Service Executive (HSE), within its statutory remit, as distinct from the statutory remit of the Inspectorate under the Education Act, 1998 in relation to inspections. Accordingly the Inspectorate does not examine the details of individual files or cases.

The Deputy will be aware that, in anticipation of the review and recent updating of Children First, my Department wrote to all the education partners last Autumn inviting submissions from them on potential changes that might be desirable to the Department's existing child protection guidelines to schools. The education partners were also invited to participate in a working party to review the guidelines and the working party commenced its work before Christmas. A review of oversight arrangements in relation to cases that rise in schools is an element of that work.

Capitation Grants

422. **Deputy Denis Naughten** asked the Tánaiste and Minister for Education and Skills her plans to address the discrepancy in the level of funding provided to voluntary second level schools and those in the community and comprehensive sector; and if she will make a statement on the matter. [21335/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): The funding arrangements made by my Department for second-level schools reflect the sectoral division of our second-level system. At the core of all arrangements is reliance upon capitation as the principal determinant of funding. My Department provides funding to secondary schools by way of *per capita* grants, which affords schools considerable flexibility in the use of these resources to cater for the needs of their pupils.

There have been significant improvements in recent years in the level of funding for voluntary secondary schools. With effect from January 2009, the standard *per capita* grant was increased by €14 per pupil and now amounts to €345 per pupil. In addition, voluntary secondary schools have benefited by the increase of €8 per pupil in 2009 in the support services grant bringing that grant to €212 per pupil.

The cumulative increase of €22 per pupil in a voluntary secondary school brings the aggregate grant to €557 per pupil. These grants are in addition to the *per capita* funding of up to €40,000 per school that is also provided by my Department to secondary schools towards secretarial and caretaking services. For example, in the case of a secondary school with 500 pupils, this brings annual grants towards general expenses and support services to over €318,500. The corresponding figure in 2000 was approximately €147,300. Budget allocations for schools in the Community and Comprehensive school sector, along with those in the VEC sector, are increased on a pro rata basis in line with increases in the per capita grant paid to voluntary

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secondary schools. All schools are eligible for recurrent *per capita* grants towards special classes and curricular support grants.

My Department has provided an estimated €21million to voluntary secondary schools in equalisation funding to date. These significant increases in the funding of post-primary schools are a clear demonstration of the Government's commitment to prioritise available resources to address the needs of schools. I will consider how best to complete the process of equalisation of funding at second level having regard to available resources.

Schools Amalgamation

423. **Deputy Charles Flanagan** asked the Tánaiste and Minister for Education and Skills if her attention has been drawn to the concern surrounding the proposed amalgamation of two schools (details supplied) in County Laois; and if she will make a statement on the matter.

[21345/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): I can confirm to the Deputy that my Department has received an application for large scale capital funding to provide accommodation to cater for the amalgamation of the two primary schools in the town to which he refers. The application has been assessed in accordance with the published prioritisation criteria for large scale building projects and assigned a band 1.4 rating. A technical inspection of the existing buildings found that neither would be suitable to act as a host for the new school. The report recommended a greenfield site solution.

A preferred site of 2 acres adjacent to the school was identified which, along with one of the existing school sites, could accommodate the amalgamated school. In December 2009, representatives of the school authority undertook to consider the acquisition of this site. My Department has not yet heard from the school authority regarding its consideration of this matter.

When the site is acquired, the progression of this project, as with all large scale building projects, from initial design stage through to construction phase will be considered in the context of the Department's multi-annual School Building and Modernisation Programme. However, in light of current competing demands on the capital budget of the Department, it is not possible to give an indicative timeframe for the progression of the project at this time.

Departmental Expenditure

424. **Deputy Phil Hogan** asked the Tánaiste and Minister for Education and Skills the meetings that are being held in respect of funding of Church of Ireland fee paying secondary schools; if she will comment on the outcome with particular reference to a college (details supplied); and if she will make a statement on the matter. [21362/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): Officials from my Department have held discussions with a number of representatives from the Church of Ireland, and wider Protestant community, concerning issues relating to their fee-charging schools. These discussions are continuing. My officials are willing to meet with representatives of the college to which the Deputy refers, if requested.

I wish to assure the Deputy that I am committed to supporting Protestant education, while at the same time ensuring that funding arrangements for schools under Protestant management are in accordance with the provisions of the Constitution. I am committed to continuing this engagement with members of the Protestant community, as I believe that these issues are best resolved collaboratively.

Physical Education Facilities

425. **Deputy Ruairí Quinn** asked the Tánaiste and Minister for Education and Skills the grants available which could provide funding for the provision of sports infrastructure in schools; where a school can apply for this funding; and if she will make a statement on the matter. [21365/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): My Department is committed to the provision, maintenance and modernisation of physical education and physical activity facilities in our schools for our children and young people. In a new school building or refurbishment/extension, PE facilities are included as an intrinsic part of the design. Curricula are in place for PE in primary schools and at Junior Cert level. Primary schools received €2000 each in PE equipment grants in 2006, at a total cost of €6.5 million. A similar grant of €4,000 per school, at an overall cost of around €3 million, issued to post-primary schools in 2007.

It is also open to primary schools to use their annual minor works grant to purchase items of furniture and/or equipment. Individual primary schools received a grant in the sum of €5,500 plus €18.50 per pupil for the current school year. Schools may apply for major capital funding for sports infrastructure such as PE Halls by completing and submitting the appropriate forms on my Department's website. In addition, schools may also apply to repair or refurbish existing infrastructure under the Summer Works Scheme, which is operated by my Department. In addition, schools may apply for funding for sports infrastructure from the Department of Culture, Tourism and Sport under the Sports Capital Programme.

Higher Education Grants

426. **Deputy Brian O'Shea** asked the Tánaiste and Minister for Education and Skills the assistance she will give to persons (details supplied) in County Waterford; and if she will make a statement on the matter. [21376/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): The decision on eligibility for a student grant is a matter, in the first instance, for the relevant assessing authority, i.e. the applicant's local authority or VEC. An applicant may appeal the decision to the relevant local authority or VEC. Where the assessing authority decides to reject the appeal, the applicant may appeal this decision to my Department by submitting an appeal form outlining clearly the grounds for the appeal. No appeal has been received by my Department to date from the candidate referred to by the Deputy.

Schools Building Projects

427. **Deputy Michael McGrath** asked the Tánaiste and Minister for Education and Skills the position regarding the development of further phases of a primary school (details supplied) in County Cork. [21382/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): The school to which the Deputy refers made an application for a new school building in May 2005. The Department delivered an 8 classroom building in 2009 as the first phase of the project to meet the school needs. Forward Planning Section of the Department is in the process of identifying the areas where significant additional accommodation will be required at primary and post-primary level for future years and the area referred to by the Deputy will be included in this process.

Factors under consideration include population growth, demographic trends, current and projected enrolments, recent and planned housing developments and capacity of existing

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schools to meet demand for places. Having considered these factors, decisions will be taken on the means by which emerging needs will be met within the area. Any further development at the school in question will be considered in that context. The progression of all large scale building projects, including this project, from initial design stage through to construction will be considered in the context of the school building and modernisation programme. However, in view of the level of demand on the Department's capital budget, it is not possible to give an indicative timeframe for the progression of the project at this time.

428. **Deputy Michael McGrath** asked the Tánaiste and Minister for Education and Skills the position regarding the refurbishment work and a new building for a school (details supplied) in County Cork. [21383/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): The project to which the Deputy refers is at an early stage of architectural planning. A stage 1 submission from the design team was received earlier this month and is currently being considered by my Department. A meeting has been arranged for early next month to discuss the stage submission with the school and its design team. The progression of this project, from initial design stage through to construction phase will be considered in the context of my Department's multi-annual School Building and Modernisation Programme. However, in light of current competing demands on the capital budget of the Department, it is not possible to give an indicative timeframe for the further progression of the project at this time.

429. **Deputy Dan Neville** asked the Tánaiste and Minister for Education and Skills the position regarding the provision of a new second level school at Doon, County Limerick. [21391/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): The new post primary school at Doon, County Limerick, is one of eight schools which were approved for inclusion in the 3rd Bundle of schools to be procured via Public Private Partnership. This bundle is in the pre procurement stage. Detailed output specifications and Public Sector Benchmark (PSB) are being finalised and outline planning permission has been received in respect of the eight schools. Following completion of the pre procurement process, the Bundle will be ready for handover to the National Development Finance Agency (NDFA) for procurement. The indicative timeframe for the delivery of a PPP school currently stands at approximately 4 years from the date the Bundle is announced.

Question No. 430 answered with Question No. 419.

Higher Education Grants

431. **Deputy Michael Ring** asked the Tánaiste and Minister for Education and Skills if a person (details supplied) in County Mayo will be approved a third level grant on appeal. [21461/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): The decision on eligibility for a student grant is a matter, in the first instance, for the relevant assessing authority, i.e. the applicant's local authority or VEC. An applicant may appeal the decision to the relevant local authority or VEC. Where the assessing authority decides to reject the appeal, the applicant may appeal this decision to my Department by submitting an appeal form outlining clearly the grounds for the appeal. No appeal has been received by my Department to date from the candidate referred to by the Deputy.

Summer Works Scheme

432. **Deputy Enda Kenny** asked the Tánaiste and Minister for Education and Skills the position regarding an application under the summer works scheme for 2010 by a school (details supplied) in County Mayo; and if she will make a statement on the matter. [21478/10]

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.

Third Level Fees

433. **Deputy Paul Gogarty** asked the Tánaiste and Minister for Education and Skills if a student, who is allowed sit for examinations by their university, will be prevented from receiving their results or graduating, due to non-payment of fees; and if she will make a statement on the matter. [21482/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): The position is that under the terms of my Department's free fees schemes the Exchequer meets the cost of tuition fees in respect of eligible students pursuing approved courses of study in an approved third level institution. Where students do not meet the eligibility criteria of the free fees schemes such students must pay the appropriate tuition fee as determined by the institution. As the institutions are autonomous bodies, my Department does not have any function in their day to day operational affairs including the issuing of examination results and graduation of students. I therefore have no role in the matter raised by the Deputy.

School Staffing

434. **Deputy Olivia Mitchell** asked the Tánaiste and Minister for Education and Skills if she will award a school (details supplied) in County Dublin increased concessionary hours in view of the fact that the amount previously awarded is insufficient; if her attention has been drawn to the fact that the amount previously awarded will not allow the school to provide classes in art, French and physical education; and if she will make a statement on the matter. [21485/10]

442. **Deputy Eamon Gilmore** asked the Tánaiste and Minister for Education and Skills if she will confirm receipt of an appeal for concessionary hours from a school (details supplied); when a decision will be made on this appeal; and if she will make a statement on the matter. [21567/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): I propose to take Questions Nos. 434 and 442 together.

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. The

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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 mechanism and will be notified of the outcome shortly. The Appeals Board operates independently of my Department.

Tax Code

435. **Deputy Terence Flanagan** asked the Tánaiste and Minister for Education and Skills if she will support the case of a person (details supplied) in Dublin 13; and if she will make a statement on the matter. [21523/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): I understand that the income levy certificates have issued on a phased basis over the last week to approximately 100,000 teaching and non-teaching staff both serving and retired who are paid through my Department's centralised payroll system.

School Accommodation

436. **Deputy Fergus O'Dowd** asked the Tánaiste and Minister for Education and Skills if she will reply to a matter (details supplied); and if she will make a statement on the matter. [21535/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): The school to which the Deputy refers to is currently in temporary accommodation on a split campus basis. The accommodation provided by the VEC, which was funded by the Department includes general classrooms, science laboratories and preparation area, home economics, arts and craft room and construction studies area and ancillary accommodation. At the commencement of this school year in September 2009, the school enrolment was 176 pupils; projected enrolment for the coming school year is 310 pupils.

The Department purchased approximately 20 acres of lands in Laytown for an educational campus, consisting of a primary and a post-primary school. My Department have already indicated to Meath VEC its intention to lease the relevant portion of the land holding to the VEC in respect of the post primary school, Coláiste na hInse. Provision of the permanent post-primary school is subject to receipt of the necessary statutory approvals and the process is currently at tender stage (on a design and build basis). Since the project is at tender stage at present, it is not possible to give costs due to commercial sensitivities. When the contract is awarded, the planning application will be lodged shortly thereafter.

Higher Education Grants

437. **Deputy Brian Hayes** asked the Tánaiste and Minister for Education and Skills if students participating in the access programme are automatically entitled to a maintenance grant; the number of students that are currently participating in the access programme; and if she will make a statement on the matter. [21536/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): Access courses are generally organised by individual institutions and are not approved courses under the terms and conditions of the student grant schemes. The Higher Education Authority recently estimated the number of students currently on full-time access courses at some 369.

Special Educational Needs

438. **Deputy Joan Burton** asked the Tánaiste and Minister for Education and Skills if there is a specific document setting out the specifications for the internal fit out for a post-primary special needs unit for students with autistic spectrum disorder; if there is a specific document setting out the specifications for the internal fit out for the multisensory room in the SNU; the procedure for accessing a grant for a multisensory room; if there is a specific document setting out the specifications for the external fit out for the play area for this SNU. [21552/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): I wish to advise the Deputy that my Department does not fund the provision of play equipment for children. Furthermore, due to industrial action affecting the Health Service Executive it is not possible for the Executive to supply the additional 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 Programmes

439. **Deputy Pat Breen** asked the Tánaiste and Minister for Education and Skills the number of applications in County Clare 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. [21560/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): To date 37 individuals have applied for vacancies advertised under the Work Placement Programme in County Clare, 36 have been approved and out of this 12 have been placed.

FÁS Training Programmes

440. **Deputy Pat Breen** asked the Tánaiste and Minister for Education and Skills the number of persons in County Clare 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. [21561/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): I am advised by FÁS that 1,081 National Employment Action Plan clients in County Clare received an offer of training during 2009. To date in 2010, 551 National Employment Action Plan clients in County Clare have received an offer of training. A breakdown per month is contained in the attached table.

Analysis of Offers by Calendar Month — 2009/2010

Date	No.
Jan/2009	41
Feb/2009	52
Mar/2009	121
Apr/2009	41
May/2009	126
June/2009	145
July/2009	47
Aug/2009	61
Sept/2009	175
Oct/2009	132
Nov/2009	105

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Date	No.
Dec/2009	35
Jan/2010	98
Feb/2010	139
Mar/2010	133
Apr/2010	91
May/2010	90
	1,632

Special Educational Needs

441. **Deputy Pat Breen** asked the Tánaiste and Minister for Education and Skills the number of special needs assistants employed in primary, special and post-primary schools in County Clare in each of the past five years to 2009; the number employed in primary, special and post-primary schools in County Clare; and if she will make a statement on the matter. [21562/10]

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 County Clare 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.

Question No. 442 answered with Question No. 434.

Schools Building Programme.

443. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Education and Skills the position regarding plans for the building of a new school (details supplied) on a given site; and if she will make a statement on the matter. [21713/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): It is my Department's intention to provide a new building for the school to which the Deputy refers on a site which is being made available by the VEC. The progression of a building project for the school, from initial design stage through to construction will be considered in the context of the school building and modernisation programme. However, in view of the level of demand on the Department's capital budget, it is not possible to give an indicative timeframe for the progression of the project at this time.

Departmental Agencies.

444. **Deputy John O'Mahony** asked the Tánaiste and Minister for Education and Skills the agencies or bodies to which her Department provides funding or in respect of which it is administratively responsible; the bodies and agencies for which her Department is responsible in respect of her policy; the amount of funding provided in each of the years 2007 to 2010 in tabular form; and if she will make a statement on the matter. [21750/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): The information is currently being compiled and will be forwarded to the Deputy as soon as possible.

Teaching Qualifications.

445. **Deputy Brian Hayes** asked the Tánaiste and Minister for Education and Skills the amount that has been spent specifically on professional development for teachers in the areas of mathematics and science each year for the past five years; the number of teachers that have benefitted from such training each year; and if she will make a statement on the matter. [21768/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): My Department has provided considerable support in the areas of Maths and Science over the last five years. Since 2006, almost €11m has been spent by support services in these subject areas. This has allowed teachers to access support in relation to Maths, Science, Project Maths, and Technology.

The annual teacher attendance numbers and the costs are broken down as follows.

Year	Maths	Maths	Science	Science
	€m	Teacher Numbers	€m	Teacher Numbers
2006	0.281	3,567	1.182	4,262
2007	0.553	4,663	2.168	37,392
2008	0.778	4,442	2.058	5,868
2009	0.938	9480	1.703	4,084
2010 (to date)	0.469	6,385	0.762	2,608
TOTALS	3.019	28,537	7.873	54,214

School Accommodation.

446. **Deputy Brian Hayes** asked the Tánaiste and Minister for Education and Skills, further Parliamentary Question No. 530 of 18 May 2010, the prefab contracts that have been bought out by her Department to date in tabular form; the amount spent on each contract; the number of contracts, other than those already paid for, that will be bought out in the coming year; and if she will make a statement on the matter. [21769/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): Details of schools where rented prefabs have been purchased including information on the number of prefabs purchased in each case is attached for the Deputy's information. As negotiations are on-going on the buy-out of other contracts the individual amounts spent are not being provided because this information is commercially sensitive.

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County	Roll No.	School	No of Prefab Units
<i>2009</i>			
Galway	08512U	SN Iomair Killimor	1
Galway	08512U	SN Iomair Killimor	2
Dublin	20015B	GS Bhaile Munna	7
Dublin	19865S	Archbishop Ryan JNS	1
Cork	17609N	Scoil Bhride Rathcormac	7
	17609N	Scoil Bhride Rathcormac	1
Kerry	17646T	O'Brennan NS Tralee	2
Cork	18829J	Summercove NS Kinsale	2
	18829J	Summercove NS Kinsale	3
Cork	19993E	GS an Ghoirt Alainn	16
Longford	20083S	GS Longford	14
Tipperary	18135W	Scoil Angela	1
Dublin	20056P	Gaelscoil Phadraig	1
Dublin	20056P	Gaelscoil Phadraig	5
Dublin	17914S	St Oliver Plunkett Malahide	13
Wicklow	20080M	GS An Inbhir Mhoir	6
Meath	19671F	St Pauls NS Navan	7
<i>2010</i>			
Donegal	20096E	GS na gCeithre Maistri	6
Dublin	17944E	St Mary's School for Deaf	10
Donegal	16672P	St Patrick's NS	10
Galway	12706J	Scoil Sailearna	2

Departmental Expenditure.

447. **Deputy John O'Mahony** asked the Tánaiste and Minister for Education and Skills the amount of unspent money returned by her Department to the Department of Finance each year since 2007; the departmental budget for each year since 2007; the projects for which this money was originally earmarked in tabular form; and if she will make a statement on the matter. [21779/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): At the end of each year this Department prepares a set of Annual Accounts known as the Appropriation Accounts, comparing the sums voted by Dáil Éireann under the Appropriation Act for that year (including the amount that could be used as appropriations-in-aid of expenditure) with the actual expenditure outturn for each subhead in Vote 26: Education & Science (Education & Skills with effect from 1 May 2010). In accordance with current statutory requirements these accounts are prepared on a “Cash” rather than an “Accruals” basis, meaning that any unspent monies on the Vote at 31 December must be surrendered to the Exchequer.

This Department monitors expenditure trends throughout the year. However, due to varying rates of progress on different schemes/projects on the Department's Vote, actual expenditure can differ from that originally estimated at the beginning of the year. In order to deal with this eventuality, and with the sanction of the Department of Finance, a process known as “Virement” is used to allow for savings on one or more subheads to be used to meet excesses on

other subheads. In relation to 2007 and 2008, the information requested by the Deputy is contained in the Appropriation Accounts for those years. The 2009 Appropriation Accounts are currently being audited by the Comptroller and Auditor General and will not be available until later in the year.

The tables contain the following: Summary Table of the 2007 and 2008 Appropriation Accounts along with the provisional Accounts for 2009; and Extracts from the 2007 and 2008 Appropriation Accounts containing the information sought by the Deputy.

		Estimate	Outturn	Difference	% Surplus over Estimate
2007	Gross	8,713,034	8,704,590	8,444	
	AinA	227,703	227,363	-340	
	Net	8,485,331	8,477,227	8,104	
	SURPLUS			8,104	0.1%
2008	Gross	9,318,795	9,295,040	23,755	
	AinA	249,843	265,364	15,521	
	Net	9,068,952	9,029,676	39,276	
	SURPLUS			39,276	0.4%
*2009	Gross	9,491,702	9,355,736	135,966	
	AinA	570,353	579,521	9,168	
	Net	8,921,349	8,776,215	145,134	
	Capital Carryover			-79,000	
	SURPLUS (Provisional)			66,134	0.7%

*2009 Figures are subject to audit by the Comptroller and Auditor General.

OFFICE OF THE MINISTER FOR EDUCATION AND SCIENCE

“Account of the sum expended, in the year ended 31 December 2007, compared with the sum granted and of the sum which may be applied as appropriations-in-aid in addition thereto for the salaries and expenses of the Office of the Minister for Education and Science, for certain services administered by that Office, and for payment of certain grants and grants-in-aid.”

	Service		Estimate Provision	Outturn	Difference
		€000	€000	€000	€000
	<i>Administration</i>				
A.1.	Salaries, Wages And Allowances		66,381	60,507	(5,874)
A.2.	Travel And Subsistence		3,205	2,866	(339)
A.3.	Incidental Expenses		2,612	1,981	(631)
A.4.	Postal And Telecommunications Services		3,740	2,927	(813)
A.5.	Office Machinery And Other Office Supplies And Related Services		10,551	8,370	(2,181)
A.6.	Office Premises Expenses		4,340	1,747	(2,593)
A.7.	Consultancy Services		650	863	213
A.8.	Regional Office Service		1,800	377	(1,423)
A.9.	Value For Money And Policy Review				
		Original	400		
		Supplementary	800	1,200	1,144
					(56)

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	Service		Estimate Provision	Outturn	Difference	
		€000	€000	€000	€000	
	<i>Other Services</i>					
B.1.	Grant-In-Aid Fund For General Expenses Of Adult Education Organisations (Part Funded By National Lottery)		929	929	—	
B.2.	Transport Services		165,000	172,106	7,106	
B.3.	International Activities		1,306	1,216	(90)	
B.4.	Unesco Contribution And International Education Exchanges		2,272	2,296	24	
B.5.	Research And Development Activities		9,346	8,686	(660)	
B.6.	In Career Development		29,646	29,304	(342)	
B.7.	Expenses Of National Council For Curriculum And Assessment		4,548	3,848	(700)	
B.8.	Grant-In-Aid Fund For General Expenses Of Youth Organisations And Other Expenditure In Relation To Youth Activities		12,270	12,270	—	
B.9.	Grant-In-Aid Fund For General Expenses Of Youth Organisations And Other Expenditure In Relation To Youth Activities (Part Funded By National Lottery)		42,617	42,617	—	
B.10.	Grants To Colleges Providing Courses In Irish (Part Funded By National Lottery)		1,256	1,178	(78)	
B.11.	Occupational Health Strategy For First And Second Level Teachers		2,000	948	(1,052)	
B.12.	Payments In Relation To The Winding Up Of Institiúid Teangeolaíochta Éireann		320	275	(45)	
B.13.	Royal Irish Academy Of Music General Expenses (Grant-In-Aid)					
		Original Supplementary	3,644 300	3,944	3,944	—
B.14.	Grant-In-Aid Fund For General Expenses Of Cultural, Scientific And Educational Organisations (Part Funded By National Lottery)			230	230	—
B.15.	North/South Co-Operation Funding			5,930	1,790	(4,140)
B.16.	Fund For General Expenses Of Organisations Involved In The Promotion Of Ireland As An International Education Centre			1,000	867	(133)
B.17.	Miscellaneous			18,525	18,732	207
B.18.	Schools Information And Communication Technologies Activities					
		Original Supplementary	21,681 (9,000)	12,681	9,816	(2,865)
B.19.	Commission On Child Abuse			18,631	7,384	(11,247)
B.20.	School Completion Programme			28,888	31,116	2,228
B.21.	National Educational Psychological Service			17,700	15,585	(2,115)
B.22.	National Qualifications Framework			11,800	12,500	700
B.23.	National Education Welfare Board			9,808	9,738	(70)
B.24.	Residential Institutions Redress			185,079	184,955	(124)
B.25.	National Council For Special Education			11,136	8,920	(2,216)
B.26.	Educational Disadvantage (Dormant Accounts Funding)					
		Original Supplementary	24,500 (20,000)	4,500	3,330	(1,170)
	<i>First-Level Education Grants & Services</i>					
C.1.	Salaries, Etc., Of Teachers			1,807,382	1,848,327	40,945
C.2.	Model Schools — Miscellaneous Expenses			365	408	43
C.3.	Capitation Grants Towards Operating Costs Of National Schools			150,400	149,812	(588)

	Service			Estimate Provision	Outturn	Difference
			€000	€000	€000	€000
C.4	Salaries Etc. Of Non-Teaching Staff In National Schools Including Special Needs Assistants, Caretakers And Clerical Officers			237,546	247,658	—
C.5.	Other Grants And Services			93,210	82,145	(11,065)
C.6.	Library Grants			2,118	2,129	11
C.7.	Centres For Young Offenders			7,199	7,359	160
C.8.	Special Education Initiatives			11,250	8,541	(2,709)
C.9.	Superannuation, Etc., Of Teachers					
		Original	327,595			
		Supplementary	26,000	353,595	353,849	254
	<i>Second Level & Further Education Grants & Services</i>					
D.1	Salaries, Etc., Of Teachers In Secondary, Comprehensive And Community Schools			1,227,293	1,203,306	(23,987)
D.2.	Grants To Secondary School Authorities And Other Grants And Services In Respect Of Secondary Schools			103,022	102,485	(537)
D.3	Salaries, Etc., Of Non Teaching Staff In Secondary, Comprehensive And Community Schools Including Special Needs Assistants And Clerical Officers			37,113	34,350	(2,763)
D.4.	Superannuation Of Secondary, Comprehensive And Community School Teachers					
		Original	211,310			
		Supplementary	37,600	248,910	249,463	553
D.5	Comprehensive And Community Schools — Running Costs			44,253	45,608	1,355
D.6.	Annual Grants To Vocational Education Committees (Excluding Certain Grants In Respect Of Specialist Colleges And Student Support)			851,185	864,164	12,979
D.7.	Payments To Local Authorities In Respect Of Superannuation Charges					
		Original	122,416			
		Supplementary	14,000	136,416	146,188	9,772
D.8.	Miscellaneous Post-Primary Services			37,874	26,629	(11,245)
D.9.	Special Initiatives Adult Education			42,455	42,455	—
D.10.	State Examinations Commission			55,293	56,101	808
D.11.	Miscellaneous			4,861	4,882	21
	<i>Third Level & Further Education Grants & Services</i>					
E.1.	Student Support			241,345	242,753	1,408
E.2.	University Scholarships			1,250	1,161	(89)
E.3.	An Túdarás Um Ard-Oideachas — Grant-in-Aid For General Expenses			5,936	5,936	—
E.4.	An Túdarás Um Ard-Oideachas — General Current Grants To Universities And Colleges, Institutes Of Technology And Other Designated Institutions Of Higher Education (Grant-In-Aid)			1,313,440	1,313,440	—
E.5.	Grants In Respect Of The Running Costs Of The Institutes Of Technology And One Vocational Education Committee College			11,402	11,402	—
E.6.	Training Colleges For Primary Teachers Excluding Those Funded Through The Higher Education Authority			10,811	11,216	405
E.7.	St. Catherine's Training College For Teachers Of Home Economics			1,889	2,384	495
E.8.	Dublin Dental Hospital — Dental Education Grant (Grant-In-Aid)					
		Original	11,496			
		Supplementary	600	12,096	12,096	—

[Deputy Mary Coughlan.]

	Service			Estimate Provision	Outturn	Difference
			€000	€000	€000	€000
E.9.	Dublin Institute For Advanced Studies (Grant-In-Aid)			7,732	7,732	—
E.10.	Grant In Respect Of Tuition Fees To Designated Non-Higher Education Authority Third-Level Institutions			3,530	3,589	59
E.11.	Miscellaneous			830	887	57
E.12.	Grants To Certain Third Level Institutions			19,127	19,054	(73)
E.13.	Alleviation Of Disadvantage			17,320	17,319	(1)
E.14.	Research And Development Activities			93,714	83,783	(9,931)
E.15.	Grangegorman Development Agency					
		Original	1,031			
		Supplementary	2,500	3,531	3,525	(6)
E.16.	Strategic Innovation Fund					
		Original	60,000			
		Supplementary	(60,000)	—	—	—
	<i>Capital Services</i>					
F.1.	Building, Equipment And Furnishing Of National Schools And Centres For Young Offenders					
		Original	306,000			
		Supplementary	88,000	394,000	398,556	4,556
F.2.	Second-Level Schools — Building Grants And Capital Costs			236,000	247,470	11,470
F.3.	Building Grants And Capital Costs Of The Institutes Of Technology, Other Colleges And The Research Technological Development And Innovation Programme			244	350	106
F.4.	An Túdarás um Ard-Oideachas — Building Grants And Capital Costs For Universities And Colleges, Institutes Of Technology, Designated Institutions Of Higher Education, And The Research Technological Development And Innovation Programme (Grant-In-Aid)			156,256	147,085	(9,171)
F.5.	Schools Information And Communication Technologies Activities					
		Original	10,000			
		Supplementary	(8,000)	2,000	1,763	(237)
F.6.	Public Private Partnership Costs			33,000	31,868	(1,132)
		Gross Total				
		Original	8,640,234			
		Supplementary	72,800	8,713,034	8,704,590	(8,444)
	<i>Deduct:—</i>					
G.	Appropriations-In-Aid:					
		Original	254,903			
		Supplementary	(27,200)	227,703	227,363	(340)
		Net Total				
		Original	8,385,331			
		Supplementary	100,000	8,485,331	8,477,227	(8,104)

SURPLUS TO BE SURRENDERED €8,103,940

The Statement of Accounting Policies and Principles and Notes 1 to 21 form part of this Account.

Subhead	Less/(More) Than Provided	Explanation
	€000	
A.6.	2,593	The saving arose principally due to delays in progressing a number of refurbishment projects in 2007. The cost of maintenance works required on the Department's premises was lower than anticipated.
A.7.	(213)	The excess arose due to consultancy costs, previously met from other subheads, being met from this consultancy subhead with effect from 2007.
A.8.	1,423	The saving arose mainly due to procurement difficulties in the roll out of the Regional Office network.
B.3.	90	The saving arose principally as there were a less than anticipated number of international activities both abroad and in Ireland.
B.5.	660	The saving arose mainly due to activity on the Education Equality Initiative not progressing at the rate anticipated in 2007 and to overestimation of the 2007 financial requirement.
B.7.	700	The saving arose due to the allowance being made for the carry over of funds from 2005 and 2006.
B.10.	78	The savings arose as certain payments were delayed in 2007.
B.11.	1,052	The saving arose due to delays in the tendering process for the occupational health service.
B.12.	45	The saving arose as legal costs in some cases were not agreed in 2007.
B.15.	4,140	The saving arose principally as the legislative and administrative changes required to the George Mitchell Scholarship Fund Act, 1998 were not finalised by end 2007.
B.16.	133	The saving arose as the establishment of a new body, Education Ireland, did not proceed in 2007, as originally anticipated.
B.18.	2,865	The saving was due largely to lower than expected on-going costs for the NCTE and also to lower than expected costs in regard to the broadband network.
B.19.	11,247	The savings arose principally due to overestimation of the Commission's third party legal costs for 2007.
B.20.	(2,228)	The excess arose principally due to the re-scheduling of the second phase of payments for the School Completion Programme. The schemes progressed more quickly than had originally been anticipated in 2007.
B.21.	2,115	The saving was due largely to slower than anticipated recruitment of staff and the delays in commissioning NEPS offices in a number of areas
B.22.	(700)	The excess related principally to expenditure on the upgrade of the FETAC information technology system which was approved to proceed in the second half of 2007. The cost of the project had not been factored into the original estimates allocation for 2007.
B.25.	2,216	The savings arose due to delays in filling staff vacancies and costs on planned expenditure programmes progressing at a slower rate than originally anticipated.

[Deputy Mary Coughlan.]

Subhead	Less/(More) Than Provided	Explanation
B.26.	€000 1,170	The savings arose mainly due to a slower than anticipated rate of completion of projects and claims being submitted later than originally had been anticipated.
C.2.	(43)	The excess arose due to underestimation of the 2007 financial requirement for the model schools.
C.5.	11,065	The savings arose principally from delays during 2007 in the multi-annual investment Special Education Programme and lower than expected legal costs.
C.8.	2,709	The savings arose mainly due to a re-scheduling of the funding arrangements.
D.3.	2,763	The saving is mainly due to an overestimation of the general salary cost of non-teaching staff in post — primary schools in 2007.
D.7.	(9,772)	The excess arose due to higher than anticipated superannuation costs in 2007.
D.8.	11,245	The saving arose principally as a result of a slower than anticipated roll out of the National Behaviour Support Service and delays in the early stages of the Dispersed Disadvantage Initiative.
E.2.	89	The saving arose mainly due to a delay in the colleges submitting invoices for fees to the Department.
E.7.	(495)	The excess arose due to additional costs associated with the closure of St. Catherine's College.
E.11.	(57)	The excess is due to underestimation. Due to its miscellaneous nature it is difficult to predict expenditure on this subhead.
E.14.	9,931	The saving arose as expenditure on a number of research projects including the PRTLI and Technological Sector Research was less than anticipated.
F.2.	(11,470)	Additional funding was made available by way of virement. Expenditure on the post primary school building and modernisation programme advanced more rapidly than was anticipated.
F.3.	(106)	The excess arose due to underestimation.
F.4.	9,171	Management of the overall capital envelope identified savings in this area to support the expenditure occurring under subhead F.2.
F.5.	237	The saving in the subhead principally arose due to lower than expected costs of broadband roll-out equipment supports, lower expenditure on Networking grants for schools and lower than expected capital outlay by the National Centre for Technology in Education.

OFFICE OF THE MINISTER FOR EDUCATION AND SCIENCE

“Account of the sum expended, in the year ended 31 December 2008, compared with the sum granted and of the sum which may be applied as appropriations-in-aid in addition thereto for the salaries and expenses of the Office of the Minister for Education and Science, for certain services administered by that Office, and for payment of certain grants and grants-in-aid.”

	SERVICE		Estimate Provision	Outturn	Difference
		€000	€000	€000	€000
	<i>Administration</i>				
A.1.	Salaries, Wages And Allowances		67,400	65,206	(2,194)
A.2.	Travel And Subsistence		3,222	2,677	(545)
A.3.	Incidental Expenses		2,340	2,055	(285)
A.4.	Postal And Telecommunications Services		3,600	3,293	(307)
A.5.	Office Machinery And Other Office Supplies And Related Services		10,136	7,923	(2,213)
A.6.	Office Premises Expenses		3,075	3,129	54
A.7.	Consultancy Services		900	785	(115)
A.8.	Regional Office Service		470	395	(75)
A.9.	Value For Money And Policy Reviews		1,400	813	(587)
	<i>Other Services</i>				
B.1.	Grant-In-Aid Fund For General Expenses Of Adult Education Organisations (Part Funded By National Lottery)		959	956	(3)
B.2.	Transport Services				
		Original	175,206		
		Supplementary	10,500	185,706	185,725
					19
B.3.	International Activities		1,306	1,215	(91)
B.4.	Education Exchanges Unesco Contribution And International		2,412	2,173	(239)
B.5.	Research And Development Activities		8,861	6,119	(2,742)
B.6.	In Career Development				
		Original	33,790		
		Supplementary	(6,220)	27,570	26,359
					(1,211)
B.7.	Expenses Of National Council For Curriculum And Assessment		4,722	4,749	27
B.8.	Grant-In-Aid Fund For General Expenses Of Youth Organisations And Other Expenditure In Relation To Youth Activities		12,591	12,527	(64)
B.9.	Grant-In-Aid Fund For General Expenses Of Youth Organisations And Other Expenditure In Relation To Youth Activities (Part Funded By National Lottery)		43,733	43,567	(166)
B.10.	Grants To Colleges Providing Courses In Irish (Part Funded By National Lottery)		1,256	1,432	176
B.11.	Occupational Health Strategy For First And Second Level Teachers		2,000	1,538	(462)
B.12.	Payments In Relation To The Winding Up Of Institiúid Teangeolaíochta Éireann		51	10	(41)
B.13.	Royal Irish Academy Of Music General Expenses (Grant-In-Aid)		4,090	4,083	(7)
B.14.	Grant-In-Aid Fund For General Expenses Of Cultural, Scientific And Educational Organisations (Part Funded By National Lottery)		235	230	(5)
B.15.	North/South Co-Operation Funding				
		Original	5,880		
		Supplementary	(4,000)	1,880	1,691
					(189)

[Deputy Mary Coughlan.]

	SERVICE			Estimate Provision	Outturn	Difference
			€000	€000	€000	€000
B.16.	Fund For General Expenses Of Organisations Involved In The Promotion Of Ireland As An International Education Centre			1,000	845	(155)
B.17.	Miscellaneous			17,536	13,364	(4,172)
B.18.	Schools Information And Communication Technologies Activities					
		Original Supplementary	37,239 (24,000)	13,239	12,032	(1,207)
B.19.	Commission On Child Abuse			18,132	15,696	(2,436)
B.20.	School Completion Programme			31,160	28,932	(2,228)
B.21.	National Educational Psychological Service			17,900	17,137	(763)
B.22.	National Qualifications Framework			15,135	14,435	(700)
B.23.	National Education Welfare Board			10,119	10,085	(34)
B.24.	Residential Institutions Redress					
		Original Supplementary	185,000 (25,000)	160,000	158,161	(1,839)
B.25.	National Council For Special Education			10,832	8,351	(2,481)
B.26.	Educational Disadvantage (Dormant Accounts Funding) <i>First-Level Education Grants & Services</i>			25,000	18,771	(6,229)
C.1.	Salaries, Etc., Of Teachers					
		Original Supplementary	1,973,785 40,000	2,013,785	2,009,661	(4,124)
C.2.	Model Schools — Miscellaneous Expenses			421	421	—
C.3.	Capitation Grants Towards Operating Costs Of National Schools			167,400	165,634	(1,766)
C.4.	Salaries Etc. Of Non-Teaching Staff In National Schools Including Special Needs Assistants, Caretakers And Clerical Officers					
		Original Supplementary	276,430 10,000	286,430	287,098	668
C.5.	Other Grants And Services					
		Original Supplementary	123,762 (13,000)	110,762	97,846	(12,916)
C.6.	Library Grants			2,129	2,199	70
C.7.	Special Education Initiatives					
		Original Supplementary	14,800 (2,700)	12,100	11,546	(554)
C.8.	Superannuation, Etc., Of Teachers <i>Second Level & Further Education Grants & Services</i>			381,000	385,149	4,149
D.1.	Salaries, Etc., Of Teachers In Secondary, Comprehensive And Community Schools			1,290,342	1,292,787	2,445
D.2.	Grants To Secondary School Authorities And Other Grants And Services In Respect Of Secondary Schools					
		Original Supplementary	114,020 (11,800)	102,220	102,345	125

	SERVICE		€000	Estimate Provision	Outturn	Difference
D.3.	Salaries, Etc., Of Non-Teaching Staff In Secondary, Comprehensive And Community Schools Including Special Needs Assistants And Clerical Officers		€000	€000	€000	€000
				44,501	43,182	(1,319)
D.4.	Superannuation Of Secondary, Comprehensive And Community School Teachers			262,000	268,965	6,965
D.5.	Comprehensive And Community Schools — Running Costs			47,591	47,411	(180)
D.6.	Annual Grants To Vocational Education Committees (Excluding Certain Grants In Respect Of Specialist Colleges And Student Support)					
		Original	887,516			
		Supplementary	48,000	935,516	933,296	(2,220)
D.7.	Payments To Local Authorities In Respect Of Superannuation Charges					
		Original	150,000			
		Supplementary	15,000	165,000	163,764	(1,236)
D.8.	Miscellaneous					
		Original	38,740			
		Supplementary	(4,350)	34,390	32,203	114
D.9.	Special Initiatives Adult Education			44,832	44,590	
D.10.	State Examinations Commission			57,166	62,054	4,888
	<i>Third Level & Further Education Grants & Services</i>					
E.1.	Student Support			263,245	263,606	361
E.2.	University Scholarships			1,250	1,250	—
E.3.	An Túdarás Um Ard-Oideachas — Grant-In-Aid For General Expenses			6,124	6,101	(23)
E.4.	An Túdarás Um Ard-Oideachas — General Current Grants To Universities And Colleges, Institutes Of Technology And Other Designated Institutions Of Higher Education (Grant-In-Aid)					
		Original	1,386,668			
		Supplementary	8,800	1,395,468	1,393,168	(2,300)
E.5.	Training Colleges For Primary Teachers Excluding Those Funded Through The Higher Education Authority			13,109	13,032	(77)
E.6.	Payments In Relation To The Winding Up Of St. Catherine's College Of Education			1,455	864	(591)
E.7.	Dublin Dental Hospital — Dental Education Grant (Grant-In-Aid)					
		Original	12,474			
		Supplementary	700	13,174	12,446	(728)
E.8.	Dublin Institute For Advanced Studies (Grant-In-Aid)					
		Original	7,998			
		Supplementary	70	8,068	8,044	(24)
E.9.	Grant In Respect Of Tuition Fees To Designated Non-Higher Education Authority Third-Level Institutions			3,763	4,056	293
E.10.	Miscellaneous			565	234	(331)
E.11.	Grants To Certain Third Level Institutions			19,967	19,688	(279)
E.12.	Alleviation Of Disadvantage			17,984	17,984	—
E.13.	Research And Development Activities					
		Original	106,014			
		Supplementary	(27,000)	79,014	76,293	(2,721)

[Deputy Mary Coughlan.]

	SERVICE			Estimate Provision	Outturn	Difference
			€000	€000	€000	€000
E.14.	Grangegorman Development Agency			7,056	6,684	(372)
E.15.	Strategic Innovation Fund					
		Original	40,000			
		Supplementary	(23,000)	17,000	16,000	(1,000)
F.1.	<i>Capital Services</i> Building, Equipment And Furnishing Of National Schools					
		Original	390,200			
		Supplementary	75,000	465,200	488,754	23,554
F.2.	Second-Level Schools — Building Grants And Capital Costs					
		Original	196,000			
		Supplementary	(45,000)	151,000	155,278	4,278
F.3.	An Túdarás Um Ard-Oideachas — Building Grants And Capital Costs For Universities And Colleges, Institutes Of Technology, Designated Institutions Of Higher Education, And Research And Development (Grant-In-Aid)					
		Original	184,150			
		Supplementary	(29,000)	155,150	155,220	70
F.4.	Building Grants And Capital Costs Of Other Third Level Institutions			250	158	(92)
F.5.	Public Private Partnership Costs			32,400	29,570	(2,830)
		Gross Total				
		Original	9,325,795			
		Supplementary	(7,000)	9,318,795	9,295,040	(23,755)
G.	<i>Deduct:—</i> Appropriations-In-Aid					
		Original	272,343			
		Supplementary	(22,500)	249,843	265,364	15,521
		Net Total				
		Original	9,053,452			
		Supplementary	15,500	9,068,952	9,029,676	(39,276)

SURPLUS TO BE SURRENDERED €39,275,978

Subhead	Less/(More) Than Provided	Explanation
	€000	
A.9.	587	The saving arises due to overestimation of the 2008 funding requirement for value for money reviews.
B.4.	239	The saving arose principally due to a lower than anticipated level of take up of scholarships in 2008 and additional savings resulted from a more favourable US Dollar — Euro exchange rate on the contribution paid to UNESCO.
B.5.	2,742	The saving is largely due to funding requirements across a range of programmes in 2008, being lower than estimated.

Subhead	Less/(More) Than Provided	Explanation
B.10.	€000 (176)	Following the completion of compliance checks an excess arose due to payment of sums withheld from previous years.
B.11.	462	The saving arose principally due to delays in implementing the second and final phase of the occupational health strategy.
B.15.	189	A saving arose due to certain projects not progressing as quickly as had been anticipated during 2008.
B.16.	155	The saving arose from the 2008 Government policy to rationalise State Agencies, the establishment of Education Ireland was not progressed during 2008.
B.17.	4,172	The savings on this subhead are net savings as this is a miscellaneous subhead, with 13 sub-divisions. The savings were principally due to assist virement and additionally arose from the cancellation/postponement of initiatives due to a Government decision to effect administrative savings. A saving of €2 million arose as a consequence of the Teaching Council moving to a self financing position during 2008.
B.18.	1,207	The savings principally arise due to lower than expected expenditure on the ICT programme arising from a slower commencement of the national seminars for ICT co-ordinating teachers and principals and lower than expected expenditure by the N.C.T.E.
B.19.	2,436	The savings arose mainly due to delays in processing third party legal bills during 2008.
B.20.	2,228	In 2007 this subhead incurred an excess of €2.2m due to difficulties in forecasting when the second phase of the School Completion Programme payments would be made. The payments were made in December 2007 which resulted in an excess on this subhead in 2007 and a consequential underspend of €2.2m in 2008.
B.25.	2,481	The savings arose due to a number of vacancies remaining unfilled during 2008 and additionally a reduction in grant payments from the Department to take account of an operating surplus reported by the NCSE in its 2007 accounts.
B.26.	6,229	The savings principally arise due to delays in getting projects approved and consequent drawdown of grant-in-aid being slower than anticipated.
C.5.	12,918	The savings on this subhead are net savings due to the subhead having 17 subdivisions and being miscellaneous in nature. €9.3m of the saving relates to savings accruing from lower than anticipated costs of rental of temporary school accommodation. The reduction in current costs has been offset by an increase in capital costs relating to the purchase of such accommodation. As the subhead is miscellaneous in nature, the remainder of the savings arise principally due to initiatives not progressing as anticipated when the 2009 Estimates were prepared.
D.8.	2,187	The saving on this subhead is a net savings as this is a miscellaneous subhead, with 14 subdivisions. The 2008 saving principally arises from progress being slower than anticipated in regard to the operation of the National Behaviour Support service.
D.10.	(4,888)	The excess arose principally due to costs associated with an increased number of special examination centres to cater for students requiring reasonable accommodations, additional candidature particularly at leaving certificate, increased costs associated with the revised timetable arrangements and higher than anticipated overheads and running costs for the exams service.

[Deputy Mary Coughlan.]

Subhead	Less/(More) Than Provided	Explanation
E.6.	€000 591	The saving arose due to costs associated with the closure of the college being lower than anticipated in 2008.
E.7.	728	The saving principally arose as new contracts for academic medical consultants were not agreed prior to year end.
E.10.	331	The saving arose mainly as the level of funding made available for an Appeals Board for student grants, was not drawn down, as anticipated. Additionally as the subhead is ad-hoc in nature it is difficult to predict the level of funding required.
E.14.	372	The saving is principally due to lower than estimated drawdown of grants in 2008.
E.15.	1,000	The saving arose as spending on the first cycle of the Strategic Innovation Fund was slower than profiled, due to the projects requiring a longer lead in time to become established.
F.1.	(23,554)	Additional funding was made available by way of virement in order to prioritise major capital projects in primary schools in response to demographic trends and to maintain the impetus of the Departments ongoing programme of modernisation of existing primary school accommodation.
F.4.	92	Spending on this subhead was curtailed to assist with management of the overall capital envelope.
F.5.	2,830	The savings arose principally due to projects not progressing as quickly as anticipated, delays were experienced in obtaining planning permission for new projects as well as difficulties in finalising the contract for Schools Bundle 1.

School Staffing.

448. **Deputy Jan O’Sullivan** asked the Tánaiste and Minister for Education and Skills if she will ensure that a school (details supplied) in County Limerick can keep its complement of staff for the behaviour support classroom in view of the excellent work being done, the high level of economic deprivation and the number of students who have recommendations of support by way of psychological reports; her views on whether a school such as this needs to retain all of its support staff; and if she will make a statement on the matter. [21805/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): The National Behaviour Support Service (NBSS) provides behaviour improvement support and advice to 62 schools nationally and special behaviour support classrooms/programmes have been established in 30 of these schools. Behaviour support classrooms/programmes provide an individualised intensive intervention for students who are unable to abide by a schools code of behaviour. This intervention teaches appropriate behaviours to students and also addresses literacy issues if they arise. The core purpose of a behaviour support classroom/ programme is to enable a student to access all education provision in their school. All schools with a behaviour support classroom/programme have the equivalent of two additional teachers above their allocation. The school in question has a behaviour support classroom/programme and therefore has the equivalent of two additional teachers above their allocation. In addition the school also has the ongoing support and advice from a Regional Development Officer.

Higher Education Grants.

449. **Deputy John Cregan** asked the Tánaiste and Minister for Education and Skills her plans to allow mature students who are Irish citizens and currently studying abroad and wish to return home to study, to be exempt from the regulations governing residency status here in order to qualify for a higher education grant; and if she will make a statement on the matter. [21835/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): The principal financial support available to students in higher education is the student maintenance grant. Students who are entering approved courses are eligible for financial assistance where they satisfy the relevant conditions including those relating to residency, means, age, nationality and previous academic attainment.

When the Minister announced details of the student maintenance grant schemes for the 2009/2010 academic year notice was given that, with effect from the start of the 2010/2011 academic year, further changes would be introduced including a change to the residency requirement in the State for grant eligibility which will be increased from one year to three out of the past five years for the student — a move that is in line with provisions already outlined in the Student Support Bill.

The full criteria for the 2010 maintenance grant schemes were announced yesterday 24th May, 2010. Clause 4.1.1 in relation to residency of the 2010 Higher Education Grants Scheme states:

“The candidate shall have been ordinarily resident in the State for at least three out of the last five years immediately preceding the date on which a year of study on an approved course in an approved institution commences. If not so resident, the candidate shall have been temporarily resident outside of the State by reason of pursuing a course of study or postgraduate research at an approved institution outside of the State but within an EU Member State, and was resident in the State for at least 3 out of the 5 years immediately preceding the date on which they commenced such course of study or postgraduate research”.

The decision on eligibility for a student grant is a matter, in the first instance, for the relevant assessing authority, i.e. the applicant’s local authority or VEC. An applicant may appeal the decision to the relevant local authority or VEC. Where the assessing authority decides to reject the appeal, the applicant may appeal this decision to my Department by submitting an appeal form outlining clearly the grounds for the appeal. Detailed information on financial supports for students can be found on the website www.studentfinance.ie.

Bullying in Schools.

450. **Deputy Ruairí Quinn** asked the Tánaiste and Minister for Education and Skills if her attention has been brought to recent cases of bullying in second level schools, both here and abroad, with tragic results; if she is satisfied that second level schools have published and made available policies to counteract bullying; if discovered cases should, in her opinion, be reported to the National Education Welfare Board and the Garda; if the parents of victims have a right to receive a written response and report from the principal and or board of management; and if she will make a statement on the matter. [21878/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): There is no requirement for local school authorities to report incidents or allegations of bullying to my Department, nor do I believe that this should be the case. Under the Education Act 1998, legally, all schools are managed, on behalf of the school Patron or Trustees, by school Boards

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of Management who employ the teachers at the school. Whereas as I, as Minister for Education and Skills provide funding and policy direction for schools, neither I, as Minister, or my Department have the power to instruct schools to follow a particular course or direction with regards to individual complaint cases, other than in relation to appeals taken against refusal to enrol, suspension, or expulsion, under Section 29 of the Education Act.

Agreement has been reached between teacher unions and school management bodies about the procedures which should apply when investigating and replying to complaints in schools. Where parents raise a concern with schools, I support an approach whereby schools keep parents informed throughout the decision making process; and inform parents of both its decision as well as the reason for its decision. Accordingly, responsibility for tackling bullying falls to the level of the individual school, as it is at local level that an effective anti-bullying climate must be established and at that level that actions should be taken to address allegations of bullying.

I am, however, anxious to support schools in tackling bullying and it is for that reason that a number of supports have been put in place in recent years to assist schools in dealing with this important issue. The Board of Management of each school is required to prepare a code of behaviour in accordance with Section 23 of the Education (Welfare) Act 2000. To assist schools in formulating such a code, the National Educational Welfare Board (NEWB) has developed guidelines for schools on Codes of Behaviour. My Department further requires each school to have in place a policy which includes specific measures to deal with bullying behaviour, within the framework of an overall school code of behaviour and discipline. Such a code, developed through consultation with the whole school community and properly implemented, can be the most influential measure in countering bullying behaviour in schools.

The education of students in both primary and post-primary schools in relation to anti-bullying behaviour is part of the SPHE curriculum. SPHE is now a compulsory subject both at primary level and in the junior cycle of post-primary schools. My Department has also issued guidelines as an aid to schools in devising measures to prevent and deal with instances of bullying behaviour and to increase awareness among school management authorities of their responsibilities in this regard. These guidelines were drawn up following consultation with representatives of school management, teachers and parents, and are sufficiently flexible to allow each school authority to adapt them to suit the particular needs of their school.

My Department has additionally published policy templates for post-primary schools in five key areas, including anti-bullying on its website of as part of our ongoing efforts in this regard. The template documents are not prescriptive, but rather highlight possible approaches and potential material for inclusion in school policies. The anti-bullying policy template is based primarily on the key document Guidelines on Countering Bullying Behaviour. However, it does take account of more recent legislative and regulatory changes, and reference is also made to issues of contemporary concern such as the need to tackle text bullying, cyber-bullying and homophobic bullying.

My Department does receive a number of complaints and queries from parents regarding matters such as bullying, involving schools. In dealing with complaints the Department's role is to provide advice to parents and students on the operation of schools' complaints procedures and to clarify for parents and pupils how grievances and complaints against schools can be progressed. In providing such advice, the Department brings to the attention of parents that should they wish to make an allegation of child abuse, or report a matter relating to child safety or the protection of children that they may report this matter to the Department of Education

who will then deal with the allegation in accordance with its role and child protection procedures.

The Department of Education and Skills takes issues of a child protection nature extremely seriously. The role of the Department of Education and Skills in relation to allegations of child abuse is firstly to offer guidance and support to schools in implementing child protection policy, and secondly, to ensure that it brings any child abuse allegations that it receives to the attention of both the school concerned and the health Service Executive (HSE), or Garda Síochána, in accordance with Office Notice SG0 01/07: Child Protection Guidelines for Persons Employed by the Department of Education. Parents may also report allegations of child abuse directly to the HSE or Garda.

451. **Deputy Ruairí Quinn** asked the Tánaiste and Minister for Education and Skills if she will confirm when the current guidelines on countering bullying behaviour were published; the number of times that these guidelines have been revised; and if she will make a statement on the matter. [21879/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): Responsibility for tackling bullying falls to the level of the individual school as it is at local level that an effective anti-bullying climate must be established. Section 23 of the Education Welfare Act 2000 requires all schools to have in place a Code of Behaviour. Such a code, developed through consultation with the whole school community and properly implemented, can be the most influential measure in countering bullying behaviour in schools.

In accordance with the Education (Welfare) Act 2000, the National Educational Welfare Board (NEWB) has developed guidelines for schools on Codes of Behaviour. These guidelines were issued to schools in 2008 and state, inter alia, that the Board of Management of a school must have policies to prevent or address bullying and harassment and that schools must make clear in their code of behaviour that bullying is unacceptable. The guidelines further state that as well as making explicit that bullying is prohibited in the school, and having an anti-bullying policy, the code of behaviour should indicate what action the school will take in relation to alleged breaches of the school 's bullying policy .

My Department's "Guidelines on Countering Bullying Behaviour in Primary and Post-Primary Schools" were issued in September 1993, as an aid to schools in devising measures to prevent and deal with instances of bullying behaviour and to increase awareness among school management authorities of their responsibilities in this regard. These guidelines were drawn up following consultation with representatives of school management, teachers and parents, and are sufficiently flexible to allow each school authority to adapt them to suit the particular needs of their school.

In 2007 my Department published, on its website, policy templates for post-primary schools in five key areas, including anti-bullying. The template documents are not prescriptive, but rather highlight possible approaches and potential material for inclusion in school policies and takes account of more recent legislative and regulatory changes. Reference is also made to issues of contemporary concern such as the need to tackle text bullying, cyber-bullying and homophobic bullying.

School Placement.

452. **Deputy Terence Flanagan** asked the Tánaiste and Minister for Education and Skills if she will deal with a matter (details supplied); and if she will make a statement on the matter. [21880/10]

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.

It is the responsibility of the managerial authorities of schools to implement an enrolment policy in accordance with the Education Act, 1998. In this regard a Board of Management may find it necessary to restrict enrolment to children from a particular area or a particular age group or, occasionally, on the basis of some other criterion. 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.

Under section 15(2)(d) of the Education Act 1998, each school is legally obliged to disclose its enrolment policy and to ensure that as regards that policy that principles of equality and the rights of parents to send their children to a school of the parents choice are respected. Section 29 of the Education Act 1998, provides parents with an appeal process where a Board of Management of a school or a person acting on behalf of the Board refuses enrolment to a student. Where a school refuses to enrol a pupil, the school is obliged to inform parents of their right under Section 29 of the Education Act 1998 to appeal that decision to either the relevant Vocational Educational Committee or to the Secretary General of my Department.

The National Educational Welfare Board (NEWB) is the statutory agency which can assist parents who are experiencing difficulty in securing a school place for their child. The NEWB advises parents to apply to more than one school in order to assist in securing a school placement. The Board can be contacted at National Educational Welfare Board, National Headquarters, 16-22 Green Street, Dublin 7 or by telephone at 01-8738700.

School Staffing.

453. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Education and Skills, further to Parliamentary Questions Nos. 513 and 514 of 18 May 2010, the number of full-time primary school teachers employed on 31 March 2009; the number of part-time primary school teachers employed on the same date; if she will provide the comparable figures for both categories on 31 March 2010; and if she will make a statement on the matter. [21915/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): The public sector number for 31 March 2009 for full-time primary teachers was 31,134. The corresponding figure for 31 March 2010 was 31,390. Part-time primary teachers were set up on the Department's payroll with effect from 1 September 2009. Previously, these part-time teachers were paid under a grant based system at individual school level. The public sector numbers for 31 March 2010 for part-time primary teachers was 470 whole-time equivalent posts. The corresponding figure for 31 March 2009 is estimated at being broadly at an equivalent level.

454. **Deputy Jim O'Keeffe** asked the Tánaiste and Minister for Education and Skills, further to Parliamentary Question No. 584 of 5 May 2010, regarding deductions from the payment of substitute teachers who get occasional work and whose annual payments fall below the entry level for pension related deductions, if she will indicate the approximate date when refund of the overpayments can be expected by such substitute teachers. [21922/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): As I informed the Deputy, a system to deal with the reconciliation of PRD payments is being developed at

present. Once this development is completed and implemented on the payrolls arrangements will be made to issue refunds, where appropriate, to teachers and special needs assistants. My Department is not in a position to give an exact date at present, but I will inform the deputy when the refunds are due to issue.

School Placement.

455. **Deputy Willie Penrose** asked the Tánaiste and Minister for Education and Skills if, in the context of an application by a young person (details supplied) to obtain a placement in the autistic spectrum disorders unit of a school which said placement could not be facilitated by the said school, she will take steps to allow the said pupil to access a school which will facilitate their placement therein; and if she will make a statement on the matter. [21929/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): The selection and enrolment of pupils in second-level schools is the responsibility of the authorities of the individual school. My Department's main responsibility is to ensure that schools in an area can, between them, cater for all pupils seeking second level places in an area. However, this may result in some pupils not obtaining a place in the school of their first choice. As schools may not have a place for every applicant, a selection process may be necessary. This selection process and the enrolment policy on which it is based must be non-discriminatory and must be applied fairly in respect of all applicants.

Under section 15(2)(d) of the Education Act 1998, each school is legally obliged to disclose its enrolment policy and to ensure that as regards that policy that principles of equality and the right of parents to send their children to a school of the parents choice are respected. My role as Minister does not involve me identifying specific placements for individual children, but requires me to provide for Education by providing grants and funding for buildings, equipment, salaries of teachers, as well as the recognition of qualifications and inspection of facilities.

Section 29 of the Education Act 1998 provides for an appeal by a parent or guardian to the Secretary General of my Department, or in the case of a Vocational Educational Committee (VEC) school to the VEC in the first instance, where a Board of Management of a school, or a person acting on behalf of the Board, refuses to enrol a student in a school. My Department has no authority to compel a school to admit a pupil, except in the case of an appeal under Section 29 of the Education Act, 1998 being upheld.

The National Educational Welfare Board (NEWB) is the statutory agency which can assist parents who are experiencing difficulty in securing a school place for their child. The National Educational Welfare Board will be able to offer assistance and advice on securing a school placement. The National Council for Special Education (NCSE) can also assist parents with regard to education services for persons with special educational needs.

Departmental Properties.

456. **Deputy Noel Ahern** asked the Tánaiste and Minister for Education and Skills the position regarding the previous Squash Ireland premises on Howth Road, Clontarf, Dublin 3; if her Department has an involvement in this site or building; if the legal owner or lessee is her Department or Mount Temple School; if there are plans to terminate the sporting facility here or alter the lease of same; and if she will make a statement on the matter. [21940/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): I wish to advise the Deputy that I am the title holder of the complex in question. I have no plans to alter the existing arrangements that are in place.

Schools Building Projects.

457. **Deputy Willie Penrose** asked the Tánaiste and Minister for Education and Skills her plans to provide a permanent greenfield site to enable a new school to be provided at Curraghmore, Mullingar, County Westmeath; and if she will make a statement on the matter. [22104/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): The provision of a new building for the school to which the Deputy refers necessitates the acquisition of a site. The Patron has decided to make this acquisition. When a site is available, consideration can be given to the inclusion of a building project for the school in the School Building and Modernisation Programme. However, in light of the current level of demand on the Department's capital budget, it is not possible to give an indicative timeframe for the progression of a building project for the school at this time.