



# DÁIL ÉIREANN

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*Dé Céadaoin, 6 Deireadh Fómhair 2010.  
Wednesday, 6 October 2010.*

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

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*Paidir.*

*Prayer.*

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## Leaders' Questions

**Deputy Enda Kenny:** The people of this country have woken up to another scandalous list of waste, this time in the HSE. It seems as though the culture that has been perpetrated by the party of the Taoiseach over the years has infiltrated every single organisation. It is a case of see no waste, hear no waste, speak no waste, whether it is FÁS, the HSE, Departments or banks. Public Ireland is now divided against private Ireland.

Five years ago, the Taoiseach told us that the last major episode of waste in the HSE, the famous PPARS debacle, would be the last one, and that there would be accountability and transparency. It is ironic that the Minister for Health and Children has actually commended the HSE on finding the rotten apple in the barrel yet again. This is a scandalous situation. There is no accountability and no transparency, and nobody is being brought to book, yet last week we saw a picture of a young man being led away in handcuffs because he could not pay a fine of €200 or thereabouts.

The evidence from medical personnel and those in the Medical Council is that cuts in front line services and cancellation of necessary operations will put lives at risk, with people not being examined for cancers and other serious illnesses. It appears the Government does not give a damn that this litany of obscene waste will continue and that Irish taxpayers will be made to pay for it. Does the Taoiseach believe these cuts are putting people's lives at risk?

**The Taoiseach:** The Minister for Health and Children was simply pointing out that an internal audit by the HSE had uncovered this situation, which has been referred to the Garda. That is an exercise in accountability. The Comptroller and Auditor General is also dealing with the matter, and it will be discussed by the Committee of Public Accounts. When the full facts are provided in that forum, discussion can take place in the normal way and the accountability mechanism of the committee can take effect.

**Deputy Pádraic McCormack:** That is all right.

**The Taoiseach:** As the health service has a budget of €15.2 billion, it is important that every aspect of that funding is used for the purpose of providing health services to the people of the country. No Government, or responsible manager, could condone any waste of public funds. It must be dealt with, and is being dealt with.

**Deputy Pádraic McCormack:** What is the Government doing?

**The Taoiseach:** The internal audit of the HSE uncovered this situation, which is being investigated.

**Deputy Seymour Crawford:** After five years.

**The Taoiseach:** All procedures will be followed so that the full facts may be known. The problem is with administration expenses and other expenses that were drawn up for a programme intended to provide career paths for up to 32,000 care assistants and others in the health service, 9,000 of whom have already participated. The programme itself, and its use by staff to enable them to upgrade their skills and move along a career path through the various grades of the health service, is in itself a good thing. If there are issues with regard to administrative aspects and bodies that obtained grants in aid, that is a matter that must be further investigated based on the internal audit thus far, which should be allowed to proceed.

**Deputy Seymour Crawford:** We will set up a committee.

**The Taoiseach:** As I said, we are spending €15.2 billion on the health service, which represents almost half of the total tax take this year. There is a large spend on health — quite rightly — but we must make sure it is provided in the best possible way. There have been real improvements, including in the provision of cancer services, the number of people undergoing day-case surgery and the number of people coming through the health service generally. There are many people whose experiences of the health service have been favourable. There are also areas in which there are acute service pressures. Deputies will know from their own work where that may be the case. However, there are many people whose interactions with the health service are good, and that should also be acknowledged.

To return to the point being made by Deputy Kenny, €1 billion less was spent on the health service last year, €650 million through reductions in labour costs and €350 million through efficiencies identified by the HSE in the course of this year. Next year further savings will be required because the budgets must be tailored to the amount of money that is coming into the Exchequer. We had that discussion yesterday. The Croke Park agreement can minimise any impact on front line services by ensuring that all changes in work practices are agreed. Action plans for health and other areas of the public sector are being worked on at the moment. As soon as estimates are completed, an intensive effort will be made by all partners in health who are prepared to sit down and find a way forward that minimises the impact on front line services, recognising that there are limited resources available.

**Deputy Enda Kenny:** The question I asked the Taoiseach was whether he believes the cuts in front line services are putting people's lives at risk. He did not answer that question. I have here evidence from the chairman of the Medical Council in the mid-west, who says that if the cutbacks are implemented in the way the Minister is talking about, cases of cancer will not be diagnosed, cancer patients will not be treated and people's lives will be put at risk. It is five years since the Taoiseach said the PPARS scandal would be the last in the HSE. He has turned a blind eye to the back-office bureaucracy, with the number of grade VIII managers jumping from six to more than 700. He has turned a blind eye to the advice of the former chief executive, Professor Brendan Drumm, who said last July that HSE bureaucracy should be cut by 30%. He has turned a blind eye to the €100 million spent on consultants' reports that are lying on shelves with nothing being done about them. A blind eye was turned to the €121 million that the HSE spent on taxis over four years. These were either mass missions of mercy or an indication that public money met Wall Street, where money never sleeps.

**An Ceann Comhairle:** Has the Deputy a question?

**Deputy Enda Kenny:** It is like Euro Disney.

**Deputy Timmy Dooley:** The children with disabilities who used those services would not describe them as a waste.

**Deputy Enda Kenny:** It is about time that somebody on the other side acknowledged that the committed and dedicated people who work in the HSE should be thanked for the work they do in the face of this obscene waste of money. They want to continue providing front line services.

The Taoiseach mentioned the Croke Park agreement. I note the suggestion made today that 6,000 voluntary redundancies would be sought in the HSE. Can he confirm whether it is the intention of the Government and the HSE to seek the 6,000 voluntary redundancies which were referred to as fact in today's newspapers? In view of this appalling scandal and the litany of waste that runs through FÁS, banks, Departments and, now, the HSE, where nobody is accountable, does he agree it is time to dismantle the HSE in its current structure?

**Deputies:** Hear, hear.

**The Taoiseach:** As is typical, Deputy Kenny speaks about the dismantling of structures without providing an alternative.

**Deputy Bernard J. Durkan:** The Government is not providing it.

**Deputy Seymour Crawford:** The Taoiseach did not listen.

**The Taoiseach:** The centralisation of services in the HSE, and particularly acute hospital services, was a far better approach than the regional system was ever capable of providing in view of the need for a properly organised national system of primary, secondary and tertiary care.

**Deputy Shane McEntee:** We need to dismantle the waste.

**Deputy Noel J. Coonan:** He is wrong.

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

**The Taoiseach:** It is not a question of blind eyes being turned. As I have stated in this House in regard to many debates on health, the Opposition consistently argues for the status quo rather than accepting the need for reform. Every reform we propose is fought tooth and nail because various interests have a view of it.

**Deputy Jan O'Sullivan:** That is not true.

**Deputy Michael Ring:** Does reform mean cutting home help services?

**An Ceann Comhairle:** Deputy Ring should allow the Taoiseach to continue without interruption.

**Deputy Michael Ring:** Home help is being cut.

**The Taoiseach:** It is not correct to say a blind eye is being turned to these matters. The agreement reached in Croke Park last June provides us with the means for redeployment,

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which is necessary, and all the practices and flexibility we need in order to deal with issues which could achieve efficiencies and savings without affecting patients' quality of care. In terms of skills mixes, ratios of staff, etc., there is a range of detailed industrial relations issues which can be resolved and the motivation and belief exists on all sides to address them in view of the need for a sustainable level of service provision and the fact that budgets are not limitless. All partners in health have acknowledged these matters.

Rather than portraying the situation as incapable of reform or seeking to hold up change, many people in the service are seeking to introduce change on the basis of the agreement negotiated by the Government in Croke Park. This offers us the mechanism by which all these issues can be addressed in a structured and organised way. That is the challenge with which we wish to engage intensively in the coming weeks and months.

**Deputy Eamon Gilmore:** Deputy Kenny rightly referred to the pattern of waste in the HSE over which the Government has presided for many years. The latest example of this is contained in the internal report presented to the HSE on the audit of the SKILL programme administrative expenditure, which will be considered by the Committee of Public Accounts tomorrow. I hope there will be full accountability from the HSE and all the other organisations involved in that episode.

I want to draw the Taoiseach's attention to another area of waste in order to get some answers from him. I refer to the report issued yesterday by the Department of the Environment, Heritage and Local Government, which tells us there is no purchaser for the electronic voting machines and that the State is not going to recoup any of the money wasted on that expenditure. At a time when people are being asked to pay more and endure further cuts as a result of the Government's mismanagement of the economy and the banking crisis, it is increasingly unacceptable that such waste continues without being accounted for. The electronic voting machines were purchased in 2004 by the Government and €50 million was spent on them but they were never used. It was part of a pattern of waste which was taking shape at that time. However, this episode did not have to happen because the Labour Party, Fine Gael, information technology experts and academics warned the Government in advance about wasteful expenditure on a voting system that would not work, was unreliable and should not be proceeded with.

**An Ceann Comhairle:** Can we have a question?

**Deputy Eamon Gilmore:** Nevertheless, the Government charged ahead and spent €50 million on them. Now it cannot sell them.

**Deputy Shane McEntee:** Send them to Poolbeg.

**Deputy Eamon Gilmore:** It is spending approximately €3 million per year to store them in warehouses on 20 or 25 year leases.

**Deputy John Perry:** Well done lads, that is value for money.

**Deputy Eamon Gilmore:** I want to ask the Taoiseach two questions in regard to this matter. First, will he confirm to the House that the €50 million is gone, that we will not see it again and, as the spokesperson from the Department of the Environment, Heritage and Local Government stated yesterday, the money will not be recovered? Second, will he finally acknowledge this was an appalling waste of money, a fact which nobody in Government has ever acknowledged?

**Deputy Michael Ring:** Let the former Minister for the Environment, Heritage and Local Government, Deputy Dempsey, answer that.

**An Ceann Comhairle:** Allow the Taoiseach to respond.

**Deputy Michael Ring:** It was all his fault.

**An Ceann Comhairle:** Deputy Ring—

**Deputy Michael Ring:** He cost us €50 million.

**An Ceann Comhairle:** Allow the Taoiseach to speak without interruption.

**Deputy Michael Ring:** Small change.

**Deputy Noel Dempsey:** It may be small change to Deputy Ring but it is not to me.

**Deputy Michael Ring:** Small change.

**An Ceann Comhairle:** I will have to ask Deputy Ring to leave the House if he will not desist. The Taoiseach has the floor.

**Deputy Michael Ring:** Deputy Dempsey should be asked to leave the House for wasting €50 million.

**An Ceann Comhairle:** Allow the Taoiseach to speak without interruption.

**Deputy Michael Ring:** I did not waste anything.

**Deputy Brian Hayes:** Free speech.

**The Taoiseach:** The costs that have been associated with the e-voting machines are of the order which the Deputy pointed out and clearly they will not be used in this country. The question of their disposal is under consideration. It is true that they represent a loss to the Exchequer, which is a great disappointment. The decision not to proceed was taken by the Government on the basis that it would not be possible to get all party agreement for the e-voting machines.

**Deputy Eamon Gilmore:** That is not true.

**The Taoiseach:** That is what occurred and there was a refusal to continue with software development to see whether they could be handled.

**Deputy Frank Feighan:** He is worse than Deputy Bertie Ahern.

**Deputy Pádraic McCormack:** They are fakes.

**Deputy Michael Ring:** I think the Taoiseach was in the fridge with Deputy Bertie Ahern.

**Deputy Noel J. Coonan:** Blame the Opposition.

**Deputy Eamon Gilmore:** That is not true. The decision was not taken because all party agreement was not obtained. The decision was taken because an expert group set up to examine whether the system was reliable found it was just as, if not more, dodgy and unreliable to use electronic voting machines as both the Labour Party and Fine Gael pointed out when the exercise began. That is why the machines could not be used. The system was unreliable and it

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had to be abandoned. It had nothing to do with all party agreement. It was a waste of money which cost the taxpayer €50 million.

This Government thinks in billions of euro, so €50 million may not amount to a lot for it. However, €50 million is the amount which it will get back over two years on the 50 cent prescription charge it is imposing on medical card holders. The prescription charges will amount to €24 million per year. For the next two years, every medical card holder in this counter will be paying 50 cent per item when filling a prescription in a pharmacy in order to pay back the €50 million the Government wasted on electronic voting machines. No Minister was ever held to account for this. Nobody was ever sacked or chastised. The money was wasted. It is about time that the Taoiseach or somebody in the Government had the good grace to stand up, say that they made a mistake, the money is gone, apologise——

**An Ceann Comhairle:** Has the Deputy a question?

**Deputy Eamon Gilmore:** ——and accept responsibility for it.

**The Taoiseach:** I stated in my first reply that the €50 million will not now be put to use because those voting machines will not be brought into operation. To associate that with costs in the health service is a political point the Deputy wants to make. We have had to consider prescription charges due to the increasing cost of our drugs bill in this country, which has gone from €300 million to almost €1 billion over the past number of years.

**Deputy Jan O'Sullivan:** There are other ways to deal with that, such as using more generic drugs.

**The Taoiseach:** The legislation that was required to bring in e-voting was supported by both parties in Opposition.

**Deputy Bernard J. Durkan:** The Government was told it would never work.

**The Taoiseach:** The expert group found that the voting machines were fit for purpose and that software could have been reworked to achieve it, but a decision was taken by the Government not to proceed along those lines because it became a matter of public confidence as to whether the machines could be used here.

**Deputy Noel J. Coonan:** The Government should sell them.

**The Taoiseach:** E-voting is used in many other countries.

*(Interruptions).*

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

**The Taoiseach:** The number of spoiled votes that are allowed for under the current manual system is greater than the difference between the winning and losing of the last seat in a constituency. The purpose of e-voting was to eliminate that error and to provide a better way of dealing with it. Regardless of the fact that e-voting has legislative support in the House and that the expert group found that the software could have been reworked, the Government decided not to proceed with e-voting, and it is true that this is at a loss to the Exchequer.

## Ceisteanna — Questions

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### Northern Ireland Issues

1. **Deputy Enda Kenny** asked the Taoiseach Taoiseach when the Forum on Peace and Reconciliation will next meet; and if he will make a statement on the matter. [27650/10]
2. **Deputy Eamon Gilmore** asked the Taoiseach Taoiseach if he will report on his meeting in London on 23 June 2010 with the British Prime Minister, Mr David Cameron MP; and if he will make a statement on the matter. [27878/10]
3. **Deputy Enda Kenny** asked the Taoiseach Taoiseach if he will report on his meeting with the British Prime Minister, Mr David Cameron MP, in London on 23 June 2010; and if he will make a statement on the matter. [27879/10]
4. **Deputy Caoimhghín Ó Caoláin** asked the Taoiseach Taoiseach if he will report on his meeting with the with British Prime Minister on 23 June 2010; and if he will make a statement on the matter. [28478/10]
5. **Deputy Enda Kenny** asked the Taoiseach Taoiseach if he will report on the British Irish Council meeting in Guernsey on 25 June 2010; and if he will make a statement on the matter. [29189/10]
6. **Deputy Enda Kenny** asked the Taoiseach Taoiseach if he will report on recent developments in Northern Ireland; and if he will make a statement on the matter. [30216/10]
7. **Deputy Enda Kenny** asked the Taoiseach Taoiseach if he will report on his recent contacts with the political parties in Northern Ireland; and if he will make a statement on the matter. [30217/10]
8. **Deputy Enda Kenny** asked the Taoiseach Taoiseach if he will report on his recent contacts with the British Government; and if he will make a statement on the matter. [30218/10]
9. **Deputy Enda Kenny** asked the Taoiseach Taoiseach when he next expects to meet the British Prime Minister; and if he will make a statement on the matter. [30219/10]
10. **Deputy Enda Kenny** asked the Taoiseach Taoiseach the costs that have accrued to his Department in respect of the McEntee Inquiry; and if he will make a statement on the matter. [30239/10]
11. **Deputy Eamon Gilmore** asked the Taoiseach Taoiseach the contacts he has had with the political parties in Northern Ireland since July 2010; and if he will make a statement on the matter. [32315/10]
12. **Deputy Eamon Gilmore** asked the Taoiseach Taoiseach the contacts he has had with the British Government regarding Northern Ireland since July 2010; and if he will make a statement on the matter. [32316/10]
13. **Deputy Eamon Gilmore** asked the Taoiseach Taoiseach if he will make a statement on his participation in the North South Ministerial Council at Farnleigh House, Dublin, on 5 July 2010 [32326/10]



14. **Deputy Caoimhghín Ó Caoláin** asked the Taoiseach Taoiseach if he will report on the discussions he has had with the British Prime Minister David Cameron in relation to the implementation of the Good Friday Agreement and the St. Andrew's Agreement; and if he will make a statement on the matter. [32329/10]

15. **Deputy Caoimhghín Ó Caoláin** asked the Taoiseach Taoiseach the further action he will take on foot of the Barron, McEntee and Oireachtas Justice Committee reports on the Dublin and Monaghan bombings and other fatal acts of collusion in this jurisdiction, as well as the Oireachtas resolution in this regard; and if he will make a statement on the matter. [32330/10]

16. **Deputy Caoimhghín Ó Caoláin** asked the Taoiseach Taoiseach the discussions, if any, he has had with trade unions and other non governmental organisations regarding the promised establishment of the All-Ireland Consultative Civic Forum; and if he will make a statement on the matter. [32346/10]

**The Taoiseach:** I propose to take Questions Nos. 1 to 16, inclusive together.

I should start by saying that I totally condemn Monday night's car bomb attack in Derry. The people who have perpetrated this attack are not representative of the will of the people on this island and they will not be allowed to succeed in undermining the peace process. The ongoing co-operation between the Garda Síochána and the PSNI will remain critical in tackling this threat. I am glad to say that the current excellent level of cross-Border co-operation in policing and justice matters is unprecedented. The Minister for Justice and Law Reform met with the Northern Ireland Minister for Justice, Mr. David Ford, twice in recent weeks, and the Government is also in ongoing contact with the British authorities in our joint efforts to combat this threat.

I met with the British Prime Minister, Mr. David Cameron, MP, in Downing Street on 23 June. At our meeting we discussed recent developments in EU affairs and agreed on the need for continued close engagement between both Governments and administrations on this agenda. On matters relating to Northern Ireland, I expressed my appreciation to the Prime Minister for his handling of the publication of the Saville report into Bloody Sunday and thanked him for his brave apology for the events of that day. We also discussed the potential for the exchange of State visits as part of the normal courtesies between neighbouring countries and reflecting the transformation of relationships between Ireland and Britain. I expect to meet Prime Minister Cameron again at the next meeting of the European Council on 28 October.

I attended a meeting of the British-Irish Council in Guernsey on 25 June. The meeting was hosted by the Chief Minister of Guernsey, Mr Lyndon Trott, and was attended by BIC heads of administration including Alex Salmond, Scottish First Minister; Carwyn Jones, Welsh First Minister; and the First and Deputy First Ministers of Northern Ireland, Peter Robinson and Martin McGuinness, as well as Owen Paterson, Secretary of State for Northern Ireland, representing the British Government.

The main theme of the summit was marine renewables energy. We shared information on the activity currently under way in this area in the different administrations and discussed areas for future co-operation and growth in this sector among member administrations and with the European Commission. We also discussed the economic challenges facing all of the member administrations and shared our experiences on measures being taken to stabilise public finances, repair banking systems, cut costs and boost employment. At the meeting it was also agreed that a standing secretariat for the British-Irish Council would be based in Scotland and that work would begin on the arrangements to put this in place.

I also chaired a plenary meeting of the North-South Ministerial Council in Farmleigh on Monday, 5 July. A Northern delegation of 12 Ministers was led by the First Minister, Peter Robinson, and Deputy First Minister, Martin McGuinness. They met with 13 members of the Government. The main items for discussion were the fiscal and economic challenges which face both administrations on the island.

We discussed how both Governments can work together to help bring about an economic recovery and to bring about renewed economic growth and job creation. We gave consideration to how we can improve public services, while still making necessary savings. We discussed areas of shared interest such as banking, NAMA and the implications for Northern Ireland; growing our food industry; attracting EU funding for reconciliation and economic development; and many other areas. We also re-affirmed the Irish Government's commitment to provide part of the funding for a new radiotherapy centre in Derry which will be of huge assistance to cancer patients in Donegal. I firmly believe that the ongoing work of the North-South Ministerial Council can play an increasingly important part in our strategy for economic recovery and can realise benefits for all of the people, North and South.

I also briefed the plenary meeting on the second North-South consultative conference, which took place on 24 May last and which was addressed by Northern Ireland's Deputy First Minister, Mr. Martin McGuinness. Deputies may recall that I addressed the first conference, also facilitated by the Government, which was held in October 2009. The event in May focused on sport and young people and the role that innovation can play in economic recovery on the island. It was well attended by a broad range of participants from these sectors and from the social partners and cross-Border groups. It is intended to hold a further such event in the coming months.

On the issue of the formal establishment of the North-South consultative forum, the Government made a formal proposal on the role, format, membership and operation of the forum to the Northern Ireland Executive in that regard in September 2008. That proposal was agreed followed consultations with the trade unions, other social partners and other non-governmental groups who work on a cross-Border basis. I am glad to say that those groups have been very active participants in the two consultative conferences held to date.

While there have been ongoing discussions since September 2008, including at the NSMC plenary, the Northern Ireland Executive has not yet been in a position to respond formally to our proposal. I am glad to note that the first ever North-South parliamentary forum conference is to take place in Newcastle, County Down, over the next two days. That conference will be attended by representatives from all parties in the Oireachtas and Stormont and will be co-chaired by the Speaker, Mr. William Hay, and the Ceann Comhairle. I understand there is a detailed work programme covering issues such as building parliamentary links with Europe and agriculture and rural development issues, and that the Tánaiste and the British Deputy Prime Minister, Mr. Nick Clegg, will be guest speakers at the conference dinner. I commend the Ceann Comhairle and the Speaker for taking this very valuable initiative forward and I trust it will lead in due course to the formal establishment of the North-South parliamentary forum. The next plenary meeting of the North-South Ministerial Council will take place before the end of the year in the North.

I met with Mrs. Margaret Ritchie, leader of the SDLP, in Government Buildings on 20 September. We discussed the latest political developments in the North and the economic challenges facing both jurisdictions. I also held a brief meeting with the Deputy First Minister of Northern Ireland, Martin McGuinness, on 19 September. The focus of our discussion was the current economic situation in the North and the concern about the potential impact on the Northern economy of the proposed public expenditure cuts.

[The Taoiseach.]

I sent my congratulations to Tom Elliott on his recent election as leader of the Ulster Unionist Party. I look forward to working with him and his colleagues for the mutual benefit of all those that we represent, especially at this time of great economic difficulty. I have also sent my best wishes to Sir Reg Empey as he steps down as party leader.

With regard to the Dublin and Monaghan bombings, the Clerk of the Dáil received a reply from the Clerk of the House of Commons arising from the Oireachtas resolution of 10 July 2008. As I have said previously in the House, any future follow up to this should be considered in consultation with the parties and can be raised with the Whips. The total amount spent on the MacEntee commission of investigation was €2,632,702. All costs of the commission of investigation have been discharged. There are no current plans to reconvene the Forum on Peace and Reconciliation.

**Deputy Enda Kenny:** I thank the Taoiseach for that lengthy reply. Three weeks ago the director general of MI5 said there had been a persistent rise in activity and ambition among groups in Northern Ireland with the intention of disrupting the Good Friday Agreement and the peace process. He also said it represented a real and rising security challenge and that, as a consequence, MI5 had to reinforce its presence in Northern Ireland to deal with a situation in which he said the threat had increased from moderate to substantial.

On 23 May, the Independent Monitoring Commission said that the persons involved were highly active and dangerous, with some in a state of heightened activity, ruthless, violent and prepared to kill and committed to undermining the peace process. This became a reality last Sunday. The report also stated that the so-called Real IRA and Continuity IRA are actively recruiting young men without previous involvement in terrorist activity or experience. They are engaged in serious criminal activity, such as weapons acquisition, kidnapping and robbery, and they are being trained for that. This is a most serious situation.

I do not agree with the term “dissident republican”. These people are traitors to the cause of peace and development in our country because the people, North and South, decided by secret ballot to endorse the Good Friday Agreement as the way forward for all the people of this island.

There was always a process where the Government or the Taoiseach’s office advised leaders of Opposition parties of what was happening by way of security briefing. Perhaps the Taoiseach would see that would happen now. Has the Government taken any specific action following the threats of activity and the bomb that went off on Sunday night which, I understand, caused substantial damage to a hotel and some nearby buildings? But for the swift action of the PSNI, it could have been very serious.

There was a report in a Sunday newspaper that bomb-making factories are operating in the Republic and that suspected training camps and shooting ranges are operating in the west of the country. Has the Taoiseach any evidence of that? I assume he has already spoken to the Garda Commissioner and will make available to him whatever resources are necessary to allow the Garda to do its job. As I repeated yesterday, the Government will have the full support of the Fine Gael Party in whatever it must do. This is far too serious for our country to allow it go unhindered or for it not to be dealt with. The Taoiseach has my full support in that regard.

How does the Taoiseach see the North-South parliamentary body evolving? There are meetings on Thursday and Friday of this week in Newcastle, to which I intend to go. Do the Taoiseach and the British Prime Minister have a timescale for its evolution? Does the

Taoiseach see it as a long-term conversational engagement before anything serious comes out of it? Perhaps he will comment on that?

In respect of the North-South Ministerial Council to be held before the end of the year, in view of the comments made by the Secretary of State for Northern Ireland, Mr. Paterson, about his interest in some of the taxation rates, has there been any discussion between the Department of Finance and the Chancellor of the Exchequer or his people on changes to the tax codes which would eliminate incentives for smuggling or otherwise? Perhaps the Taoiseach will comment on that?

**The Taoiseach:** I know what I and Deputy Kenny had to say in regard to this most recent incident and all the activities, if one could call them that, of dissidents is shared by all Members. They have no support in the community, they defy the settled will of the Irish people, North and South, as expressed in the adoption of the Good Friday Agreement, and they have no democratic mandate whatever. Whatever they seek to undertake is in the face of total opposition by the Irish people.

It is important to say that it is against that background that we speak about this issue. It is also against the background of an unprecedented level of security co-operation on these islands in regard to these matters. I very much welcome the comments made by many in the North about the need for these people to desist from what they are doing and confirming that the full rigours of the law will be applied to them in respect of ongoing investigations into these incidents.

It is important to comment and condemn in an unambiguous way and for the professional services involved to assess the security threat these people represent and for it to be dealt with it on an ongoing basis which is being done very successfully in many respects. Unfortunately, as has been said, there have been some instances where they have succeeded — that is not a word I like to use — or have been able to complete their efforts to engage in wanton acts of violence, destroy property and undermine the democratic institutions which have been agreed to by the people of this country.

We should not give them the oxygen of publicity to the extent that they get it into their heads that, in some way, they will overcome the security forces or that they will, in any way, be regarded by us as legitimate or mentioned in way which might in some perverse way encourage continuance of such activity.

The dissident threat has remained with us and the summer saw an increase in incidents with the targeting of individual PSNI officers and a spate of bomb attacks. The attempt by these small groups to disrupt the democratic process will not be allowed to succeed. The ongoing co-operation between the Garda and the PSNI will remain critical in this context.

On Friday the UK published for the first time a separate threat assessment in regard to Britain raising it from moderate to substantial. Obviously, that is a matter for it. However, what we should not lose sight of is the fact that threat level in the North remains at the higher level of severe. This reflects the fact that the focus of these groups so far has been on attacks in the North. While these groups may aspire to launch attacks elsewhere and in Britain, the more severe risk is in the North.

One way or another, we continue in our determination to take all measures open to us to counteract these activities. That needs to be said. I assure the House that the Garda Commissioner and the chief constable of the PSNI are working closely on all these matters across a range of security issues. It would not be helpful to say any more than that. Should there be any requirement for me to engage with the Deputy beyond our normal engagement in the House, that will be forthcoming but what I have said should provide sufficient reassurance to

[The Taoiseach.]

us all that people are doing all they can to deal with these issues. Clearly, the way in which they do that is a matter for the police and the security services to continue but I would say that the co-operation is full and unprecedented.

Deputy Kenny raised a number of other matters. On the establishment of the North-South parliamentary body, that is a matter between the Oireachtas and the Assembly. I welcome the approach and the work that has been undertaken by the Speaker and by the Ceann Comhairle, who have an excellent personal relationship. This is a matter that should not be dealt with by the Executives. This is a parliamentary matter. We all accept and understand that it is part of the architecture of the Agreement. We want to see it established as quickly as possible. People are acting in good faith and significant progress is being made. The meeting over the next two days in Newcastle is a significant development and we should allow that take its course on the basis that we would all like to see it established as quickly as possible.

Regarding the North-South Ministerial Council, that is a forum in which many issues are discussed both formally and informally. As the Deputy is aware, there has been a review of the work agenda of the council. I believe we need to move on to a more expansive agenda. There is a lot of potential for mutual benefit and in consistency with the Agreement that can and should be undertaken. We continue to make that point to our partners and we hope that, internally, the Executive can come forward with a review process that can be completed and allow us proceed.

All of us would recognise the value of the work that is done bilaterally between Ministers in the structured formats that have been agreed and also that much progress has been made outside the structured format in addition to it. That is not to suggest that the structured format should be dissipated or withdrawn. The contrary is the case. It should be intensified and widened because we need structures in place, as envisaged by the Agreement also, and those were seen to be evolutionary rather than comprehensive at the time.

Regarding corporation tax issues, the Minister for Finance has not had any detailed discussions with the Chancellor of the Exchequer on that matter. As the Deputy is aware, we have been positively disposed towards any issue that will assist the all-Ireland economy in any way possible.

**Deputy Eamon Gilmore:** I join the Taoiseach and Deputy Kenny in condemning the recent bombing in Derry and the succession of incidents that have arisen as a result of dissident republican activity. It is not just that it is a small, unrepresentative group of people who are involved in this activity. It is also that it flies directly in the face of the determined will of the Irish people as expressed in the ballot box in the referenda on the Good Friday Agreement. These groups are attempting to derail that Agreement and the political institutions in Northern Ireland. It would appear that their hope is to carry out a bombing attack that will succeed, as far as they are concerned, provoke some kind of counter-reaction and try to bring down the institutions. It is critically important that they are dealt with forcefully and effectively at this early stage rather than allow them develop and assemble support or succeed in any of their activities. In that regard, is the Taoiseach satisfied that the Garda has sufficient resources to deal with the threat and if there is a sufficient level of co-operation between the Garda Síochána and the Police Service of Northern Ireland in regard to their activities?

With regard to the Taoiseach's meeting with Prime Minister Cameron, were there any discussions at that meeting about a possible visit to this State by Queen Elizabeth? Has a visit been confirmed and have any dates been agreed or are there any indicative dates as to when that visit might take place?

With regard to the issue of the report which came out during the summer on the bombing in Claudy which reported that a priest, Fr. James Chesney, was involved in the bombing and was subsequently moved from his parish to a parish in County Donegal with the involvement of the then Secretary of State, the late William Whitelaw, and the late Cardinal Conway. I do not recall seeing any formal Government response to that report when it came out but were the authorities in this State notified at that time, or does the Taoiseach know if they were notified, that Fr. Chesney was being moved from the parish he was in at the time of the bombing to a parish in Donegal, and if they were briefed as to what the thinking of the Northern Ireland authorities and of the Catholic Church authorities was at the time regarding that matter?

**The Taoiseach:** First, sufficient resources are being applied by the Garda Commissioner. At no stage has there been any indication to the contrary from the Garda Commissioner that the gardaí are not in a position to do this important work. They are adept at it and are a very experienced police force in this entire area, as the Deputy can imagine. It has never been indicated to me that this has been compromised in any way from a resourcing point of view.

On the second matter raised by the Deputy, I would make the point that there is no obstacle to a visit taking place in view of the full implementation of the Good Friday Agreement and now that we have seen the full devolution of policing and justice powers to Northern Ireland. That has been an important part of the Agreement which has now been worked through. The formal process of any details or the issuing of an invitation would have to be worked through but presumably any visit that would take place would be before the end of the term of office of President McAleese in November 2011, but that is an issue for further work and consideration.

There is no specific question down on the Claudy bombing and therefore I do not have any information in my supplementary information. It has never been suggested to me that the Irish authorities were informed. That is not something that has ever been brought to my attention. It was an internal church matter and comments have been made by the churches in regard to it. The report speaks for itself in its own terms but I am not aware that there has been any Irish involvement.

**Deputy Eamon Gilmore:** On a possible visit of Queen Elizabeth to Ireland, has President McAleese asked for approval from the Government to invite Queen Elizabeth to visit Ireland? Has the Government approved such an invitation?

**The Taoiseach:** As I said, the formal process of working out the details of issuing an invitation would have to be worked through. That is not done at this point.

**Deputy Martin Ferris:** At the outset I would like to say that regarding the bombing in Derry, Martin McGuinness made Sinn Féin's position quite clear. Such activities do nothing to advance the cause that all of us hope to see, namely, a united Ireland. The motivation behind some of those people currently involved in trying to destabilise and undermine the peace process is questionable, and our position is clear on that.

Does the Taoiseach agree that in the context of the continuing implementation of the Good Friday Agreement there is huge scope not only for co-operation but integration services? I refer to the statement by the Stormont health Minister, Michael McGimpsey, of 14 September 2010 that he and the Minister for Health and Children, Deputy Harney, had decided not to take forward or to publish the North-South feasibility report on co-operation on health. That study recommends much more extensive co-operation in health services, including provision of surgical procedures on an all-island basis that people currently must leave Ireland to access. Is

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it in line with Government policy on all-Ireland co-operation for a Minister here to agree to suppress such a report? Why should the report not be published and implemented?

In his meeting with the British Prime Minister, did the Taoiseach bring the Prime Minister's attention to the unanimous call from all parties in this Dáil in July 2008 for the British Government to allow access by an independent international judicial figure to all original documents held by it relating to the atrocities that occurred in this jurisdiction, which were inquired into by Mr. Justice Barron, in order to assist in the resolution of these crimes? If he did, what was the Prime Minister's response? If the Taoiseach did not raise the matter, why not?

**The Taoiseach:** With regard to the Dublin-Monaghan bombings, I have pointed out that the Clerk of the Dáil has written to the Clerk of the House of Commons, arising from the Oireachtas resolution, and, as I have said previously, any follow-up of this should be considered in consultation with the parties and be raised with the Whips. Obviously, there is always an ongoing effort at official level to resolve outstanding issues and to put forward various points of view of the Government on a range of issues. However, the specific issue was not raised by me in my first meeting with Prime Minister Cameron. That matter relates to broader political issues within Northern Ireland. It was my first meeting with Prime Minister Cameron as Taoiseach and I was anxious to establish a rapport and relationship with him.

The meeting took place in the aftermath of the publication of the Saville report. All of us would recognise that Prime Minister Cameron discharged the responsibility he had in light of the content of that report in an impressive way. His response, while it may not have brought closure, has brought a great sense of reassurance and has been very helpful to the families of the deceased and to the city more widely in terms of promoting community relations after that traumatic event in 1972. It was in that context the meeting took place. Other wider political issues were also discussed, European issues, etc.

The Deputy raised the issue of co-operation. I agree there are many areas where the Government would like to see greater co-operation, particularly in the context of the fiscal challenges faced on both sides of the Border. It makes common sense to get the best possible return for taxpayers' money, North and South. This matter is being dealt with in many respects.

I do not have at hand the particular context or reason for non-publication of the report to which the Deputy referred. Perhaps a direct question to the Minister for Health and Children would elicit that information. I remind the Deputy that, as with all North-South issues, the consent of both parties is required to proceed with either investigations into various policy issues or whatever arises in terms of publication of papers or reports that would come about as a result of the work undertaken. It may be there was not full agreement to do that at the time. I do not have the information with me and do not want to engage in conjecture that would be unjust to any party. The health area generally is one where we have co-operation. I refer to the fact that the development of cancer services in Altnagelvin in Derry will provide an excellent service for the people of Donegal, which is the natural hinterland of the Derry city area. I am also aware that renal services have been provided for people in the Cooley peninsula in Daisyhill Hospital in Newry for a long time. Many other areas could be examined productively. We are engaged with the North on medical and scientific research on an all-Ireland basis. There is also significant collaboration on health issues generally between industry and the universities on an all-island basis.

I accept the Deputy's point. The Government and all in the House would like to see every opportunity being taken where co-operation would bring a better service for people, particularly in the context of the limited budgets both the Northern Ireland Executive and the Government must contend with in providing services.

**Deputy Seymour Crawford:** I would like to reiterate that there is tremendous co-operation between the Garda and the PSNI. It is at an unprecedented level and is certainly needed now. The Derry bombing, following the Forkhill, Newtownhamilton and other threats, reminds us there is a group of mavericks which has no interest whatsoever in the future of the country. It is only in peace that we will have tourism and job creation.

I have two questions for the Taoiseach. Can he assure us that despite the difficult financial times, some money will be kept in the purse to encourage what is going on in the area of peace and reconciliation? Groups meeting and moving back and forward across the Border and across the different divides in Northern Ireland is tremendous progress. Second, is the Taoiseach satisfied that we have a strong enough Garda force to deal with the issues mentioned by the Fine Gael Party leader, Deputy Enda Kenny, such as the discovery of bomb-making factories and training camps, etc? I understand there has been a decrease in the number of Garda personnel in the Border areas. Will the Taoiseach confirm there is a commitment to ensure we have the best possible force there?

I would like to mention two other issues. First, I urge the Taoiseach at his next opportunity to try to see if the Dublin-Monaghan bombing issue can be moved forward. It is an issue that has been ongoing for a long time. Second, the Taoiseach mentioned many issues involving cross-Border interests. One in which I have a keen interest is the need for an all-Ireland animal health programme, particularly in light of the fact that brucellosis is once again prevalent in Northern Ireland.

**The Taoiseach:** On the issue of animal health, even prior to the establishment of the Good Friday Agreement, there has always been a very good practical and pragmatic relationship between the Departments of Agriculture, North and South, on the issue of brucellosis. If the Deputy reads the progress report of the joint secretaries to the North-South Ministerial Council — the communiqué issued after the meeting in Dublin on 5 July — he will see it makes specific reference to agreement on an all-island animal health and welfare strategy which has been promoted proactively by the Minister for Agriculture, Fisheries and Food and his counterpart in Northern Ireland, Minister Gildernew.

On the question of funding, the progress on the implementation of the EU peace programme and INTERREG programmes is also referred to in the communiqué. Projects already approved under PEACE III have a total budget of €171.8 million or £156.2 million. Projects approved under INTERREG have a budget of €103.7 million or £94.3 million. This is an indication of the considerable efforts that are being made by both finance ministries to ensure projects under the programmes are approved and proceed.

With regard to the other matter raised, I refer the Deputy to the response I gave to Deputy Ferris.

**Deputy Seymour Crawford:** What about Garda numbers?

**Deputy Eamon Gilmore:** I want to return to the question I asked the Taoiseach about a possible visit by Queen Elizabeth. In his reply, the Taoiseach said that if there was to be such a visit, it would be likely to be in the term of office of President McAleese, which expires in a little over a year. I am still unclear on the position with regard to an invitation. Has an invitation been issued to Queen Elizabeth to visit Ireland? Has the Government made a decision on a visit before the expiry of the term of office of President McAleese?

**The Taoiseach:** I indicated formally in my meeting with the British Prime Minister that I do not see any obstacle to the exchange of visits between the Heads of States of neighbouring or friendly countries. The question of a formal invitation, etc., is a matter that would be dealt with



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in the event of a visit proceeding. No formal invitation has issued. Invitations only issue in the event of something that is going to happen.

### Freedom of Information

17. **Deputy Enda Kenny** asked the Taoiseach the number of freedom of information requests received by his Department during the first six months of 2010; and if he will make a statement on the matter. [29185/10]

18. **Deputy Enda Kenny** asked the Taoiseach the number of Freedom of Information requests received by his Department since January 2010; and if he will make a statement on the matter. [30242/10]

19. **Deputy Eamon Gilmore** asked the Taoiseach the number of freedom of information requests received by his Department during the first eight months of 2010; if he will give similar figures for each year going back to 2002; and if he will make a statement on the matter. [32302/10]

**The Taoiseach:** I propose to take Questions Nos. 17 to 19, inclusive, together.

A total of 56 freedom of information requests were received in my Department in the first six months of the year. This number rose to 74 by end-August and 81 by end-September.

The comparative figures for the first eight months of each year since 2002 are:

Year	Total
2002	84
2003	127
2004	27
2005	28
2006	41
2007	54
2008	40
2009	63

All FOI requests received in my Department are processed by statutorily designated officials in accordance with the Freedom of Information Acts. I have no role in processing requests.

**Deputy Enda Kenny:** How many of the requests were turned down or refused by his Department on the basis of restrictions such as sensitivity? Do the requests recur? Are the same requests made in each quarter? What is the nature of the requests received in general?

**The Taoiseach:** In my Department, of a total of 1,537 freedom of information requests received between the enactment of the legislation and the end of September 2010, only 109 were the subject of internal review. One in 15 was considered for review and they have to be in compliance with the Act. I do not have a detailed breakdown as to the subject matter of the requests. They are dealt with by the freedom of information officer in my Department.

**Deputy Enda Kenny:** I assume he or she gives full and adequate information in whatever is sent out.

**The Taoiseach:** I am sure he or she does.

**Deputy Eamon Gilmore:** I refer to the Aarhus Convention on access to information relating to environment matters, which was signed by Ireland in 1998 but which has not been ratified yet. My colleagues have asked the Minister for the Environment, Heritage and Local Government what is happening regarding the ratification of this important convention. The programme for Government contains a commitment to ratify it but, to date, no legislation has been brought forward to complete the process that is necessary to ratify it. What is delaying the ratification?

**The Taoiseach:** I do not have the supplementary information to hand. If the Deputy directs that question to the line Minister, he will get that information. It is being attended to but it is not yet ready for ratification.

### Departmental Expenditure

20. **Deputy Enda Kenny** asked the Taoiseach the expenditure incurred by his Department for the first half of 2010; the way this compares with the provision in the Estimates; and if he will make a statement on the matter. [29186/10]

21. **Deputy Enda Kenny** asked the Taoiseach the level of expenditure by his Department during the first half of 2010; the way in which this compares with the forecast in the estimates; and if he will make a statement on the matter. [30253/10]

22. **Deputy Eamon Gilmore** asked the Taoiseach the level of expenditure incurred by his Department in the first eight months of 2010; the way this compares with the provision in the estimates; and if he will make a statement on the matter. [32304/10]

23. **Deputy Eamon Gilmore** asked the Taoiseach the progress made regarding the implementation of the recommendations of the Special Group on Public Service Numbers and Expenditure Programmes in so far as they apply to his Department; and if he will make a statement on the matter. [32319/10]

24. **Deputy Enda Kenny** asked the Taoiseach the recommendations of the Report of the Special Group on Public Service Numbers and Expenditure Programmes that relate to his Department; the progress made in the implementation of these recommendations; and if he will make a statement on the matter. [34789/10]

**The Taoiseach:** I propose to take Questions Nos. 20 to 24, inclusive, together.

While fluctuations in spending occur from month to month and some expenditures do not fall due until the end of the year, I am satisfied that overall spending by my Department for 2010 will remain within the agreed revised Estimates for the year.

Work on implementing the recommendations of the Special Group on Public Service Numbers and Expenditure is ongoing in my Department.

In this context, separate programme funding for the work of the Ireland Newfoundland Partnership and the Active Citizenship Office ceased in 2009. The separate offices in these areas have been discontinued and this has given rise to significant savings on my Department's Vote.

The National Forum on Europe was closed in 2009 which also gave rise to significant savings.

In addition there has been significant savings in the National Economic and Social Development Office, NEDSO. The Government considered the role of the office in the context of the report of the Special Group on Public Service Numbers and Expenditure Programmes and the

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recommendations of a value for money review of the office carried out in my Department. These took account of the evolution of policy and programmes since the various bodies were established, not least the increase in the sources of policy analysis and commentary.

In light of these considerations, the Government decided to amalgamate the three constituent bodies of the National Economic and Social Development Office by absorbing the National Economic and Social Forum, NESF, and the National Centre for Partnership and Performance, NCPP, into the National Economic and Social Council, NESC. In consequence of this, the NESF and the NCPP were dissolved with effect from 1 April 2010. As a result of these changes the budget for NESDO in 2010 was reduced by 34% to €3.332 million with potential for further administrative savings once the restructuring is implemented.

In common with all Departments and offices, there has been a reduction in staff numbers arising from Government policies. In my Department the number of whole time equivalent staff employed has reduced by 10% since the end of 2008. I assure the House that my Department will make significant savings on expenditure in 2010, and that this process will be managed so as to minimise the disruption to the very valuable public services they provide.

**Deputy Enda Kenny:** Given that the Minister for Finance has a difficult task preparing a budget in unprecedented economic circumstances and if everything is on the table, can the Taoiseach outline the significant savings in expenditure in his Department for 2011? Has he had a look at what else he might have to deal with in his Department for next year to make a contribution to the overall figure to be determined by the Government by mid-November?

**The Taoiseach:** The Estimates campaign is ongoing. Discussions between the Department of Finance and the Taoiseach of the day are traditionally brief and the Taoiseach usually takes on board what the Minister for Finance has to say in terms of leading by example.

**Deputy Eamon Gilmore:** Has the Taoiseach's Department put forward proposals to the various implementation bodies associated with the Croke Park agreement for reforms and cost savings?

**Deputy Eamon Gilmore:** Those issues are being dealt with by the staff and the management in the context of Estimates discussions which have begun and are ongoing. The reply that I have been able to give confirms that the Department of the Taoiseach is no different from any other Department. It must make a contribution to the overall budgetary imperatives.

**Deputy Eamon Gilmore:** Yes, but the Croke Park agreement is in place since last April.

**Deputy Brian Lenihan:** Last June.

**Deputy Eamon Gilmore:** My understanding is implementation bodies have been appointed and the idea was that they would consider proposals from Departments for reforms and further savings. Have such proposals been put by the Taoiseach's Department for consideration by those bodies?

**The Taoiseach:** The questions the Deputy tabled do not relate to that. They relate to my own——

**Deputy Eamon Gilmore:** It is a perfectly legitimate supplementary question. This is a wide-ranging issue. It is pretty straightforward. Have they or not?

**The Taoiseach:** I will reply but this is outside the ambit of the questions tabled.

**Deputy Eamon Gilmore:** It is not.

**The Taoiseach:** I have some information that will be of help to the Deputy.

**Deputy Eamon Gilmore:** I only ask the questions.

**The Taoiseach:** I always provide the answers.

**Deputy Eamon Gilmore:** That is good. I thank the Taoiseach.

**The Taoiseach:** If we keep it that way, we cannot go wrong.

The Department of Finance has begun the process of preparing proposals on changes to be addressed at a central level for inclusion in the action plan for the Civil Service and State agencies. My Department is currently considering actions that could be taken within the Department and bodies under its aegis.

### **Request to move Adjournment of Dáil under Standing Order 32**

**An Ceann Comhairle:** Before coming to the Order of Business, I propose to deal with a notice under Standing Order 32.

**Deputy Finian McGrath:** I am delighted that the Taoiseach has said he will provide all the answers because this issue is important.

I seek the adjournment of the Dáil under Standing Order 32 to debate the following urgent matter: to build the Cystic Fibrosis Unit at St. Vincent's Hospital; deplores the delays on this project; and, finally, calls on the Minister and Government to make this unit a priority project. We discussed this before the summer recess. Will the Taoiseach haul some of these guys in to see what is going in the HSE and the Department of Health and Children and let them get on with building this unit? There are 100,000 unemployed construction workers who are looking for work.

**An Ceann Comhairle:** The Deputy is in the business of embellishment at this stage.

**Deputy Finian McGrath:** As far as I know, and the Minister for Finance can confirm it, €20 million is ring-fenced for this issue.

**An Ceann Comhairle:** The Deputy is heavily into the embellishment business at this stage.

**Deputy Finian McGrath:** It is a disgrace that families with cystic fibrosis are still waiting——

**An Ceann Comhairle:** Second Stage contributions are not contemplated under Standing Order 32.

**Deputy Finian McGrath:** ——since before the summer recess. They were made promises by all parties in this House and the Government in particular said it would deliver.

**An Ceann Comhairle:** Having considered the matter raised, it is not in order under Standing Order 32.

### Order of Business

**The Taoiseach:** It is proposed to take No. 5, Immigration, Residence and Protection Bill 2010 — Order for Second Stage and Second Stage. Private Members' business shall be No. 73, motion re health service cutbacks (resumed), to conclude at 8.30 p.m. tonight if not previously concluded.

**An Ceann Comhairle:** There are no proposals to be put to the House today.

**Deputy Enda Kenny:** I have three questions on the Order of Business. Will the Taoiseach confirm the date on which the Government intends to publish the budgetary profiles for the next four years? Second, I understand it was revealed this morning that vulnerable young people with serious problems are being treated in the south east in an adult psychiatric ward. This is completely contrary to the Mental Health Commission guidelines. It is further reported that because of staff cutbacks, at one stage just one nurse was attempting to take care of more than 30 patients. Is the Taoiseach aware that these kind of placings are taking place on a systematic basis as distinct from being exceptional? Can he confirm that legislation will be introduced later this year to outlaw this practice which is very dangerous in many cases and should not be happening? Third, I understand from an announcement by the National Roads Authority that it is proposing to impose a swathe of new tolls across the country, including on the M50. The impact of this decision, particularly where the taxpayer has paid for motorways or dual carriageway development, will be to drive motorists and commercial traffic back on to single carriageway routes through towns, villages and housing estates.

**An Ceann Comhairle:** I am loth to interrupt the Deputy but these questions are much more appropriate to the line Ministers.

**Deputy Enda Kenny:** My questions are about legislation. The Ceann Comhairle is a patient man and if he will allow me to finish, he will find that my questions are related to legislation. Is it intended to implement the tolling proposal referred to by the National Roads Authority? Will this require the introduction of legislation to give effect to that proposition, particularly in the case of where the taxpayer has paid for the road in the first instance?

**The Taoiseach:** I am not aware that legislation would be required for such a proposal were one to emerge. These are issues which are considered by the NRA when evaluating factors such as proper traffic management, road investment needs to support economic competitiveness, safety issues and implementation of Government policy in areas such as smarter travel. In any event, such issues or initiatives when they arise are considered by the Minister for Transport in due course.

In answer to the Deputy's first question, it is expected to have the four-year budgetary framework prepared by mid-November. The date for the budget is 7 December. We have indicated this as a result of the decision taken last week. We expect mid-November to be the time when we can do that. The pre-budget outlook can also be provided at that time.

On the second question I do not know if specific legislation is involved, but I accept it is inappropriate to admit young people to units providing care and treatment to adults. However, recognising the absence of an alternative, such admissions are sometimes necessary for the safety and treatment of a child. In arriving at a decision to admit a young person to an adult unit, due consideration is given to the risks of not admitting him or her and the potential adverse effects of such an admission. During 2009 the bed capacity for children and adolescents almost doubled, bringing the total number of inpatient beds to 30. That capacity will be further increased to 52 following the commissioning of two new units in Cork and Galway later this year. The opening of a new 20-bed purpose-built unit at Bessborough in Cork later this year will provide for the inpatient needs of the Waterford area in the future.

**Deputy Eamon Gilmore:** I wish to raise two matters with the Taoiseach. Last week, an additional €2.7 billion was allocated to Irish Nationwide Building Society, bringing the total amount for that institution to €5.4 billion. Last April, Irish Nationwide Building Society appointed Ernst & Young as forensic auditors to look back over the lending practices of that institution. Has Ernst & Young yet presented its report and will the report be laid before the House as, in effect, this is a publicly owned institution?

Yesterday, An Bord Pleanála granted permission to Dublin City Council to compulsorily purchase land required for the incinerator to be built at Poolbeg. Does the Government accept the An Bord Pleanála decision?

**The Taoiseach:** The Government never interferes in the decisions made by An Bord Pleanála as this is an independent authority with statutory powers regarding planning matters.

On the first question, the Government has a special investment share in Irish Nationwide Building Society. Any reports will have to go to the board in the first instance before going anywhere else. I am not aware the report has yet been put before the board.

**Deputy Richard Bruton:** The Taoiseach will be aware that three years ago the Government gave a commitment to reduce the unnecessary cost of compliance by business by €500 million. The halfway stage has now passed and the Government has delivered just 4% of this sum. I suggest that €500 million is a sum which is crucial to small business and it cannot easily do without it.

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

**Deputy Richard Bruton:** This is exactly my question. This involves a series of both primary and secondary legislation in order to move this logjam and nothing is happening. No one is driving the agenda effectively.

**An Ceann Comhairle:** I suggest the Deputy consider submitting a parliamentary question on the matter in order to receive a detailed written reply.

**Deputy Richard Bruton:** The Taoiseach is responsible for the co-ordination of Government. This is a matter of cross-governmental responsibility, involving the Departments of Justice and Law Reform, the Environment, Heritage and Local Government and Enterprise, Trade and Innovation. We are perfectly entitled to ask whether the Government will propose initiatives to drive this programme? Businesses are doing without €500 million which they can ill afford to pay out.

**The Taoiseach:** The Department of Enterprise, Trade and Innovation has taken initiatives to seek to reduce bureaucratic costs for business. It has identified four or five areas in which it is seeking to reduce by 25%. I do not have the details in front of me but I will ask the Minister for Enterprise, Trade and Innovation to convey them to the Deputy.

**Deputy Seymour Crawford:** In light of the difficulties in the health service and what has been revealed today about the loss of money, when will the health information Bill, long promised to this House, be introduced? It is No. 32 on the legislative programme.

With reference to the issue of Garda personnel and the need for gardaí to be diverted to the right areas of operation, much Garda time has been taken up in dealing with anti-social behaviour. When will the sale of alcohol Bill be introduced in order to bring some control to the way the sale of alcohol is dealt with?

[Deputy Seymour Crawford.]

Finally, but by no means least, before the summer recess I asked for time for a debate on agriculture. The payments situation is in crisis and there is also a crisis in the pig industry where prices are falling and the cost of feed has risen.

**An Ceann Comhairle:** The Deputy is anticipating that debate at this stage.

**Deputy Seymour Crawford:** Agriculture is one of the biggest industries in this country and it needs to be debated in the House.

**The Taoiseach:** Both of those pieces of legislation are due in 2011, with the sale of alcohol Bill likely to be published before the health information Bill. A debate on agriculture is a matter for the Whips to decide. A food harvest report has set out a development path for the agrifood industry over the coming five and ten years and in my view this would merit a debate in the House. This year there has been a substantial increase in farm incomes due to increased commodity prices and reduced input costs. Talking about crisis in that context is not a fair reflection of the experience of the agribusiness sector this year.

**Deputy Seymour Crawford:** The Taoiseach should ask the pig industry.

**The Taoiseach:** This Government worked very closely with the pig industry to deal with a serious problem that merited significant funding by the taxpayer to ensure the pig industry was retained in the aftermath of the serious health and safety problem last year. The pig industry continues to be very competitive. On trade missions as far away as Japan last year I met pig industry representatives seeking to sell their wares and doing so successfully. If the Deputy wishes to have a debate, we should do so if the Whips can arrange it. In respect of payment systems, the Department of Agriculture, Fisheries and Food has been very adept and has been deemed to be one of the most efficient in terms of the timeliness of the single farm payment, which is so important to farm household income.

**Deputy Seymour Crawford:** The Taoiseach should ask the 20% not receiving payment.

**Deputy Bernard J. Durkan:** During the passage of legislation on NAMA, the Minister for Finance and the Taoiseach indicated to the House, under pressure from the Opposition parties, that legislation would be introduced to support those in mortgage arrears. There are now some 40,000 such cases. At the same time, many of the people affected are unemployed and in negative equity. What efforts have been made to bring forward the legislation in recognition of the commitment given by the Taoiseach and the Minister on that occasion?

**The Taoiseach:** There are a number of initiatives, none of which involved the preparation of legislation. We tried to come forward with some practical initiatives that would help mortgage holders with specific issues to deal with and to support those in difficulty with mortgages. It is worth recalling that the Government has already provided help to over 16,700 families with the mortgage interest subsidy scheme. We increased the advisory services divided to them through the Money Advice and Budgeting Service, introduced a statutory code of conduct on mortgage arrears for all lenders, extended the six-month moratorium on legal proceedings to 12 months, refocused mortgage interest relief on those who purchased their homes at the peak of the market with extensions up to the end of 2017 and we established a mortgage arrears and personal debt expert group to make recommendations in line with our commitments under the renewed programme for Government. An interim report has already emerged from the process. The Law Reform Commission, under the aegis of the Minister for Justice and Law Reform, is addressing the issue of debt management and enforcement. We will consider further initiatives in this important area.

**Deputy Bernard J. Durkan:** I do not want to prolong the debate and I thank the Taoiseach for his comprehensive reply but there is something missing. Mortgage arrears are increasing on a monthly basis. The IMF——

**An Ceann Comhairle:** We cannot have a debate on it on the Order of Business.

**Deputy Bernard J. Durkan:** I am not having a debate on it. I have another question to ask as well.

**An Ceann Comhairle:** On promised legislation.

**Deputy Bernard J. Durkan:** This legislation was promised. The Taoiseach may not remember it but the Minister's words at the time were that he proposed to go the legislative route.

**An Ceann Comhairle:** The Deputy is pursuing a debate.

**Deputy Bernard J. Durkan:** The IMF has suggested that something be done because arrears are increasing. Something needs to be done about this soon.

Another issue of promised legislation is the legal costs Bill, which has been on the Government legislation programme for approximately four years. An indication was given that this would be pursued with some intent. It is still on the "must do" list, with publication expected. What discussion has taken place on the preparation of the heads of the Bill, has it been discussed in Cabinet and has it been discussed between the various——

**An Ceann Comhairle:** We cannot have a debate on it.

**Deputy Bernard J. Durkan:** I am sorry a Cheann Comhairle——

**An Ceann Comhairle:** Deputy Durkan is provoking a debate on the matter. He can ask a question about promised legislation but he cannot follow up with lengthy embellishments.

**Deputy Bernard J. Durkan:** The Ceann Comhairle is now interrupting me and not for the first time. I am entitled——

**An Ceann Comhairle:** The Chair does not interrupt, the Chair intervenes.

**Deputy Bernard J. Durkan:** I am entitled to ask about the preparation of a Bill, whether the heads of the Bill have been prepared and whether discussions have taken place relative to the preparation of the Bill. We need to know the answer now.

**The Taoiseach:** The heads of the Bill had not yet been prepared.

**Deputy Bernard J. Durkan:** Has nothing been done?

**The Taoiseach:** Work is ongoing; the heads of the Bill have not yet been prepared.

**Deputy Bernard J. Durkan:** After four years of ongoing work, a little more progress would be appreciated.

**Deputy Fergus O'Dowd:** In view of the fact that one third of all instructors on privately contracted FÁS courses are not approved by FETAC, the standards authority, when will the qualification and quality assurance (education and training) Bill be before the Dáil? Of those courses, 55% of course organisers are not in full compliance with regulations. Does the Taoiseach agree this is a scandal that must be addressed by the legislation coming before the House as quickly as possible?



**The Taoiseach:** I expect the Bill to be before the House this session.

**Deputy James Reilly:** I refer to two matters of promised legislation. The House is debating on where cuts should be made in the health service. A quote from the Minister for Health and Children suggests there will be 6,000 redundancies in the HSE. We have heard this year on year. Is there any legislation to accommodate this and will legislation be needed in order to achieve this goal that has been long spoken about but is yet to be achieved?

A second matter concerns the freedom of doctors to move throughout the EU. The anomaly is that doctors from English-speaking countries such as the USA, Australia and South Africa must undertake an English language test while doctors within the EU do not have to do so. Many doctors from Lithuania, Poland and various other places do not have English. We must ensure quality of care——

**An Ceann Comhairle:** Is legislation promised?

**Deputy James Reilly:** ——and communication is very important in diagnosing and treating a patient successfully. Is legislation required or will there be negotiations with the EU?

**The Taoiseach:** I am not aware that legislation is required or contemplated in either of those areas.

**Deputy Ruairí Quinn:** Legislation to provide for the establishment of the VECs as patrons at primary level was published and circulated last Tuesday or Wednesday. It is not on the list of promised Government legislation but has been promised for some time. When is it proposed to take that Bill?

**The Taoiseach:** It will be taken shortly. The Whips will deal with it this session.

**Deputy Emmet Stagg:** On the matter of Dáil reform and the legislation required arising from it, a package of Dáil reform was effectively agreed between all parties prior to the summer recess. The then Chief Whip, Deputy Pat Carey, informed the Dáil reform committee that he could not proceed any further. In other words, the Government, or the Taoiseach personally, had vetoed the package. No meeting of the Dáil reform committee has taken place since before the new Chief Whip was appointed. The issues we are dealing with are archaic and outdated procedures, which everyone agrees need to change, poor organisation of the time we have available, the need for extra time and Adjournment debates where a Minister of State comes into the Chamber with a bundle of scripts he has not seen and then reads them out. He does not take any heed of what the Member raises on the Adjournment debate. It is a form of insult to the House.

**An Ceann Comhairle:** We are having a debate on the matter.

**Deputy Emmet Stagg:** I do not bother the Ceann Comhairle too often and he should give me some leeway.

I refer to the issue of quangos, which has been raised by the Minister for Finance, who described Government by quangos as not being Government at all. I refer to the need to have responsibility in the House and the democratic deficit that arises from the widespread use of quangos to the exclusion of the matter of the public moneys funded to them being raised in the House. These issues and many more need attention. Can the Taoiseach indicate when the Dáil reform committee will meet again? All members of it are available to meet whenever required. Is the veto on Dáil reform put in place before the recess still in place?

12 o'clock

**The Taoiseach:** The question of when a Dáil reform committee meets is a matter for the committee. It is not a matter for me.

**Deputy Emmet Stagg:** The Taoiseach might say something to the Chief Whip.

**Deputy David Stanton:** The Chairman must call the meeting.

**The Taoiseach:** I understand the Chief Whip has discussed issues with individual Whips since his appointment. The possibility to get cross-party support is still a matter for consideration. If some people adopt an all or nothing approach——

**Deputy David Stanton:** No, that is not the case.

**Deputy Emmet Stagg:** No, that is not right.

**The Taoiseach:** ——the possibility of getting it is not very good.

**Deputy David Stanton:** On the same matter.

**Deputy Emmet Stagg:** The Taoiseach is going against his own Whip.

**An Ceann Comhairle:** Deputy, we simply cannot have a debate on this matter on the Order of Business. We will have to find another time and another way.

**Deputy Emmet Stagg:** We had agreement but when the Government Chief Whip brought it back to Government it was vetoed.

**An Ceann Comhairle:** We will agree to disagree at this point.

**Deputy David Stanton:** We had agreement on that but we cannot get movement from Government. We want to change how things are done but the Taoiseach will not engage with us himself. It is his fault. Let us stop misleading the House.

**An Ceann Comhairle:** Deputy Stanton, we are not going to have a debate on the matter of Dáil reform on the Order of Business. We have provided for it.

**Deputy David Stanton:** We cannot have a debate anywhere on it.

**An Ceann Comhairle:** Deputy Stanton knows there are other ways.

**Deputy Kathleen Lynch:** The Taoiseach's head is in opposition.

**Deputy David Stanton:** It takes two to tango. Is the Government planning secondary or primary legislation to regulate gambling, onshore or offshore?

**The Taoiseach:** I have given an indication that we are looking at legislation to deal with the bookmakers' situation and the funding of racing. The question of any other move beyond that is part of an ongoing consultation process.

**Deputy Dan Neville:** Will the Taoiseach indicate when the mental capacity Bill to reform the law on mental capacity in connection with vulnerable adults and the law will be introduced?

Language is very important in terms of drafting legislation on mental health. The use of the word "insanity" has a stigma attached. Perhaps those who draft legislation would consider the use of the word "insanity" in law.

**The Taoiseach:** I understand the mental capacity Bill will be introduced in this session. Other legislation on mental health is due next year. I accept what the Deputy has to say. Sometimes there is difficulty with legal definitions in terms of amending legislation in that the question of insanity is a legal term in legislation.

**Deputy Dan Neville:** There is a stigma attached to it.

**The Taoiseach:** I understand that point. Perhaps it is an issue that could be raised on Second Stage for consideration on Committee and Report Stages. If one is amending existing legislation it is very difficult to avoid the use of such terms in order to ensure one moves to a new more modern framework by amending the existing terminology.

**Deputy Mary Upton:** Does the Taoiseach have any plans to capture the tax from on-line gambling?

**The Taoiseach:** As the Deputy is aware, that matter is being examined. We are seeking a way forward in regard to it.

**Deputy Thomas P. Broughan:** When will we see the road traffic (amendment) Bill? The Taoiseach is aware that it is intended to implement a key part of the road traffic Bill. Has he had a chance to do anything to help the taxi workers? I sent him an e-mail on the issue again last night to see whether there are any steps he could take to try to assure taxi workers that, for example, they might not——

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

**Deputy Thomas P. Broughan:** There is.

**The Taoiseach:** The road traffic (amendment) Bill is due this session.

**Deputy Thomas P. Broughan:** What about the taxi workers?

**The Taoiseach:** That issue is being considered by the National Transport Authority.

**An Ceann Comhairle:** There is no promised legislation on the area.

**Deputy Emmet Stagg:** It is another quango over which we have no control.

### **Immigration, Residence and Protection Bill 2010: Order for Second Stage**

Bill entitled an Act to restate and modify certain aspects of the law relating to the entry into, presence in and removal from the State of certain foreign nationals and others, including foreign nationals in need of protection from the risk of serious harm or persecution elsewhere, while having regard also to the power of the Executive in relation to the above matters, to give effect to Council Directive 2001/40/EC of 28 May 2001 on the mutual recognition of decisions on the expulsion of third country nationals, to give effect to Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof, to give effect to Council Directive 2002/90/EC of 28 November 2002 defining the facilitation of unauthorised entry, transit and residence, to give effect to EU framework decision 2002/946/JHA of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence, to give effect to Council Directive 2004/82/EC of 29 April 2004 on the obligation of carriers to communicate passenger

data, to give effect to Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status, to give further effect to the convention relating to the status of refugees done at Geneva on the 28th day of July 1951 and the protocol relating to the status of refugees done at New York on the 31st day of January 1967, to give effect to the protocol against the smuggling of migrants by land, sea and air supplementing the UN Convention Against Transnational Organized Crime, to amend the Irish Nationality and Citizenship Act 1956, to amend or repeal certain other enactments and to provide for related matters, including victims of human trafficking.

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

Question put and agreed to.

### **Immigration, Residence and Protection Bill 2010: Second Stage**

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

This new Bill represents a further development and enhancement of the provisions contained in the Immigration, Residence and Protection Bill 2008 and takes account of concerns and amendments put forward during the debates on that Bill. Deputies will recall that the Committee Stage debate was particularly detailed and lasted almost 33 hours over 13 sitting days. Prior to the commencement of that debate, the Joint Committee on Justice, Equality, Defence and Women’s Rights considered 57 written submissions on the Bill and invited selected groups to attend before the committee to explore issues that could impact on the Bill.

There was an extensive debate on the 2008 Bill. Arising from the detailed consideration of the Bill by the House, in excess of 200 substantive or non-technical Government amendments were prepared for Report Stage. I accepted the considerable number of amendments which were tabled by the Opposition. I agreed during Committee Stage to reconsider some of the amendments. We tabled our own amendments along the lines of the amendments suggested by the Opposition. In addition, we tabled additional amendments on Committee Stage and we undertook to prepare further amendments for Report Stage. I was concerned that the nature and number of the amendments might be considered burdensome for the House to deal with on Report Stage. In other words, we were going to deal with amendments of previous amendments that had been tabled. I decided to discuss the matter of how to proceed with Opposition spokespersons on justice. Based on those initial discussions I obtained Government approval to publish a new Bill inclusive of the amendments rather than continue with the 2008 Bill. It was decided with the Opposition’s consent that we would proceed to withdraw the Bill which had been substantially amended and was due to be further amended on Report Stage and that we would incorporate as many of the amendments as possible that were made on Committee Stage in the new Bill. I express my appreciation to the Opposition spokespersons for the consensus reached on the matter. This is a better way to proceed. It is clearer and easier for all of us who will deal with the Bill on Committee and Report Stages.

It is generally accepted that the current body of immigration law no longer provides Government with the tools it needs for the job of managing modern migration. The Bill provides, for the first time, a comprehensive framework on which there can be a wide range of immigration policies designed to suit different people in different circumstances, as the need arises. It pulls together all of the State’s immigration and refugee legislation with some important changes and expands on it enormously. In doing so, it provides a single point of reference for immigration and protection legislation and will support a variety of detailed immigration policies

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relating to different circumstances and categories of migrant and visitor. While catering for the changing needs of Irish society, it will ensure that people are treated fairly and reasonably and will provide greater certainty on the procedural aspects of the immigration process. This will, I believe, facilitate the delivery of a more efficient immigration service.

The Bill effects a radical restructuring of the State's asylum determination processes. It has been apparent for some time that the principal question that most protection claimants want answered is not "Will you recognise me as a refugee?" but "Can I stay?". That question is currently answered in a multi-stage process whereby the first aspect examined, by the independent Refugee Applications Commissioner, is whether the applicant is a refugee. Most negative determinations of that aspect are appealed to the independent Refugee Appeals Tribunal. Following a negative determination on appeal, there is a lengthy process whereby the Minister must determine whether the person is eligible for subsidiary protection and if there are other reasons why the person should be let stay. This sequential process is cumbersome, ineffective and inefficient and causes inevitable delays in the final decision; and delay itself can affect what the final decision is to be.

The Bill introduces a single procedure wherein the protection applicant will be required to set out all of the grounds, including protection grounds under the Geneva Convention and the EU asylum qualification directive on which he or she wishes to remain in the State. Those grounds will be investigated by the Minister and the outcome of the investigation could be that the person is either allowed to remain in the State on refugee grounds or subsidiary protection grounds and is granted a protection declaration or is not granted protection but allowed to remain in the State on other discretionary grounds and is granted a residence permit on that basis, or is not allowed to remain in the State and is thus required to leave or be removed.

The introduction of the single procedure will bring the State into line with processes in many other European states. Under the Bill, the functions currently carried out by the Office of the Refugee Applications Commissioner will be subsumed into the Irish Naturalisation and Immigration Service, INIS, the administrative agency of my Department. The present statutory provisions for UNHCR to have access to information about cases and to be present if it wishes at individual interviews are restated, and it is my intention to continue the co-operation that has existed with UNHCR, in particular in regard to that body's signal contribution so far to training of staff in the refugee decision-making process. The UNHCR has stated at many meetings with me that it wishes to see the expeditious passage of this Bill.

The Refugee Appeals Tribunal will be replaced by the protection review tribunal, which will be statutorily independent and will deal with appeals against a refusal to grant refugee status or subsidiary protection under the EU qualification directive. This is an expanded remit for the appeals body and it underpins the State's commitment to those in need of protection. Other differences provided for in the Bill include provisions to increase consistency of decision-making and the possibility of full-time members of the tribunal.

The new approach to protection applications will result in a more streamlined and efficient process which will ensure that a protection applicant receives a quick and comprehensive answer to the whole question, "Can I stay?". In this fashion, it ensures that the State's obligations under the Geneva convention on refugees and other international instruments designed to offer protection from persecution and other dangers will continue to be fully respected and enshrined in law while reducing the scope for abuses of the arrangements.

It is a fundamental principle of our immigration law that a foreign national has no right, as such, to enter or be in Ireland. There is considerable jurisprudential authority which makes clear that the State has not only the power — a power exercised mainly by the Minister for

Justice and Law Reform — to manage the entry into, presence in and removal from the State of non-nationals, but also has a duty to do so in protection of the interests of Irish society and the integrity of the State's immigration processes. The Supreme Court has continuously affirmed and adopted the well-known passage outlining the role of the State in the control of foreign nationals as described by Mr. Justice Gannon in *Osheku v. Ireland*, where he stated:

[T]hat it is in the interests of the common good of a State that it should have control of the entry of aliens, their departure and their activities and duration of stay within the State is and has been recognised universally and from earliest times. There are fundamental rights of the State itself as well as fundamental rights of the individual citizen, and the protection of the former may involve restrictions in circumstances of necessity on the latter. The integrity of the State constituted as it is for the collective body of its citizens within the national territory must be defended and vindicated by the organs of the State and by the citizens so that there may be true social order within the territory and concord maintained with other nations in accordance with the objectives declared in the preamble to the Constitution.

In the *Bode* case in 2007, Ms Justice Denham reaffirmed the position as outlined in the *Osheku* case and added that:

While steps taken by a State are often restrictive of the movement of foreign nationals, the State may also exercise its powers so as to take actions in a particular situation where it has been determined that the common good is served by giving benefits of residency to a category of foreign nationals — as a gift, in effect.

It is interesting that the Supreme Court described as a “gift” the giving of benefits of residence. This ties in generally with the proposition that, under this Bill, a foreign national may be granted a “permission” to enter or to reside in the State. The granting of such permission is a matter of sovereignty, here as in other jurisdictions.

While the fundamental principle is that a foreign national has no right to enter or be in the State, the reality is that we are members of the international community and subscribe to certain values and principles. First, Ireland as a member of the European Union fully respects the treaty rights of EU citizens who wish to come here to participate in the Irish economy and society. We do not speak of permitting or allowing them to come or be here; we facilitate their presence here because it is their right. Second, Ireland is a party to the Geneva convention on the status of refugees and its related protocol. We have thereby committed ourselves, and continue to do so, as a reflection of the State's commitment to human rights on the international level, to allow refugees to remain in the State. As part of this obligation, we admit to the State, on a provisional and temporary basis, people who would in normal circumstances be refused permission to enter but who assert that they have need of the protection afforded by the refugee convention. Third, it is also a well-established principle that the longer a foreign national resides lawfully in the State, there can be some entitlement to be allowed to continue to do so provided there is no failure to comply with the requirements of immigration law and the person has not engaged in criminal activity.

The Bill sets out a legislative framework for the management of inward migration to Ireland. It lays down a number of important principles governing the presence in the State of foreign nationals, including the obligation on a foreign national who is unlawfully in the State to leave. It sets out statutory processes for applying for a visa, for entry to the State, for residence in the State and for being required, when necessary, to leave. It is a comprehensive framework that encompasses principles outlined by the Supreme Court; fully respects the State's obligations under the Geneva convention on refugees; transposes into our domestic law a number

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of EU instruments; contains measures to streamline our current immigration and protection processes and to combat illegal immigration and other abuses of our immigration processes, such as marriages of convenience; and will operate in tandem with the State's recognition of the rights of EU nationals. The Bill prescribes the conditions under which foreign nationals should be allowed to enter the State, for what purpose and for how long, and when and in what circumstances they must leave.

It follows from what I have said that the primary purpose of having or developing immigration policies is, as it must be, to serve the interests of the State. In the operation of their immigration policies, all states exercise choices — that is a feature of the sovereign power of states. The guiding principle underlying Irish immigration policy choices is the protection of the interests of Irish society and the making of those choices is a function of the Government, exercised through the Minister for Justice and Law Reform of the day. In essence, therefore, the Bill will provide the framework within which immigration policy choices will be made, spelling out the processes involved in making and implementing those choices, and ensuring that any negative choices, once made, are followed through and enforced. A good deal of the policy of the Bill will be fleshed out in regulations but those regulations will be based on the principles and policies contained in the Bill.

Before indicating to the House what the Bill generally contains by way of those principles and policies, I want to outline to the House how the Bill addresses some of the issues that were raised during debate on the 2008 Bill. The question has arisen as to whether there should be a reference to what has been termed the “best interest of the child” in the context of all decisions being made under the Bill. This proposition was included in a Committee Stage amendment tabled by Deputy Rabbitte and I undertook to consult the Attorney General on the matter. On the basis of those consultations, I am satisfied that the Bill already, where necessary, caters for the special position of children.

In all instances where an immigration officer or a member of the Garda Síochána has concerns about a foreign national under the age of 18 years, whether or not accompanied, the Health Service Executive is to be notified and the child automatically becomes a person to whom the Child Care Acts 1991 to 2007 apply. Section 3(2)(b) of the Child Care Act 1991 is explicit about how the HSE is to treat the welfare of every child who is not receiving adequate care and protection — it is required to regard the welfare of the child as the first and paramount consideration. This formulation is modelled on section 3 of the Guardianship of Infants Act 1964, as amended, which sets out how a court dealing with matters affecting the guardianship, custody or property of a child is to regard the child's welfare. The formulation is restated at section 24 of the Child Care Act 1991 for court proceedings under that Act.

The advice available to me is that an amendment of the Bill along the lines that have been suggested would create a risk that the child could be used effectively as a means to secure the presence in the State of an accompanying adult, notwithstanding that the child would not ordinarily be allowed to enter or be present in the State. I believe this potential outcome is undesirable, detrimental to the best interests of the child and could indirectly encourage and facilitate child trafficking. Upon being granted an entry or residence permission, the person will be aware of the conditions attaching to that permission, including its expiry date. If he or she remains in the State beyond that date, his or her presence will be unlawful. Unlawful presence in the State is an arrestable offence.

The Bill's extensive notice provisions and review processes are designed to cater for the different types of decision that arise at various stages of the immigration process. Foreign nationals affected by decisions giving rise to such reviews have the option to seek judicial

review of those decisions by the courts where they consider there has been a procedural irregularity. The intention is to strike a fair balance between facilitating the persons concerned in putting their affairs in order in advance of leaving the State or being removed while at the same time providing for efficient operation of the State's immigration laws.

The removal provisions are also a careful balance between the need for a firm and fair system of removal and the avoidance of outright abuses. The use of the term "summary deportation" is inappropriate and fails to acknowledge the actual provisions of the Bill which have been designed to provide fair procedures at each stage of the immigration process.

The Immigrant Council of Ireland has argued that the Bill should specify who can come to Ireland, for how long, under what conditions and with what rights. It argues that failure to do so will give rise to an immigration system that does not spell out clear rules and result in inconsistencies and delays. It is difficult to understand why those who criticise the current processes for just such inconsistencies and delays should advocate the development of an inflexible and unresponsive system as a replacement. There is an inherent contradiction in proposing a one size fits all statute seeking to cover every eventuality while expecting the resulting processes to be flexible enough to meet the differing circumstances of persons who appear before our immigration authorities for consideration. The recently launched strategy Investing in Global Relationships, aimed at increasing international student numbers in higher education and in English language schools by 2015, is an example of where flexible and responsive immigration processes will be required.

A good deal of the policy of the Bill will be fleshed out in regulations. Other countries such as the UK, Australia and Canada also make extensive use of subsidiary legislation for putting their policies into effect.

Important measures in the Bill contribute to the protection of victims of trafficking. Victims will have more time to recover in the State from their ordeals. The recovery and reflection period is extended from 45 days to 60 days, as agreed on Committee Stage of the previous Bill. There is a regulation-making power whereby the Minister can grant a longer recovery and reflection period or, if the case requires, a renewable residence permission to victims under 18 years of age.

The Bill's measures represent just one strand of the overall strategy the Government is adopting to address the awful situation of human trafficking. The Criminal Law (Human Trafficking) Act 2008, which came into law in June of that year, provides the legislative framework for the prosecution of traffickers of human beings for purposes of their sexual exploitation, labour exploitation or removal of their organs. The National Action Plan to Prevent and Combat Trafficking of Human Beings in Ireland 2009-2012, published in June 2009, seeks to develop a holistic approach to the treatment of suspected victims and potential victims. It sets out the services required and how they can be accessed by persons identified as suspected victims of trafficking. The interdepartmental high level group, the anti-human trafficking unit established in my Department in February 2008, the Garda Síochána and various Departments and Government agencies have already begun implementing many of the measures outlined in this plan and the work carried out to date will be expanded upon and developed during its lifetime. On Monday of last week, I met my Northern and Scottish counterparts. One of the major issues we discussed was human trafficking through Scotland into Northern Ireland and the Republic. We had a common cause in preventing that trafficking as much as possible. The Civil Law (Miscellaneous Provisions) Bill 2010, which is before the House, provides for amendments to the Civil Legal Aid Act 1995 to permit the Legal Aid Board to provide legal advice in respect of criminal matters to alleged victims of trafficking offences.



[Deputy Dermot Ahern.]

I turn briefly to the provisions of the Bill. I will not dwell unduly on these since Deputies will already be familiar with most of them, given what was effectively 33 hours of Committee Stage debate on the contents of this Bill. However, I will point out new provisions for the information of Deputies.

Part 2 lays down the core principles that guide the Bill. One of these principles is that a foreign national will be lawfully present in the State only if he or she has a current valid entry or residence permission to be in the State. If a person is unlawfully in the State, he or she will thereupon be under an immediate and continuing obligation to leave. As with the previous text, the Bill ensures access to certain essential services, including medical services and other emergency provisions that may be prescribed. At the suggestion of Deputies, I have sought to provide more clarity in the text on this matter.

Part 3 sets out a new statutory process for making and determining visa applications. A visa is not the same as a residence permission; it is a permission to arrive at a frontier in order to apply for permission to enter the State. The visa process offers to immigration authorities the opportunity to pre-clear an intending visitor or migrant. A person to whom a visa has been issued can be reasonably confident of being allowed to enter the State on arrival.

Part 4 sets out what is to happen when a foreign national arrives at the frontiers of the State and other aspects of frontier operations, including carrier liability for ensuring that passengers have a passport and, where necessary, a visa. There is a key change to this Part whereby a person who is refused entry to the State on health grounds, but who is so infectious as to preclude both return on a passenger vehicle and permission to be at large in the State, can be detained under section 38 of the Health Act 1947 until such time as he or she is certified not to be a probable source of infection.

Part 5 sets out a framework whereby the grant of residence permission will be the basis for lawful residence in the State. It contains detailed processes for renewal, non-renewal and revocation of residence permissions. A key change is the extent to which the Bill imposes greater notice requirements on the Minister and provides for additional review processes.

The long-term residence provisions have been modified to provide more clarity as to long-term residence generally. For example, there is now an application process for a long-term residence permission and the residence requirements contained in the standard eligibility requirements are being amended to require the applicant to have been continuously resident in the State for a period of 12 months immediately before the date of the application.

Part 6 deals with the process for removing a person who is unlawfully in the State. Key changes in this Part include greater clarity as to when a foreign national can be arrested for the purposes of removal and when there can be the possibility to impose residence and reporting requirements on a foreign national instead of that person being arrested and detained. There is also a requirement for the giving of notices.

A fundamental safeguard in the removal process is the rule against *refoulement*, that is, not to return a person to a place where he or she could be harmed. This overarching principle ensures that any decision to remove a person from the State is in compliance with the State's international human rights obligations.

Part 7 retains most of the provisions from the 2008 Bill, but I will outline some of the new key provisions. First, the provision allowing for detention of a protection applicant pending the issue of a protection application entry permit has been removed. Instead, the Bill allows for a requirement to be imposed on the protection applicant to remain in a specified place pending the issue of that permit. Second, the Part provides for the implementation of Articles 25 and

26 of the asylum procedures directive, which enable certain protection applications to be determined to be inadmissible. Third, there is further elaboration of the process whereby a person who has been granted a protection declaration can exercise the right to family re-unification in the State. Fourth, there are some new terms of office for the chairperson and members of the protection review tribunal and modified arrangements applicable to the advisory committee. Fifth, the text better reflects the safe country of origin and safe third country provisions of the asylum procedures directive. Last, the Bill allows for the making of regulations that might be needed to implement a safe third country agreement and those that might be necessary for the purposes of the Dublin II regulation.

Part 8 includes key changes that provide a comprehensive framework for information, including biometric, to be collected and processed for immigration purposes. These provisions have been carefully developed in consultation with the Attorney General to ensure they are fully in compliance with the requirements of data protection legislation and relevant jurisprudence. Part 8 also makes clear the circumstances in which judicial reviews must be initiated within 14 days of a decision having been made. Provision is also made to prevent the misuse of the judicial process by a foreign national, or his or her legal representative, solely for the purposes of frustrating removal from the State of the foreign national. The provision is based on Order 99 Rule 7 of the rules of the superior courts which already allows the court discretion, in circumstances of misconduct or default by a solicitor, to require that solicitor to repay to his client any costs which the client may have been ordered to pay to any other person. I am satisfied there is a need for such a provision in the legislation and, accordingly, it is retained in the Bill.

Deputies will be aware that early in 2009 I circulated the draft text of my proposals on marriages of convenience which aim to tackle those who circumvent the immigration controls of the State and try to reduce marriage to a commodity to be traded and exploited. The proposals also aim to protect the vulnerable who may be duped or coerced into entering into such arrangements.

It will now be possible to make regulations providing for more favourable treatment of those who are under the age of 18 years. The provisions in the Bill will also allow the Minister to give directions in respect of any matter relating to the entry into or presence in the State of a particular foreign national or class of foreign national. I again draw attention to the absolute prohibition on *refoulement* in the Bill. I am satisfied that these provisions provide a sufficient guarantee that a victim of trafficking will be treated in a manner sympathetic to his or her individual circumstances. In addition, Part 8 contains provisions relating to the provision of bonds, deposits and guarantees in certain circumstances, including a provision whereby a company can be a guarantor.

In regard to the annual statistical report on immigration matters, the reporting by my Department of statistics on the number of visas and permissions that are processed during the previous calendar year and the number of protection applicants will now be a requirement under the Bill. This issue was raised as being necessary by Deputies on all sides of the House.

Part 9 is directed at preventing entry into the State or any other member state from outside the EU by persons who are not entitled to entry and is also aimed at those who facilitate such entry. Part 9 has two main functions. First, it provides for the implementation in domestic law of the following three international instruments concerning people smuggling: the EU Council Directive 2002/90/EC defining the facilitation of unauthorised entry, transit and residence; the EU framework decision 2002/946/JHA on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence; and the UN protocol against the

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smuggling of migrants by land, sea and air, supplementing the UN Convention against Transnational Organised Crime.

Part 9 addresses difficulties experienced in the operation of the Illegal Immigrants Trafficking Act 2000. I refer to the requirement in section 2 of that Act that for a prosecution to be successful the prosecutor must show that smuggling was undertaken “for gain”. Evidence to satisfy this requirement is very hard to come by. If, for example, money is paid to the smuggler, the payment will almost certainly be in cash and impossible to trace. The payment will in almost all cases be made outside the jurisdiction, and probably outside the EU. In addition, victims will often be too frightened to co-operate with the prosecution. The net result is that the prosecutor is faced with a threshold which is virtually impossible to meet. Such a situation hinders the fight against people-smuggling and prevents us from playing our full part internationally. It is, in effect, counter to public policy and the public interest.

Cases can arise where smuggling may be the only way of protecting persons who are in danger. I am providing, therefore, a defence in circumstances where the smuggling was for the purposes of protecting the person, provided this was carried out by an employee of a recognised organisation and is without charge. I propose also that the defence be restricted in this way because to do otherwise could encourage well-meaning but ill-informed individuals to undertake adventures that could require them to seek the assistance of organised smuggling gangs. Smuggling is a dangerous activity that can expose those involved to serious harm. We must discourage efforts that expose persons, be it the well-intentioned smuggler or the smuggled person, to such harm. Organisations of the type envisaged — it will be for the court in each case to adjudicate on the bona fides of the organisation — will have the means to ensure the protection of those at risk. As the provisions of Part 9 will represent all of the law on smuggling of persons, the Bill provides for the repeal of the Act of 2000. Part 10 contains important transitional provisions that develop considerably on those in the 2008 Bill.

This Bill represents the most comprehensive piece of immigration legislation since the foundation of the State. It will provide the capacity not only to devise but to implement immigration policies that complement policies across all areas of Government. It will provide the tools that will enable our immigration system to be responsive to the current needs of the State and also to the challenges, both economic and social, that may arise in the future. It has been devised and developed to put in place procedures and processes that incorporate fairness at every stage. At the same time, it includes effective measures to combat abuse of those procedures and processes. I believe that, when enacted, it will underpin a comprehensive transformation of our immigration and protection systems and will provide consistency and predictability in regard to decision-making in individual cases.

I thank Members on both sides of the House and the Opposition spokespersons for agreeing, in effect, to withdraw the original Bill of 2008 which had been substantially amended on Committee Stage, both from Opposition prompting and from an examination of the situation, as well as from the law as it developed during the passage of the Bill. The Bill has undergone very substantial discussion in the Oireachtas on both Second and Committee Stages, with more than 30 hours of discussion on Committee Stage over 13 sitting days.

It is our intention to try to pass this Bill as quickly as possible because there is consensus. People will say it does not go far enough but we believe it strikes a balance, given the discussion on Committee Stage. The Bill must receive consideration as it goes through the Oireachtas but what we have introduced today is a comprehensive one-stop shop whereby both practitioners and people involved in the immigration system will be able to see, in one document, the exact legal position. Therefore, I commend the Bill to the House.

**Deputy Alan Shatter:** Briefly, I pay tribute to some of the groups and organisations which work with immigrants and which, over the years of the three different Bills, have provided assistance to Members of this House in their consideration of what was published. In particular, I refer to the Immigrant Council of Ireland, the Irish Refugee Council and the Migrant Rights Centre. I also wish to note those absent, in the context of making submissions on this Bill. The Human Rights Commission made substantial observations on the 2008 Bill. From inquiries made it is unfortunate that due to the cutbacks inflicted on that body, it has apparently been unable to make detailed submissions to Members of this House and to the public on its views of the Bill as it is now reconstructed. That is a detrimental development.

This is the Government's third attempt in four years to enact comprehensive legislation for the management of inward migration to Ireland. While the Bill is an improvement on its two predecessors, it is a fundamentally flawed piece of legislation. Radical restructuring and major amendments are required to make this Bill fit for purpose and to provide for the coherent and comprehensive legislation necessary to achieve the Government's aim of establishing a fair, transparent and comprehensive immigration structure and policy, based on readily identifiable rules and regulations.

Legislation such as this requires essential balance. The right of the State to determine the rules applicable to the residence in the State of non-EU nationals and the right and obligation of Government to protect the interests of citizens in this State and the common good is, of course, centre stage. However, the conduct of the State, of Government and its institutions, must also respect human rights and this State's international obligations to protect the fundamental rights guaranteed to persons under the European Convention on the Protection of Human Rights and Fundamental Freedoms, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Elimination of All Forms of Discrimination Against Women, and the International Convention on the Rights of the Child.

Although this Bill purports to take on board some of this State's obligations under international conventions, it fails to adequately address the human rights of immigrants and their families and the rights of Irish citizens to a full family life in circumstances in which their spouse is neither a citizen of this State or any other EU state.

The Bill delegates excessive power to the Minister for Justice and Law Reform. Under it, the Minister has broad discretionary powers to make orders and regulations to hammer out the nuts and bolts of the system of immigration control. In too many parts, despite its extraordinary length, the Bill is a mere skeleton lacking legislative flesh and fails to provide the essential legal certainty required in this very important area of our law. It fails to clearly specify who can enter the State, the rules applicable to determine how long they can stay, the circumstances in which they can be joined by family members and what rights and entitlements attach to migrants when lawfully present in Ireland. The broad indeterminate and discretionary provisions contained in the Bill will continue to preserve the risk of individuals being unjustly treated as a consequence of arbitrary decisions. While undoubtedly the legislation should provide for some flexibility and not be a straitjacket, in its current form it is too imprecise and confers an excessive and unnecessarily broad discretionary power on the Minister.

The Minister is essentially delegating to himself such broad powers to make regulations under the Bill as to be effectively establishing himself as an alternative, independent and individual Dáil Chamber. The Bill is designed by the Minister to essentially establish "Oireachtas Ahern", based on the illusion that the Minister will be a permanent lifelong incumbent of his Department. This Bill starkly illustrates that the current Government and the Minister for

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Justice and Law Reform perceive the Houses of the Oireachtas not as legislative assemblies, but as bodies created to confer excessive powers on individual Ministers.

Many of the existing and acknowledged problems with this State's immigration system — lengthy delays in making decisions and processing applications, inconsistent decision-making, lack of clarity and over-reliance on the courts — will continue to exist if the Bill is not significantly amended. What the Bill lacks and should have contained are clear and specific rules, detailed in legislation, together with the establishment of an independent appeals tribunal to deal with all immigration related issues. There are many examples of the imprecision endemic in the Bill. I take but one example: section 31, based on section 493 of the Immigration Act 2004, states the grounds on which an immigration officer can refuse entry to the State. The officer can refuse entry, for example, if he or she is satisfied that the person's entry into the State would be a risk to "national security, public security or public order, or be contrary to public policy". Just consider the phrase "public policy" for a moment. Policy making is the art of governing wisely. The phrase refers vaguely to matters of basic concern to the whole of society, but we need to define it more specifically if it is to have a relevance to our immigration legislation.

What specific overriding public interest gives it content? Unless we define the concept of public policy, it will operate as an arbitrary variable notion, dependent on subjective attitudes. My point is that left undefined this concept, and indeed others, will become the thin skin of ministerial discretion, varying in colour, substance and effect, depending on the subjective outlook of the Minister, who, acting like an additional parliament defines them. Vague powers offend several important rule of law values. First, they fail to give fair notice to persons who stand to be adversely affected by those powers of what the proper grounds are for their valid exercise. Second, if arbitrary and discriminatory enforcement is to be prevented, powers must be hedged by explicit standards for those who apply them. A vague power impermissibly delegates basic policy matters to the Minister and immigration officials for resolution on an *ad hoc* and subjective basis with the inherent dangers of arbitrary and discriminatory application.

The general or abstract concepts of national security, public security, public order and public policy are, of course, familiar concepts in the context of immigration legislation in other states as well as Ireland. These should be defined in the plain text of the Bill to clarify the ambit of the powers that immigration officers or the Minister have with reference to these grounds. It is vital that the Bill ensures that anyone subject to an adverse immigration or residence decision has the right to appeal against the decision. A grieved person should have a right of access to a wholly independent appeals system, to challenge the merits of the decision made against him or her. There is a belief, based on credible evidence, that the current system has, at times, been contaminated by bias and maladministration. Due process requires Government to provide a fair process, essentially adequate notice, a hearing, reasons and an impartial decision maker. It is so essential to fairness that for decades judges have referred to due process as an essential component of natural and constitutional justice. The establishment of an independent appeals tribunal to deal with immigration related decisions is the only way to ensure access to fair procedures and effective remedies for migrants and their family members.

The programme for Government contained a commitment to establish a visibly independent appeals tribunal. The former Minister for Justice, Equality and Law Reform, Deputy Brian Lenihan, during the Committee Stage debate on the 2008 Bill, said he was committed to the establishment of such an appeals tribunal, initially on an administrative basis. The rationale for establishing such tribunals is supported by the UN Human Rights Committee, which in 2008 stated that Ireland should introduce an independent appeals procedure to review all immi-

gration related decisions. This Bill should have done so. Despite all the talk, it makes no provision for any such tribunal to be established.

Our immigration laws and policies should fully recognise the realities and needs of family life, and the rights of families. The family's right of its members to live together is protected by international human rights law and while our Supreme Court has sometimes taken a varied and sometimes inconsistent approach to family rights, this Bill should properly reflect Ireland's international obligations in this area and the right to family unity and reunification. Our current law lacks clear rules and decisions in this area. It can be arbitrary, unjust, unfair and lacking in basic humanity and understanding. Decisions on applications for family reunification are made and will continue to be made under the Bill on the basis of ministerial discretion. In practice, so-called ministerial discretion is exercised largely on the Minister's behalf by a large number of departmental officials. Anomalies and inconsistencies in decisions are common, as are delays and what too frequently appear to be discriminatory practices, and arbitrary inexplicable conclusions. With the exception of those declared to be refugees, the rights of Irish nationals and non-EU citizens to family reunification have not been adequately spelt out in the Bill. The Bill should address this issue in detailed substantive legislation and not reserve much of what is required to the whim of a ministerial statutory instrument and to untrammelled ministerial discretion.

There is understandable concern over unacceptable instances not only of individuals, but also of groups conspiring to undermine our existing immigration legislation, by persons entering into sham marriages or marriages of convenience — the Minister has made reference to this. For example, with regard to an application for residency in Ireland based on EU treaty rights, in the first six months of 2010, a surprisingly disproportionate number of Pakistani nationals sought residence on the basis of their marriage to Latvian spouses. Some 253 Pakistani nationals sought EU residency rights in the State, and 95 of those did so based on marriage to Latvian nationals. It cannot, of course be said, that all such marriages were sham, or marriages of convenience, but serious questions arise as to the likelihood of so many Pakistanis meeting and marrying in Ireland this number of Latvian citizens. It has not been known in the past that such a special relationship existed between the two nationalities. However, the Government's understandable concern to properly address this issue has, unfortunately, contaminated its overall approach in the Bill to the issue not only of family reunification, but also with regard to citizens of this State legally and genuinely married to non-EU citizens.

Too many Irish citizens engaged in a full family and properly intimate marriage relationship, experience difficulties in having a non-Irish non-EU spouse granted residency rights in this State in circumstances in which no difficulty should arise. Essentially, because Irish citizens do not have a statutory right to be joined by family members who are non-EU citizens in Ireland, they can experience what can properly be described as reverse discrimination in comparison to the rights that apply to other EU citizens under the EU Freedom of Movement Directive 2004. While this anomaly also exists in some other EU states, its impact is reduced by domestic immigration rules which prescribe in detail the entitlement to family reunification and which are not dependent on the exercise of individual discretion by the Minister, or a decision made by an official in his Department. This area needs to be much better addressed in the Bill.

For those who come here, family life is not always a bed of roses. In circumstances in which a husband is the primary person to whom a work visa has been granted and his wife is an accompanying dependent spouse, incidents of domestic violence may be complicated by our rules and regulations for women in need of protection who can no longer reside with their husbands. The Minister should give serious consideration to granting an independent resident status to migrant women who are victims of domestic violence and who can no longer live with

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their husbands but who, if they leave home, are currently denied the right to either work or claim social welfare. This issue is not adequately addressed in the Bill.

The Bill, while an improvement on its predecessor, fails to provide the additional protections necessary for women who are the victims of trafficking for the purpose of sexual exploitation and to facilitate the Garda to the greatest possible extent in bringing to justice those responsible for this 21st-century form of servitude. The existing provisions in the Bill — while, again, an improvement on those in the 2008 Bill — need to be substantially strengthened, and in this area, as in other areas already referenced by me, Fine Gael will be proposing substantial amendments to the Bill's provisions.

In many European Union countries, a lawful migrant who has settled and worked in an EU state for a specified period of time is entitled to apply for and obtain permanent residency status, and it is possible to obtain such status without having to seek citizenship in the EU state. At present, the principal mechanism available to any migrant who has lawfully resided in the State for more than five years and wishes to obtain permanent residence is the making of an application for citizenship. There are currently 21,500 applications for citizenship — or naturalisation, as it is referred to — awaiting decision in the citizenship division of the Department of Justice and Law Reform. This is an extraordinary number in the context of the size of the State. In reply to a parliamentary question yesterday, the Minister acknowledged that approximately 5,000, or 23%, of these applications have been awaiting decision for more than two years. The remaining 16,500, or 77%, have been awaiting decision for less than two years, but a substantial proportion of these have been awaiting decision for between 18 months and two years.

Many of those awaiting a decision on citizenship are obliged while waiting to apply to INIS, which is a different section of the Department, for the renewal of their residence visas. Long-term residence should not for the majority require the making of a citizenship application. The Minister should have created in this Bill a statutory right to permanent residence for migrants who have lawfully resided in Ireland for five years or more. This practice is common in other EU member states. The Government has skulked away from opting into Council Directive 2003/109/EC, which concerns the status of third-country nationals who are long-term residents. The Government has only to invoke the elementary dictates of decent, civilised politics to accept the measures embodied in the directive, including a permanent immigration status with clearly defined rights and obligations.

We should welcome the fact that persons who have lawfully resided in the State for more than five years, who are employed here and whose families are settled here wish to become part of the State by seeking a grant of citizenship. It is an extraordinary discourtesy to them that two, three or four years can pass before their citizenship applications are determined, while they are left in a state of limbo, deprived of any meaningful information on the reason for the delay. Indeed, the inability to obtain meaningful information about individuals seeking citizenship extends to Members of this House, who are given standard letters of response when representations are made in order to find out a basic and simple piece of information, namely by what date a decision is expected. The system is so poorly administered that even that type of inquiry rarely results in an intelligent and informative response.

The eligibility criteria for long-term residence set out in the Bill specify a requirement that applicants demonstrate “reasonable efforts to socially integrate”. This criterion is legal quicksand. What tests and evidence will officials use to determine whether a person has incorporated him- or herself into the community and become socially integrated? Will they go out and interview their friends and neighbours? What conduct will be approved or disapproved? Will

they check whether the applicant goes for a drink in his local pub? This vague criterion is a charter for arbitrary, discriminatory and invidious exercises of administrative discretion. It is so vague that it will be impossible to articulate firm standards to review its use. This flawed provision yet again illustrates the difficulties with the uncertain language contained in the Bill and the perils of not establishing a truly independent and transparent appeals system.

The Bill also requires that in order to be granted long-term residence, individuals must be “of good character”. This is not a new requirement, but it is a broad, undefined concept which can result in arbitrary decision making. It is currently applicable to any individual seeking a five-year residence permit and, on the surface, does not seem unreasonable. However, there is a need to spell out in greater detail what is meant by this term. In my experience, many decent, honest and hard-working individuals from non-EU countries who are lawfully resident and working in the State are denied five-year residence permits for very minor infractions or for one incident of poor judgment that had no detrimental impact of any description on third parties and which would not in most other EU states create a barrier to continuing long-term residence. There is a need for greater clarity and more specific definition to be applied to the concept of good character.

The delays in determining citizenship applications and the gross inefficiency of the administrative structure for which the Minister is responsible are indefensible. Nothing contained in the Bill will address this issue. There is a need for a general rule that in the determination of applications for citizenship, save in exceptional circumstances, the decision-making process will never exceed six months. The same timeframe should apply to the determination of applications for long-term residence.

While the granting of Irish citizenship is a privilege of the State and careful decisions are required in the public interest, the secretive and discretionary nature of the process has understandably given rise to substantial concern that many of those who should experience no difficulty in being conferred with citizenship are having their applications unfairly refused. In a recent survey by EUROSTAT, Ireland ranked second lowest among EU countries in terms of the number of migrants who are granted citizenship, at six per 1,000 foreign residents. There is an essential need to put in place a formal independent appeals system for those whose applications for citizenship are denied. The difficulty in this area yet again illustrates a major gap in the Bill.

During the Committee Stage debate on the 2008 Bill, the Minister said that about 60% of all judicial review applications taken to the High Court related to asylum or immigration decisions. As at 31 July 2010, more than 11,000 such cases seeking judicial review awaited hearing in the High Court. The estimated cost to the taxpayer of judicial reviews in 2007 was between €11 million and €12 million. In the UK, by way of contrast, the cost of an appeal to its Asylum and Immigration Tribunal in 2005-2006 was £760 sterling. This included all judicial costs, the price of accommodation, and the cost of providing an interpreter when required. On simple financial grounds there is an irrefutable case for the establishment of such an appeals tribunal in view of the substantial reduction in judicial review applications to the High Court that would result. It is inexplicable that the Minister has failed to make such provision in this Bill.

The Bill makes comprehensive provisions for the extending of protection to foreign nationals who seek refugee status or permission to remain in the State as persons eligible for subsidiary protection, or in respect of whom the Minister should otherwise exercise his discretion. The provisions in the Bill that facilitate the determination of all these issues in a single application are welcome, as is the general provision made for the creation of a protection review tribunal. Crucial to the operation of such a tribunal is the publication of its decisions, which would allow



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a general understanding of the manner in which the provisions contained in the Bill are applied to individual cases. This would also be a means of ensuring that fully reasoned, fair and consistent decisions are made and that appellants' individual circumstances and fears are truly considered and properly assessed.

There are still imperfections in the provisions contained in the Bill for dealing with applications made by asylum seekers and those otherwise seeking protection. It is important that measures contained in the Bill to tackle illegal immigration do not affect genuine asylum seekers seeking protection in this State and this issue will have to be given further consideration on Committee Stage.

A cause of major concern relates to section 107 of the Bill, which facilitates the chairman of the new tribunal in exercising a power of veto over the publication of decisions made on appeal. The provisions in this section remain entirely unsatisfactory and inappropriate and require fundamental change on Committee Stage. Not only a protection applicant and his or her legal representative but the general public, including Members of this House, should have access to decisions delivered by the tribunal to understand the workings of the legislation, as should the media generally. There is no reason that publication of decisions could not reflect the principles applied to the publication of judgments by the High Court of family law proceedings in which the general background circumstances are disclosed together with the legal reasoning and decision made while the anonymity of individuals, where required, is preserved.

Further concern in relation to the Bill surrounds the provisions contained in it which allow for the summary deportation of people by immigration officers. What the Minister had to say about this provision today is disingenuous. Currently, a person who has entered the State unlawfully can be removed on foot of a deportation order. A person in receipt of such an order is given 15 working days to make submissions explaining why he or she should not be deported. The repeal of section 3 of the Immigration Act 1999 without an equivalent replacement in this Bill may lead to the summary deportation of vulnerable migrants who may have become unlawfully resident in the State through no fault of their own. An example of such a person could be the dependent wife victim of domestic violence no longer resident with her husband and who through circumstances has had no choice but to obtain employment. Another example is that of the undocumented migrant who has been exploited by an employer and who could be prevented from taking the employer to court to claim unpaid wages and instead be put on an aeroplane and deported.

Such a provision undermines the Government's professed commitment to hold rogue employers to account and to ensure migrants who come to this State are not held in virtual servitude. The Bill should contain provisions to assist people in exceptional circumstances who should not be subject to summary deportation. Arguably, the summary deportation provisions as currently framed are in violation of the State's obligations under the International Covenant of Civil and Political Rights. This is an issue that should be further addressed on Committee Stage.

Tens of thousands of undocumented Irish citizens have over the decades settled in the United States, obtained employment and remained undocumented illegal migrants for many years. Members of the Houses of the Oireachtas from all parties, including myself, and Ministers have regularly visited Washington to persuade legislators and a succession of American Presidents to provide an amnesty for the undocumented Irish on basic humanitarian grounds. We have been successful in this and over the years various Acts of Congress have addressed their circumstances. In the catastrophic economic circumstances in which this State currently finds itself,

with in excess of 50,000 of our people emigrating this year, there is every likelihood that we will in the future have to revisit this issue in the United States. To avoid charges of hypocrisy and to give credibility to any such representations we may make in the future in Washington, should we not also show the same level of consideration and humanity to our undocumented immigrants as we expect be shown to the undocumented Irish in the United States? A public discussion is required on whether provision should be made in the Bill to address the circumstances of those undocumented migrants who have been resident in this State for an extended period of time and who took up residence here a substantial period of time prior to the publication of this Bill.

There is one other issue to which I wish to refer. Due to the Government's failure over the past decade to put in place a coherent structure and modern legislation to properly address and determine asylum applications, applications for subsidiary protection and, in the alternative, for the Minister to grant discretionary leave to remain in the State to those who seek protection, many thousands of people who are long standing residents in the State are required to remain dependent on the State, prohibited from obtaining work and too frequently pilloried for the expense their presence imposes on taxpayers. While there is no doubt that some have used the asylum process to circumvent the States rules and regulations in obtaining visas and permission to reside here, there is also no doubt that others are genuine victims of persecution, torture and oppression in their states of origin.

In some other European Union countries applications for protection are fully processed and dealt with in six months and where this does not occur and there are delays that are not the fault of the applicant, temporary permission is granted to facilitate an applicant becoming either self-employed or obtaining employment. According to the Minister's own statistics, it is costing taxpayers on average €770.28 per month to maintain a single applicant in direct provision. The introduction of such a regime could result in substantial savings to the State and would facilitate our harnessing the talents of many of those who have sought asylum here to the benefit of the State.

Most asylum seekers who come here are seeking a better life and have no wish to be dependent on the State. It is, of course, important that the asylum system is not used to circumvent generally our immigration laws but we have to recognise the State's failure to properly process asylum applications in circumstances whereby thousands of people have been here for many years. A good number could through self-employment not only properly support themselves, but have the capacity to create real jobs for others and, in doing so, clearly contribute to rebuilding our struggling domestic economy. I hope in this debate, serious consideration can be given to this issue, as well as to the detrimental and stultifying impact on individuals caught up in our grossly inefficient and maladministered asylum system of being required to lead a life of debilitating forced idleness.

**Deputy Pat Rabbitte:** For longer than a decade the need a landmark statute to govern migration into the State has been generally acknowledged. Few people disagreed with a Minister for State in a previous Fianna Fáil-Progressive Democrats Government, Liz O'Donnell, when she described her own Government's policy on asylum as a shambles, yet all these years later we still have not managed to put a rational, comprehensive consistent immigration Act in place. The Bill is the third incarnation of such legislation in more than eight years. Against that background the Labour Party is not minded to obstruct the early passage of this Bill. We intend on this occasion to focus on a small number of important issues in respect of which we will endeavour to change the Minister's mind.

In our consideration of the Immigration, Residence and Protection Bill 2008, Deputy Naughten and I devoted many hours to hearing from interested non-governmental and civil

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society organisations. Perhaps it is a defect of our committee system that it is only Opposition spokespersons who entertain such submissions. The relevant Minister is not present at these meetings. In this instance, the organisations at the coalface devoted a great deal of painstaking effort to an analysis of the 2008 Bill and made not only criticisms, but also recommendations for improvement. Other than the infrequent prospect of a direct meeting with a Minister's officials, the opportunity for interested parties to argue the detail and rationale for their cases is not afforded to them.

The Immigration, Residence and Protection Bill 2010 is a reheat of the similarly titled Bill published in January 2008. After some 18 sessions in committee, the Minister for Justice and Law Reform felt that the 2008 Bill warranted such extensive amendment that it would be more appropriate to publish a new Bill. The Opposition spokespersons agreed, since so much had been covered in committee and so many new amendments were anticipated that processing of the old Bill would be administratively confusing. Unfortunately, that has meant some additional weeks of delay. The Minister in his customary conciliatory and co-operative manner has suggested that the Bill has been delayed because there were so many Opposition amendments.

**Deputy Dermot Ahern:** In fairness, that is not the case. I said that they were amendments of Government amendments.

**Deputy Pat Rabbitte:** The organisations outside the House told me that me that the Minister told them the Opposition was responsible.

**Deputy Dermot Ahern:** No I did not.

**Deputy Pat Rabbitte:** All right. The truth, of course, is that the Minister's own reconstruction of the Bill is the principal cause of delay. There have been welcome improvements deriving from Committee Stage discussion on the previous Bill but some of the well-canvassed defects of the earlier legislation remain. I do not object to the delay if it means producing a better and fairer Bill, although that does not absolve the Government over the past dozen years for not dealing with this issue.

It is also difficult to settle on legislation when the ground keeps changing and it seems that the new Bill is not entirely uninfluenced by the new economic environment. I suppose it is an irony that when the authors of the original legislation set out to design an immigration Bill, inward migration was being swollen by the economic boom. So long has it taken us to enact the legislation that we are back in familiar territory again with outward migration. Few analysts would have forecast that the same bunch of Ministers could have transformed Ireland from a country that was scouring the world for labour to a country that has again started to export our own people. It is a shameful legacy that warrants those responsible crawling off into the night and maintaining a dignified silence.

Nobody disputes that there is a need to establish a legislative framework for the management of inward migration. The Minister will have up-to-date figures. We know that between 2002 and 2006, there was net inward migration of 191,331 persons. According to the 2006 census, there were 413,223 non-Irish nationals usually resident in the State, or 10% of the population. Of these, 271,974 or 66% are EU citizens, 6% are from the rest of Europe, 34,564 or 9% are African, 46,064 or 11% are Asian and 5% are from the Americas. Therefore it is apparent that the Aliens Act 1935 is no longer up to the challenge. Various *ad hoc* or interim measures since then are not adequate for purpose, so I hope we can enact this Bill before the Government collapses because of the objective need to do so.

When the then Minister for Justice, Equality and Law Reform, Deputy Brian Lenihan, introduced the 2008 Bill, I adverted to the remarks of the then Chief Justice, Mr Justice Keane, in the *Osayande* and *Lobe* cases:

Many would wish to see the development in Ireland of a tolerant and pluralist society, capable of accommodating immigrants from diverse ethnic and cultural backgrounds, because that is a desirable objective in itself, recognises the openness and generosity with which Irish emigrants in times past were received in other countries and, on a purely economic level, remedies serious shortages in the skilled and unskilled labour market. At the same time, the legislature and executive cannot be expected to disregard the problems which an increased volume of immigration inevitably creates, because of the strains it places on the infrastructure of social services and, human nature being what it is, the difficulty of integrating people from very different ethnic and cultural backgrounds into the fabric of society. The resolution of these complex political, social and economic issues which, it need hardly be said, are not in any sense unique to Ireland, is entirely a matter for the Oireachtas and the executive. The function of the courts is to ensure that the constitutional and legal rights of all the person affected by the legislation in question are protected and vindicated.

The Labour Party is comfortable with that perspective. If these complex issues are “entirely a matter for the Oireachtas and the Executive”, this Bill will test how well we meet that challenge.

The new Bill does incorporate some improvements and I welcome that fact. Long-term residence will now be on a statutory basis, although the eligibility criteria may still be disputed. On the topical and important matter of human trafficking, the new Bill has extended the recovery and reflection period from 45 days to 60 days and perhaps longer for child victims of trafficking. I welcome that and the Minister acknowledged that it was discussed at some length on Committee Stage of the previous Bill. The marriage ban is gone although the Minister is empowered to disregard a particular marriage where he determines it to be a marriage of convenience. A person may not be disqualified for a residence permit where he has been convicted of an offence unless the offence committed would constitute an offence in Ireland.

There are other welcome changes and I do not propose to go through them all. However, the Minister will know that there remains concerns about the summary deportation provision. What the Minister said about this in his speech was somewhat disingenuous. Reading his paragraph devoted to the removal of foreign nationals, the only conclusion one can make is that of course it provides for summary deportation. Deputy Shatter has dealt at some length with that issue. It is probably the major issue that concerns an array of NGOs and other organisations working at the coalface. I received a letter today from a network of these organisations, which include Crosscare Migrant Project, the Immigrant Council of Ireland, the Migrants Rights Centre, the Irish Immigrant Support Centre, Doras Luimní, the Integration Centre, the Irish Refugee Council and others. They all highlight this particular provision for summary deportation.

The Immigrant Council of Ireland took legal advice on the matter and the council states:

Of particular concern are provisions allowing for the summary deportation of people who immigration officers are satisfied are unlawfully present in the State, which the Immigrant Council of Ireland believes breaches Ireland’s international human rights obligations and could lead to real injustices being committed against Irish citizens and lawfully resident migrants. This view has been confirmed by the United Nations human rights committee’s concluding observations on Ireland’s compliance with the International Covenant on Civil and Political Rights. A major concern in this context is that the onus of proof regarding a person’s nationality or immigration status is on the person concerned. The ICI is concerned

[Deputy Pat Rabbitte.]

that this would lead to ethnic profiling and could result in the wrongful deportation of lawfully resident migrants and Irish citizens where, for example, an incapacity or a mental illness prevents them from proving their entitlement to be in Ireland.

Currently, a migrant who receives a deportation notice is given 15 days to make submissions to the Minister as to why he or she should not be deported. The repeal of this procedure without an equivalent replacement in the Immigration, Residence and Protection Bill is of grave concern to the Immigrant Council of Ireland as it may lead to the summary deportation of vulnerable migrants who may have become unlawfully resident in the State through no fault of their own. The ICI raised this concern in consultations on previous versions of the Bill and in consultations on immigration reform as far back as 2004.

It is worth noting that a significant number of migrants become technically undocumented while waiting unconscionable periods of time for a decision to be made on residence applications. Without adequate safeguards and improvements in governmental administrative procedures, migrants in this position could be unjustly removed from the State.

The lack of clarity governing rights to family reunification is a further major issue which remains to be dealt with. Where regulations are to be made, we argued on Committee Stage for a broad outline of such regulations by the Minister before enacting the primary legislation. The Government commitment in the 2007 programme for Government to introduce a “visibly independent appeals process” is not honoured in this Bill.

Currently, there is frequent resort to the High Court for judicial review. I am advised that in 2009, almost 60% of all judicial review cases had to do with asylum and immigration applications. Some 749 immigration and asylum applications were received by the High Court in 2009. NGOs working in this area believe that the independent appeals mechanism promised by Government would greatly reduce congestion in the courts and would provide a less costly and more efficient system. The question that arises is whether we can simply broaden the remit of the protection review tribunal in order to deal with both protection and immigration.

In the UK, for example, as I understand it, appeals on all immigration and asylum decisions are dealt with by a wholly independent tribunal service. I understand that it recently reverted to a two-tier system. Appeals of decisions from the UK Border Agency are made to the asylum and immigration chamber of the first tier tribunal. Further appeals are made to the upper tier tribunal before reaching the Court of Appeal. Appeals are heard by immigration judges and practising lawyers who may be accompanied by non-legal members who are selected for their experience in the area.

The Minister will well know that several organisations with coalface experience are not just opposed to summary deportation as being unjust but that it constitutes a breach of Ireland’s international human rights obligations. The Immigrant Council of Ireland, for example, has argued, and continues to argue, that particular sections of the Bill may be in conflict with recent judgments of the Supreme Court. It would appear that where an immigration officer is satisfied that a person is unlawfully in the State, that person may be summarily ejected without any regard to either constitutional or convention rights. It is, of course, the case that as the law now stands, a person may be the subject of a deportation order but only after notice and after the person concerned is given 15 working days to say why he or she contests the order.

This latest incarnation of the Bill fails to clear up the critical issue of family reunification, a matter that comprises a big proportion of Deputies’ constituency workload as it relates to asylum and immigration cases. Again, we are asked to put our faith in promised regulations

after this Bill is enacted so that with the exception of recognised refugees, migrants do not know where they stand.

There is again an irony that in a country that places such a high premium on the family, the Government cannot be explicit about the family reunification rights of legal residents or the conditions under which family reunification may be granted. Currently, it can take forever to even process an application, although the applicant may be an essential worker in the health service on a fixed-term contract.

The Irish Human Rights Commission has highlighted the fact that Ireland is out of step with the EU free movement directive. We have not had a submission from the Irish Human Rights Commission on this Bill. I heard Deputy Shatter advert to the fact that it is constrained because of recent decisions relating to financial provision. Within certain conditions, the Labour Party will seek to amend the Bill to address this central issue of the right to family reunification.

When responding, will the Minister outline the implications for the direct provision system following the enactment of the Bill? The current system whereby asylum seekers are detained in direct provision accommodation for unconscionably prolonged duration is simply indefensible. People who find themselves in this accommodation are not allowed to work or study. It is a dispiriting and demoralising experience as people are left to languish in such conditions for years. This gives rise to health and psychological problems. As one participant put it: “At least as a prisoner you know when you are getting out — not when you are an asylum seeker”.

The direct provision system gives rise to particular difficulties for women. I take it the Minister has had it drawn to his attention that an organisation called AkiDwa has produced an authoritative report on the experiences of women seeking asylum in Ireland. It would make very uncomfortable reading for any Member of this House. One woman in direct provision summed up the thoughts of many women in these circumstances. She stated:

Men feel frustrated because they can't provide and they take it out on women. It means that women get abuse from inside the home and from outside. Men feel pressure, but women feel more.

It is in the small everyday experiences listed in the report that one finds the best insights. The report quotes someone as stating:

When you have a problem with someone, you don't have space to get away from the problem. Little things get blown out of proportion. It's like mental torture.

According to the report: “As of December 2009, there were 6,482 people living in direct provision accommodation awaiting decisions on their asylum, protection and leave to remain cases. Of this number, there were 1,859 women and 987 girls, with 50 per cent of all residents in direct provision being families. Over half of all residents have lived in centres for two years or more, and almost a third have lived in centres for three years or more.”

The Minister has a great deal on his plate and he may not have had the opportunity to glance through this report. It seems from the methodology applied, and allowing for the capacity of human nature to exaggerate, that it is a sad commentary that we created this direct provision system which was designed to deal with the explosion in the numbers in the early days and the lack of familiarity with the processes here.

Debate adjourned.

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

## Ceisteanna — Questions (Resumed)

### Priority Questions

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#### Clamping Industry

93. **Deputy Simon Coveney** asked the Minister for Transport if his attention has been drawn to the vehicle immobilisation regulation Bill 2010 that has been published by Fine Gael; if he intends to use this Bill as the basis to regulate the clamping industry; and if he will make a statement on the matter. [35400/10]

**Minister for Transport (Deputy Noel Dempsey):** I take the opportunity of welcoming Deputy Simon Coveney as transport spokesperson. I did not have the opportunity to do so before the summer recess. I welcome Deputy Tom Hayes as spokesperson on road safety and road matters generally. I look forward to what no doubt will be robust exchanges but also the level of co-operation that we have, particularly in regard to road safety matters.

**An Leas-Cheann Comhairle:** I will allow the Minister injury time for that.

**Deputy Noel Dempsey:** I am aware of the vehicle immobilisation regulation Bill 2010 published in August by Fine Gael.

The road traffic legislative code provides for clamping by local authorities or by companies under contract to local authorities as an enforcement tool in respect of parking on the public road or in local authority car parks. However, a fundamental principle under road traffic law is that regulatory provisions apply only to the public road. Clamping of vehicles on private land goes beyond the remit of my Department and I have no proposals to regulate it.

**Deputy Simon Coveney:** I, too, look forward to what I hope will be constructive dialogue. It will be critical at times but I will try to ensure that, where possible, we are constructive from this side of the House.

Fine Gael's bringing forward of this legislation is an example of that. We have looked at what is working elsewhere and what is not working and, therefore, what I launched some weeks ago is straightforward legislation which essentially states in simplistic terms that if someone intends to operate a vehicle immobilisation company, that is, a clamping company, he or she will have to get a licence to do that. If they are clamping people's cars in a private car park, whether that is in an hotel, a hospital, an apartment complex, a restaurant, a shopping centre or whatever, they will have a set of rules and a code of conduct that is legally enforceable applied to them. Unfortunately, there have been examples of companies abusing their position of power by using clamping to charge ridiculous sums of money, which is an over punishment for people parking in the wrong place. This is about getting a balance between ensuring that clamping is responsibly used as a tool to manage car park facilities and also protecting consumers from being abused.

I do not accept that the Minister's remit does not allow him to legislate for this issue. It has already been legislated for in many European countries where they have simply put a regulatory mechanism in place to regulate this industry in which, unfortunately, there are some cow-boys operating. I ask the Minister to look at it again. This is supported by the legitimate parking industry in Ireland who want to see this industry cleaned up.

**Deputy Noel Dempsey:** I am aware that some other countries in Europe had such legislation but not under the road traffic Acts. The United Kingdom Home Office, which is probably the equivalent of our Department of Justice and Law Reform, introduced it and it was used as part of a licensing system along the lines the Deputy is talking about. It must be noted, however, that the current UK coalition Government proposed to amend those arrangements it has in place to prohibit clamping on private land as it considers that regulation of that kind is not successful. It is in place in England and Wales also. While I do not disagree that cowboys operating in the area should be eliminated from it, it is not a matter for a transport Minister to do that. If they are doing something that breaks the law or is against consumer interests, it is probably other codes of legislation that should be used.

**Deputy Simon Coveney:** The difficulty with that is that I have met the National Transport Authority on this issue. The National Transport Authority was set up at the start of this year by the Minister. It is the obvious office to deal with regulating this industry. All transport matters are being amalgamated into the National Transport Authority and it has said it sees no reason the National Transport Authority would not have the capacity to act as a regulator and to provide an appeals mechanism for consumers who believe they have been abused by clampers. It is the obvious Ministry to deal with this issue and to have the Minister for Transport who oversees the National Transport Authority to introduce the legislation. If he is not the suitable Minister he certainly has the responsibility to ensure that an appropriate Cabinet colleague would attempt to bring forward the appropriate legislation. The “do nothing” approach ignores the fact that we have a segment within the traffic management industry that is unregulated and is abusing that position. Does the Minister find that acceptable?

**Deputy Noel Dempsey:** I do not want to start off on a bad note with the Deputy but I do not regard clamping on private property as a traffic management issue and neither do I regard it as a priority for the National Transport Authority, eager and all as the Deputy might say it is to take on this issue. It will have enough regulation to implement when it takes on board taxi regulation, the regulation of bus licensing and various other responsibilities. I repeat what I said earlier. If this is a problem, and it is a problem in some areas, and if the public are being abused in regard to it, there are other agencies that can deal with it.

### **Regional Airports**

94. **Deputy Costello** asked the Minister for Transport the amount of subsidy paid to each of the regional airports by the Government annually; his plans for each of the regional airports in receipt of State subsidy; the number of persons employed at each regional airport; the way he proposes to deal with the partial withdrawal of an airline (details supplied) from Kerry Airport; if he will give a commitment that the public service obligation will be retained for regional airports going forward; and if he will make a statement on the matter. [35229/10]

95. **Deputy Simon Coveney** asked the Minister for Transport the level of capital subsidy that will be available to regional airports in 2010 and 2011; when he intends to provide certainty on the Public Service Obligation levies available to airlines operating out of certain regional airports; and if he will make a statement on the matter. [35401/10]

**Deputy Noel Dempsey:** I propose to take Questions Nos. 94 and 95 together.

The core airport management operational subvention scheme provides for an annual subvention to regional airports. The amount payable is based on projected losses by the airports in



[Deputy Noel Dempsey.]

providing core services, after taking account of any surpluses from commercial activities or other income. This is in line with the view underlying the mandatory EU guidelines on state aid that, as a general rule, airports should be self-financing.

I have made arrangements for the table below setting out the amount of operational subvention paid to each of the regional airports in 2009 and 2010 to be provided to Deputies Costello and Coveney.

My Department does not collate details of the number of persons employed at the regional airports. I am very aware of the possible implications for Kerry of Ryanair reducing its level of services on the Kerry-Dublin route. This service is operated under the current public service obligation, PSO, contracts which run from July 2008 to July 2011.

In the case of the Kerry route, following an EU public tendering process, a bid submitted by Ryanair emerged as the winner. The bid met the specifications published in the EU Official Journal, which stipulated that three return flights per day would be provided. The bid from Ryanair also set out the compensation it required in order to operate the service. Based on that bid, Ryanair was awarded the contract and is receiving payments in accordance with that contract.

I refute recent claims by Ryanair in relation to the PSO contract. I have met my obligations under the terms of that contract. I have considered the company's notification to reduce frequencies on the route to one daily return service from 1 November on a commercial basis outside the PSO arrangement. A response has issued to Ryanair in the matter.

With regard to the PSO programme in general, the special group on public service numbers and expenditure programmes recommended that the public service obligations for air services should be discontinued when the current contracts expire. In addition, under updated EU legislation governing these services, more stringent conditions will apply to future PSO arrangements, having regard, for example, to the availability of other transport connections, and especially rail services, with a travelling time of three hours or less.

I have considered the recent value for money review of Exchequer expenditure on the regional airports programme. This was carried out to assist me in evaluating the appropriate scale of a regional airports programme in future years bearing in mind aviation policy objectives, the updated EU legislation, the improved surface links under the NDP and Transport 21 and the difficulties with our public finances. The review will be considered by the Government. It would be inappropriate for me to comment on any likely PSO scheme beyond 2011 in advance of the Government decision.

With regard to the funding of capital development at the regional airports, because of the difficulties with the public finances we decided in July 2008 that in so far as capital development projects are concerned, expenditure should be focused on project elements where the airports had already entered into contractual arrangements.

The provision in my Department's Vote to fund the capital expenditure grant scheme for all the regional airports in 2010 is €3 million. Grant aid for urgently required works at Knock and Donegal Airports was approved for this year together with the completion of projects which had been contractually committed. The amount available for 2011 will depend on the Government's consideration of the VFM review on the regional airports.

## Operational Subvention paid to Regional Airports

Airport	2009	2010
	€	€
Galway	962,000	582,576
Kerry	Nil	Nil
Sligo	313,000	152,256
Donegal	131,000	Nil
Ireland West Airport Knock	445,000	356,706
Waterford	1,494,000	604,965
Total	3,345,000	1,696,503

**Deputy Joe Costello:** I thank the Minister for his reply. The figures on the page he has supplied only refer to the operational subvention and there is no reference to the breakdown of the PSO obligation that is being paid. Perhaps the Minister will distribute those figures as well.

I understand that the operational subvention for regional airports amounts to a total of €1,696,503 and that the PSO subvention amounts to approximately €50 million. Every unemployed person costs the Exchequer approximately €20,000 in terms of tax forgone and social welfare payments. Therefore, the €50 million cost to the Exchequer is the equivalent of what it would cost to support the 750 people who might be made unemployed by the withdrawal of the PSO obligation. The Border midland and western region carried out a survey which shows there are 400 people employed in the Donegal, Sligo and Galway region and Kerry Airport employs 150 people. Therefore, if the PSO obligation was withdrawn, we would very quickly reach a figure of 750 jobs lost. I am looking at the effect of this loss on the basis of the current cost-benefit in terms of employment. Is it not foolish, therefore, for the Minister not to take this into consideration when conducting his review and deciding whether to go along with the McCarthy proposals to withdraw the public service obligation?

**An Leas-Cheann Comhairle:** I call the Minister to reply, but will call the Deputy again.

**Deputy Noel Dempsey:** The figures I provided refer to the operational subvention and capital expenditure, which was the area referred to in the question. I will get the information on the PSO for the Deputy.

**Deputy Joe Costello:** Not just the operational figures.

**Deputy Noel Dempsey:** I will get the figures for the capital expenditure, CapEx, the operational expenditure, OpEx, and the PSO. With regard to the PSO, the airports are not dependent on the PSO alone. The PSO to which the Deputy referred is paid directly to the airlines rather than the airports. Obviously, it is a help to the airports because once there are passengers flying in and out, there is an income from that. However, the PSO is paid to airlines and not airports. The other two schemes in question are the OpEx and CapEx subsidies, which are paid directly to the airport. These are subject to a value for money review, but no decisions have been made in that regard yet.

With regard to regional airports generally, questions must be asked, particularly in the current economic climate. We have nine of these airports, from Derry down to Waterford — one State airport and nine regional airports — and must question the feasibility of keeping them all operational with PSO support. We must also question whether the limited funds we have

[Deputy Noel Dempsey.]

available should be spread out over the eight regional airports and whether this will hasten the demise of all of them. Perhaps we should decide which are the more strategically important from the point of view of tourism, access and regional development and decide to support them.

**Deputy Simon Coveney:** People living in places like Waterford, Donegal, Sligo, Kerry, Galway or Knock will not get any positive news from what the Minister has said today. I know that the number of people living in Knock is small, but a significant number from the broad surrounding area use the airport. The Minister has stated there are three sources of funding support for regional airports, operational funding, capital funding and the PSO. Even though the PSO money goes to airlines, Aer Arann, and Ryanair in the case of Kerry, it is because of the PSO that those airlines can continue to use the regional airports. Therefore, there is a symbiotic relationship between the PSO and the operating costs of regional airlines.

I would like to focus on the operational subvention, because we will have many more debates on the PSO levy and whether it should be changed or abolished. I do not think we should abolish the PSO, but we could change it to make it more effective to try to drive more passengers through regional airports. The Minister has provided the figures of the operational subvention paid to regional airlines for 2009 and 2010. The year 2010 is not yet over, but based on the figures the Minister has provided, the subvention for 2010 is less than half of what was paid last year. The effect of that will be to shut regional airports. Is there still a consideration in the Department for further operational subvention for regional airports like Waterford? The subvention listed for Waterford this year is approximately €600,000 although it was almost €1.5 million last year. Does the Minister expect airports like Waterford to stay open? Waterford Airport is one that does not have a PSO subvention. Does the Minister expect Waterford Airport to survive when he has more than cut in half the subvention under which it operates? Are there further operational subvention funds to be allocated to regional airports on a priority basis to ensure we keep them open?

**Deputy Noel Dempsey:** The Deputy is right. However, I am sure it has not escaped his notice that there were severe cuts in the two budgets in 2008, the budget in 2009 and that we will have severe cuts in 2010. The transport budget was cut by €60 million last year and while some of that cut fell on the regional airports, I tried to protect them as best I could. A major portion of the cut was applied to local and regional roads, but I then had to provide extra discretion due to the weather situation. I also cut provision to CIE in the public transport area. There will be further cuts in the transport budget this year in the coming budget. There is no way we can get out of our current difficulties if we do not have those cuts. This year —

**Deputy Simon Coveney:** Does the Minister accept that Waterford Airport will close?

**An Leas-Cheann Comhairle:** Please allow the Minister to answer the questions put.

**Deputy Noel Dempsey:** The Deputy asked whether the money provided is all that is available. At the moment, that is all I have available for the airports. We try in so far as we can to pay it out as early as possible to assist the airports in meeting payments. Like in every other area, we must cut our cloth to suit our measure.

**An Leas-Cheann Comhairle:** We are over time and I want to take a brief supplementary from each of the Deputies. I call Deputy Costello to put his question. We hope it will be succinct.

**Deputy Joe Costello:** Absolutely. The combined operational subvention, which has been halved to €1.6 million from what it was last year, and the PSO amount to less than €70 million.

This amount will be lost to the Exchequer due to job losses, the contributions the State will have to make and the tax that will be forgone. How will the Minister build that consideration into the equation? My second question relates to Kerry Airport. The airport has lost two thirds of its services even though Ryanair had entered into a contract with it. Is the Minister pursuing Ryanair for breach of contract or is he in breach, as Ryanair says?

**Deputy Noel Dempsey:** We have replied to Ryanair's letter about withdrawing and breaching its contract at Kerry airport. I do not want to elaborate on the basis that it may have to go further but we have made our views known on this. There is a procedure in the contract whereby six months' notice should be given by either side and that has not been respected in this case.

**Deputy Joe Costello:** What about my other supplementary question? I have asked twice about the cost benefit analysis of the €70 million in the context of jobs.

**Deputy Noel Dempsey:** I can only spend money that I have or that I get. If I do not have it, I cannot give it to airports or other bodies. I have to divide the cake I have among the various areas of responsibility.

**Deputy Joe Costello:** The PSO is worth more than €350 million.

**Deputy Noel Dempsey:** No, it is not.

**Deputy Simon Coveney:** I respect the fact that the Minister's budget will be cut. We all face difficult decisions and responsible politicians on this side of the House understand that. However, his budget was not cut by 50%. Has the Department analysed how many of the regional airports will have to close as a result of a cut in their operational subvention of more than 50% in some cases? In light of the amounts involved, which are relatively small, for example, €600,000 in the context of a regional airport's budget, will the Department ensure that, although cutbacks are necessary, no regional airports will have to close before the end of the year because of the level of cutbacks it will apply?

**Deputy Noel Dempsey:** We have conducted a value for money review of the regional airports. We took all their values and otherwise into account and recommendations, which have yet to be considered by the Government, were made on foot of that. I assure both Deputies that all aspects of the value of such airports and what they mean to local areas were fully analysed, as they were in the provision of greatly enhanced infrastructure such as road and rail to various parts of the country. The recommendations are based on a thorough review of all that.

### **Taxi Regulations**

96. **Deputy Joe Costello** asked the Minister for Transport progress on implementing Government policy for ensuring that 10% of the taxi fleet is wheelchair accessible by the end of 2010; the way the new EU Directive 76/115 EEC as amended, requiring new standards for wheelchair accessible vehicles will be implemented; and if he will make a statement on the matter. [35231/10]

**Deputy Noel Dempsey:** I understand that the Commission for Taxi Regulation's new reform programme seeks to achieve a 10% target of wheelchair accessible taxis and hackneys. Since June 2010 new small public service vehicle, SPSV, licences are issued only in respect of wheelchair accessible vehicles and a new category of wheelchair accessible hackney was introduced. I have been advised by the commission that currently 6% of the fleet is wheelchair accessible.

[Deputy Noel Dempsey.]

The European Communities (Road Vehicles; Type Approval) Regulations 2009 (SI No. 158 of 2009) gives effect to Directive 2007/46/EC on type-approval of motor vehicles, trailers and components and includes a reference to Directive 76/115/EEC on anchorages for safety belts. All special purpose vehicles, including wheelchair accessible taxis, must comply with Directive 76/115/EEC since April 2009 for all new vehicles and by 29 April 2012 for all other vehicles.

I understand that the commission has put in place new standards for wheelchair accessible vehicles to improve overall standards, which take into consideration EC implementation of type approval — Directive 2007/46/EC.

**Deputy Joe Costello:** This is something of a fairytale. A total of 6% of taxis are wheelchair accessible, yet the programme for Government states 100% of taxis will be accessible by the end of 2010. What has happened to that commitment? The taxi regulator is only seeking that 10% of the fleet be wheelchair accessible by the end of the year while the Irish Wheelchair Association is seeking a minimum of 20%. New European Union regulations will have to be implemented by the end of 2012. That means the 6% of taxis currently complying with the regulations will be put off the road since they will be unable to comply with the new regulations because it will cost an arm and a leg to do so. No hackney in the State is wheelchair accessible. What are the Minister's plan to meet any of the targets such as 10% of the fleet or to even retain the current 6%? His own 100% cannot be met.

**Deputy Noel Dempsey:** This matter comes under the remit of the Commission on Taxi Regulation. The recently announced regulations in this regard provide for the 10% target and provide that new licences will only be issued for taxis that are wheelchair accessible. This will increase the percentage of wheelchair accessible taxis. In addition, the taxi regulator made a proposal for a scheme to assist those who want to provide such taxis but it did not find favour because of difficulties with VAT regulations and the EU. A further proposal is being considered, which might help. The new regulations and proposal should help to increase the supply of wheelchair accessible taxis.

**Deputy Joe Costello:** No new wheelchair accessible taxis are coming on stream because it costs more than €40,000 to meet this requirement. Even though new taxi licences will be limited to such taxis, they are not coming on stream and, therefore, the Minister is not addressing the reality. There is also a requirement that all taxis older than nine years will be scrapped and most wheelchair accessible taxis are in that age profile. The taxi regulator made a reasonable proposal to the Minister. She has a kitty of €24 million, which she cannot spend, but the Minister can permit her to spend it in accordance with the proposal that 50% of the money in the kitty goes towards a subsidy or grant for the purchase of wheelchair accessible taxis to meet demand, given that between 10% and 15% of the population have a serious mobility problem. The Minister has it within his powers to do so and boost the number of wheelchair accessible taxis. We are not doing justice to the people we serve, including the disabled and the elderly.

**Deputy Noel Dempsey:** I accept that the Commission on Taxi Regulation has endeavoured to put a scheme in place. The first scheme it put forward was not acceptable or workable and the second is being considered. I will consider it as urgently as I can in light of the finances available over the next few months.

**Deputy Joe Costello:** The finances are available.

## Light Rail Project

97. **Deputy Simon Coveney** asked the Minister for Transport the full cost of the Metro North Project and if he will commit to publishing the full detail of the feasibility study and cost benefit analysis of Metro North before making the decision to go ahead with the project; and if he will make a statement on the matter. [35402/10]

**Deputy Noel Dempsey:** Since 1 December 2009, the implementation of metro north has been a matter for the National Transport Authority. However, as the business case will inform the final Government approval for the project, it is appropriate to address this issue. My Department's policy on the release of cost and economic information on transport projects is designed to protect the taxpayers' interest but a balance must be struck between transparency and value for money in this regard. The project cost estimates in a business case provide an indication of what the State is prepared to pay. Bidders involved in the project may then focus their final bids at that level, instead of at the lowest price at which they can deliver the project. It is, therefore, best procurement practice not to reveal what one is prepared to pay in advance of or during a procurement process or during construction prior to the settlement of final accounts. Metro North is currently at a critical stage in the procurement process. Best and final offers will be sought by the RPA from the two short-listed public private partnership bidders once An Bord Pleanála has made a decision on the project. That decision is expected at the end of this month.

3 o'clock  
Given the reasons I have outlined, it is clear that it would not be in the public interest to release any information which has the potential to increase the cost of delivering this project. However, I should advise that an updated Metro North business case was submitted by the RPA to the National Transport Authority in July last. The NTA has reviewed this business case and has confirmed that the cost-benefit analysis for this project remains strong.

With regard to the feasibility study referred to by the Deputy, the Dublin metro alignment feasibility report, city centre to airport, prepared by Parsons Brinckerhoff Limited in 2004, is freely available and accessible on the RPA website, [www.rpa.ie](http://www.rpa.ie).

**Deputy Simon Coveney:** I thank the Minister for his reply. I had to fight to ensure that this question was answered because up to now in this House the Minister has simply been saying it is not a matter for him but is a matter for the National Transport Authority. However, to approve public expenditure of somewhere between €2 billion and €5 billion is a Cabinet decision and therefore, it is the Minister's responsibility, in my view. I accept what he says with regard to the procurement process and the difficulty in giving an exact cost estimate at this stage to the House. I understand that despite claims by various people in recent days, the figure is closer to €2.5 billion than €5 billion.

My question is whether the Minister and the Government are willing to publish the business case for Metro North. This will be the biggest capital expenditure project we are likely to see approved over the next two to three years by any Government, whether this Government or another Government. For that reason we need to ensure that we calculate the opportunity cost, in other words, how else could the money be spent and whether we could get a bigger bang for our buck if we were to spend €2.5 billion elsewhere. It is Fine Gael's view that Metro North is justified, that it is value for money and will create many thousands of jobs. We are not willing to give a green light to a project until we see a clear, up-to-date business case which is on the Minister's desk and which he has not published. Will the Minister publish the business case or at least make it available to Opposition parties so that we can make an accurate assessment of the Metro North project?

**Deputy Noel Dempsey:** I thank the Deputy for his support for the project as it is important. A number of cost benefit analyses have been carried out on this project. The latest analysis gives an indication that the benefit to cost ratio of the project is approximately 2 to 1, when the wider economic benefits are taken into account and to which the Deputy referred, rather than just the provision of the metro alone. The ratio is in excess of 1.5 to 1, using the traditional economic appraisal methods. It stands up from the point of view of a cost benefit analysis. As the Deputy correctly said it also stands up from the point of view that it would generate much needed employment during the construction phase, amounting to approximately 4,000 direct jobs and 2,000 indirect jobs. Fingal County Council produced a separate independent report on the project which showed that it will support up to 37,000 jobs in the Fingal-north Dublin city area. This is an extremely important project. As the Deputy said, it will probably be the biggest public infrastructure project. We will make as much of the business case available as is possible so that people can make their own judgments on it. The Deputy will understand there will be some commercially sensitive information which cannot be released.

**An Leas-Cheann Comhairle:** I will allow a brief supplementary question from Deputy Coveney.

**Deputy Simon Coveney:** It is sometimes necessary for Opposition to be positive during Question Time. As an Opposition party, Fine Gael wants to be involved in this decision. This is a massive project which will be serving tens of thousands of people living in north Dublin. This is not just a link between the airport and the city centre, as some people would have one believe. It is much more than that. Fine Gael cannot support anything on this scale, considering the costs involved, unless we are given access to full information. We will be insisting on getting all that information so that we can make a responsible decision about Metro North.

**Deputy Noel Dempsey:** I welcome the Deputy's statement. The Government will be as forthcoming as possible, subject to information being commercially sensitive.

### Other Questions

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#### Road Haulage Transport

98. **Deputy Jan O'Sullivan** asked the Minister for Transport if his attention has been drawn to the fact that foreign road hauliers are cherry picking the haulage market here; and if he will make a statement on the matter. [35058/10]

**Deputy Noel Dempsey:** I am not aware of any specific complaints in this regard. If the Deputy has a particular case in mind, I will have it examined.

Road transport operates in a liberalised market where good carried for hire and reward are regulated by both EU and national legislation. Decisions on freight movement, including choice of hauliers, are influenced by many factors such as competition, patterns of freight flows between production units and retail outlets as well as supply chain and fleet management requirements.

Over the past decade, freight traffic volume in Ireland has increased substantially. More than 95% of internal goods are moved by road. While the global economic recession has hit hard, many Irish businesses have responded by reducing costs and increasing efficiencies.

To remain competitive today, businesses must strive for the greatest economies on inventory, minimise order lead-in times, provide timed delivery of goods and offer tracing and tracking

services. Irish hauliers must work to support businesses through providing services tailored for maximum competitive impact.

Ireland has one of the most extensive short sea networks in Europe with multiple operators and alternative modes of shipping. The roll-on, roll-off and ferry services between Ireland and the United Kingdom are among the most frequent services in Europe.

The past decade has seen a 68% decrease in the amount of freight capacity services serving Ireland to UK and European markets. The development of our shipping network has provided the Irish market with more competition, choice and frequency in accessing global markets.

The recently established all-Ireland freight forum is working to address issues such as enhanced economic competitiveness, sustainability, international connectivity and other matters associated with the movement of goods.

**Deputy Joe Costello:** I thank the Minister for his reply. The statement was made by the president of the Irish Road Haulage Association, Vincent Caulfield. Has the Minister any evidence of an increase in the presence of foreign road hauliers in this country? The Minister may be aware of the figures published by the Central Statistics Office which show a drop of 40% in the road haulage business over the past 12 months. The figures put forward by the Irish Road Haulage Association show that more than 200 haulage companies have gone out of business over the same time period. The haulage business is on the rocks and this reflects the state of the economy. Is there evidence of foreign hauliers working in this country? How does the Minister propose to improve the situation for road hauliers?

**Deputy Noel Dempsey:** Such information as to the number of foreign road hauliers is not collated by my Department. Therefore, I cannot honestly say to the Deputy that there are more or fewer foreign road hauliers coming into the country. The Deputy is correct that fewer hauliers are operating from Ireland and fewer hauliers have been licensed in Ireland over the past number of years. This is due to the current economic difficulties. As for trying to help Irish hauliers, the most efficient and effective action the Government can take to help the hauliers is to provide proper road infrastructure to ensure they can move goods around the country and to the ports as fast and as safely as possible. Our record in that regard has been exemplary. Other than such action, there is not much the Government can do to assist individual hauliers as this is an open, liberalised market and we would be in difficulties with competition authorities.

**Deputy Tom Hayes:** Is the Minister aware of the major financial pressure on Irish road hauliers? The Minister covered some of this in his response but a huge number of them have gone out of business over the past 12 months. Increasing costs are cited as the reason. The Minister intends to put tolls on many of our roads and this will add further cost to hauliers. These are Irish companies being driven out of business. There will be major job losses and the net effect will be more and more people unemployed. Does the Minister have any plans for those under financial pressure running haulage companies?

**An Leas-Cheann Comhairle:** That is expanding the question somewhat and I am not sure it is directed at the correct Minister.

**Deputy Noel Dempsey:** I accept what the Deputy is saying, that hauliers like everyone else in the economy are under increasing pressure. We mentioned that the number of hauliers has reduced and the amount of goods being carried has reduced over the past 12 to 18 months. The dip in the economy has hit hauliers hard. From the Department's point of view, we cannot intervene directly to support individual hauliers. We try to create conditions to help them as



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much as possible. The only positive note is that the statistics on licences issued over the past number of years showed a major fall in 2009 to 663, a fall of nearly 300.

**An Leas-Cheann Comhairle:** There is a related question coming up and I am anxious to call on two further Deputies.

**Deputy Simon Coveney:** I wish to ask the Minister a specific question on the road haulage industry. My understanding is that road hauliers in Ireland can no longer receive TIR certification, which allows them to operate a haulage route from inside the EU to outside it. For example, if an Irish company wants to go to Istanbul in Turkey, it finds it very difficult and expensive to do so because of the lack of TIR certification.

**An Leas-Cheann Comhairle:** This is well beyond the scope of this question.

**Deputy Simon Coveney:** We are discussing the haulage industry.

**An Leas-Cheann Comhairle:** I will give some latitude but the Minister must have some notice of the question.

**Deputy Simon Coveney:** Until two years ago, we provided TIR certification through CIE but the service is no longer available. I ask the Minister to address that question. It is a relatively small issue but for a small number of companies it is very important.

**An Leas-Cheann Comhairle:** It is well beyond the scope of the question but perhaps the Minister can respond.

**Deputy Noel Dempsey:** I take the point made by Deputy Coveney and I will respond directly to him. It is a problem.

**Deputy Joe Costello:** The Minister said he does not collate information on foreign hauliers in this country. Will the Minister begin the process of doing so? That would be useful. Will the Minister introduce a scrappage scheme for the older trucks lying idle so that we modernise the fleet? Will the Minister make some concession on the introduction of the working time directive in respect of hauliers?

**An Leas-Cheann Comhairle:** The contribution contains many questions, some of which are definitely not the concern of the Minister for Transport, the operation of the working time directive being one.

**Deputy Noel Dempsey:** I can respond briefly on the working time directive because it is subject to new rulings from the EU. It is currently under discussion. We have no proposals for a scrappage scheme. In the current economic climate we will not contemplate that. In the past we have tried to encourage the haulage industry to renew the fleet by increasing the standards and facilitating them in upgrading to the next standard of vehicle. Regarding the compilation of statistics, I will check for the Deputy to see if they are compiled. They may be compiled somewhere but I am not sure I see the merit in spending time and resources counting the number of lorries coming in and out of the country from foreign countries. I am not being facetious but it is an open and liberal market and our trucks can do business in other countries in Europe.

### Marine Accidents

99. **Deputy Paul Connaughton** asked the Minister for Transport when he will publish the report on the sinking of the *Asgard*; and if he will make a statement on the matter. [35107/10]

**Deputy Noel Dempsey:** I understand that the Marine Casualty Investigation Board is carrying out such an investigation. However, under the Merchant Shipping (Investigation of Maritime Casualties) Act of 2000 the Marine Casualty Investigation Board is independent of me in the exercise of its functions.

**Deputy Simon Coveney:** I do not want to detain the House for too long on this issue. It is quite some time since the *Asgard II* sunk in the Bay of Biscay. The State was subsequently paid the appropriate insurance for the vessel and the money was put into the general Exchequer fund. It also spelled the end of the sail training programme and the Minister for Transport also has responsibility for the marine. I ask in hope rather than in confidence if he has any plans to reignite the sail training programme in Ireland, which could have a valuable contribution to make for many young people involved, as the *Asgard II* training programme did. I understand that is his responsibility.

Regarding the marine casualty investigation board, does the Minister have a date for the publication of the report on the sinking of the *Asgard II*?

**Deputy Noel Dempsey:** I do not have that date. Section 8 of the Act states that the board shall be independent of the Minister in the performance of its functions and it is independent of any other person or body whose interest could conflict with the functions of the board. I cannot help the Deputy on this matter. Without being smart, I do not know if the question may be answered if Deputy Coveney raises it with the board.

**Deputy Simon Coveney:** I understand the report will be published in the coming weeks.

**Deputy Noel Dempsey:** Deputy Coveney has more information on this matter than I do.

The sail training programme is a matter for the Minister for Defence. The *Asgard II* was managed by Coiste an *Asgard* and was owned by the Minister for Defence. The sail training programme ran under that Department.

### National Transport Authority

100. **Deputy Charles Flanagan** asked the Minister for Transport if proposals to integrate the Irish Aviation Authority into the National Transport Authority are to proceed; and if he will make a statement on the matter. [35129/10]

**Deputy Noel Dempsey:** The Irish Aviation Authority is responsible for both safety regulation of the Irish civil aviation industry and the provision of air navigation and communications services in Irish controlled-airspace. It is proposed to integrate the safety regulation function element of the authority into the National Transport Authority. The policy to amalgamate the IAA's regulatory functions, as well as the Commission for Aviation Regulation, into the NTA is aimed at improving the efficiency and effectiveness of Ireland's regulatory environment.

However, a major audit of Ireland's aviation safety oversight system by the International Civil Aviation Organisation, ICAO, has been under way since last year. This audit will have important reputational implications for the State and the IAA and for this reason, it has taken priority over the proposal to re-organise the IAA. The final report from ICAO will be completed by the end of this year and I understand that the outcome will reflect well on aviation safety oversight in Ireland.

[Deputy Noel Dempsey.]

An incremental approach has been followed in assigning new functions to the NTA with the initial focus being on functions currently being discharged by the bus licensing division within the Department, the Railway Procurement Agency and the Commission for Taxi Regulation. Once this phase of integration has been achieved the amalgamation of aviation-related functions will be progressed.

**Deputy Simon Coveney:** That was a detailed answer and it is difficult to get a clear message from it. I look forward to reading it later. I have met the National Transport Authority and as yet there is no expertise on aviation in that body. A distinction must be made between regulating bus services, rail services and taxis and operating Irish airspace from a regulatory, safety and air traffic controller point of view. I am cautious about amalgamating the Irish Aviation Authority into the National Transport Authority unless there is clear separation if they are under the same roof because they are entirely different industries. The question is whether the Minister still plans to go ahead with that and, if so, what is the likely date for moving the Irish Aviation Authority into the National Transport Authority offices because it seems to be a long way off?

**Deputy Noel Dempsey:** I accept the Deputy's point about differences in modes of transport. That is always the subject of debate when one talks in terms of getting rid of what some call quangos and regulators, as Deputies on all sides of the House have been saying in recent years. The reason they were set up separately at various stages is because people felt it was better to keep them separate. Now the mood seems to be that one should bring them all together. I accept Deputy Coveney's point; it would be important in the move to the National Transport Authority that it is a distinct function. This will be part of the approach we take. There is a distinct expertise. The value of moving the operation over to the National Transport Authority is that a lot of the back office and administrative services can be carried out by existing staff which reduces overheads.

The ICAO report is finished and we should have it by the end of the year. That will inform the final decision on the matter but it is still intended to move the safety regulation over to the National Transport Authority. Moves will be made in that regard in the year. The National Transport Authority will have taken over the other functions that we mentioned earlier. We should be in a position to do it some time in 2011.

**Deputy Joe Costello:** The National Transport Authority will be the umbrella quango established by the Minister. The taxi regulator, the National Roads Authority and the aviation authority will all come under its remit. Will the Minister answer for those matters that come under the overarching remit of the National Transport Authority? Will he be prepared to answer questions in the House on those matters? The National Transport Authority will take over all of those bodies shortly.

**Deputy Noel Dempsey:** The current practice will stand. The Minister will still remain responsible to the House for questions on matters of policy. The bodies will be directly responsible for day to day operational matters. Members of the Oireachtas who wish to query the day to day operations of any of those organisations will have the opportunity to do so, first, through the Joint Oireachtas Committee on Transport and, second, through the Committee of Public Accounts on financial matters. The Minister will remain responsible for policy in all of those areas.

**Deputy Simon Coveney:** I have a brief question for the Minister on the Irish Aviation Authority. Does he plan to follow up on statements made last year following industrial action by air traffic controllers and to take action and produce legislation if necessary to ensure we do not have a repeat of what happened in Belgium and Spain last week so that Irish airspace is not closed down by less than 300 air traffic control staff?

Fine Gael is trying to draft legislation in this area at the moment.

**An Leas-Cheann Comhairle:** That is a separate question.

**Deputy Simon Coveney:** I am just seeking the support of the Minister in that effort. I would like to get an answer from him if that is possible.

**An Leas-Cheann Comhairle:** I welcome the Deputy's efforts to expand the question but it is not in order nonetheless. If the Deputy is offering I will not stop the Minister from answering.

**Deputy Noel Dempsey:** I will obey your ruling, a Leas-Cheann Comhairle.

**An Leas-Cheann Comhairle:** The problem with responding to fishing questions is that a lot of fishing can be done.

**Deputy Noel Dempsey:** Exactly, so if you rule me out of order, a Leas-Cheann Comhairle, I will sit down.

I did follow up with the Irish Aviation Authority specifically and with colleagues in government. It is a matter for the Minister for Enterprise, Trade and Innovation under labour law. The Irish Aviation Authority is pursuing this matter in negotiations with the unions involved and in the context of the Croke Park agreement.

### Departmental Statistics

101. **Deputy Joanna Tuffy** asked the Minister for Transport if his attention has been drawn to the recent National Survey of Goods published by the Central Statistics Office for 2009 which shows that the road haulage of goods has dropped by 40% over the previous 12 months; if his attention has further been drawn to the fact that many hauliers are unable to maintain payments; his plans for protecting the industry; and if he will make a statement on the matter. [35072/10]

**Deputy Noel Dempsey:** The Central Statistics Office has recently published its 2009 Road Freight Transport Survey. This survey covers both licensed operators and other hauliers. In 2009, Irish registered goods vehicles transported 148 million tonnes of goods by road. This represents a decrease of 40% on the previous year and an overall decrease of 9% on the 1999 figure. In light of the current global economic recession, some downturn in trade is not unexpected. However, more recently published shipping traffic statistics on export and import volumes indicate an increase in the volume of exports from April to July 2010.

The recession is impacting on the haulage business and while some hauliers have gone out of business many have sought to consolidate business, reduce costs and increase efficiencies. The number of operators licensed by my Department to carry goods for hire and reward has, on average, remained fairly constant. Although there was a reduction in the number of licences issued in 2009, statistics show an increase in the number of licences issued in 2010, over the 2009 figures.

The Deputy will appreciate that road haulage operates in a liberalised market. The main supports which the Government can provide are through our significant investment in road

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infrastructure, which improves the efficiency and competitiveness of the sector, and through our enforcement of licensing conditions, which protects legitimate operators from being undermined by those who are unwilling to comply with the conditions.

**Deputy Joe Costello:** The problem is we have a road infrastructure but no trucks are moving on it. The decline in goods transported by 100,000 tonnes is a considerable amount of haulage. A decline of 40% in one 12 month period is enormous, as the CSO statistics reveal. It is not comparing like with like to say that exports increased. That is largely due to foreign direct investment. We are talking about the lifeblood of the economy where goods are being brought for consumption throughout the country.

**An Leas-Cheann Comhairle:** The Deputy should ask a question please.

**Deputy Joe Costello:** This industry is now floundering. Most of the hauliers who are going out of business are family operations. Their businesses are going into oblivion. What can the Minister do to provide some succour to them in these difficult days? No business sector other than the construction trade has suffered so much.

**Deputy Noel Dempsey:** As I indicated earlier to the Deputy, there was a dip in the number of licences issued in 2009 but I am pleased to report that it has increased again in 2010. Up to 30 September there was an almost 10% increase in the number of licenses issued which may indicate some increase in the business. As I said previously a number of times — I will not try your patience, a Leas-Cheann Comhairle — it is a liberalised market. I do not dispute that it is difficult at this time but there is no direct aid we can give to any individual haulier in the current circumstances.

**Deputy Simon Coveney:** Does the Minister accept that there is a link between the usage of motorway infrastructure and the amount of money people are charged to use it through tolls? Does he accept that if we introduce a series of new tolling booths on our motorway infrastructure, it will have a negative impact on the number of haulage vehicles that use our new excellent road infrastructure and drive them into towns such as Abbeyleix, Durrow, Fermoy, Mitchelstown and all the other towns that have benefited from the motorway infrastructure that has bypassed them? Is the Minister taking that into account in looking at the possibility of introducing new toll booths on national road and motorway infrastructure?

**Deputy Noel Dempsey:** When I get the report to which the Deputy adverts, I am sure the NRA will have taken those matters into account, and I will certainly take them into account. They are reasonable points to take into account if one is talking about charging people for the use of the roads. On the general point, regardless of this morning's newspaper reports, the indications I have currently are that the levels of diversion from motorways as a result of tolls is very low.

**Deputy Simon Coveney:** It is 17%.

**Deputy Noel Dempsey:** From my information, it is lower than that again in regard to heavy goods vehicles because, overall, the advantages in using a motorway right through from one end to the other outweigh the disadvantage of the toll fee.

One section of the M50 is tolled at present so people using one part of the M50 pay the toll charge while those that use other parts pay nothing, which is not a very fair or equitable system. One can introduce toll systems that will reduce the cost for some, although more people might be caught at a lower rate. Issues like this need to be discussed and considered.

On tolling in general, road pricing has a role to play, particularly in urban areas in regard to reducing carbon emissions and improving health and the environment.

### **Rail Accidents**

102. **Deputy Kathleen Lynch** asked the Minister for Transport if he will take an active role in ensuring that the 15 recommendations made by the Railway Accident Investigation Unit in the report on the Malahide viaduct collapse on the Dublin to Belfast rail line are implemented without delay; if he will make a report to Dáil Éireann on their implementation in the interests of public safety; and if he will make a statement on the matter. [35051/10]

111. **Deputy Tom Hayes** asked the Minister for Transport if he will consider extending the remit of Railway Safety Commission to ensure the enforcement of recommendations made to Iarnród Éireann by independent bodies; and if he will make a statement on the matter. [35135/10]

120. **Deputy Joe Costello** asked the Minister for Transport if he has studied the report compiled by the Railway Accident Investigation Unit on the collapse of the Malahide viaduct, County Dublin in August 2009; the steps he proposes to take in relation to the findings of negligence against Iarnród Éireann in implementing safety standards and the equally serious findings against the Railway Safety Commission in enforcing those safety standards; and if he will make a statement on the matter. [35042/10]

133. **Deputy Kathleen Lynch** asked the Minister for Transport if he will direct Iarnród Éireann to examine the hundreds of railway underbridges and viaducts over an agreed period of time to reassure the public that these old railway structures are safe for use in the modern day; and if he will make a statement on the matter. [35052/10]

**Deputy Noel Dempsey:** I propose to take Questions Nos. 102, 111, 120 and 133 together.

The Railway Safety Commission is the independent statutory body charged with responsibility for ensuring implementation of recommendations made to Iarnród Éireann by the Rail Accident Investigation Unit, which is the independent body responsible for accident investigations. On its publication on 16 August last, I acknowledged that the report of the Rail Accident Investigation Unit into the Malahide viaduct collapse in August 2009 was an important report into a very serious event. Thankfully, due to the speedy actions of the train driver on that day and the effective operation of all post-accident procedures, there were no fatalities or injuries to any members of the public or staff. However, I recognise that the report gives a detailed and worrying account of the inadequate maintenance and inspection regime in Iarnród Éireann of recent years which failed to safeguard the viaduct structure from the impact of scour and erosion in Broadmeadow Estuary.

I wrote to the chairman of Córas Iompair Éireann on 17 August last emphasising the importance of implementing in full the recommendations made to Iarnród Éireann by the Rail Accident Investigation Unit and the Railway Safety Commission in its compliance audit. I referred to the importance of regular progress updates to be provided by Iarnród Éireann as part of the monitoring of the railway safety investment programme funded by my Department. In addition, I asked the chairman to provide an early update on the progress of the implementation of the Rail Accident Investigation Unit and Railway Safety Commission recommendations.

Since the issue of the Rail Accident Investigation Unit report on 16 August 2010, I understand from the Railway Safety Commission that eight of the recommendations have been com-

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pletely implemented and seven are at various stages of implementation. As indicated in the Rail Accident Investigation Unit report itself and from updates received from Iarnród Éireann, significant changes have now taken place to meet the shortcomings identified and to ensure there is no repetition of this incident. Iarnród Éireann has identified and conducted detailed surveys on 105 bridges that are particularly susceptible to scour because they traverse water and has not found any scour-related risks with any of these bridge structures. There has also been a substantial reorganisation of the Iarnród Éireann civil engineering department, including the appointment of a new chief civil engineer and a technical manager for civil engineering.

Under section 35 of the Railway Safety Act 2005, the purpose of the investigation into the collapse of the Malahide viaduct was to improve railway safety by establishing, in so far as possible, the cause or causes of the incident with a view to making recommendations for the avoidance of such incidents in the future. The Act provides that an investigation report recommendation shall in no case create a presumption of blame or liability for a railway incident. As the independent regulator, the Railway Safety Commission has the power to bring sanctions under the Railway Safety Act 2005. I understand that, based on the evidence in the Rail Accident Investigation Unit report, the Railway Safety Commission is considering what sanctions, if any, are appropriate or possible under legislation.

**Deputy Joe Costello:** I thank the Minister for that comprehensive reply. It is a miracle nobody was killed. If the 300 people on the train had all ended up in the estuary, it would have been an absolute tragedy.

The report of the Railway Accident Investigation Unit made 15 recommendations, 14 of them directed at Iarnród Éireann and one — or perhaps one and a half due to an overlap — directed at the Railway Safety Commission. The recommendations demonstrated the most gross negligence on the part of Iarnród Éireann in terms of its maintenance, standards and practices. As recently as three days before the near tragedy, it had carried out an examination of the bridge and could not detect the scouring that had taken place and which was to bring about the failure.

Eight of the findings have been implemented. Why have the other seven not been implemented? Since the findings were of gross negligence in regard to both Iarnród Éireann and the Railway Safety Commission itself, which had a duty of enforcement and supervision which it did not fulfil but simply took the word of Iarnród Éireann, is the Minister considering taking this on board himself? It is not just a matter for the Railway Safety Commission to consider whether there will be prosecutions because there may well be prosecutions in regard to the Railway Safety Commission itself, as well as in regard to Iarnród Éireann. Will the Minister consider the matter in that context?

**An Leas-Cheann Comhairle:** We cannot speculate in regard to prosecutions.

**Deputy Noel Dempsey:** I do not want to say anything that might prejudice any action the Railway Safety Commission might take, and I hope the Deputy will respect that. I agree with him it was a miracle nobody was killed or seriously injured. I also agree that we should not depend on miracles to prevent accidents such as this happening or to prevent fatalities. Although I do not want to prejudice anything that might happen, I agree the reports certainly point to a whole range of different issues, such as knowledge management and the type of inspections, including structural inspections, that were carried out. There were shortcomings in those areas and it is a miracle nobody was killed.

It is important that we allow the Railway Safety Commission to complete its work. With regard to the comment on the Railway Safety Commission, which concerns an issue that has been rectified, it was more its fault that it accepted what it was being told rather than double checking it. That is certainly something that will not happen again. From everybody's point of view, the best course is to wait until the Railway Safety Commission decides what it will do in regard to this matter under the statutory powers it has, because it is the body with the statutory powers in this area. When that work is done, as Minister for Transport, I will consider the wider issues in regard to whether we can strengthen the oversight role both of the Railway Safety Commission and the Department.

**Deputy Simon Coveney:** The Rail Accident Investigation Unit did a very good job in its report in exposing a litany of examples of gross incompetence, mismanagement and negligence by Iarnród Éireann, or Irish Rail, that very nearly resulted in a tragedy that would not have been forgotten for many years.

Is the Minister satisfied that the Railway Safety Commission, RSC, is adequately resourced? I am not, having met its representatives at a committee meeting last week. Is he satisfied that the RSC has sufficient teeth so as that it need not rely on the word of Iarnród Éireann alone — with the benefit of hindsight, doing so has not been advisable — and can undertake the kinds of investigation necessary to test regularly the quality of safety assurance on our rail network? Is his Department in discussions with the RSC to ensure we have a more robust regulatory mechanism, one that is independent of Iarnród Éireann and can undertake random and regular testing of the rail infrastructure, be it rolling or fixed, and allow the public to have more confidence in the rail network?

**Deputy Noel Dempsey:** Regarding the Deputy's general question on the commission, the teeth given to it by the legislation are based on the EU's railway safety directive. We closely follow the systems and procedures mandated at EU level and implemented throughout the EU. The Department of Transport meets the RSC formally once every six months to review corporate governance issues and other matters that arise from the latter's work. However, this must be done without prejudice to the RSC's independence.

**Deputy Simon Coveney:** Has it asked for more resources?

**Deputy Noel Dempsey:** I am not aware of any State body, Department or organisation in the public sector that is not looking for more resources. They would all like to get more resources and I would like more resources for my Department. Nevertheless, investment in rail safety amounted to €1.172 billion between 1999 and 2008. A further investment programme provides for a total expenditure of €513 million between 2009 and 2013. From the point of view of the Department and the Government, it is disappointing to say the least that, given such investment, something like this could occur. I want the RSC to——

**An Leas-Cheann Comhairle:** We will take a final supplementary question from Deputy Costello.

**Deputy Joe Costello:** We need to reassure commuters across the country that rail lines are safe. Much of the work was built in the century before last. There are hundreds of viaducts and nearly 2,000 underbridges and so on. Why can we not have all of the recommendations? Only seven of them have been taken care of so far. When will the rest be implemented to reassure all commuters that travelling by rail is safe and that the standards that are supposed to be in place have been implemented?



[Deputy Joe Costello.]

When will the EU railway safety directive be up and running? The standards are stricter, but the RSC will be in charge of its implementation and I am afraid that the investigation of the Malahide viaduct collapse showed the RSC was not up to the job.

**An Leas-Cheann Comhairle:** We will have a final brief reply.

**Deputy Joe Costello:** What changes does the Minister propose to make to the RSC?

**An Leas-Cheann Comhairle:** The Deputy has asked a question.

**Deputy Noel Dempsey:** The RSC has confirmed that it has responded fully to the report and to the recommendation that affected it directly. The commission will ensure it will not find itself in the same position again.

**Deputy Joe Costello:** It will not make the same mistakes.

**Deputy Noel Dempsey:** With more than €1 billion invested in the past ten years, it would be unfair of the House to send the message that we are still operating on railways that are more than a century old. There are places where the railways are more than 100 years old but substantial parts—

**Deputy Joe Costello:** Viaducts and underbridges.

**Deputy Noel Dempsey:** —of the railways, including all of the viaducts and bridges to which the Deputy referred, have been inspected and cleared since the incident in question.

Recommendations Nos. 1 to 3 have been implemented in full. Recommendations Nos. 4 to 6 are taking longer to progress because of training matters and so on. Recommendations Nos. 8 and 9 have been implemented in full, but recommendation No. 7 is being progressed. Recommendation No. 10 is being complied with in full, as is No. 11. Recommendation No. 13 has been implemented in full, but recommendation No. 12 is being progressed. Under recommendation No. 14, the RSC is to review the process for the closing of recommendations made to Iarnród Éireann by independent bodies. This recommendation has been implemented in full and recommendation No. 15 is being progressed.

*Written Answers follow Adjournment Debate.*

### **Adjournment Debate Matters**

**An Leas-Cheann 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 Jimmy Deenihan — the podiatry services available to people with diabetes in County Kerry and the need to establish a local service as part of a national screening service; (2) Deputy Michael Ring — the position regarding proposed flood mitigation works in the Roundfort-Hollymount area of County Mayo; (3) Deputy James Bannon — the need for the Minister for Transport to ensure that County Longford is not excluded from plans for a 2,000 km national network of cycle paths, which will connect cities and towns across the State, and why the county, which is the heart of Ireland and could in fact be regarded as the central focal point where all routes cross, should have been the only county to be precluded in the first place from the Minister's vision of world class cycle routes, considering all County Longford has to offer in terms of amenities, sporting facilities, natural resources and scenic landscapes; and if he will make a statement on the matter; (4) Deputy Leo Varadkar — that the Minister for

Health and Children report to the Dáil on the emerging crisis in hospitals in north Dublin due to the closure of more than 100 beds in the Mater, Beaumont and Connolly hospitals explaining the reason for these closures and what measures she intends to take to ensure there is not a major trolley crisis over the winter period leading to sub-optimal care and loss of life; (5) Deputy Michael McGrath — the support mechanisms available to redundant employees of GlaxoSmithKline, County Cork; (6) Deputy Thomas P. Broughan — that the Minister for Transport would make an urgent statement to the House on the ongoing crisis situation in the taxi industry given the fact that a number of taxi workers are now on hunger strike outside Dáil Éireann and if he would also outline what steps he is taking to review regulations on vehicle standards and age, SPSV licence costs and to totally reform the failing regulation of the taxi sector; and if he will make a statement on the matter; and (7) Deputy Tom Hayes — the effect of proposed cutbacks to the community employment scheme on organisations in south County Tipperary.

The matters raised by Deputies Tom Hayes, Deenihan, Ring and Michael McGrath have been selected for discussion.

### **Immigration, Residence and Protection Bill 2010: Second Stage (Resumed)**

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

**Deputy Noel O’Flynn:** I welcome the Bill. The House will recall that I have spoken on all immigration Bills since entering Dáil Éireann in 1997. The new Bill represents a further development and enhancement of the provisions contained in the Immigration, Residence and Protection Bill 2008 and takes into accounts concerns and Committee Stage amendments tabled by the Opposition. The Government also tabled substantial amendments. The Bill was withdrawn and a new one produced.

As we know, it is a fundamental principle of immigration law that a foreign national has no right as such to enter or to be in Ireland. Considerable jurisprudential authority makes it clear that not only does the State have the power — mainly used by the Minister for Justice and Law Reform — to manage the entry, presence and removal from the State of non-nationals, but has a duty to do so to protect the interests of Irish society.

The main purpose of the new Bill remains the same as that of the 2008 Bill, namely, to provide a modern legislative framework for managing migration that will provide a fair and transparent set of procedures for the day-to-day implementation of Government policies in respect of immigration and protection. It will ensure that the State’s immigration and protection system complies with our international obligations in this regard. As we know, the Bill repeals and re-enacts, with substantial amendments, the current body of immigration and protection legislation dating back to the Aliens Act 1935. In particular, it restates the principles enshrined in the Refugee Act 1996 in a way that integrates the State’s protection system into the mainstream of immigration law with a view to making the system more efficient and effective.

I shall return to the main aims proposed in the Bill but refer first to 2002. Every time I make a contribution on an immigration Bill Members on the opposite side of the House show different views and attitudes. I, too, am entitled to express my views in the House. On 24 January 2002 I made a statement about an incident involving asylum seekers in Cork who were seeking a greater degree of protection and more facilities. In my statement, carried in *The Irish Times* and other newspapers, I stated that I believed some asylum seekers were spongers and freeloaders, and were screwing the system. That was in 2002. Of course, that statement opened a Pandora’s box in this House when I raised the matter on 31 January 2002. I was leaped on by members of the Opposition and by the media who followed me, hanging on my every word,

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all the time throwing around the accusation that I was a racist. In this very Chamber, a number of Deputies on the opposite side called me a racist. The Deputy who was very strong in expressing these views was not re-elected in 2002 but I am glad to see the same Deputy was back in the House after the 2007 election.

The media were the not only group to throw that accusation around. For example, Amnesty International made a complaint to the Garda which carried out an investigation and took a statement from me. It was found I had no case to answer when this was sent to the Director of Public Prosecutions. That was a difficult time for me, being hounded by the media when all I was doing was expressing the point of view of my constituents regarding the difficulties they had with criminality and anti-social behaviour on the part of some asylum seekers. They came to this country seeking asylum and one would have expected them to obey the laws of this country and behave properly. At that time there was great concern among the people of Cork North Central.

An interesting statistic from 2008 is that non-Irish nationals account for 30% for all commitments to prison. This figure included all nationalities present in the country, both EU nationals and nationals from all over the world.

Members may recall that in 2004, the then Minister for Justice, Equality and Law Reform, Michael McDowell, introduced the Citizen Referendum Bill which changed the format relating to citizenship. During the debate on this issue, Mr. McDowell used the word "conmen" in regard to some asylum seekers but the media did not hound him and said nothing about him. He was the Minister so he could use the word "conman" but Deputy Noel O'Flynn could not use a similar word in the same vein. Nor did they accuse him of racism.

However, since 2002 things have improved dramatically in regard to this issue. It is important to put on the record of this House that over the years I have worked with asylum seekers and helped them with their applications. I have also witnessed and commended the involvement of the new Irish in our country, especially in my own city where we have our St. Patrick's Day parade every year. People from many different nationalities have settled in now and become part of Cork society. We have seen them and their culture and have enjoyed it. It has enriched our society.

I am still concerned about direct provision for asylum seekers which they receive in accommodation, food and a small allowance. They may be living in such accommodation for many years. That is wrong. Their applications must be dealt with speedily and decisions must be made. If they are to be granted asylum let it be given to them and, eventually, citizenship but it is wrong to have the process drawn out and delayed. There must be a better way and I see that way in this Bill.

Since 2004 I have welcomed to Ireland people from the new eastern European states that joined the EU. Some have settled and made homes for themselves among us. For many years, these men and women have been valuable assets to our economy and have contributed greatly. I am glad that Poles, Czechs, Hungarians, Latvians and Estonians have come to Ireland and worked hard here because these are people who suffered long under the yoke of Soviet imperialism.

I welcome, therefore, a Bill that seeks to have fast track applications for all asylum seekers and proposes that, following rejection of an application, only one recourse will be open to appeal rather than the four or five stages people were taking in order to exhaust the legal process until a decision was eventually made either to deport them or to grant asylum. We all know who the winners are in this — the barristers and solicitors in the Law Courts in Dublin and elsewhere.

I do not know whether the Minister mentioned it in his speech today but he has estimated that 95% of asylum seekers are economic migrants. In 2002, I estimated that 80% of applicants in this country were not fleeing tyranny or oppression in their own countries. The Minister's figures are startling. I hope we can speed up the asylum process, granting asylum to genuine cases and returning non-genuine applicants to their country of origin.

I will refer to statistics presently but first will refer to an important issue which I hope the House and the Department officials will take note of, namely, the students who come to this country to study in our universities and colleges on a student visa. They are very welcome to Ireland and I commend the Government on prioritising overseas student accommodation and training in Ireland. This is something I asked the Government to provide two years ago when I discovered there were nine Taiwanese students studying in Ireland and 15,000 students from Taiwan studying in the UK. I could not understand why we should not have more students coming to Ireland from those types of countries. As Members know, in the past year we gave free visa entry to people from Taiwan and I hope we will see many more students from that country coming to study and receive their education here. Students from outside the EU spend an average of €25,000 – €35,000 per year on fees, accommodation and upkeep. We want to see many more students coming to Ireland as this will boost our colleges and our economy.

There is an important related point. Under the regulations, students are allowed to work 20 hours per week and this must be re-examined in light of our own economic downturn. Many of our own students cannot get work because positions are filled by students from overseas, etc. I am also aware there are overseas students who are not studying in any school or college but are working, which is in breach of regulations. I am advised that in some cases false documents are being used to secure visas from the Department of Justice and Law Reform and from our embassies. Applicants receive a PPS number and some students have two such numbers. They have an identification which may have been given to them by people who have left the country, leaving them documents which may have been falsified. This means that such individuals can work not only for 20 hours a week but can work for 40 hours because they have two identities. I am asking Department of Justice and Law Reform officials to look at that because I believe this is an area we need to tighten up on and support genuine students, while removing those who are using the study visa to work in Ireland only.

The Bill refers marriages of convenience and that action is being taken on this aspect. It is now well known that a number of EU nationals are coming to Ireland and marrying non-EU nationals not for love, but for money. I am pleased the Department has made reference to that in the Bill, it is a matter about which the Minister is also very concerned.

With regard to the number of asylum seekers in Ireland, I am advised that 2,689 asylum applications were received in 2009, representing a welcome 30.5% decrease on the corresponding figure for 2008, which was 3,866. Of that number, 65% were male and the rest female. The top five sources of applications for 2009 were: Nigeria, with 569 — 21%; Pakistan — 9%; China — 7.2%; Democratic Republic of Congo — 3.8%; and Zimbabwe — 3.4%. Nigeria and Pakistan were the largest and second largest sources, respectively, nationally, while China was the fifth largest nationality.

When I raised these matters in 2002, we had 11,634 applicants for asylum in that year. I am pleased that the number of asylum seekers has fallen continuously, with the fall in applications in 2009 being the third largest in percentage terms. I have looked through the entire list over the years and have one before me. What has helped significantly is that we passed the referendum on citizenship in 2004, which was introduced by Deputy Michael McDowell, the then Minister for Justice, Equality and Law Reform, something for which I commend him. He was

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a very brave man and I am pleased that it was part of the programme for Government. It removed the automatic right of a child born in Ireland of foreign parents to citizenship and helped to stop many of the asylum shoppers from coming here to have children and use the system in that manner.

I am pleased too, to read from the document circulated by the Minister earlier this year, that we have had 236 deportation orders to non-EU countries with regard to failed asylum seekers, again representing an increase of 83% on 2008. We had 243 transfer orders to other European states under the Dublin II regulation, where a person is discovered to have made an application for asylum in another EU country but has come here to make a second application. The legislation we have passed down the years, including the finger printing of asylum seekers, has helped significantly in this because we are sharing this information with other jurisdictions which has helped identify people who were registering twice. Again, I said in 2002 that people were screwing the system in this country, and this has been borne out in the figures that were subsequently published over the years after that.

An additional 202 failed asylum seekers have been returned and removed from the State voluntarily and with assistance, and I commend the Department of Justice and Law Reform, officials in the different immigration frontline services and the Garda for the work they have done over the last number of years to implement legislation which has been passed by the Oireachtas.

I also welcome the provisions on human trafficking. I spoke on the Criminal Law (Human Trafficking) Bill 2007 in this House and I was pleased to see at the time that when the Immigration, Residence and Protection Bill was to be introduced, part of it provided for help for victims, whereby a victim of trafficking could be afforded an immediate period for recovery and reflection as well as facilitating him or her to participate in any criminal proceedings arising. A further period of residence is provided for in the Bill in this regard.

I welcome, too, the section about residents where various categories of people who have lived here in various forms of temporary accommodation could well be moved, being treated as a different class. I do not believe it is right to have people cluttered up in this manner in hotels rooms or other accommodation for long periods without their cases being decided.

I welcome the very strong provisions in regard to removing people from the State who are here unlawfully. I hope that with the provisions of the Bill we can again streamline the immigration and asylum systems while being able to expedite any legal redress by asylum seekers in such a way as to facilitate more quickly decisions made by the courts. I have always accepted that where a person has been granted asylum, he or she should stay here. However, if he or she is not granted asylum, then in my view he or she should be removed from the State.

**Deputy Denis Naughten:** I welcome the opportunity to speak on this Bill. I was involved in the painstaking passage of the previous Bill through this House, when we got as far as Report Stage. We raised a number of issues at the time and a fair percentage of those are acknowledged in the Bill before the House today. Some areas need to be strengthened in relation to it, however. Ultimately, we all want to see a streamlined immigration system in place, and I hope the parliamentary process is expedited and that the Minister facilitates the quick passage of the Bill through the House, so that the legislation may be implemented once and for all. This is the third published Bill in this area, and we have yet to see the enactment of the legislation. It is crucially important that it be enacted as soon as possible.

Over the last 15 years, Ireland has undergone a dramatic transformation. The Celtic tiger brought in its wake a large migrant workforce and unprecedented numbers coming to Ireland

meant our immigration system was continuously playing catch-up. The system is still struggling with delays and judicial reviews and the lack of accountability is commonplace.

The challenge of integration is also significant. At an annual cost of €300 million a year, or €3 billion over the last decade, the system, as it stands, is nothing short of a mess. With the numbers entering Ireland in decline and the need for efficiencies evident, there is no better time for reform of the immigration system.

However, Ireland needs an immigration system in which citizens and other residents can have confidence. We must establish a system of immigration that is fair, transparent and tough on fraud, and addresses Ireland's economic needs and circumstances in a manner that is respectful of the rights of immigrants. Our borders and public services have always been open to exploitation, allowing criminals into the country while genuine applicants wait for years within the immigration system. The downturn has exposed the level of abuse and waste within the public service and the lack of a co-ordinated response by the Government. Foreign fraudsters have a role in abusing our social welfare system, but it must be acknowledged that they are a small cog in a big wheel of domestic fraud. However, abuses of any Government system cannot be tolerated.

The Government has brought the same level of competence and skill to the management of immigration that it brought to the management of our economy. It has created a system that ill serves the needs of our country and fails to respect the rights of immigrants. Immigration can be of real benefit to Ireland, but only if it is properly managed. We need to manage migration flows through a co-ordinated approach at both EU and national level that ensures we have an immigration and integration system that serves the interests of Ireland, our economy and those who reside here, regardless of their nationality.

At present, Ireland has no clear immigration policy. Things are done in a piecemeal manner and, as a result, confidence in the effectiveness of our immigration system has been severely damaged. People are not confident that anyone is actually in charge. Reform is required in the residency, citizenship and asylum system, but only residency and asylum are dealt with in this Bill. The immigration system is so obscure and chaotic that a simple application for long-term residency or citizenship can take two years to process. The delays in applications for long-term residency are leading to a situation in which people are now applying for citizenship instead. This allows them to avoid the bureaucracy and red tape associated with long-term residency and undermines the status of Irish citizenship, as it is being used as a mechanism to circumvent the immigration system. That in itself highlights the need to expedite this legislation.

The current system has completely undermined the status of citizenship in this country. With the introduction of this legislation, long-term residency now at least has a statutory structure, as it sets a number of criteria in this regard. However, it sets the bar higher for residency than it does for citizenship. Although citizenship is in the gift of State, and its granting is at the discretion of the Minister, the fact that we will have set out in statute exactly what criteria are required for residency without any statutory provision for citizenship undermines the status of Irish citizenship and makes the whole thing farcical. In tandem with the passage of the Immigration, Residence and Protection Bill, it is now of the utmost importance that we expedite urgent reform of our citizenship laws to ensure that the status of Irish citizenship is put on a pedestal, where it should be, and that people work to achieve citizenship.

We must set out stepping stones for people who come to this country to achieve citizenship, as there are currently none. There are stepping stones for long-term residency in this Bill, but there are none for citizenship. This highlights the weakness of the statutory provisions regarding citizenship. Urgent review of that legislation is now required.

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Under the asylum process — or, as it will be called, the protection process — it takes up to seven years at present to process an application to finality, and people are dumped into accommodation that is totally inappropriate for long-term living, which is a scandal. The whole idea of the direct provision system was to provide for applicants' short-term requirements; I do not have a difficulty with the direct provision system for short-term accommodation. The new immigration Bill will, I hope, ensure that protection applicants stay in the direct provision system for only a short period. That is the objective behind it, and we all support that. However, what are we to do with the people who are already in the system? As was said by speakers earlier, 2,600 protection applicants entered the system in 2009, and approximately 12,000 people have already gone through the asylum system, were deemed by the Department to be failed asylum seekers and have applied for leave to remain in this country. At present, the Department is processing approximately 2,000 applications per annum. Based on those figures, it will take six years to process those applications to finality. This Bill does absolutely nothing to address the backlog. The cohort of people who have come into the system up to now are not being dealt with under the provisions of the legislation that is before us today.

I have persistently raised this issue with the Minister, but he brushed it aside and said it would all be dealt with in the new immigration Bill, which would expedite the process. I hope it will do that, but it will not deal with the 2,600 people who applied for asylum last year. It would have been able to deal with them if it had been passed in the Houses in an expeditious manner and given priority within the parliamentary system. As it was not given priority, those applicants, along with the ones who come into the system this year, will be dealt with under the current archaic system, which takes up to seven years to process an application to finality.

I remember saying to the Minister on the floor of the House that we needed to do something about the problem of judicial reviews. The legislation before us today will deal with new judicial reviews, but it does not apply to people who are already in the system. There are approximately 600 to 700 people within the judicial review system at present, and it is costing the Irish taxpayer €800 per asylum application per week. I suggested to the Minister approximately 12 months ago that we should ask the High Court judges to sit for the month of September to deal with these judicial reviews. If half of the High Court judges agreed to sit for the month of September, assuming that each application takes approximately one day, about 300 cases would be cleared. The Minister ridiculed me, said it could not be done, and would not contact the President of the High Court. I acknowledge that the President of the High Court, on his own initiative, has decided to try to deal with the backlog. However, it is pity we did not have a bit of initiative from the Minister in this regard. It would have helped to deal with the frustration among taxpayers that they have footed a bill of €300 million over the last decade for a system that clearly does not work and will not be addressed by this Bill. As other speakers have noted, we should be reviewing their applications and making decisions on them. If they are granted asylum, give them refugee status in this country but, if not, tell them it is time to go home. At present they are being fobbed off and their cases are dragged out for months and years. What these people want is a final decision from the Department so they can get on with their lives, whether in Ireland or back in their own countries.

I hope the issue of deportation will be addressed on Committee Stage. The cost of deportation is significant. We paid more than €100,000 to send one individual to west Africa. Another individual was so disruptive that he had to be taken off an aircraft at Charles de Gaulle Airport, Paris. The cost of sending that individual home will be significant. I argued on Committee Stage of the 2008 Bill that an incentive should be built into the legislation for people to voluntarily leave this jurisdiction. We need to bear in mind the interest of the Irish taxpayer as we

debate the present Bill. We could offer a window of opportunity to individuals who are issued with a notice of intention to deport by allowing them to voluntarily leave the country while retaining the possibility of applying to return to the jurisdiction in a few years time. At the end of the day, they are allowed back at the discretion of the Minister and I have no difficulty with this. Surely, however, the door should not be slammed shut in their faces if they do not put the additional burden on the taxpayer of forcibly deporting them. We could provide an incentive to people to return home through the International Organisation for Migration instead of deporting them. We need to take a new attitude in this legislation in terms of protecting the interests of the taxpayer.

Immigration policy needs to focus on creating jobs rather than taking them. Over the past decade, people came to this country to take up low skilled jobs, many of which have now evaporated. We need to review how we structure immigration policy.

An issue which I have raised in the past is the treatment of migrant entrepreneurs, that is, people who come to this country from outside of the European Union with good business ideas. Perhaps they can only create employment for themselves when they initially set up their businesses in this country but they have potential for creating jobs for Irish citizens down the road. As the law stands, however, they must show they can make a capital investment of €300,000 and commit to employing a minimum of two EU nationals. That is a false barrier to job creation. No Irish citizen would be able to establish a business under those criteria. This is why 85% of the applications presented to the Department of Justice and Law Reform were refused. We need to review the legislation in this area because a decision to grant permission to establish a business in this country should be based on the concept and the person's ability rather than artificial criteria dating from a completely different era.

A number of contributors, including the Minister, spoke about foreign students and the potential they offer for additional revenue. Unfortunately, we have closed off much of that revenue. Over the past two years, the number of foreign students coming to Ireland for language education has decreased by one quarter at a cost to the State of €20 million. Fine Gael has set out an international education plan that could create 6,000 jobs and generate an income of €900 million. There is great potential for developing the language market in this country. We are currently attracting approximately 1% of the global education market. Given the strong reputation this country enjoys for education, particularly in the area of English language education, there is great potential for investment. It is estimated that each international student studying abroad spends up to €26,000 per annum and up to 15 local jobs are created for every 100 students coming into this country.

Reference was made to immigrants' use of the student visa system to get part-time jobs. There is no doubt that the existing system needs to be reviewed in order to close off loopholes but the market could be expanded massively by introducing a completely new student visa regime which could fast-track visas for students from key markets with a low risk of abuse. We should think about providing green cards automatically to PhD graduates in sectors which are experiencing skill shortages. Amazingly, certain sectors of the economy, including sciences, engineering and technology, continue to suffer a shortage of skills. If we are going to capitalise on the smart economy, we need to attract these key people.

Immigration is about choice but we cannot make choices unless we have secure borders, clear policies and proper structures. We must manage migration flows through a co-ordinated approach at both EU and national levels. Our immigration policy has to serve the interest of our economy and those who reside here, regardless of their nationality.

**An Ceann Comhairle:** Is Deputy Cyprian Brady sharing his time?



**Deputy Cyprian Brady:** I will share my time with Deputy Sargent if he comes into the Chamber. I welcome the opportunity to contribute to the debate on this important Bill.

For many years, we have struggled to adapt our systems to cope with a large influx of people from all parts of the world. My own experience in the Dublin Central constituency, which has the one of highest concentrations of non-national communities in the country, indicates that while the demographic changes of the past several years have enriched this city, they have also presented problems. On a weekly basis at my constituency advice centres I encounter individuals and families who end up in worrying and, in some cases, traumatic circumstances which were not of their own making. This Bill will ensure that people who find they cannot progress their residency status in this country are looked after. It will ensure that decisions are made efficiently.

There has been a large change in demographics, particularly in our major cities. We have now reached a critical stage in how we deal with this issue. The system badly needs reform and everybody accepts that. There were attempts in 2008 to introduce a Bill to deal with this, and such was the diversity of opinion on the Bill that it had to be withdrawn. The introduction of this Bill takes into account the various views that were expressed during those debates.

We need to look at our systems from two points of view. First, we must take into account what is best for the country. Second, we must take into account the point of view of those who have come here for different reasons. Why do people come here? Up until the 1990s we had a rich tradition in refugee programmes in Ireland and it was quietly and effectively administered. We have a large Vietnamese population who came here in the 1970s and 1980s and even earlier. The changes that took place in the 1990s and the last decade unfortunately put a great strain on the system that we currently have in place.

We were told a few years ago that we needed thousands of migrant workers to keep our economy going. We got those workers from within the EU and from all over the world. However, that led to enormous pressure being put on the immigration system. While efforts have been made over the years to increase the number of staff dealing with applications, to streamline decision making and so on, it has not worked. Now that the country is in its current economic position, our immigration system is not fit for purpose. This Bill will ensure that an integrated system is put in place to deal with all the issues that arise.

I deal on a weekly basis with families and individuals who find themselves caught up in a system that puts them in a very untenable position. They cannot move one way or the other. They are waiting on decisions to be made. They have provided as much information as they can, but unfortunately the system cannot cope with their cases. There are four or five different stages of application for asylum and refugee status and all of them can be appealed, ultimately to the Supreme Court. There are cases involving people who are here for up to ten years and who have still not received a firm decision on their status. People have put down roots in that length of time. Their families have grown up. They have made friends and connections in their local communities. They have become part of their local community and they have contributed to it. We cannot expect people to tell them one day that they have to leave. We now find ourselves in the position of having to make those decisions.

While some improvements have taken place in speeding up the process, it can take years for a case to be finalised. That is not fair to the applicant who provides as much information as possible, but it is also not fair to the people dealing with them if they have not got the tools to deal with these cases. Sections in the Bill will ensure that people who come to this country for whatever reason — be it economic reasons, for refugee status or for asylum purposes — will have their cases dealt with effectively so they are not left in limbo. Previous speakers spoke about the current system of direct provision and pointed out that there are people in that

system for up to seven years, even though their situation is supposed to be temporary. This Bill will deal with that aspect.

The main purpose of the Bill is to provide a fair and transparent set of procedures for the day to day implementation of Government policies on immigration and protection, and to ensure that the State's immigration and protection system complies with all our international obligations in this area. We have a reputation in this area. We have always been seen as a good destination for people abroad. We speak English and have a welcoming nature in this country, and that has always attracted people from all over the world.

An important innovation in the Bill will be the introduction of a statutory long-term resident status. This status will be available for those who have at least five years' satisfactory residence in the State and will provide access to the employment market and State funded services and benefits generally on a par with Irish citizens. This provision is in Part V of the Bill. A provision is also made for the imposition by an immigration officer of a residence and reporting requirement on a foreign national, instead of that person being arrested and detained, which is the current position.

There is much detail in the Bill and I welcome its publication because we have reached a situation where the immigration system is completely under strain. It is not fair to either side and so I welcome the Bill.

**Deputy Trevor Sargent:** Ar dtús báire, tááthas orm deis a fháil labhairt ar an mBille seo. Many of us are far more aware of the immigration issue in the past few years. Those of us with a constituency clinic are probably much more educated in the areas of global conflicts, human rights problems, environmental issues and the details and geography of countries such as Nigeria, the Philippines, Cameroon, Eritrea, Romania, Russia, eastern Europe in general and many other parts of the world. The challenge we face has changed from looking for people from all over the world to support our workforce to a situation where we have to cope with the pressure of maintaining so many people who are not able to find paid employment.

It is understandable that we would devote time to find a reasonable but humanitarian way that protects those who are most vulnerable. I hope that we can do that in this debate as clearly and dispassionately as possible, so that we can give the best protection possible for those who are most vulnerable. Many concerns have been raised already about this Bill and about the 2008 Bill, which had to be withdrawn. We are talking about legislation that has been debated and about consolidated legislation going back to 1935, so there is a challenge to get this right.

I met with a number of people outside Tithe an Oireachtais today to discuss this Bill. People feel strongly about many issues, and the issue I would like to talk about is the provision that is described as summary deportation. The UN Refugee Agency has warned that sections of the draft law allow for people who might be in need of protection to be summarily sent to their country of origin without their claim being properly examined. If the United Nations Refugee Agency said that, it behoves us to look long and hard at it. I did not hear the Minister refer to it earlier and perhaps the length of time he had to speak was not sufficient to allow him to go into that detail but I hope he will reflect on those concerns that have also been expressed by groups such as the Immigrant Council of Ireland which is concerned that the introduction of summary deportations could even result in the deportation of vulnerable Irish citizens or lawfully resident migrants who are unable to prove they have a legal right to be in Ireland.

This legislation makes allowances for people in exceptional circumstances in regard to summary deportation where lawfully resident migrants or even vulnerable Irish people could be removed from the country without the right of appeal. It is all very well to say one can go to the High Court but somebody suffering from mental health problems or some other type of

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deprivation would not be in a position to fully exercise that option. That needs to be taken account of.

We already have a 15 day appeal period, which is not too long. The number of months or years people must wait for decisions on their status would indicate that if there was a chance of a decision within 15 days, it would definitely be welcomed. People in the likes of Mosney find themselves living in limbo.

I hope we can balance the need for us to be careful in how we discharge our responsibilities in the very straitened times in which we live and how we can best manage our resources while at the same time be very careful that we do not visit on people in this country the kind of treatment which would result in us giving out and getting the Department of Foreign Affairs to intervene if it was happening in another country. It is a difficult balance to strike given the pressures on the country.

However, I would listen to the likes of the Migrant Rights Centre which said that the Bill could deny undocumented workers or those in a situation of forced labour access to justice. We have made improvements in that area in that previously somebody was in employment at the pleasure of his or her employer who would hold the work permit and, therefore, have a considerable amount of control over not only the working conditions but the movement of that individual.

I suppose we are limited in the number of people with which we can cope but we must ensure people are not exploited which is the fear of the likes of the Migrant Rights Centre. I hope the Minister and the Department reflect on the 15 day period because we need that small window within which somebody, who has a very good reason to question his or her deportation order, will be allowed the time put his or her case. It will also allow those of us who are in a position to mediate and communicate with the Department to make a case in order that we do not have miscarriages of justices or that it does not result in people being placed in an exploitative situation or being sent back to their own country and being faced with a humanitarian problem we would not have envisaged.

We also need to take account of families. The break up of families is a humanitarian disaster and is a problem for this State — for example, if somebody in a position to maintain a family is deported. When the Minister replies, he might return to that point because it was not raised in his contribution. The 15 day period is minimal and necessary.

**Deputy Lucinda Creighton:** I am very pleased to speak on this extremely important legislation. It is a new brief for me so I have had a very short period of time to read and absorb what is a very substantial Bill. I followed the progress of the immigration Bill which came before the House two years ago and the detailed work done on Committee Stage.

I will start on a positive note by saying that I am pleased some improvements have been made in this Bill and that some of the constructive proposals put forward on Second and Committee Stages have been taken on board by the Minister. Deputy Naughten, who spoke earlier, put an enormous amount of time and energy into the passage of the original immigration Bill. His contribution earlier was very wide-ranging and touched on many issues which, sadly, are still in need of attention as far as this legislation is concerned and which will require constructive engagement on Committee Stage between the Minister and the Opposition spokespeople in order to ensure the legislation that emerges is robust and will withstand what are rapidly changing times both in terms of the needs and demands of immigrants and migrants and the economic situation in which we find ourselves.

I wish to deal with some of the background issues in regard to the legislation. Clear legislation setting out the parameters and the protections required to introduce a sense of certainty and transparency into the immigration system has been glaringly absent for a long time. In a sense, it is somewhat ironic that we are dealing with this legislation at a time when the tide of immigration into the country has significantly receded. At the time when we had an enormous influx of immigrants, we did not have suitable, modern and responsive legislation in place to deal with that. However, by virtue of that absence, we still have a large number of outstanding issues to resolve in terms of immigrants and asylum seekers who are currently in the system and are finding it extremely frustrating. A number of Deputies from both sides of the House alluded to the visits paid to them in their clinics by non-nationals with different queries, questions and concerns and many frustrations. Those people still need clarity and to be dealt with in a transparent fashion. I hope this legislation will go some way to achieve that.

One of the concerns I have that highlights the urgent need for this legislation to be introduced is the sheer volume of judicial reviews which, I think it is fair to say, are slowly coming before the High Court and which should not be. The fact that a judicial review process is considered a mechanism to solve an asylum, a residency or a citizenship issue is wrong. Those are matters that should be dealt with within the system and it is unacceptable, to say the least, that these issues end up going through judicial review procedures. It is fair to say also that many of those judicial review applications are vexatious and designed to buy time for applicants who may not have a sufficiently compelling case to succeed in their application.

While I am on the topic I will deal with section 133. This is an important point because the Bill puts in place mechanisms to disincentivise patently vexatious applications ending up before the High Court. Section 133 contains penalties for legal representatives in the form of the prospect of bearing costs for such applications. That is a constructive and positive development. It means that solicitors or barristers who engage in judicial reviews which ought not to be taken will have to bear the brunt of an unsuccessful claim of that nature by way of costs.

There is also a proviso in section 133 that in an application for a judicial review an applicant must demonstrate substantial grounds for such a review. That poses problems and I believe it is unnecessary, given that the costs issue is already dealt with. There is potential for a penalty to be imposed on legal representatives who bring forward a vexatious or frivolous claim. I am not clear as to the reason one would, further to that, introduce this requirement for substantial grounds because it is a vague term. We have seen it in regard to planning legislation. We have seen a significant volume of unnecessary litigation based on the term "substantial grounds" and bringing it into the asylum system will open up a large can of worms. That is something I want to flag with the Minister because it will have to be dealt with on Committee Stage.

In terms of the general issues, it is not something politicians or public commentators want to talk about openly but I have detected a growing degree of xenophobia, racism and anti-non-national sentiment which has developed in recent years in this country. That is understandable because the combination of constrained and difficult economic times, coupled with a non-transparent asylum and immigration system and a social welfare system that is in dire need of reform, is a recipe for disaster. For that reason in particular it is vital that we get this legislation right because my party and, in fairness, most parties in these Houses see the need for immigration into the country. It contributes to the cultural fabric of our society. It has served an important role in terms of the economic needs of our country.

We are all aware that, for example, the services industry and the hospitality sector have benefited enormously from the inward migration of workers to this country in the past ten years or more. There are significant benefits for our economy and our society. We are and ought to continue to be an open-minded and welcoming nation. We are famed for it throughout

[Deputy Lucinda Creighton.]

the world. Our historical context is also relevant in that regard because we are a country that has exported our people. For centuries, Irish people have travelled to the United States, the United Kingdom, Germany and Australia seeking employment. When times were bad here people went abroad, and it is happening again. We are all too familiar with the stories of young people emigrating from our shores at this time.

We must develop and encourage a sense of responsibility and openness to the people who come here and contribute to our society. As politicians and political leaders we must knock on the head the idea that people are coming here in large numbers to sponge off the State. It is not the case. The vast majority of immigrants who come to this country do so because they want to work, develop a better life for themselves and their families and contribute. They like this country, they like the people and they want to contribute to our economy and our society.

Asylum seekers — the terminology is being changed under the Bill but I will use it for the duration of the Second Stage debate at least — who come here are coming from circumstances with which we, as a nation, should be prepared to identify. They are coming from war-torn and conflict regions and places where they and their families' health and safety is in danger. It is important that we never forget that. We do not categorise people and forget about them or not want to know about them. We must accept that as a sometimes thriving and open nation we have a responsibility, and we are enriched by meeting those challenges and responsibilities.

That is the context in which I approach this legislation. That is not to say that we live in an ideal world or that the entire area is a sort of Utopian concept. There are problems and there will always be people who will behave in a fraudulent manner but no more non-nationals than our own nationals. We must be clear about that and recognise the positives.

I will focus on some specific issues but I will first outline the issues I have some concerns about and that some of the groups who work on a daily and weekly basis with people who are currently within the system have highlighted, and some of the issues we addressed on Committee Stage of the previous Bill.

Deputy Shatter, and Deputy Rabbitte, succinctly outlined the concerns regarding the lack of clarity and clear rules for migrants seeking to come to Ireland. Section 17 is the section which is the most cause for concern in that regard. It will be a contentious section as the Bill progresses because it gives such a degree of scope and latitude to the Minister in determining whether a visa application is successful. That is a serious concern because the purpose of putting in place a consolidated immigration Act is to provide certainty and clarity for immigrants seeking to come to this country. Leaving one of the most important aspects of it so wide open defeats the purpose of the Bill.

My experience from clinics is that most of the people who come in with questions relating to visa or immigration issues have found that the websites and information available on them provide no clarity. They cannot understand why their applications are returned to them or why they are not deemed to meet the requisite criteria. Therefore, the introduction of a Bill which should deal with these issues, but which leaves the requirements and standards wide open and invests so much power and discretion in the Minister is extraordinary. The Bill will achieve the opposite of what is intended, will create greater uncertainty and add to the lack of clarity which has already riven the immigration system. It will make the situation even worse, which is unfortunate. Fine Gael will propose amendments on Committee Stage to try to deal with these issues, but I also urge the Minister and officials to reconsider the issues and come forward on Committee Stage with some sort of compromise wording which will get around this challenge.

5 o'clock

The review system is another issue. In a sense, I began backwards in talking about the problems with judicial review, which is important. However, there are shortcomings within the internal review mechanisms contained in the Bill. The review mechanisms will certainly not address the problem of so many of these applications being judicially reviewed or the problem of the number of applications for leave for judicial review. It is important that there is a robust internal appeals and review mechanism that is transparent. The objective of this mechanism should be to satisfy applicants and eliminate grounds for judicial review. The system must be transparent, clear and fair and must encompass all possible avenues for review so that there will be no need to clog up the High Court with pointless judicial reviews. We keep returning to this same requirement. For example, section 21 provides for a review of decisions by another departmental official, and where practicable by an official of higher grade. This does not provide the degree of transparency and independence required in order to make the system robust and fair and ensure it will eliminate unnecessary legal action. Neither does this provision solve the problems of the delays in the system or the clogging up of the system which, over the past ten years, has got increasingly worse.

I have dwelled too long on these issues rather than focus on the issues I had intended to highlight so I will briefly summarise the points I wanted to make in the time remaining to me. There is a perception that there is significant social welfare fraud and crime, which feeds into the growing sentiment of negativity towards immigrants and asylum seekers. I feel strongly that this issue needs to be addressed. There is a certain degree of fraud within the system and some people will chance their arm. However, this is true of any nation or nationality. We need to clamp down on fraud and make the system more robust so that people will have confidence in it. If it is a strong and robust system, the public will buy into and have confidence in it. This will lead to less resentment and tension. An issue we need to consider in this regard is, for example, the issue of an integrated border management system. This is something that is being developed at EU level, but we need to consider proposals such as a border register which logs departures from and entries into the country. This is an obvious solution to resolving questions such as whether people draw social welfare here and then return to their home country. Addressing these issues may not make the Government popular, but if it does address them it will get greater support and more people will buy into its efforts to sort out the visa, immigration and asylum systems.

I will finish on the issue of illegal immigration. Human trafficking is an issue on which I have often spoken in this Chamber. Despite commitments from the Minister and despite repeated statements on the issue, women and others trafficked into this country have little or no protection and are treated in a more sub-human way than the perpetrators of these crimes. These people are victims and must be protected by the State. I urge the Minister to take this into account in bringing the legislation to the House.

**Deputy Aengus Ó Snodaigh:** Tá sé tábhachtach go bhfuil an Bille seo os ár gcomhair. An fhadhb is mó atá agam leis an mBille ná go bhfuil roinnt de na fadhbanna ceannann céanna a chuir moill ar an Bhille go dtí seo fós sa Bhille. Gach uair a d'athfhoilsigh Aire an Bille, bhain sé roinnt de na rudaí a bhí ag déanamh tinnis domsa agus do dhaoine eile as an mBille, ach fós, tá a lán fadhbanna agam agus ag Páirtí Shinn Féin leis an méid atá fágtha sa Bhille leagtha os ár gcomhair. Déanfaidh mé iarracht roinnt de na fadhbanna sin a leagadh amach inniu ach déileáilfaidh mé leo go díreach ar Chéim an Choiste trí leasuithe agus a leithéid a mholadh. Tá súil agam go mbeidh muid in ann éisteacht ceart a fháil ón Aire ar Chéim an Choiste agus go mbeidh sé sásta athruithe a dhéanamh ionas go mbeidh Bille os ár gcomhair lena mbeidh muid ar fad sásta agus a bheidh mar eiseamláir do thíortha eile san Eoraip ó thaobh déileáil le

[Deputy Aengus Ó Snodaigh.]

cheist an imirce, buaine agus cosaint daoine atá lonnaithe in Éirinn de, daoine nach saoránaigh Éireannacha iad ach gur mhaith leo bheith ina saoránaigh.

This Bill is the third incarnation of the Immigration, Residence and Protection Bill and each time it has been published, the Minister has removed approximately 5% of the objectionable provisions, but kept the rest of the Bill more or less intact. I am not the only person who finds some of the Bill's provisions objectionable. Quite a number of organisations and many Deputies have highlighted its objectionable provisions. Once again, there are a number of serious flaws in the Bill. At the rate we are going, it will be 19 years before we get an Immigration Bill we could welcome. This is not that Bill.

I regret I cannot support this Bill in its current form because we have dealt with a number of the issues. However, the Minister does not seem to understand the serious problems the current Bill could pose for Ireland with regard to its international obligations. The Bill retains what I regard as three of the most serious flaws of its predecessors. The first is a provision for a summary deportation in section 59. In his opening remarks, the Minister said it was not summary deportation. I thought for a second that I was hearing things and that perhaps my grasp of English was flawed considering I learned Irish first and English second. The definition of "summary" in the Chambers dictionary states, "It is something that is done or performed quickly and without the usual attention to details or formalities". That is specifically what the Minister wants to achieve through section 59. Summary deportation will be performed quickly and without the usual attention to details or formalities. The section allows for a foreign national to be removed from the State on the basis of a garda's opinion — his or her perception that the foreign national is unlawfully present. It is clear that there is potential for significant mistakes in that opinion. There cannot even be a guarantee that only foreign nationals will be affected in this circumstance.

In November 2008, it was reported that a man of Chinese origin was arrested and detained for several hours on suspicion of being illegally present in Ireland. The Garda refused to accept his protestations that he was a naturalised citizen, which he was. This section has the potential to raise such cases continually unless it is altered substantially. If this legislation had been in effect at the time, the man could have been on an airplane back to China. The consequences could have been more serious if he was a refugee or asylum seeker and had been deported to his country of origin where he might have faced persecution or death. The Bill contains a rule opposing *refoulement* but the low burden of proof on the garda wishing to deport somebody does not inspire confidence that the rule will be strictly complied with.

Section 59 also does away with the current provision whereby the Minister must notify a person whom he proposes to deport and the person has 15 working days to make a case that he or she should be allowed to remain. The Minister has argued that people who get this notice simply disappear. This may well be a problem but it cannot be an excuse for the Government to commit human rights violations and it seems clear that this is what this section does. In its commentary on the 2008 Bill, the UN human rights committee declared this measure to be incompatible with the International Covenant on Civil and Political Rights, ICCPR. Our own Supreme Court has ruled that the power to deport must be exercised in a manner consistent with the constitutional and European convention rights of the people affected. That is clearly not possible where someone can be deported on the basis of one person's opinion, with no opportunity to challenge that decision. There is, thus, a possibility that this provision could be struck down by the courts, leaving the State with no way to deport people who do not have a right to be here. That is the danger if the Minister proceeds with the section, as drafted. That is clearly not his intention but it could easily happen if this section is passed unamended.

Section 59 is also of concern because of the ease with which people might find themselves unlawfully present. The Migrant Rights Centre has stated that it deals with huge numbers of people who became “illegal” through no fault of their own when their employer failed to renew their permits on time. I have dealt with a number of people who have ended up in those circumstances. Workers also have been subjected to such great exploitation that they felt they had no choice but to leave their jobs and many of them simply could not get new work permits because of the hurdles involved in the process. The Minister for Enterprise, Trade and Innovation could do much more to address this situation but he has continually refused to allow workers change jobs within their categories without getting a new permit. I urge him to change that policy immediately. The work permit should be granted to the worker rather than the employer. The removal of the current procedure, which allows people facing deportation to apply for permission to remain, leaves a worrying gap in the law. It is not clear how migrants who are, or who have become, undocumented will be able to seek to regularise their status. It is likely to encourage them to disappear, since there will be no other option open to them.

The second serious flaw in the Bill is the vast ministerial discretion it allows. The legislation was supposed to clarify and to nail down once and for all the issues in order that it would be clear to everyone where they stood. One of the biggest problems with our current immigration system is its arbitrary and *ad hoc* nature and the provision of ministerial discretion, which leaves people in the system confused about their rights and entitlements and subjects them to wildly inconsistent decisions with insufficient means of recourse. This Bill does little to change that; it simply gives statutory approval to maintain an arbitrary system. A glaring omission is the “visibly independent appeals process” promised in the 2007 programme for Government. That promise was noticeably absent from the renewed programme for Government and perhaps a Green Party member could participate in the debate to explain why the party caved in on this provision.

An independent appeals tribunal would help us to meet our obligations under the ICCPR. It also has the potential to save significant money for the taxpayer. Given what we are going through, I presumed the Minister had contacted the Minister for Finance to tell him he could save him a fortune. Instead, he seems to be willing to spend a fortune in the High Court and the only people who will benefit in those circumstances are solicitors and barristers. During the Committee Stage debate on the 2008 Bill, the Minister said that immigration and asylum cases amounted to 60% of all judicial reviews taken to the High Court and that the cost of such reviews was between €11 million and €12 million in 2007. By contrast, according to the Immigrant Council of Ireland, the total cost to the British taxpayer for each appeal to the asylum and immigration tribunal in the UK was £762. We are constantly told of the need for cuts to address the crisis in the public finances, yet the Government refuses to entertain a measure that could save us significant amounts in the long term. We should introduce an independent appeals tribunal on the basis of fair procedure and not on the basis of savings.

Section 139 deals with the victims of trafficking and suffers from a similar flaw. Victims are not allowed to apply for recognition under this section, nor have they any means to challenge a decision to refuse them recognition. More generally, this section continues the approach the Government has taken of tying protection for trafficking victims to their willingness to assist the Garda Síochána in prosecutions. I have argued this point with the Minister on a number of occasions when the issue of trafficking has arisen. This approach violates the Council of Europe Convention on Trafficking, which the Government ratified only a few months ago. Victim protection should be aimed at addressing a person’s needs and not based on his or her willingness or, indeed, ability to co-operate in a criminal investigation. It is to be welcomed if a victim can help in any way and such assistance should be encouraged but it should not be



[Deputy Aengus Ó Snodaigh.]

the only reason a victim is given the protection of the State as this should be provided automatically in the case of trafficking.

In the time remaining I will deal with some of the issues which are less critical but nonetheless contribute to the deeply flawed nature of this Bill. One issue is the absence of any provision for permanent residency. The most that is on offer is permission to remain for five years. This can be renewed but why should it have to be renewed? Provisions are already in existence to revoke residency status, which I understand are rarely used. A person should be given permanent permission to remain. It is difficult to believe that the small number of people whose renewal would not be approved justifies forcing everyone to apply for permission to remain on a rolling five-year basis. There is no need for such a requirement which only causes stress and inconvenience to applicants and needless bureaucracy for the State. This would be another cost-saving measure for the State.

The absence of clear measures in the area of family reunification is something the Government has been consistently criticised for, both inside and outside this House. It bears repeating that we are the only EU member state without primary legislation on the subject. It is also worth noting that not only migrants but Irish citizens are disadvantaged by this gap in the law. Refugees and EU citizens from elsewhere in the EU are the only categories of persons with family rights. We have all heard the allegations that immigrants receive favourable treatment in comparison to Irish people. Most of the time this is completely false but in this area it is partially true. Most people would agree that Irish citizens should have at least the same entitlement as other EU citizens to the companionship of their family members in this State. Migrants who are contributing to our society should also have those rights.

The Bill establishes a single-application procedure for asylum, subsidiary protection and leave to remain. On the whole this is welcome as we all recognise that the current three-step procedure needlessly prolongs the application process. It is unfortunate, however, that a person must make a single application for all three applications. A person may be well aware that he or she does not meet the convention definition of a refugee but may believe he or she has a case for subsidiary protection or humanitarian leave and will just need the system to deal with that application rather than as an application under three determinations. A person should be able to specify if he or she does not wish to be considered for refugee status. There is no point dumping someone into the asylum system when he or she knows the application could be more quickly dealt with under the other headings.

Section 33 deals with carrier liability. The previous Minister expressed surprise that I would object to those provisions. His surprise proves he has never read the submissions by the UNHCR and the various NGOs because they all raised the same objection. The Bill provides no defence for an airline to say it allowed a person to board because it genuinely believed he or she was in danger of persecution. There can be no question but that the introduction of carrier liability laws across the developed world has made it more difficult for people with a genuine need for protection to get it. It has also been a boon to the human smuggling and trafficking industry since it has made it far more difficult to cross borders safely and legally, leaving people who want or need to migrate no option but to pay large sums to criminal organisations to get the documents they need.

I have a number of issues which I will raise on Committee Stage if the Bill reaches that Stage. Impím ar an Aire glacadh leis na leasuithe a chuirfidh mé faoi bhráid an choiste nó ar Chéim na Tuarascála. Glacaim agus glactar leis go bhfuil gá le leasú d'ár gcóras imirceach, ach caithfear sin a dhéanamh i mbealach cothrom, bunreachtúil oscailte agus, dar ndóigh, i mbealach a chloíonn lenár ndualgaisí faoi dlíthe idirnáisiúnta chearta daonna. Is féidir airgead a

shábhailt má déantar na leasuithe seo, ach sa deireadh thiar thall is cearta daonna atáá phlé anseo agus sin an fáth gur cóir go mbeadh an Bille chomh beacht agus is féidir a bheith ionas gur féidir leis seasamh mar eiseamláir don chuid eile den Eoraip agus don domhain.

This Bill, despite minor improvements over its predecessors, remains deeply and profoundly flawed. We are all in agreement over the need to reform our immigration system but we must reform it in a way that is fair, transparent, constitutional and consistent with our obligations under international human rights law. I urge the Minister to accept the amendments. If I have an indication that the Minister will take on board the key concerns I have raised in this short contribution, I will not oppose the Bill.

**Deputy Bernard J. Durkan:** Having listened to most of the speakers in this debate, the only conclusion I can make is that any law should be fair. Fairness should be determined by the way in which we ourselves would wish to be treated in a foreign country. This criterion should apply with regard to immigration laws. I hope this is the case although I am not certain. I am not so certain whether this Bill addresses the issues that appear to cause a problem or if it merely tries to tap into a certain antipathy in recent times and which seems to coincide with an economic downturn.

This society must recognise that it cannot change its mind on humanitarian issues just because times are tougher. This is the way we test ourselves. We must test our moral fibre as to whether we are capable of carrying out the same assessment fair and free, in respect of everybody, whether they are from this country or from some other jurisdiction, in all circumstances, notwithstanding the difficulties in which we find ourselves. I believe we can do this and many people are doing so.

I refer to the way the immigration system does not work satisfactorily. It is cumbersome. Some people have been in the country for ten, 12 and more years. Some people have been here since the mid-1990s and still do not have any status. They still have the same circuitous arrangements by which they go around in circles, come back for an extended residency for two or three years and ultimately the Minister, with his absolute discretion, has the right to make a decision. There are children who came to this country and who are now adults. They may have arrived aged two or three, in some cases as unaccompanied children. They have Irish accents, have lived most of their lives here and know no other life. There are being deported because of the failure to provide the necessary procedures to allow them to remain or to say that they do not comply with our immigration regulations and should not be here. We are doing damage to the prestige of our country. We are failing to recognise that people outside this island look at the way we do things. We are also failing to recognise that many Irish people are leaving this jurisdiction, as they did for hundreds of years, and travelling abroad. I hope the immigration laws in other countries treat Irish citizens in the way we would like them to be treated.

Let us consider other matters. The immigration system encourages people to be devious because immigrants know that if they answer questions in a certain way, they will receive a further query or an inconclusive answer. In an application for naturalisation, one of the most repeated mistakes by applicants who qualify for naturalisation is the answer to the question of whether they intend to remain in this jurisdiction after seeking naturalisation. It is a trick question that someone decided would be a good question. I have dealt with many cases where applicants answered "No" because they thought they were answering a different question. I cannot understand why people introduce questions of this nature but there must be some reason for it. When the application is decided we must start the process all over again, which costs taxpayers' money, and the person concerned qualifies in most cases.

[Deputy Bernard J. Durkan.]

What bugs me most of all is a practice that smacks of the cynicism about which I am worried. It concerns a person who has lived and worked here for six or seven years on foot of work permits. For reasons that are no one's fault, work permits are not always processed at the desirable speed. The result is that there are gaps in the work permits from the time one ceased to the time another was initiated. In the wisdom of those who make such decisions, when calculating the reckonable period for entitlement to naturalisation by reference to work permits, in some cases a number of days have been cited to refuse the application because of the alleged gaps in the system. I have no reason to disbelieve people when they and their employers tell me that this is a case of the same people working in the same jobs for more than five years, which is all they need in order to qualify for residency without a work permit. The amount of time and energy it takes to go through the repetitive system suggests it is not there for people's benefit.

Reference was made to the number of judicial reviews. I understand and sympathise with why judicial reviews take place. I was dealing with a case last week where the person concerned had spent a long time in this jurisdiction, having been on an extended period of residency and then remaining illegally because of a failure to renew stamp 4 or stamp 3. I became suspicious and I asked for further papers to see the background to the case. My suspicions were correct because the application for refugee or asylum status was dealt with by an individual who had never been known to grant asylum or refugee status to any of the 1,500 or 1,600 applicants involved. In a perfect society, there are perfect people but I fail to understand how in any job anyone could have 1,500 or 1,600 applicants and none of them qualified for anything. Eventually, the case was referred to the courts and that person no longer carries out that function.

I would be equally suspicious if all 1,500 or 1,600 applicants had been granted asylum status. I would also find that difficult to understand. If we do unconscionable things, people become suspicious and they start to treat Irish people outside this jurisdiction in a similar fashion. I do not want to see that happen, nor does anyone in this House. It is very easy to go along with the crowd or tap into antipathy and have the wind at our backs. The problem is that the wind will not always be at the backs of our people all the time. We must also think of those situations.

Another problem is references in hearings. I am certain there are many cases where a quick determination could be made on whether a person had valid reasons to remain in the country or to seek asylum. Seeking residency in the country on foot of a work permit is a different story. People from this country and all over the world have always had a right to seek employment and to move around for economic reasons. It is up to the nation to which they travel to have statutory provisions to ensure that it can refuse if the country does not want people but if it does want people we cannot be two-faced about it. We must be honest. I remind Members on the Government benches that a senior Minister told this House five or six years ago that we needed at least 500,000 people in this country to supplement the workforce. We cannot be hypocritical and tell people we want and love them in Ireland and want them to help us and then when the job market goes bad tell them that we no longer want them.

Many of the people who came to this country worked solidly. In some cases they were employed for reasons of compassion by employers who recognised they were not legally entitled to remain here but gave them employment for humanitarian reasons and felt they were doing the employees a favour. As it happens, that was not the case. We need to be careful when we become arbitrary and condemnatory. When we hear the folklore of atrocities and sponging and all the money everyone gets except us, we need to check beyond the urban myths. There is always a little bit more involved. Very few people want to go that route. More than ever, we need to have the moral courage that many people have. Such people always recognise

fair play and want the nation to be seen to carry out its laws under the general regime of fair play. That will always remain.

Why were people barred from seeking employment and working? I can never understand that because there was no reason to do so. While seeking asylum or residency, there is no reason people could not be allowed to work on a temporary basis for six months or one year. A permit could be renewed on an annual basis. There could also have been a special category created. We are bound to observe our laws, international laws, human rights laws and UN conventions. We are bound to do that. We cannot devise the rules to suit particular situations.

Women, young girls and children are particularly vulnerable in the kind of situation developing currently. In one case I examined it appeared on the face of it that the person concerned did not have a valid reason for wishing to remain in this country because the person had refugee status in another country. However, on closer examination it transpired that other countries within the European Union have problems as the unfortunate person in question had to leave another European Union member state because that person had been forced into prostitution. I have no doubt that because of the method of dealing with their cases several young women, and boys for that matter, have been forced into prostitution because they have no money. They have no money to start with and once they are confined to the waste sector nobody looks after them. Let us not forget about all the foreign national children who went missing in care in the past six to seven years. Nobody cares about them. Our caring society needs to examine itself from time to time and not just stand on the sideline and presume this does not affect any of us.

In all of the cases I have followed and in the hearings that have taken place, both the initial hearings and the appeal hearings, the phrase that one hears again and again is “the applicant claims” and “it is claimed”. The word “claim” indicates disbelief. If the person making the decision disbelieves the person making the claim or the application in any country in the world we well know what that means. I expect the Minister of State, Deputy Peter Power, would agree with me. The belief is that if one makes a claim, what one is saying is untrue. I object to that. We are quite entitled to say that a person does not qualify or that the application is not in accordance with the rules or the law but we are not entitled to say we disbelieve whatever the applicant says. That is a different story. I reject the use of the word “claim” in that context. We must treat people in the way we would like to be treated ourselves, with no exceptions. We may wish to change the law for dealing with other nationalities, as Irish citizens make applications to other nations, but we must all expect the same treatment.

A visit to the immigration centres is an interesting experience, especially if one visits them often. As Irish people we have probably more experience as emigrants than people in most other countries. It is demeaning, sad and poignant to see people waiting to be called and not knowing what the outcome will be. It is not easy for them. Everyone in this House has relatives who sat in immigration centres in Staten Island, Sydney and elsewhere. It is not easy. It is not sufficient to say we were treated in that way as well and it was not fair. That we were ever treated unfairly anywhere does not justify a continuation of that unfair treatment anywhere.

I hope the Bill will bring about an improvement in this area. That remains to be seen. I hope in future to see fewer references to “claims” by applicants. It could be replaced by references to “statements”, which is what is acceptable everywhere else. We have the right to disbelieve, reject or prove wrong applications but not to come to a conclusion on some vague premise that we have known about such a similar case in the way that one hears of a person who has not committed a particular crime but he could have committed another one. That approach is not acceptable, as the Minister of State, Deputy Peter Power, well knows.

[Deputy Bernard J. Durkan.]

I do not have time to deal with trafficking but, as Deputy Creighton indicated, it is appalling. We have all dealt with serious cases. Trafficking affects young women in particular, some of whom have come from regimes that are less than conscious of international law on human rights and who, by virtue of their very disposition, are vulnerable and resign themselves to being used because they have known nothing else. We have a duty to try to give them a clear understanding that everything is not rotten in the world, that there are people who consider their situation. I hope Irish people abroad who may be vulnerable get fairly treated by a system that is conscious of their situations and willing and caring in the way we would like.

**Minister for Justice and Law Reform (Deputy Dermot Ahern):** I thank all Deputies for their contributions to the debate. The issue has been discussed at length in the context of the 2008 Bill. I thank Deputies on all sides, especially Opposition spokespersons, for facilitating the withdrawal of the 2008 Bill and the introduction of an amended Bill. I accept the compliments they have made to the effect that this Bill is better than the original. That is the purpose of a Committee Stage. We had one of the longest Committee Stage debates on record, 33 hours and 13 sitting days. Deputy Rabbitte outlined that there were 18 different sessions. It is important that we move on swiftly with the Bill because it is necessary from the country's point of view and for those genuine people who come to this country looking for asylum, refugee status and visas.

Some Deputies have commented that the Bill does not set out the rights of foreign nationals who are granted permission to enter or be present in the State. However, they have not given any indication of what rights they have in mind. It is, of course, the case that the presence of foreign nationals in the State does not, except in certain circumstances, flow from the exercise of any right to be present in or to reside in the State; rather, it is on foot of a permission to enter and reside which is granted by the Minister and is subject to conditions that the Minister considers should be imposed on that presence — for example, conditions regarding access to the labour market and State-funded benefits, among other matters.

There are some important exceptions to this general rule. I have, for instance, spoken in my opening contribution of the rights which the State has committed itself to giving to refugees. I am conscious of the fact that this country has a significant refugee resettlement programme. When I go to the European table and see what other more prosperous, larger countries provide, I realise we are one of the best in the class in respect to the resettlement of programme refugees. Therefore, when we speak of the rights of foreign nationals, we must distinguish between those categories of foreign nationals who might be present in the State at any given time. The Bill attempts to make that distinction. It treats a foreign national who has been granted a long-term residence permission and his or her family as if he or she is an Irish citizen in many respects. The only action such a person will not be allowed to take is vote in a general election, which is obviously a matter of constitutional right and reserved to citizenship.

If he or she is the holder of a renewable residence permission, the conditions of that permission will, as provided for in section 141, set out the nature of rights attaching to that permission, for example, whether he or she can bring family members to Ireland and the extent to which he or she can access publicly-funded services. If he or she is the holder of an entry permission or a non-renewable residence permission, the likelihood is that he or she has applied to come to the State for a limited period only. This could be for a holiday visit, to study or to engage in seasonal employment. In these circumstances, his or her intended stay is limited and the permission will set out a limited eligibility for benefits and the like. There is no right and no expectation of family reunification for such a migrant, nor can there be such an expectation

of access to State-funded services, as a long-term resident would have, for example, and is entitled to as of right under the proposed legislation.

The purpose of the Bill is to provide mechanisms to allow the Government to manage migration to the State in a coherent fashion. The Bill provides clarity in regard to whether a foreign national's presence in the State is lawful or unlawful, and that is as it should be. The Bill sets out the requirements which must be satisfied where foreign nationals want to visit the State, whether for a long or short-term period, and that too is as it should be. The Bill provides mechanisms for review of negative decisions in regard to applications for visas, and, again, that is as it should be. The Bill provides for review mechanisms to ensure fair procedures where permissions are not renewed or are revoked. The Bill also sets out a more streamlined process for the determination of protection applications.

Aside from setting out the benefits associated with a protection declaration given to persons granted protection in the State and those associated with long-term residence, the Bill does not set out the benefits associated with other less permanent forms of permission to be present in the State. Rather, as I mentioned previously, a good deal of the policy of the Bill will be fleshed out in regulations.

That is not to say, of course, that foreign nationals are without any rights while present in the State. On the contrary, any entitlements under, for example, our health system, education system or social welfare system are set out in the relevant domestic legislation governing those systems. Similarly, access to the labour market is governed by employment law. While present in the State, foreign nationals enjoy many of the constitutional freedoms enjoyed by Irish citizens; they also enjoy the protections afforded, for example, by our equality laws. If they are working lawfully, they are entitled to be treated fairly under the laws governing employment. This Bill does not need to set out those matters again — they are already on the Statute Book.

I stress there is a need to balance rights and responsibilities. Persons who play by the rules, and the majority of our migrants fall into this category, have nothing to fear from this legislation. On the contrary, it enhances their status and allows the Government to provide greater transparency in the system.

A number of Deputies, including Deputies Shatter and Rabbitte, have commented that the Bill does not set out family reunification rights in regard to foreign nationals. Dealing with family reunification for all migrants in primary legislation has a number of difficulties. Family reunification will not apply equally to all types of migration, nor should it. Other countries seek to exercise discretion over which migrants they wish to attract. Ireland is no different in this regard. Experience shows that the largest ongoing source of migration is from family members. It does not make sense to attempt to deal with such a large proportion of our likely future migration in a way that denies the State the capacity to adjust its systems as it needs to do. Such an approach would be inconsistent with what is done in regard to primary migrants who will be governed by regulations and schemes precisely for the reason that the system needs to retain the flexibility it has to manage their cases. There are many people in our system who obtained some form of status here, not necessarily in accordance with any intention of the State that they should be here. It does not follow that the State should now look at bringing in families as a further reward for that behaviour.

I would remind Deputies that, just as a foreign national cannot assert any right to be allowed to reside in the State, that being a matter which is subject to a permission, his or her family members cannot assert any right to be allowed to join him or her in the State, that also being a matter which is subject to a permission. At EU level, the family reunification directive requires member states to grant family reunification to a foreign national who has permission to reside in the member state and who has a reasonable prospect of obtaining permanent

[Deputy Dermot Ahern.]

residence. The directive allows member states to require foreign nationals to have resided in the member state for up to two years before allowing his or her family members to join him or her. I do not accept the proposition that a foreign national has a right to migrate to Ireland against the wishes of the Irish Government and people simply because he or she has a family member residing here. It should also be remembered that family reunification can also take place in the home country of the foreign national. The special position with regard to refugees acknowledges that this would not be possible in these cases.

Our policy on family reunification cannot be one that accepts across the board that any person with immigration status in Ireland would be joined by family members irrespective of the capacity of that person to support them or of any consideration of whether having that family in Ireland is desirable for the State. We cannot have a situation where migration to Ireland by an individual leads irrevocably to movement of a larger number of family members. It is highly debatable, for example, as to whether the State should undertake the cost of educating a substantial family on the strength of the migration of a single individual. Again, this has been adjudicated in the courts many times.

It would be possible to believe from some of the public contributions in this area that the State does not permit family reunification under current laws. This is not the case. The problem is one of lack of transparency, which I accept. As I have said, the position of the most vulnerable group of migrants — refugees — is already provided for. Family members of EU nationals exercising the rights of free movement are also covered in secondary legislation. Spouses and children of Irish citizens are generally permitted to reside in the State also.

We then look at employment permit holders. Green card employment permit holders are granted immediate family reunification for the nuclear family. Our proposals for family members of long-term residence at section 46 are reasonable. At the other end of the scale are students who are not eligible to have their families with them. Student permissions are a limited permission in recognition of the ease of access they have to the State, and most students coming to Ireland would not qualify on any other basis.

Let me indicate, however, what my intentions are in this area. I intend to develop a combination of administrative schemes and regulations to cater for some of the more pressing areas. I will deal with the family reunification of the spouses and dependent children of Irish citizens. I also intend to provide in regulations for the reunification practices currently set out for work permit holders and the high skilled green card employment permit holders. Ultimately, I intend setting out for each immigration status in Ireland on a sliding scale the family reunification possibilities that flow from that permission.

Again, I want to stress that the Bill does not provide for summary deportation of foreign nationals. As I mentioned in my opening contribution, under the Bill, a foreign national will usually become unlawfully present in the State by his or her own conscious act, either by entering in such a way as to avoid the immigration process, or, having been given a permission, by remaining in the State after it expires or is revoked. In essence, therefore, what is described as “summary deportation” is, in fact, a requirement to leave after having deliberately overstayed a permission or having being refused permission to stay, having gone through a fair process. It is unfortunate this is not being recognised in public statements.

The proposition that the Bill allows a foreign national who is unlawfully present in the State to be picked up on the street by an immigration officer and removed from the State without any form of notice, without any opportunity to seek a review or to have an opportunity to make representations, and without any consideration of whether the removal would amount to

refoulement is, quite frankly, untenable. Detailed processes for non-renewal and revocation of residence permissions are contained therein.

The Bill contains extensive notice requirements and review processes for the different types of decision that arise at various stages of the immigration process. The Bill places an immediate and continuing obligation on a foreign national who is unlawfully present in the State to leave.

6 o'clock Failure to do so is an offence and the person committing it can be arrested and detained for the purposes of being removed from the State. In so far as the removal of foreign nationals from the State is concerned, section 59 requires the immigration officer to be satisfied that the foreign national is unlawfully present in the State before initiating the removal process. Therefore, some investigation must take place to establish the fact of unlawful presence. Following on from this investigation, sections 60 to 62, inclusive, which provide for the arrest and detention for the purpose of removal as well as alternatives to arrest and detention, will normally be triggered.

The use of the term “summary deportation” is inappropriate and fails to acknowledge the actual provisions in the Bill that have been designed to provide fair procedures at each stage of the immigration process. It is axiomatic that any functioning immigration system must contain provisions for removal from the State of foreign nationals who either should not or should no longer be present in the State.

Sections 6(5), 59(1) and 60(1) lay down some general principles relating to the removal of foreign nationals unlawfully present in the State. Section 6(5) provides that a foreign national who does not comply with the obligation under subsection (4) may be removed from the State in accordance with the provisions of the Act. The obligation under subsection (4) consists of an immediate and continuing obligation to leave the State. By virtue of section 6(3), unlawful presence is an arrestable offence. Deputies will notice that section 6(5) does not state the foreign national will be summarily deported or immediately removed. Rather, it provides that he or she will be removed in accordance with the provisions of the Act.

Part 6 was the subject of extensive legal advice from the Attorney General and I am satisfied it is compliant with the constitutional and European Court of Human Rights, ECHR, standards. Removal cannot occur unless the immigration officer or the member of the Garda Síochána is satisfied that the foreign national is unlawfully in the State. It is worth noting there are rules and regulations governing the treatment of persons arrested and detained for immigration reasons. Included in these rules and regulations is the right to consult a solicitor.

The Bill contains ample provisions to ensure that the arrangements for the removal will be in compliance with constitutional and ECHR requirements. Paramount in this regard is the overarching prohibition on *refoulement* in section 58. It is no coincidence that this is the first section in Part 6 dealing with the removal.

Some Deputies have called for an independent review of immigration matters. I draw attention to the extensive review processes built into the Bill for the different types of decision that arise at various stages in the process. For example, section 21 deals with visa review applications and section 53 contains review mechanisms for the non-renewal of residence permissions and a revocation of an entry or residence permission. Sections 51 and 52 contain processes for making representations as to why permissions should not be revoked. Section 111 sets out the processes for the revocation of a protection declaration. Foreign nationals affected by any of these decisions giving rise to such reviews have the option to seek judicial reviews of those decisions by the courts where they consider there has been a procedural irregularity.



[Deputy Dermot Ahern.]

In the debate on the 2008 Bill, I indicated that these provisions laid the foundation for the fulfilment during the lifetime of this Government of a commitment in the agreed programme for Government to ensure a visibly independent appeals process in immigration matters. The Bill makes significant progress in this regard. To verify this, Deputies should compare this Bill to the existing legislation. I have also indicated my intention to appoint on an administrative basis initially following the commencement of the Bill a person to act as chief review officer, with the function of ensuring consistency and a high level of decision making among those dealt with under the Bill for visa reviews. We discussed this matter on Committee Stage.

**Deputy Alan Shatter:** Based on that system, how would anyone know whether there was consistency? It will all be secret.

**Deputy Dermot Ahern:** No, it will not. We have indicated in the Bill that we will provide statistical data. The model—

**Deputy Alan Shatter:** Statistics will not tell one anything or provide information on the reasoning or background.

**Deputy Dermot Ahern:** A substantial number of sections relate to statistical data, which was another matter discussed on Committee Stage when I accepted that, heretofore, a body of information had not been built up to provide lawyers, NGOs and so on an opportunity to examine the trends and carry out research. As we undertook to do, the Bill contains provisions in this respect.

**Deputy Alan Shatter:** We require more information than statistics.

**Deputy Dermot Ahern:** We need to distinguish between the type of decision being made in a protection case and those that arise in respect of an immigration permission. Protection matters are governed by our international commitments and are determined by reference to international standards in a rigorous manner. This is as it must be, given the issues involved. On the other hand, immigration decisions are at the discretion of the State. The State sets out how it proposes to dispense its discretion in legislation. Fundamentally, immigration is not a right. Rather, it is granted by the State. Deputies drew attention to the fact that the UK has a tribunal hearing immigration and asylum cases. However, this is not the best fit for Ireland.

A number of Deputies wanted to retain the section 3 process. They asserted that the Bill fails to reproduce section 3 of the Immigration Act 1999 dealing with the process leading to a deportation order. As the Bill introduces a new removals process, it does not reproduce section 3 verbatim, nor does it need to. However, it is not the case that the protections in section 3 have been discarded or are somehow absent from the Bill. Section 3 provides a process whereby a person whose removal from the State is in contemplation must be given notice of the intention to remove and an opportunity to submit representations to the Minister as to why that course of action should not be taken.

As far as the process goes, it is self-evidently fair to the person involved. However, since it must be used not only for the removal of persons who have the residence permission but also for people who are already unlawfully present in the State, it is to that extent inefficient and cumbersome. It is important to point out that the length of any permission granted under the Bill will typically be set at the point of granting of that permission. In each case, the person knows why the permission is given, for how long it will be and whether it can be extended.

Many thousands of such permissions are given under the current system each year. In most cases, the person observed the conditions by leaving the State on or before the permission expired. The overarching prohibition on *refoulement* in section 58 must inform the decision not to renew a permission or to revoke that permission.

To dispel any misgiving that may persist, I wish to spell out exactly how the Bill offers further procedural safeguards designed to meet the exigencies of every circumstance. In the Bill, an exact mirror of the section 3 process appears at section 52, which deals with those whose residence permissions are being considered for revocation. An important feature of this process is that, until it is concluded, the person's presence in the State remains lawful. The obligation to leave the State and with it the risk of being detained and removed against one's will do not arise until the final outcome of the process has been notified to the person. Even then, for certain people who have been lawfully living in Ireland for longer than five years, there is a three-month grace period in which they can wind up their affairs.

The section 52 process applies to anyone with a long-term residence permission or an ordinary residence permission that is expressed to be renewable. For people who are in Ireland on renewable residence permissions and where it is proposed at renewal time not to renew their permissions, sections 40, 53 and 54 of the Bill set out a process equivalent to section 3 of the 1999 Act. The person is notified of the decision not to renew the permission and the reasons for that proposal. He or she is given an opportunity to seek a review of the decision. The person's presence in the State is deemed to be lawful until a final decision on the review is notified. The obligation to leave the State does not arise until that point is reached, so the person is not exposed and does not expose himself or herself to any risk of being detained for removal until the process has been exhausted.

For people who have been given a finite entry permission or a residence permission, section 50 sets out a process equivalent to section 3 of the 1999 Act. The person is notified of the decision to revoke the permission and the reasons for that revocation and given an opportunity to seek a review of the decision. Under section 50(5), the person's presence in the State is deemed to be lawful until the final decision on the review is notified. Once again, the obligation to leave the State does not arise until that point has been reached, so the person is not exposed and does not expose himself or herself to any risk of being detained for removal.

The current process under section 3 of the 1999 Act applies to everybody who is at risk of being removed from the State, including those who have applied for asylum and whose claims have been rejected by the independent first instance and appeals procedures. The section 3 process incorporates an examination in any case where it is claimed of whether the person is entitled to subsidiary protection in the State, as well as giving the person an opportunity to offer reasons related to matters other than the protection issues as to why they should be allowed remain in the State. All these matters, both protection related and otherwise, will be examined within the single process set up by this Bill. There will be no need at the conclusion of the process for an extra layer of procedure that the existing section 3 process involves. I reiterate the entire rationale of the Bill is to bring in a single procedure for decision making. Those who emerge from the protection process will do so with a complete answer to all their wishes to remain in the State. That is the effect of Part 7 of the Bill.

Where a person has entered the State clandestinely, having made no attempt to seek permission or have any contact with the immigration authorities of the State, that person knows what is the position. Staying in the State covertly is unlawful and while the individual may not be fully aware in precise detail of Irish law on this point, it can come as no surprise when the

[Deputy Dermot Ahern.]

authorities find out and put in train steps to remove that person forthwith. Part 6 of the Bill deals with removal in that respect. In addition to more notice requirements, provision is made under sections 61 and 62 for the imposition by the immigration officer of a residence and reporting requirement on a foreign national instead of that person being arrested or detained. For this category of foreign national there is neither need nor justification for an equivalent process to section 3. There is, of course, by way of safeguard built into the Bill in regard to all potential removals the protection against *refoulement*. This is backed up in a practical way by the provisions of section 81 which ensure that an expression of fear by a person, whether lawfully or unlawfully present in the State, must be treated as a potential protection application. This is yet another protection in section 81 which is built into the Bill.

Therefore, I believe we have a proper balance between the forthright power to ensure that a person unashamedly present unlawfully in the State observes the obligation to leave on the one hand, and, on the other, a duty to listen to and act on any indication from that person, however expressed, that removal from the State would be and would constitute a *refoulement*.

Some debate has taken place on the position of a potential victim of trafficking in that situation. The position is, to some extent, analogous to that of a potential protection claimant. If, when the person comes to immigration authority notice, there is an indication, whether from that person or otherwise, that he or she is a victim of trafficking then in the normal way a garda has a duty to follow up that indication that the offence has been or is being committed. The provisions of section 139 of the Bill will then activate themselves in those appropriate circumstances.

Arguments are sought to be made that there should be a last-chance equivalent to the current section 3 process for all or some of the cases I have outlined but no argument has been made or can rationally be made in law or in equity that we would require or justify such a process in any circumstance. For those who have already been through one of the processes in Parts 4 or 7 of the Bill there is nothing more to be looked at. For those who are unlawfully in the State, either as over-stayers or clandestine entrants, the proper course is to observe the personal obligation they have brought upon themselves by their actions to leave the State. If there is any potential *refoulement* or protection issues, I reiterate that a safeguard is present in sections 58 and 81.

Deputy Durkan argued that asylum seekers should be treated in exactly the same way as others seeking to migrate to Ireland for economic purposes. I emphatically assure the House that to do so would be to encourage and support misuse of the protection process, and that I have no intention of equating the two. We have a process for those seeking to migrate to Ireland for work or other economic purposes. I do not claim the process is a perfect one and I acknowledge there are serious inadequacies in it. However, the processes are there and are being availed of by many thousands of people who wish to migrate here from outside the European Union or the European Economic Area. The asylum process is there for people who have a genuine fear of persecution in their home territories and who need the protection of this State. One cannot equate the two, as Deputy Durkan endeavoured to do. Arguments that asylum seekers have no option other than to take protection claims because they have no other way of getting into Ireland are utterly spurious. One might equally argue that a tax evader must evade tax because he has no other way of becoming a millionaire. The two arguments are morally analogous because in neither case is there a right as such to achieve the end goal but the end goal is attainable through lawful means.

Extending the right to work to those claiming protection would have a negative impact on the number of asylum applications, as was experienced in the aftermath of the July 1999 decision to do so. The immediate effect of that measure was a threefold increase in the average number of applications per month leading to a figure of 1,217 applications in December 1999 compared to an average of 364 per month for the period January to July 1999. Asylum application numbers have fallen significantly in recent years and, on the evidence of past experience, a decision to grant asylum seekers access to the labour market would reverse this trend. It would also undermine the current effective work permit system which provides a comprehensive channel for legal migration to the State. It would further widen the gap in a negative manner in terms of reward between those who access the labour market properly and legally through the work permit system and visa channels and those who simply abuse the asylum process to gain entry.

I believe I have given a comprehensive response to most of the broad points raised by Members on the opposite side of the House. I thank them again for their co-operation in getting Second Stage passed and I look forward to Committee Stage where we can look in more detail at specific points that were raised regarding the changes that were made to the Bill and the amendments to come from the Opposition in this respect.

**Deputy Alan Shatter:** Is the Minister in a position to indicate when he might take Committee Stage?

**Deputy Dermot Ahern:** I am not sure. As the Deputy knows, most of the amendments we introduced are contained in the Bill. I am advised there are to be a number of small amendments which will be put to me next week for consideration. Committee Stage will follow. Obviously, we will give the Opposition notice. The Bill has been published for some time, has it not?

**Deputy Alan Shatter:** It was published in June.

**Deputy Dermot Ahern:** It will be a short time afterwards.

**Deputy Alan Shatter:** That will be in two or three weeks.

**Deputy Dermot Ahern:** Yes.

Question put and agreed to.

### **Immigration, Residence and Protection Bill 2010: Referral to Select Committee**

**Minister for Justice and Law Reform (Deputy Dermot Ahern):** I move:

That the Bill be referred to the Select Committee on Justice, Equality, Defence and Women's Rights, in accordance with Standing Order 122(1) and paragraph 1(a)(i) of the Orders of Reference of that committee.

Question put and agreed to.

*Sitting suspended at 6.20 p.m. and resumed at 7 p.m.*

### **Message from Select Committee**

**An Ceann Comhairle:** The Select Committee on Justice, Defence and Women's Rights has concluded its consideration of the Multi-Unit Developments Bill and made amendments thereto.

## Private Members' Business

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### Health Services: Motion (Resumed)

The following motion was moved by Deputy James Reilly on Tuesday, 5 October 2010:

That Dáil Éireann, noting with concern:

- that there are more than 46,000 adults and children on hospital waiting lists across the country, which is 5,400 patients more than last year;
- that over 272,000 bed days were lost in 2009 due to the delayed discharge of patients;
- that 50,000 operations have been cancelled since 2007, leaving many patients waiting in pain;
- the anguish that continues in hospital accident and emergency departments, with an average of 300 patients on trolleys each day; and
- that no further loss of capacity can be sustained;

calls on the Government to:

- ensure that there are no further reductions to front line staff or services;
- suspend the loss of front line health services and capacity at hospitals, for example, at Clonmel, Merlin Park, Nenagh, Roscommon, Navan, Sligo, Letterkenny, Portiuncula, Wexford, Monaghan, Ennis and Louth county; and
- immediately open the €16 million community hospital facility in Dingle, County Kerry.

Debate resumed on amendment No. 1:

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

“in the context of the current economic challenges facing the country and the need for all regions in the Health Service Executive to operate efficiently within their 2010 budget provision:

- notes the huge improvements in recent years in the health of the Irish population, including the increase in life expectancy to 76.8 years for males and 81.6 years for females, increased survival rates for conditions such as breast and prostate cancer and reduced mortality from cardiovascular diseases, including strokes;
- notes the decrease in hospital infection rates of over 40% between 2006 and 2009;
- recognises that Ireland has one of the lowest infant mortality rates in the world;
- welcomes the endorsement from the European Union on being ranked second in Europe in quality palliative care;
- notes the very real progress in cancer screening and the fact that 122,000 women were given free breast cancer screening and 285,000 women had free cervical cancer screening last year;
- welcomes the fact that the HSE will deliver fully on the key areas of activity promised in its service plan for 2010, including 540,000 inpatient treatments, 689,000

day cases and 3.4 million outpatient attendances, 1.1 million emergency department attendances, over 9,500 home care packages and home help to 54,500 people;

- notes that the number of patients treated is a better indicator of the level of service provided than the number of beds available;
- welcomes the very positive impact of the fair deal scheme on the affordability of nursing home care for the 15,500 people who have applied for it and its positive impact on the problem of delayed discharges which has decreased by 30% since last year;
- welcomes the fact that data indicate that a significant majority of patients attending emergency departments are treated and discharged or admitted within the maximum waiting target of six hours;
- recognises that in these challenging times, the opportunity through the Croke Park agreement of introducing modern work practices, flexibility and deployment maximises the care available to patients;
- rejects misleading claims about the cancellation of operations which take no account of normal postponements for clinical reasons and the fact that hospitals arrange to reschedule patients' admissions for the earliest possible date;
- welcomes the appointment of national clinical leaders in many medical specialties such as neurology, diabetes and stroke, who will determine how best to provide services which will give patients the best chance of a good outcome;
- rejects inaccurate claims about inpatient waiting lists and welcomes the fact that the average waiting time for elective treatment is now just 2.6 months, down from between two and five years in 2002; and
- pledges its continuing support to the Government in its work to provide a safe, fair and cost-effective service for all."

—(Minister for Health and Children).

**Deputy Brendan Howlin:** I wish to share my time with Deputies Seán Sherlock and Liz McManus. I am very glad a Minister of State from the south east is present.

I have a good understanding of the Minister's position and she made a reasonable speech in the House last night. However, I wish to spend the time I have talking about reconfiguration, a process that has been under way in the south east for almost two years. The people of, and the elected Members from, Wexford engaged in the process of reconfiguration in a rational, open and non-locally focused way. We agreed to the centralisation of cancer care in Waterford Regional Hospital. Many years ago we agreed to the centralisation of acute orthopaedics in Waterford Regional Hospital. The people of Wexford do not have a parochial attitude. The criteria we applied to the entire process has been that there would be a rational health outcome, a best health outcome for the people we represent.

After almost two years of discussions, it was shocking to come into possession of a leaked document, which was about to be brought to the south east reconfiguration group last week, and to discover that decisions, which had at least been committed to paper, had no basis in a rational health decision and no basis in any conceivable good health outcome for the people of the south east as a whole.

Looking at the geography of the south east, Wexford is the largest county and has the largest population base. It must have access to 24 hours per day, seven days per week accident and

[Deputy Brendan Howlin.]

emergency services. The distance is compelling on that point and we understood that was agreed.

There was a commitment, subsequent to the furore caused by that leaked document, that planning permission would be submitted this week for a new accident and emergency department in Wexford. We will judge the bona fides of the HSE on that and on the new obstetrics facility. We will engage on a reasonable basis but the HSE is putting at risk the possibility of any consensus on these matters. There is genuine concern among the people of Wexford about what might emerge from any decisions made behind closed doors by clinicians acting in their own interests rather than in the best health care interests of the people.

To give an indication of the concerns of the people of Wexford, I wish to bring two cases from my clinic list this week to the attention of the House. A child aged four has had throat problems for the past 24 weeks, has been on antibiotics for 13 weeks, has had numerous GP visits and has been hospital once during this period. Her GP referred her to the specialist in the regional centre, Waterford. On 4 October, this child was notified that she has been given an appointment to see the ENT specialist in 2013, three years from now. This four year old child is constantly sick and in pain.

The second case is of another child waiting to have a hearing test in Waterford. The reply I received to my query about when this child would be seen for a hearing test in Waterford Regional Hospital and which was signed by the network manager, hospital group south east, stated that the Waterford Regional Hospital routine waiting list for a hearing test in audiology services was two years and eight months. If that is centres of excellence and regionalisation of services, we will not have it.

**Deputy Seán Sherlock:** The motion speaks to the very notion of capacity and that there will be no further loss of capacity. We support that very notion. In regard to the reconfiguration process, in particular as it pertains to hospitals such as Mallow General Hospital, there is often the accusation that we are being overtly parochial. It must be remembered that a hospital like Mallow General Hospital will serve more than 100,000 people and will have approximately 100 GPs referring to it.

Mallow General Hospital is under the umbrella of Cork University Hospital but there is a deficiency in that Cork University Hospital has never viewed Mallow General Hospital as being under its umbrella or its ambit. The Health Information and Quality Authority is in the hospital currently. A case is being made in regard to Mallow General Hospital by all of the stakeholders, including the hospital representative groups, the GPs and the consultants, that we will accept changes. We accept change management and that there are budgetary constraints but we want a more lateral view to be taken by the HSE in regard to the future capacity of Mallow General Hospital.

We will accept changes in regard to Mallow General Hospital but one can do that and save money without reducing capacity. What is needed is for the sister hospital, Cork University Hospital, and the HSE to think more laterally about how they deploy resources from the centre to the margins to serve this community such that one does not have a bottleneck effect, that is, a reduction of capacity in Mallow General Hospital filtering through to Cork University Hospital and thereby undermining the capacity which will not be there because the budgetary provision will not be made to allow for increased capacity at Cork University Hospital.

We speak common sense. Large swathes of the population are served by the hospitals mentioned in the motion. We noted that Mallow General Hospital was not mentioned in the Fine

Gael motion but I am sure that was an oversight on its part. We speak for those hospitals and support the motion in that regard.

**Deputy Liz McManus:** I thank my colleagues for the opportunity to raise an issue in my constituency which is causing grave concern, namely, the future of Wicklow hospital which provides long-stay care for the elderly. It is the only facility in Wicklow Town available for this purpose.

In recent days much concern has been expressed by local people because of indications that this hospital may close. We cannot get answers from the HSE. I ask the Minister of State, Deputy John Moloney, or the Minister, Deputy Mary Harney, to intervene to get the answer we need to hear from the HSE. The HSE has not met public representatives. The town council and the county council have all sought meetings. We know an engineer's report has been prepared but we do not know what it means.

There will be a public meeting this Saturday and there will be a large turnout. That kind of anxiety has been generated because the secrecy and uncertainty surrounding this issue is unacceptable. We need to hear loudly and clearly that the future of Wicklow hospital is secure and that improvements will be carried out as necessary.

We have already lost beds in the Orchard nursing home in Bray. At the time, the fire report made it clear that it could not continue to provide for elderly people because of the condition of the nursing home but those beds have not been replaced. In Wicklow town the problem is even more serious. I ask the Minister of State to make it his business to investigate and intervene in this matter.

**An Ceann Comhairle:** There are many speakers in the next slot. I call the Minister of State, Deputy Mansergh, who will be followed by Deputies Seán Ó Fearghail, Margaret Conlon, Johnny Brady, Eamon Scanlon, Michael Kitt, Michael Lowry, Máire Hóctor, and the Minister of State, Deputy John Moloney, in that order.

**Minister of State at the Department of Finance (Deputy Martin Mansergh):** Few issues are more sensitive, emotive or important than hospital reconfiguration. However, in an extremely difficult financial position where, as one commentator put it, Ireland is in the spotlight "24 seven", we must be measured and responsible even when expressing strong feelings. Comments beamed at the constituency may end up in the Financial Times or other international media as evidence of political instability or an inability to take measures required. "Loose lips sink ships" was said in Second World War Britain. Today, they can heighten nervousness on bond markets and, more importantly, the cost of borrowing.

South Tipperary General Hospital, in the words of the Health Service Executive, is a good, functioning hospital and is in itself a result of reconfiguration. It has received a great deal of investment and is only recently firing on all cylinders, so to speak. There is a determination in the community that it preserve its general hospital status and core services such as obstetrics, paediatrics and acute medicine. There are no resources for a major new regional hospital and, as we have heard already this evening from Deputy Howlin, the existing one in Waterford is fully stretched, to put it mildly.

The Tipperary Oireachtas Members met the HSE last week and the Government ones met the Minister, Deputy Mary Harney, today. A number of options are being considered, not just the one leaked last week, and they will not be finalised before clinical examinations at national level of different sectors are concluded in up to two years' time.



[Deputy Martin Mansergh.]

There will be regular meetings between the Oireachtas Members and the HSE, and we were told by the HSE last week that obstetrics would continue in South Tipperary General Hospital and in all the four south eastern hospitals——

**Deputy Brendan Howlin:** For the foreseeable future.

**Deputy Martin Mansergh:** ——for the foreseeable future, something to which I attach particular importance. I understand the Minister of State, Deputy Andrews, may not necessarily go that far but I am satisfied that no decisions are likely in the lifetime of this Dáil.

The Minister, Deputy Harney, stressed the importance of patient safety at each hospital and made it clear that the health service would have to bear cuts which should not be interpreted as part of a plot to downgrade the hospital.

South Tipperary General Hospital is a vital part of the infrastructure of south Tipperary and Clonmel, one of the most important inland industrial towns. The determination to safeguard the future of the hospital must be combined with some flexibility, although it is important that nothing be done that would pre-empt or prejudice its equivalent role in the future to that it is playing now.

**Deputy Seán Ó Fearghail:** I am grateful to have the opportunity to contribute briefly in support of the Government's amendment to the Fine Gael motion before the House this evening.

It was appropriate that in her contribution last evening the Minister placed this debate in its proper context, that is, how can we as a country continue to provide the best possible health services to all our people at a time of enormous economic constraints? The statistics are worth repeating. The €15.2 billion that will be spent on health services in 2010 will exceed our total income tax take by a massive 33% and will represent 49% of the State's total tax receipts. It is impossible, therefore, to address the nation's budgetary problems without achieving savings in this area of massive expenditure.

The challenge for us all is to ensure that front-line services are protected to the fullest extent possible. That can be achieved only through urgent reform of systems and work practices across the entire health service.

The Croke Park agreement promises reform but in the health sector that reform must be delivered immediately. During the halcyon days of the Celtic tiger we could perhaps have afforded the luxury of indulging in procrastination and rhetoric but time lost now in achieving essential reform will result in inexorably growing waiting lists for both outpatient clinics and inpatient procedures, which ultimately increases human suffering and misery. I would urge that we capture this crisis and turn it into an opportunity to deliver a new partnership within the health sector, a partnership that permeates through all levels of the sector and one that is flexible, co-operative, innovative and effective in achieving even greater productivity at less cost.

On the matter of waiting lists, the progress achieved in recent years and that has been outlined here on numerous occasions by the Minister, Deputy Harney, must be acknowledged. The reduction of the average waiting time from between two to five years in 2002 to 2.6 months currently for surgical and medical procedures is highly significant. The work of the National Treatment Purchase Fund, NTPF, has been hugely effective in this area.

Another significant factor in achieving these efficiencies has been the recruitment of additional consultants and the implementation of the new consultant contract. In mentioning the consultant contract I would highlight again the protracted process that surrounded the negotiation of this contract as an example of what we cannot allow to occur in the package of reforms we must now achieve.

While acknowledging the major progress achieved, it would be remiss of me on the matter of waiting times not to highlight the difficulties public patients in my constituency are experiencing in accessing orthopaedic services, in particular at Tallaght hospital. Waiting times in that hospital are well in excess of 12 months, and the NTPF will provide service only to patients who have waited in excess of nine months. As a consequence, patients are enduring unnecessary physical pain, psychological distress and must resort to expensive medications, some of which have significant side effects. The economic costs of delays in treatment are evident, including loss of productivity within the workforce and extended primary care costs.

I am firmly convinced that we must apply the principles of the smart economy to achieving efficiencies within the health sector. The capacity exists across the country to effect waiting time reductions by utilizing technologies within the private sector and applying the principles to the NTPF. I propose that we give direct access to general practitioners, through competitively negotiated contracts, to MRI scans for investigations of conditions such as back pain. In so doing, many unnecessary referrals from GPs to orthopaedic clinics would be eliminated. The same approach could be applied to other areas of the medical field.

**Deputy Margaret Conlon:** I welcome the opportunity to contribute to the debate. In setting the context for this debate it is important to state again that the budget for the HSE for this year is €14.6 billion. That is a huge amount of money in terms of what was spent on health care 20 years ago. The HSE must ensure that the services it delivers are delivered in the most cost effective and efficient manner.

At the end of August the HSE had a deficit in the hospital sector of €108 million. That is a huge amount of money. The HSE, no more than any other statutory body in the country or people in their own homes, must live within its budget because in a time when we are spending €5 for every €3 we take in in revenue, it is unsustainable. It cannot continue into the future.

I agree that people who are sick deserve the very best treatment in a dignified setting where patient safety is central. The patient must be the number one priority. He or she must have confidence in the care they receive and get the best possible outcome.

There are many good people working in the HSE delivering front-line services and good outcomes for patients on a daily basis but they are truly demoralised due to the large amount of negative publicity they receive. Those people must be recognised and affirmed. For example, the HSE published its hospital league tables for July and Cavan hospital was only one of two hospitals in the country to achieve green light status, having scored highly in many areas. That would not be possible without the hard work, dedication and commitment of the staff and the board. It is often the case that negative news hits the headlines but we must highlight the positive news. For most people the experience in hospital is positive and I would argue that only our sickest people need to be in hospital. Hospital should be the last place one ends up.

I am aware from a friend who works in an accident and emergency department that the weekends are very busy. In some cases people are bypassing the out-of-call service and going straight to the hospital. This is unnecessary and unfair and increases pressure on the services.

[Deputy Margaret Conlon.]

Medicine is not an exact science. There will always be challenges and there will never be enough money. Therefore, we must use what we have to achieve the maximum benefit for patients. I have witnessed first hand in my constituency the difficulties faced when reconfiguration takes place. I do not have medical expertise but I am guided by the experience of those who do. I understand that if we had a blank canvas in the north east, we would not have five hospitals but change is difficult. I spoke to a doctor a few months ago who told me that in his country change was something to be embraced, but that in this country it was something that was feared.

Since the changes came into effect in July last year there have been many positives. The minor injuries unit is working well and there is room for expansion. The medical assessment unit, MAU, in Cavan is excellent and the CT scanner is ready to run in Monaghan. We are waiting for the application specialist to provide the training. The ear, nose and throat, ENT, service is also working very well and there is scope for cross-Border development. We must all show leadership and courage in dealing with these sensitive issues to ensure better outcomes for patients.

**Deputy Johnny Brady:** In recent months my constituents have been greatly inconvenienced by the HSE decision to immediately end all acute and emergency surgery at Our Lady's Hospital, Navan. This is a major cause of concern to me, my constituents and staff at the hospital. I am also dismayed and dissatisfied with the way announcements were made, by the lack of consultation and by the absence of any clarification as to why these decisions were taken. I do not understand why the decision was made with such urgency. Since 2006, major surgical interventions have not occurred in Our Lady's Hospital, Navan. In February 2010, the previous practice whereby patients requiring major surgical intervention were taken by ambulance to Navan to be stabilised and then transferred to other hospitals ceased. Complex trauma patients who require major surgical interventions are now taken directly by ambulance to Our Lady of Lourdes Hospital, Drogheda or another appropriate hospital.

Over recent weeks, my colleagues and I have met the relevant authorities associated with the hospital to try and establish the truth of the situation and to seek clarification. My first and foremost priority is the safety of all prospective patients in County Meath. Consultants are adamant that there is no justification for the removal of keyhole surgery. All surgical activity is discussed at weekly audits and no concerns have been raised in the four years these audits have been held. The decision to prohibit this type of keyhole work in the hospital means arrangements must be made for patients to undergo their surgery in other already overcrowded and busy hospitals. Figures and data since 2003 for keyhole surgery at the hospital compare favourably with those of other hospitals.

Last month the HSE said that following ongoing clinical review at Our Lady's Hospital, there were a number of concerns regarding surgery. Developments and assessments since then show that concerns have not been justified and the hospital remains within peer unit norms for this type of surgery. Removing this elective work is therefore not justified. All the evidence indicates that elective surgery is safe at the hospital. Removal of this surgery would impact negatively on other services at the hospital, such as accident and emergency services, medical and orthopaedic services. This is unacceptable.

The management of our multi-billion investment in health in this country is of great concern. In comparison with value for money and services provided in other jurisdictions, we need to get better value for our investment. In the current economic climate, if we asked any business-

man or woman what would be necessary to be done to survive in business, their first action would not be to make cuts in their front lines. I call on management of the HSE in the north east to reassess their priorities and spending processes. Frontline services are vital to our community. Over burdening other hospitals is not the answer. Our Lady's Hospital has an orthopaedic unit that has served people in the north east with great effect and excellent results for many decades. It is vital this service remains in place. We do not have the capacity within local hospital structures to accommodate the amount of work that has been dealt with in the Navan hospital.

The recent news that wards are to close shortly and that staff can expect to be redeployed is unacceptable. With the approach of winter and the extra pressure this inevitably brings on hospitals, I urge the HSE to rethink its position and consult with hospital staff. It is vital that all less complex care and significant diagnostics are provided locally.

**Deputy Michael P. Kitt:** I am pleased to have this opportunity to contribute. I know the Government must tackle a difficult budgetary situation but its priority must remain to protect frontline health services and meet the health and safety standards for patients. Portiuncula Hospital, Ballinasloe has been mentioned in the motion and I would like to cite what Dr. David O'Keeffe, the recently appointed clinical director of acute services for Galway and Roscommon has said about the hospital. He said that Portiuncula Hospital provides the majority of hospital services required by people living in east Galway and surrounding areas and would continue to do so. He went on to say that he wanted to reassure people that no hospital closures were taking place and that every hospital in the acute hospital network would continue to deliver the majority of health services required by the local community it served. He stated clearly, with the hospital manager in Ballinasloe, Ms Bridget McHugh, that the 2010 service plan covered in-patient targets, day cases, emergency presentations, emergency admissions and outpatients. I welcome that.

I also welcome the fact that there has been a big effort to tackle the overspend in the hospitals in counties Galway and Roscommon. For example, in July the overspend in Ballinasloe was heading for €7 million but by September the deficit was reduced to €4.5 million, a reduction of €2.5 million. Similarly, in Roscommon the deficit of €4.7 million was reduced to €2.2 million in September. There have been concerns with regard to configuration, particularly that involving Galway and Roscommon where there are four hospitals, the two in Galway city, Portiuncula and Roscommon. Of course there were concerns. Now we have Mr. O'Keeffe as clinical director to manage the four hospitals, with each hospital also having its own individual manager. That is welcome. I do not have to praise Portiuncula Hospital to the Minister, Deputy Harney, as she has often been reminded she was born there. She also opened a special baby care unit there early this year. Two new surgeon appointments have now been approved for the region and I hope that as a result we will see more procedures carried out in the hospitals outside of Galway city, namely, Roscommon and Portiuncula hospitals.

I commend the HSE and the trade unions on the talks they have had on cost savings. They have looked at non-pay related savings, career breaks, unpaid leave, use of overtime only as a last resort and flexibility in the reallocation of staff. They also examined spending on agency staff at weekends and weekend premia. Savings have been made and that is welcome. We must make savings and the hospitals have done that. At the same time, they have observed health and safety standards.

On the question of beds, there has been much mention of there being too many hospitals and too many beds. I cannot agree with that. We must deal with the situation as it is. There is

[Deputy Michael P. Kitt.]

no point in making sweeping statements about too many hospitals or beds. However, we must be clear about what each hospital does and about the certainty this gives to families and communities. I would welcome that clarity.

**Deputy Eamon Scanlon:** I thank Deputies Brady, Kitt and Conlon for sharing their time and am glad to have the opportunity to speak about Sligo General Hospital. The Sligo General Hospital management team is currently developing a cost containment plan to ensure that the hospital can deliver on service targets while remaining within the allocated budget. This plan will examine all areas to see where efficiencies and cost savings can be made. Staff have been briefed on the overall budgetary situation and on what is being proposed to address this.

Despite the financial challenge faced this year, Sligo General Hospital will deliver the level of care and service targets for which it is funded, as set out in the 2010 service plan. This includes 14,770 inpatient cases, 23,343 day cases and 92,256 outpatient visits to be delivered in 2010. On behalf of myself and the general population of Sligo and north Leitrim, I thank the 1,400 members of staff of the hospital, from the back door staff to the front door staff, who provide this service. They do an enormous amount of work and deserve our thanks and I want that to be on the House record.

While a reduction of some services within the hospital is inevitable, we are endeavouring to keep the reduction to a minimum to ensure the impact on service users will be kept to the minimum. There are more beds open in Sligo General Hospital today, 6 October, than on 6 October last year, despite what we have read in the press or heard from the media. We must do the right thing for the future and must eliminate inefficiencies and maximise the use of our resources to protect the future of our services. These are challenges in all health services across the country. Given the current economic climate, we in the west must be in position now and for the future to meet these challenges and ensure we have the best possible service for the people living in our area.

With regard to capital investment, I would like to mention that the extension to Sligo General Hospital has been approved for development as a public private partnership. Work has advanced on the preparation of the business case and other scoping information needed to support the cost-benefit analysis required for a project of this scale. Enabling works must be dealt with before the main project can commence on site. Detailed design is in progress on the main advance enabling works — the ring road — to ensure this is tendered and completed in time for construction of the main project. A planning application for the ring road will be submitted next week and the HSE will go to tender at the end of November. Construction of the ring road is scheduled to commence in early 2011 and market soundings are also being carried out to explore procurement options for the construction of a multi-storey car park to meet the increasing car parking requirements of the hospital, including those associated with all planned developments. The lead-in construction time for the PPP is approximately two years.

Many good things have happened. The acute assessment unit opened in the past 12 months, which is positive. Sligo General Hospital was also approved for a picture archiving communications system, a second oncology post has been approved and funded and we are awaiting two more posts. The hospital was deemed the fourth best performing hospital in Ireland last year.

**Deputy Michael Lowry:** The motion is ill-timed, unwise and unhelpful to the cause of Clonmel General Hospital. It is unfortunate that it could be interpreted by the HSE as Oireachtas support for any negative proposal that may emerge regarding the status of that

hospital. No decision has been taken on any proposal to remove further services from the hospital. The reality is nine reconfiguration options have been prepared and suggested for consideration by the HSE. I am satisfied following discussions with senior HSE executives that the reconfiguration and consultative process will take a minimum of two years to complete. The preferred options of the national steering group will be published and open to extensive consultation in advance of any decisions being made.

The Minister for Health and Children confirmed to me at a meeting this evening that there is no current risk to the core existing combination of services provided at Clonmel general hospital. I have made it clear to her and the Government that if any substantial proposal to downgrade the hospital emerges after the reconfiguration process is complete, I will vigorously oppose it. I have informed the Government that I will vote against any plan which would alter or diminish the range and quality of services provided at the hospital.

With regard to Nenagh General Hospital, I acknowledge and thank the Minister for delivering on the commitments and the promises I received from the Government in respect of my agreement for support. The phased implementation of the investment and development plan will continue in 2011. As part of a designated €5 million fund, a new endoscopy suite was recently completed, two new lifts were installed and commissioned this week and a new hospital sterile services department will be completed next month or early December. In addition, there has been an increase in day surgical beds from six to 14 bays while an eight-bed acute medical unit was opened in 2009 and a pre-operative assessment clinic commenced last November. Extended day surgical and outpatient services, including those relating to vascular, orthopaedics, dental and urology, are functioning successfully. New planned services include a further increase in day surgical beds from 14 to 20 and increases in endoscopy services and day surgery and outpatient services.

I acknowledge the commitment of the Department of Health and Children to the continuation of services in Nenagh General Hospital. My full support will be there for Clonmel hospital if and when it is needed.

**Deputy Máire Hctor:** I am grateful for the opportunity to contribute to the debate and I thank the Minister of State, Deputy John Moloney, for sharing time. As a native of Nenagh who was born in Nenagh hospital and whose first job was as a domestic staff member there, I would like to acknowledge the extensive capital works carried out there over the past number of years. Front line services have been improved with the introduction of emergency technicians and paramedics who are fully operational. One of the campaigns I strongly supported was increasing patient safety in an attempt to bring those services as near to us in our local community as possible.

I would be the first to acknowledge that accident and emergency services are not satisfactory at the Mid-West Regional Hospital. We had sought the implementation of services there before the service after 8 p.m. in Nenagh was removed. However, we will continue to work with the Minister and the HSE to provide greater patient safety and services in a much swifter fashion in the near future. Final preparations are in place and we look forward to the launch of the full service in a new state-of-the-art endoscopy suite at a cost of more than €2 million. I was pleased to first welcome that in July 2007 under our programme for Government. In-house training of nurses is under way among the existing staff of the hospital and the training plan is in place to up-skill to work in the new suite. Nenagh enjoys the presence of one of the most highly regarded gastroenterologists in the State. The two lifts were installed and they were fully

[Deputy Máire Hctor.]

operational this week. They needed to be replaced as did the CT scanner in our hospital. We look forward to a national cancer control assessment unit.

Former Deputy Barry Desmond and Deputies Brendan Howlin and Michael Noonan served as Minister for Health but not one of them spent a cent on capital funding for Nenagh hospital during their tenures. The division later will be lightweight on the part of those who tabled the motion in view of what the Government has achieved, given the economic constraints. Their vote will have no credibility.

With regard to Clonmel general hospital, of the nine options that have been discussed with the steering group and those involved in the specialised areas, none will be operational. They are being explored and one option was leaked to the media recently, conveniently for some political people. We can anticipate further leaks of misinformation, possibly from HSE staff members. However, no decision will be made, at least within the next year, regarding services at the hospital. I look forward to increased patient safety and enhanced services in all our hospitals. I have no hesitation supporting the Government amendment.

**Minister of State at the Department of Health and Children (Deputy John Moloney):** I am grateful for the opportunity to contribute. In response to Deputy McManus regarding Wicklow hospital, I met local public representatives from her party and the other political parties yesterday morning at separate functions in Wicklow and I gave a commitment that I will arrange a meeting within the next two weeks to discuss the future of the hospital.

During Private Members' business, the Opposition must try to expose the defects and faults in the health service and we try to highlight the achievements and successes in the health sector over the past number of years, particularly given the Minister's commitment some years ago to deal with a number of significant issues, such as the need for a national cancer control programme. We all agree when the programme was established, it highlighted the defects in the system and it placed an emphasis on lifestyle change and support structures for cancer sufferers. Audits have been published and that is one of the greatest achievements of the current health service. The breast cancer survival rate is estimated to be 80.6% up from 74.2% while the prostate cancer survival rate is 87% up from 77.6%. These are serious life and death issues.

Nursing home charges and how people would pay for the escalating cost of care was another major issue. I acknowledge the commitment of the Minister and the Government to introduce the fair deal scheme. HIQA, which is statutorily supported, is now in place and it is addressing the need for inspections, which was a huge issue for public representatives. The authority has the teeth and imprimatur to conduct inspections independently.

Last night, the Minister referred to how the health of a country is measured. It is important for us all to recognise that the fact people are living longer supports the thesis that health services are improving. I thought it peculiar that the Private Members' motion made no mention of mental health. It is only when something goes wrong in the area of mental health that we then hear all about it. There has been criticism about under-spending in the health sector. This year's capital programme has provided for the turning of the sod in Letterkenny for a new acute psychiatric unit. This is currently under construction and there will be no more referrals to the old hospital. For the first time since 1815 there will be no further referrals to Grangegorman. Patients are now transferred for support to the new unit at Blanchardstown. Contracts were signed recently for developments in Clonmel and south Tipperary. This is not a bragging exercise on my part but rather about putting things into context. Ten houses will

open next month for people with intellectual disabilities. I acknowledge there are difficulties in the health services but there is also progress and I hope we can work together to achieve further progress.

**An Ceann Comhairle:** There are nine speakers in the next speaking slot, beginning with Deputy Noel Coonan who has five minutes.

**Deputy Noel J. Coonan:** I am sharing my time with other Deputies and the Ceann Comhairle will call them. I come from the mid-west region. We bought into the reconfiguration project on the basis that services would be put into the regional hospital and improvements would be carried out in tandem to Nenagh General Hospital as a result. While I welcome what services have been implemented in Nenagh hospital, the promised improvements are not yet complete. I ask the Minister of State to inform the House with regard to the surgical unit promised for Nenagh hospital. I ask him to confirm that our accident and emergency department in Nenagh is safe, bearing in mind that the intensive care unit, the cardiac unit and the anaesthetists are being withdrawn soon. Does this mean our accident and emergency department will continue to exist or will be able to function without those services or will it become solely a minor injuries unit?

I was amazed to hear my colleagues from north Tipperary, in particular the Independent Deputy, who stood up and has now become more classically Fianna Fáil than Fianna Fáil itself, blaming the Opposition for the closure of Clonmel hospital. He said our motion proposed closing Clonmel hospital. That is an appalling suggestion, coming from him and one which I reject out of hand.

There is a lack of trust among the people. We were promised that the current staff complement of three accident and emergency consultants in Limerick would be increased to eight, that 135 additional acute care beds would be provided in Limerick but this has not happened. We were promised a high dependency unit in Limerick hospital but that has not happened. It was promised that the necessary upgrade of the accident and emergency department in Limerick would take place in tandem with services being withdrawn from Nenagh hospital. We accepted that all services could not be provided in Nenagh and we welcome those services that are being enhanced. However, Deputy Lowry in his comments stated there would be significant improvements in the level of comfort for the people of north Tipperary. Today the people of north Tipperary must go down to Limerick. Today there were 33 people on the corridors and they did not even have trolleys for some of them in the regional hospital. Last week up to 40 people were in the corridors in Limerick last week. Is this comfort for a person in hospital? Is this what we were promised? That is why we are in trouble here with the people. God help the people of the south east when they buy into this process. I tell them to look at what is happening in the mid west.

My colleagues promised a 20-bed long stay community care unit would be provided in Borrisokane in County Tipperary. That has not happened. No sooner had the announcement been made then the money was withdrawn a few months later. There was no excuse offered nor any apology given to the people of Borrisokane.

On the issue of waste of resources, the cat scanner in Nenagh General Hospital is only available to inpatients and the number of inpatient beds is being cut from 106 beds down to 50 or fewer. The people of north Tipperary who are waiting 12 months and two years for scans must travel to Limerick or Dublin or go wherever they like but they will not get a scan in north



[Deputy Noel J. Coonan.]

Tipperary. Does the Minister of State consider this to be value for money? Is it any wonder the people are annoyed?

A person came to me who was two years waiting for neurological treatment in Beaumont Hospital. She was assured she would have her operation this June. Nothing happened in June. She contacted the hospital. September has now passed and we are in October and she still has no appointment, almost two years later. Is this the service and level of comfort, the improvement of which Deputy Lowry speaks? It is fine for himself and Deputy Hctor to say that nothing will happen about Clonmel hospital for two years. They know damn well it will get them over the coming general election and then, God help the people of Clonmel.

**Deputy Martin Mansergh:** Will it happen when the people on the other side are in power?

**Deputy Noel J. Coonan:** The Minister of State referred to the mental health services. An acute psychiatric unit was promised for Nenagh and the mental health services in north Tipperary. We do not have acute services in north Tipperary. We can go down to south Tipperary or we can go to Limerick but Limerick will not take patients because the service is over-subscribed with too many patients. We can go wherever we like but we do not have a unit. The Minister of State travelled to Letterkenny and I ask him to come to Nenagh and provide that service there.

**Deputy Terence Flanagan:** This motion tabled by Deputy James Reilly seeks to protect the front line staff and services which are Fine Gael's priority. The Government's counter-motion shows that the Government is in denial. The amendment contains no criticism of the current system nor any suggestion of any problems in the health service. It gives the impression that the health service is functioning properly with no problems. The Department of Health and Children has been selective with regard to the measurement used of the average waiting time for appointments. It does not refer to the number on the waiting lists which is the better measurement of the demand for services.

A total of €11 billion will be expended on the health service this year and this is a considerable sum of money. We have a Third World health service for people who have to wait and unfortunately, it has deteriorated down through the years. The front line staff work in difficult and extreme conditions. Theatre equipment in some hospitals is outdated and needs to be upgraded. This should have happened while the country was awash with money but this was not one of the Government's priorities during the Celtic tiger years.

We need a radical change in health policy and this is what the Fine Gael Party is offering with Dr. James Reilly's FairCare policy. Low morale seems to be a common thread in the health service and in all Departments. The staff are embarrassed about their working conditions and are under-staffed. Even though we have a small population we do not seem to be able to do anything right. We have no excuse not to have a properly functioning health service.

When political change comes, the people of Ireland will see a great difference in the health service and a world class health service will be provided.

Inefficiency is the order of the day in sections of the health service. I refer to the HSE medical card section where telephone calls are only answered in the afternoon and none accepted in the morning. This is a very wrong policy. Medical card holders have to telephone constantly and leave messages. This policy must change. The harsh reality of the cutbacks is evident in my own constituency. A total of 1,200 operations were cancelled in Beaumont

Hospital in 2009. The hospital has run out of money and this is having a knock-on effect on patients. Better value for money needs to be achieved.

**Deputy Tom Hayes:** I congratulate Deputy James Reilly for tabling this Private Members' motion. Its importance cannot be underestimated from the point of view of south Tipperary. This motion will help the situation in Clonmel hospital rather than jeopardise it.

It took until tonight to get the exact position of everyone in respect of future services in South Tipperary General Hospital. After rumour, innuendo and many statements in local newspapers, on local radio and in other media about the future of the hospital, last week we met with the HSE and for the first time we received reasonable assurances that in the short to medium-term the services are guaranteed. It is only tonight that we are happy that the commitment of the HSE officials last week will hold into the future.

This is of great importance because the concern of the people of south Tipperary was evidenced by 13,000 people marching on the streets of Clonmel earlier this year. The reason they marched is that south Tipperary has already been affected by reconfiguration. There was amalgamation of services in Cashel and Clonmel a number of years ago. Despite what Deputy Hoctor said, when Deputy Michael Noonan was Minister for Health, a plan was put in place for a top-class health service for the people of south Tipperary. He gave a commitment and a High Court order was made binding the Government to provide the services. Under no circumstances will the people of south Tipperary accept anything less. They have a fully functioning hospital, which is efficiently run with committed staff. The Minister of State was there and he saw it. There is no hospital to which people are more committed.

The community is committed to keeping the Clonmel hospital. This matter is above politics and jibing because the people believe in the hospital and in the services provided. They have suffered already. While I am in this House and while any Member is the Minister, I will not allow any situation to develop where those services are downgraded. The people deserve it and they have fought long and hard for this. Their commitment to the service goes beyond belief. I know of no situation where people are so committed to fighting. Let us forget the politics, the photographs, "The Frontline" programme, the newspapers and how people will vote. We want the services kept in south Tipperary.

**Deputy Joe McHugh:** I congratulate Deputy Reilly for tabling this motion. It provides us as Opposition Deputies with an opportunity to put forward observations and viewpoints. We must consider a new way of doing business. We are pumping all this money into the HSE and the health structure. While people who go through the system give positive feedback and are treated well, we must consider those waiting outside the system. We must consider the National Treatment Purchase Fund, which was not touched when there were cutbacks in the last budget. We must examine value for money, whether it is working out and whether it is being taken up in all parts of the country. In County Donegal there are variations and conflicting feedback about it.

Although I do not say this in a parochial sense, Letterkenny General Hospital is part of the Galway outreach service. Letterkenny has a good oncology unit and telecommunications services on which consultants, doctors and nurses can examine slides on a daily basis and work through the communication and technological channels. However, Letterkenny has become a victim of its success. Year-on-year, it gets less money but delivers more services to the community in counties Donegal, Sligo and Leitrim. It should be rewarded for the work it is doing but it is not.

[Deputy Joe McHugh.]

Regarding the cross-Border aspect of this, we have talked a great deal since the Good Friday Agreement about the integrated strategies on transport, health and marine but it is not happening on the ground in terms of essential services. Co-operation and Working Together, CAWT, is co-operating for cancer care in Northern Ireland and southern Ireland, is working well and is putting together plans and proposals. However, we must challenge the cultural barriers that operate at management level between hospitals on either side of the Border.

We are here to discuss frontline services. Without frontline services, we cannot provide facilities. If we get rid of our nursing staff, continue to downgrade and get rid of the 28 student nurses dragged out of Letterkenny General Hospital at the end of August, we will not be able to provide adequate, efficient and proper health care. We must examine new ways of doing business in a more efficient way. This side of the House is considering universal health care and efficient and proper health care for everyone. If we take people from the coalface, we will have a second-class health system.

**Deputy Michael D’Arcy:** I speak about the reconfiguration in the south east as someone who participated in the debate on cancer care services soon after becoming a Member of the Dáil. I refer to the BreastCheck cancer care services in the south east. I supported the removal of services from Wexford to Watford on the basis that it provided the best clinical outcome. At the same time, Ministers refused to support any change in services or reconfiguration in their area because they were playing politics. I bought into reconfiguration on the basis of the HSE acting in good faith. It should have acted in good faith but it is with a sad heart that I say it did not. Oireachtas Members were to be kept updated on the direction the HSE was going in, in consultation with the clinical leads from the south east region.

However, the HSE operated as it does on the basis that it does whatever it wants and everyone else can go to hell. The HSE thought it would do so in this instance and attempted to present a *fait accompli* to the clinical leads of the south east region. The clinical leads said “No” and this culminated in the resignation of the clinical lead, Dr. Colm Quigley. Without that man standing up and doing what was right, in contrast to the HSE choosing the best option and presenting it to the clinical leads, Wexford and Clonmel would have been significantly downgraded.

The south east region is an enormous geographic area and I am the furthest point from Waterford. We are two hours from Waterford and one hour from Dublin yet the HSE saw fit to ignore the area. In the past month, two babies have been born on the road to Wexford, which is nearer than Waterford. One was born in the car park of St. Senan’s Hospital, the other was born on the side of the road. Adding another hour to that journey means that patients, children, mothers and babies will be lost. I will not participate in this under any circumstances.

St. Senan’s Hospital falls under the brief of the Minister of State, Deputy Moloney, who was to brief Oireachtas Members at the end of September. We are now into the first week of October and I want to see progress on this matter. I also want to see progress on the retention of acute admissions services in County Wexford. As the Minister of State said when we met previously, Wexford is the size of Laois and Offaly yet there is a service in both counties.

**Deputy Dinny McGinley:** While I welcome the debate on health in the Dáil this week, we are only dealing with the symptom of a hopelessly out-of-date health service in this country. We are not getting to the root cause of our difficulties, which is that we do not have a proper

service. There is a solution, which we have on this side of the House. Other parties also have the solution, namely, the introduction of a new type of service in this country, universal health insurance. This has been tested and tried in other jurisdictions not 500 or 1,000 miles from where we sit. Until we adopt the system, we will have a crisis in the health services in this country.

I wish to address a number of issues. I am pleased that more than one Minister is present. I refer to the transport of cancer patients from Donegal to Dublin. For the past 15 years we have used a system which is probably a Donegal solution to a Donegal problem. If cancer patients from west Donegal and the islands come by road to Dublin for radio-

8 o'clock

therapy or chemotherapy treatment, it will take them up to six hours to get there.

Fifteen years ago we came up with a new idea which was based on a tripartite agreement between Aer Arann, the Health Service Executive and the North West Cancer Group. The arrangement provided that anyone travelling to Dublin for cancer treatment would get a return fare from Aer Arann for €90. A total of €60 would be paid by the Health Service Executive and €30 by the patient. It was all organised by the North West Cancer Group. Now there are serious indications from the Health Service Executive that the subsidy of €60 will no longer be available due to the cutbacks.

Every year approximately 250 seriously ill patients from west Donegal and other parts of the county have availed of the service. They arrive in Dublin in 40 minutes and approximately a half hour later they are in the hospital where they are to receive treatment. Everyone knows that if one is getting chemotherapy or radium treatment for prostate or other cancer, one cannot get a train from Donegal. It is completely unacceptable for a cancer patient to have to undertake a bus journey for several hours and have to stop here and there. It would be a major setback for cancer patients in Donegal if the service is withdrawn. I appeal to the Minister to get in touch with the Health Service Executive and to ensure that this good solution to our problem is allowed to continue.

**Deputy Seymour Crawford:** I thank Deputy Reilly for the opportunity he has given us to speak about the continuing serious failures in the health service. It is extremely difficult to listen to the Minister for Health and Children, Deputy Mary Harney, making totally unjustified claims regarding her improvements to the health service. This is at a time when there is still an average of 300 patients a day on trolleys, not including those who cannot get into hospital or were sent home early and, unfortunately, we in County Monaghan have plenty of experience of both.

If the Minister, Deputy Harney, had to sit beside a grieving widow and her family in Monaghan, as I did on Sunday last, and listen to a full history of their difficulties in dealing with their loved one's last few days on this earth, she might change her tune. Only last weekend a friend of mine whose son was critically injured in an accident in January 2008 and has been hospitalised until the last few weeks when he was moved to a nursing home under HSE care was told that she would have to pay for the cost of a carer to look after her son as he waited in the accident and emergency unit in Beaumont Hospital. The lady in question is on social welfare. Where is the love and compassion in a tragic situation like that?

The Minister did not have to deal with an 80 year old man who was in urgent need of eye treatment and had his eye appointment postponed for three months just a couple of days before his long-awaited appointment was due. How does she justify her great claims for cancer reform when people from counties such as Monaghan cannot get a bed in a Dublin hospital to get their necessary and possibly urgent operations carried out?

[Deputy Seymour Crawford.]

I ask the Minister to forgive me for saying this, but I believe if people die before they get into the system it does not seem to be a problem for the Health Service Executive or her as long as they can prove the statistics are right. It is extraordinary to read in the newspapers today of the retirement bash paid for by the Health Service Executive similar to the wanton waste of money which happened in FÁS when the Minister, Deputy Harney, was in charge in the Department responsible for that body. Does she not accept responsibility for anything or does she not have a conscience?

I draw attention to the situation with psychiatric care in County Monaghan where the Health Service Executive and the Minister are winding down the in-care services in St. Davnet's Hospital and moving them to the basement of Cavan hospital. This again is being done in the name of progress but it has serious implications for both patients and staff. On a daily basis I get telephone calls from individuals or their families where there are serious problems with depression. In the current difficult financial and economic situation there has been a major increase in suicides and the Minister and the Health Service Executive can no longer ignore the bloated, unnecessary administrative structure. She must ensure that front line services are retained on a 24-7 basis.

It is strange that Professor Drumm admitted that there was a total over-supply of administrative staff in the Health Service Executive but nothing was done about it in the years he was in charge.

**Deputy Denis Naughten:** The Health Service Executive is devising plans at present to transfer vital services such as accident and emergency services from Roscommon and Portlincula hospitals, and maternity services from Ballinasloe to University College Hospital, Galway. That makes no sense, especially when services are being transferred to a hospital which is already bursting at the seams. In fact, one cannot even park a car let alone get a hospital bed. Last night, the Minister, Deputy Mary Harney, was trying to spin the story that cutting services and downgrading hospitals is the only way to make savings. Why does the Minister not abolish the failed entity that is the HSE? The experiment is costing taxpayers millions and is eating up valuable front line resources. We need people on the front line to treat patients who are in need of care, not more managers to spin to the media. The failure to deliver on this basic principle is even threatening the delivery of life saving cancer services. Instead of getting a better service, we now have to fight for any service at all.

Just over a month ago a shameful and disgusting threat hung over oncology services at Portlincula Hospital in Ballinasloe. Last night we heard about a young mother in County Galway whose chemotherapy was postponed for nine months at University College Hospital, Galway. This evening, I was informed that one of the new outreach services established at Portlincula Hospital in Ballinasloe, namely a plastic surgery day service, which is taking 24 patients per month off the University College Hospital, Galway, backlog, is to be pulled because no one is available to type up 24 letters a month. The lack of a clerical backup service is now leading to a situation where people with lumps and bumps, some of which may be cancerous, are to be put on a never-ending waiting list. How can this be allowed to happen when the Health Service Executive west employs the highest proportion of corporate staff compared to any other Health Service Executive region? So much for the commitment to the centres of excellence.

The decision to close down hospitals in Roscommon and Portlincula make the situation at University College Hospital, Galway, even worse than it is at present. It will put people on

longer waiting lists for cancer treatment, not shorter waiting lists. The Health Service Executive's own HealthStat data recently indicated that waiting times at University College Hospital, Galway, are "unsatisfactory and require urgent attention". The plans for the transfer of services from Roscommon and Portlincera to University College Hospital, Galway, will ensure the situation will get even worse. It will result in a 50% increase in the waiting times for trolleys. The reality is that what the Government is doing is putting the lives of those who are battling cancer at risk just to raise the money needed to bail out a septic banking system.

**Deputy Joe Carey:** I commend Deputy Reilly on tabling this motion on behalf of Fine Gael. Our motion this evening is about putting the patient first. That can only be achieved by protecting front line staff and services. I object in the strongest possible terms to the notion put forward last night by the Minister, Deputy Mary Harney, that the reconfiguration of services in the mid-west area is an example for the rest of the country to follow. The view that it is all plain sailing, that reconfiguration is the promised land of an ideal health care service is totally wide of the mark. The reality is quite different; in fact, it is fundamentally different. Limerick Regional Hospital simply cannot cope with the demands placed upon it. Less than a month ago, on Tuesday, 14 September, 46 patients were on trolleys in our so-called centre of excellence, 23 were in the emergency department, 14 were in a transit lounge and nine were on the hospital corridor. On Tuesday of this week, 33 patients were on trolleys while on Monday the number was 30. These are real people with real lives and loved ones, whose interests and care have been cast aside by the Government. The lack of strategic planning and the agenda of "cut the service and replace it with nothing", otherwise known as centralisation, have created this crisis. I ask the Minister, Deputy Harney, to take a quick step into the real world, forget about the spin and press statements and sort out the crisis at Limerick Regional Hospital.

I also want to put on record my anger at the announcement that the €40 million redevelopment of Ennis General Hospital will no longer proceed. This is outrageous considering there were pledges to the people of County Clare from the then Taoiseach, Deputy Bertie Ahern, down that this development would proceed. It never materialised. The county has now lost its acute services as a result of the failed policy and broken promises of Fianna Fáil. The policy of "cut, cut, cut" must stop. I urge all Deputies in the House to support the motion.

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** During the debate, the improvements that have taken place in the health services in recent years, for example, under the national cancer control programme and in addressing waiting lists, have been outlined by the Minister for Health and Children and other speakers. The Government has a serious job to reduce the general government deficit to 3% of GDP by 2014 but its priority remains to protect frontline health services and ensure they meet appropriate quality and safety standards.

Over the past decade, Ireland has achieved a rapid and unprecedented improvement in life expectancy. Irish men can now expect on average to live until they are 76 years while Irish women can expect to live until they are over 81 years. Much of this increase is due to significant reductions in major causes of death such as cancer and circulatory system diseases. The health services have played a significant role in these remarkable improvements.

The national service plan for 2010 commits the HSE to a range of measures to ensure that services are delivered more efficiently, including carrying out an increased proportion of surgery on a day basis, increasing rates of day-of-surgery admissions and working to reduce average length of stay consistent with patients' clinical needs. I should also point out the service

[Deputy Barry Andrews.]

plan refers to commitment under the children and family services area, which was not referred to during the course of this debate. Some 200 additional social workers have been appointed or will be appointed by the end of this year in order to tackle the issues that have arisen in regard to child care in this country, in particular to ensure every child has an allocated social worker and a care plan, and that all of our foster carers are properly assessed.

The actions being taken by the HSE to control expenditure and ensure that budgets are not exceeded are focused on protecting front line services and, in particular, emergency services, maintaining the quality and safety of services, delivering on service plan targets and protecting jobs. Notwithstanding the difficult financial environment, the Government is determined to do everything possible to protect patient services, to respond to priority demographic and other needs and to support ongoing reform of the public health services within the resources available for health. To achieve this, staff at all levels will have to work together to deliver services in a more flexible way. Without that co-operation and flexibility, services to patients cannot be protected. It is not just for HSE management to protect services; there is also a responsibility on everyone involved to deliver services within budget in new ways that will better serve patient needs.

Patient safety is at the forefront of the Government's health policy. As well as having potentially devastating consequences for individuals and families, poor patient safety represents both a severe public health problem and a high economic burden on limited health resources. A large proportion of adverse events, both in the hospital sector and in primary care, are preventable. Major components in this process are the establishment of the Health Information and Quality Authority in 2007; the report of the Commission on Patient Safety and Quality Assurance in 2008; the modernisation of legislation regulating key health professions, particularly the Medical Practitioners Act 2007; and the Health Information Bill, which will be published shortly and will provide for the mandatory reporting of serious adverse events and, to support this initiative, will give legal protections to those reports. Legal protections will also be given to the voluntary reporting of other adverse events. The Bill will also provide legal protections for open disclosure of patient safety incidents to patients.

The overwhelming consensus among clinical experts, as seen in cancer care, is that patients have demonstrably better outcomes where complex care is delivered with the necessary staff and equipment and with sufficient volumes of activity. The evidence also emphasises the need to provide timely emergency care to patients in an appropriate setting. Achieving better outcomes for patients will require hospitals to change the services they deliver to their communities and how those are delivered. The clinical benefits for patients will be significant and the treatment offered will be of the highest standard.

Patients get the best health outcomes when complex care is delivered in hospitals with high volumes of patients. We have seen this in cancer care and it is an accepted international medical principle. Less complex care and much diagnostics can and will be provided locally throughout the country. In 2012, we will have a new licensing system underpinned by standards. All hospitals will have to meet these standards which will ensure that people are getting the right care in the right place at the right time from the right person.

The clinical director of the HSE has appointed a number of medical specialists to examine different areas of medicine. They will consult widely and recommend how we can provide a better and safer service nationally. Areas being examined include obstetrics, stroke services, neurology, rheumatology, diabetes, epilepsy, heart failure and cystic fibrosis. All decisions in regard to how we provide our health services will be guided by this work. One of the specialists

is Professor Michael Turner, who is examining how we currently provide our obstetric services nationally. He will be consulting with colleagues throughout the country before he makes his recommendations and no decisions have yet been made. There will be no change to obstetric services anywhere in the country, including in the south east, as some speakers suggested, until Professor Turner concludes his work on the national clinical programme on obstetrics, which is expected to be late next year.

**Deputy Dan Neville:** I welcome the opportunity to contribute to the debate and congratulate Deputy Reilly for bringing it forward. I want to refer to an issue raised on “Morning Ireland” today, namely, the placing of four teenagers in adult psychiatric units in Waterford, which has drawn attention to a much wider problem. It must be remembered that 200 children were admitted nationally to adult units last year. This represented 55% of all the admissions of children and illustrates that the absence of age-approved centres for children and adolescents means this unacceptable practice is widespread.

Changes by the Mental Health Commission to the code of practice on the admission of children, after the numbers admitted to adult units rose between 2007 and 2008, were necessary and welcome. However, it must be remembered that the latest report of the commission shows that only five of the 64 approved centres were fully compliant with the code of practice, so there is much work to be done. More important, as the commission itself acknowledges, the lack of child and adolescent inpatient and day-hospital facilities is the crux of the issue.

There is an historic under-investment in child and adolescent psychiatric services, which has resulted in services which are either sporadic or non-existent. This situation has been allowed to develop despite the fact that in excess of 200,000 children have a mental or behavioural problem at any one time. The infrastructure is not in place to meet these needs and the lack of specialised services for young people has led to unacceptably long waiting lists and the admission of children into adult services.

For children to endure inappropriate accommodation in adult units is a gruelling experience and surreal in the context of 21st century Ireland. The reality is that unless the Government renews its commitment to the full implementation of A Vision for Change, the mental health policy, it is difficult to see how a community-based, person-centred mental health service, grounded in the principle of recovery, can be realised.

**Deputy Michael Ring:** I compliment my colleague on bringing the motion before the Dáil. I call on my colleagues from throughout the country to support the motion because, by doing so, they will be supporting their home hospitals and the health service, and sending a message to the Minister that enough is enough.

My region of HSE west is reducing the number of home help hours. At the same time, €10 million is not being collected from private insurers. People in the HSE are travelling all over the world on holidays. They are getting sunstroke when they get there. When they come back, they attack the sick, the old and the weak. People are frightened by what is occurring. Every day when they get up, they listen to the HSE on radio saying it is cutting here, there and everywhere. People are sick and want help and to be looked after. They are sick of the Minister, Deputy Harney, and the Government.

I have a message for the Government. The Minister has been there for too long. She is tired, weary and dreary. To replace her, we have a man with new ideas and new thinking. A new Government with a new way to do things. We will get rid of the waste and the wasters because there is plenty of both in the health boards. Old people want to be looked after when they go



[Deputy Michael Ring.]

into hospital. They are sick and tired of home help and other services being cut. People who are sick want to be looked after, not to always be hearing bad news from the HSE, which has too many people who are not doing their jobs.

**Deputy Andrew Doyle:** I seem to have followed Deputy Ring a few times. I cannot talk that loudly.

**Deputy Michael Ring:** Have a go.

**Deputy Andrew Doyle:** I welcome the opportunity to speak on this motion. It highlights what is wrong as a result of what the HSE has become. When the HSE was introduced in 2004, we were told that the problems we have listed would disappear under the new structures. While it must be acknowledged that some improvements have been made in other areas of health delivery, this does not change the fact that the HSE is making decisions about which none of us knows until we see the consequences. We do not know how or why the HSE reaches a decision or how decisions are costed.

In giving a simple example I will be parochial, as that seems to be the fashion. There is a small district hospital in Wicklow town. Its bed capacity of 32 has been reduced to 22 or 23, including one hospice and four respite beds. We are told that HIQA visited it and believes it is not fit for purpose, but it is the HSE that is not fit for purpose and has not been for some time.

**Deputies:** Hear, hear.

**Deputy Andrew Doyle:** This is the real problem. Unfortunately, what we read in today's newspapers was a symptom of it. I was the chairman of the former East Coast Area Health Board when it told the then Minister, Deputy Martin, that doing away with public scrutiny and public accountability through the public representative membership of the board structure was a recipe for disaster. We cited the disastrous example of the old Blood Transfusion Service Board as a typical case, in that there was no one to keep an eye on the ship. That is what has occurred in this instance.

Nine years ago, the friends of the patients benefit fund wanted a new physio unit at Wicklow hospital and was able to invest £90,000 raised by the local community as well as £120,000 from the health board. This was value for money. Today if, for example, the damp will cost such an amount to fix, no one is working with the benefit fund to raise more money in the community. Instead, the HSE wants to close it. The HSE's real reasons for its decision are that 23 beds have been made available in the other hospital in Rathdrum, it wants to get rid of agency staff instead of employing more nurses and it wants to consolidate. Bray hospital is gone and Wicklow hospital is going. Next is Rathdrum.

We have also been told that there is no demand for public beds because, under the fair deal, people are choosing private nursing homes. That is nonsense. That 270,000 bed days have been lost because of delayed discharges does not square with that argument. I respectfully ask the Government to not allow the HSE to mislead or fool us. It should put more nurses on the front line and save the money spent on people going abroad. These are unaccountable and faceless people on a board that holds its meetings *in camera*. The former East Coast Area Health Board and every other board held all of their meetings in public, yet we are facing this situation. We are the country's legislators, yet we do not know what is happening with the largest public spending budget. The Department of Health and Children comprises 400 people. They are wholly policy makers.

**Deputy James Reilly:** I thank everyone who contributed to the debate. I will point out a few inaccuracies from the other side of the House. Less than 10% of improved longevity in the past 20 years can be attributed to health care once vaccination is excluded from the figures. Notwithstanding the contention of the Minister of State, Deputy Barry Andrews, that the Government puts patient safety first, there is no patient safety authority. Last night, the Minister for Health and Children did not want to distinguish between elective general surgery and elective orthopaedic surgery. She fully admitted that, despite the protestations of the clinical director in the north east that it was a question of patient safety and standards, it was about money. The people know where the Government is focused.

Those who suggested that hospitals or other services were excluded from this motion did not want to read it. It reads “for example” and is not an exhaustive list. The Minister failed to understand the motion. No one on this side of the House has ever accused her of being stupid, so I can only assume she deliberately misunderstood for her own political ends.

This side of the House has acknowledged the need for savings in the health budget, but not at the cost of frontline services. Rather, it should be by cutting out the waste and gross inefficiencies in the HSE. This is what needs to be done and is where the focus should have been for the past six years. Instead, the Minister allows the HSE to take the lazy, easy way out, namely, to hit the front line and hurt patients. The motion is clear — find the necessary savings within the waste and inefficiencies of the HSE and not at the patients’ expense. This means negotiating, consulting, compromising and engaging in conciliation with all stakeholders, but always with the understanding that the key stakeholder is the patient.

The Minister read out a list of costs for retaining frontline services at several hospitals. We acknowledge that savings must be made, but not by cuts in front line services. There is enough waste and inefficiency in the system to allow for these savings without affecting the front line. Herewith, a menu to choose from. The annual overtime bill is €1 billion. Why has this not been addressed? Some €121 million is spent on taxis, but tendering and proper logistics could surely reduce this. Some €60 million is spent on medico-legal fees, of which €20 million goes to lawyers. Surely savings could be made in this respect. The 6,000 redundancies in administration and management identified by Professor Drumm could yield hundreds of millions of euro in savings, yet all we get is talk and rehashed plans.

Where generic drugs are concerned, the drug reference pricing bill has been put on the long finger. It could save €200 million, but all we get is more talk. As to HSE west, Deputy Ring referred to the €10 million outstanding from insurers and the €5 million lost through absenteeism. Why is it a surgeon can say to me that he or she can only do nine procedures per week in a public hospital but ten on a Saturday in a private facility? Clearly, there are considerable inefficiencies. In tomorrow’s *Irish Independent*, we will read of tens of millions of euro spent on outside consultants in the past three years. We were promised this issue would be tackled, but it goes on.

The Minister is like an observer looking on while taking no action. Six years in the job and all she does is outline the problems. She never solves them. Last night, I mentioned Taiwan because it introduced universal health insurance in 1995. One could get a hip done in one or two weeks after being diagnosed, yet it only spends 6.4% of GDP on health. Last night, the Minister told the House that we spend 11.8% of our national income on health.

We know that savings must be made and where this can be done. What we are trying to get across is that there is another way to make them. Consider the menu of cuts I have supplied instead of looking to those with chronic illness, like the six year old child with diabetes, the

[Deputy James Reilly.]

middle aged man with chronic lung disease or the woman with rheumatoid arthritis, those with a disability or those with mental health issues, especially children. As Deputy Neville pointed out, children were placed in totally inappropriate adult facilities. There are young people with cystic fibrosis fighting to catch their breath as they wait on one broken promise after another for their new life-saving unit at St. Vincent's hospital. How many more must die prematurely before they see that false dawn? The terminally ill fight for their lives without medical cards being available to them. I ask the Minister, Deputy Harney, to give patients and our people a break and crack the whip over the wasteful and inefficient HSE.

It is the duty of Opposition to expose, oppose and propose. Tonight in this Chamber we exposed the deficiencies and flaws of the HSE and passionately opposed them. We proposed sensible and responsible alternatives. I fear the Minister and her Government will not listen but I hope the people have heard.

I commend the motion to the House.

**An Ceann Comhairle:** As it is 8.30 p.m. I am obliged to put the amendment in the name of the Minister for Health and Children, Deputy Harney.

Amendment put. The Dáil divided by electronic means.

**Deputy Paul Kehoe:** A Cheann Comhairle, given the importance of the issue that we have been debating, as a teller and under Standing Orders of the House, I am demanding a vote by other than electronic means.

**An Ceann Comhairle:** As Deputy Kehoe, who is demanding the division, is a teller, the vote will proceed in accordance with Standing Order 69.

Amendment again put.

The Dáil divided: Tá, 77; Níl, 73.

Tá

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

Dooley, Timmy.  
 Finneran, Michael.  
 Fitzpatrick, Michael.  
 Fleming, Seán.  
 Flynn, Beverley.  
 Gogarty, Paul.  
 Hanafin, Mary.  
 Harney, Mary.  
 Haughey, Seán.  
 Healy-Rae, Jackie.  
 Hoctor, Máire.  
 Kelleher, Billy.  
 Kelly, Peter.  
 Kenneally, Brendan.  
 Kennedy, Michael.  
 Killeen, Tony.  
 Kitt, Michael P.  
 Kitt, Tom.  
 Lenihan, Brian.  
 Lenihan, Conor.  
 Lowry, Michael.  
 McDaid, James.  
 McEllistram, Thomas.  
 McGrath, Mattie.

Tá—*continued*

McGrath, Michael.  
 McGuinness, John.  
 Mansergh, Martin.  
 Moloney, John.  
 Moynihan, Michael.  
 Mulcahy, Michael.  
 Nolan, M. J.  
 Ó Cuív, Éamon.  
 Ó Fearghaíl, Seán.  
 O'Brien, Darragh.  
 O'Connor, Charlie.  
 O'Dea, Willie.  
 O'Donoghue, John.  
 O'Flynn, Noel.  
 O'Hanlon, Rory.

O'Keeffe, Batt.  
 O'Keeffe, Edward.  
 O'Rourke, Mary.  
 O'Sullivan, Christy.  
 Power, Peter.  
 Roche, Dick.  
 Ryan, Eamon.  
 Sargent, Trevor.  
 Scanlon, Eamon.  
 Smith, Brendan.  
 Treacy, Noel.  
 Wallace, Mary.  
 White, Mary Alexandra.  
 Woods, Michael.

Níl

Allen, Bernard.  
 Bannon, James.  
 Barrett, Seán.  
 Behan, Joe.  
 Broughan, Thomas P.  
 Bruton, Richard.  
 Burke, Ulick.  
 Burton, Joan.  
 Byrne, Catherine.  
 Clune, Deirdre.  
 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.  
 Grealish, Noel.  
 Hayes, Brian.  
 Hayes, Tom.  
 Higgins, Michael D.  
 Hogan, Phil.  
 Howlin, Brendan.  
 Kehoe, Paul.  
 Kenny, Enda.  
 Lynch, Ciarán.

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

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

Amendment declared carried.

Question put: "That the motion, as amended, be agreed to."

## The Dáil divided: Tá, 74; Níl, 70.

## Tá

Ahern, Bertie.  
 Ahern, Dermot.  
 Ahern, Michael.  
 Ahern, Noel.  
 Andrews, Barry.  
 Andrews, Chris.  
 Aylward, Bobby.  
 Blaney, Niall.  
 Brady, Áine.  
 Brady, Cyprian.  
 Brady, Johnny.  
 Browne, John.  
 Byrne, Thomas.  
 Calleary, Dara.  
 Carey, Pat.  
 Collins, Niall.  
 Conlon, Margaret.  
 Connick, Seán.  
 Coughlan, Mary.  
 Cregan, John.  
 Cuffe, Ciarán.  
 Curran, John.  
 Dempsey, Noel.  
 Devins, Jimmy.  
 Dooley, Timmy.  
 Finneran, Michael.  
 Fitzpatrick, Michael.  
 Fleming, Seán.  
 Flynn, Beverley.  
 Gogarty, Paul.  
 Hanafin, Mary.  
 Harney, Mary.  
 Haughey, Seán.  
 Hoctor, Máire.  
 Kelleher, Billy.  
 Kelly, Peter.  
 Kenneally, Brendan.

Killeen, Tony.  
 Kitt, Michael P.  
 Kitt, Tom.  
 Lenihan, Brian.  
 Lenihan, Conor.  
 Lowry, Michael.  
 McDaid, James.  
 McEllistrim, Thomas.  
 McGrath, Mattie.  
 McGrath, Michael.  
 McGuinness, John.  
 Mansergh, Martin.  
 Moloney, John.  
 Moynihan, Michael.  
 Mulcahy, Michael.  
 Nolan, M.J..  
 Ó Cuív, Éamon.  
 Ó Fearghaíl, Seán.  
 O'Brien, Darragh.  
 O'Connor, Charlie.  
 O'Dea, Willie.  
 O'Donoghue, John.  
 O'Flynn, Noel.  
 O'Hanlon, Rory.  
 O'Keeffe, Batt.  
 O'Keeffe, Edward.  
 O'Rourke, Mary.  
 O'Sullivan, Christy.  
 Power, Peter.  
 Roche, Dick.  
 Sargent, Trevor.  
 Scanlon, Eamon.  
 Smith, Brendan.  
 Treacy, Noel.  
 Wallace, Mary.  
 White, Mary Alexandra.  
 Woods, Michael.

## Níl

Allen, Bernard.  
 Bannon, James.  
 Barrett, Seán.  
 Behan, Joe.  
 Broughan, Thomas P..  
 Bruton, Richard.  
 Burke, Ulick.  
 Burton, Joan.  
 Byrne, Catherine.  
 Carey, Joe.  
 Clune, Deirdre.  
 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.  
 Hayes, Brian.  
 Hayes, Tom.  
 Higgins, Michael D..  
 Hogan, Phil.  
 Howlin, Brendan.  
 Kehoe, Paul.  
 Kenny, Enda.  
 Lynch, Ciarán.  
 Lynch, Kathleen.  
 McCormack, Pádraic.  
 McEntee, Shane.  
 McGinley, Dinny.  
 McHugh, Joe.  
 McManus, Liz.  
 Mitchell, Olivia.  
 Morgan, Arthur.

Níl—*continued*

Naughten, Denis.  
 Neville, Dan.  
 Noonan, Michael.  
 Ó Caoláin, Caoimhghín.  
 Ó Snodaigh, Aengus.  
 O'Donnell, Kieran.  
 O'Dowd, Fergus.  
 O'Keeffe, Jim.  
 O'Mahony, John.  
 O'Shea, Brian.  
 O'Sullivan, Jan.  
 Penrose, Willie.  
 Perry, John.

Quinn, Ruairí.  
 Rabbitte, Pat.  
 Reilly, James.  
 Ring, Michael.  
 Shatter, Alan.  
 Sheahan, Tom.  
 Sherlock, Seán.  
 Shortall, Róisín.  
 Stagg, Emmet.  
 Timmins, Billy.  
 Tuffy, Joanna.  
 Upton, Mary.  
 Varadkar, Leo.

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

Question declared carried

### Adjournment Debate

#### Community Employment Schemes

**Deputy Tom Hayes:** I thank the Ceann Comhairle for selecting this important matter for the Adjournment debate. As the Minister for Enterprise, Trade and Innovation will be aware, a significant number of community groups and local authorities participated in FÁS schemes from their early days. In every parish and town in County Tipperary, FÁS schemes contributed to education, community work and, in particular, the improvement of villages and towns. I speak of places like Emly, which won the TidyTowns award last year. Many tidy schools, villages and graveyards made good use of FÁS schemes.

The schemes also acted as a training ground for people who learned to become carpenters, brick layers and plasterers. Some of these individuals went on to find jobs that took advantage of the Celtic tiger and they were able improve their lives and that of their families. I can instance many families in south Tipperary who benefited enormously from the training they received through FÁS schemes.

Alongside the poor publicity FÁS has received over the past 12 months, some of these schemes are being cut. People in south Tipperary are worried and unsure whether their schemes will be retained. In particular, South Tipperary County Council requested a meeting with the Minister in the next few weeks regarding its concerns about the continuation of the schemes right across the local authority area. They have helped with things like the TidyTowns competitions and in other work that councils carry out. The schemes allow people to be involved in education, while many mentally handicapped people were also trained through the schemes. These people are now extremely concerned.

I am not raising this issue tonight to bash FÁS, but I just want some clarification for the people of south Tipperary on the type of scheme and the numbers involved. FÁS did a great job in many cases. While we can criticise the organisation on some issues, it has done a lot of

[Deputy Tom Hayes.]

good work and many communities benefited greatly. I would like clarification on the future of the schemes in the county.

**Minister for Enterprise, Trade and Innovation (Deputy Batt O’Keeffe):** I am replying to this Adjournment matter on behalf of the Tánaiste and Minister for Education and Skills. I thank the Deputy for raising this matter as it affords me the opportunity to outline to the House the position on community employment programmes.

Community employment is an active labour market programme designed to provide eligible long-term unemployed people and other disadvantaged persons with an opportunity to engage in useful work within their communities on a fixed-term basis. The purpose of CE is to help unemployed people to re-enter the open labour market by breaking their experience of unemployment through a return to a work routine and to assist them in enhancing both their technical and personal skills.

An important feature of CE programmes is the development opportunity which they give to the individuals who participate on the programmes. Eligible projects are those which respond to an identified community need; provide development for participants in areas involving heritage, arts, culture, tourism, sport and the environment; have the agreement of relevant trade unions; do not displace or replace existing jobs; and offer valuable work experience for participants.

In April 2000, the former Department of Enterprise, Trade and Employment introduced capped limits on the amount of time that a person could participate on a CE scheme. CE capping was introduced to facilitate the movement of participants through the programme, allowing new participants who would not otherwise have such an opportunity to avail of the programme. To cater for older workers in particular, in November 2004 the standard three year CE cap was revised to allow those of 55 years of age and over to avail of a six year period on community employment, based on participation since 3 April 2000. Subsequently in 2006, the participation limit for persons eligible for CE based on a social welfare disability linked payment, including those under 55, was increased by one year. These measures were introduced in recognition of the fact that older participants and participants with a disability may find it more difficult to progress into the open labour market.

Funding for CE in 2010 has been provided with a view to maintaining overall numbers on FÁS schemes. There are currently over 22,000 people participating on CE schemes nationally. Provision has been made in the 2010 budget for an increase of 500 CE places, bringing the total number of places available to 23,300 for the year. FÁS is currently considering the feasibility of setting up a number of additional schemes, as well as expanding existing schemes in order to absorb the 500 places.

A wide range of client groups is given access to the opportunity CE provides, including lone parents, persons with disabilities, stabilised substance abusers and unemployed persons aged under 55. There are currently 4,914 lone parents and 5,355 people with disabilities participating on CE, while 1,000 places are ring-fenced for the CE drugs task force. The number of places on the drugs task force is kept under constant review.

In delivering these places, FÁS operates flexibly in the management of this allocation in order to maximise progression to the labour market, while at the same time facilitating the support of community services. FÁS continues to welcome proposals from local sponsors to carry out projects, and all proposals are considered within allocated budgets and participant numbers. The provision of places is managed through a standardised application process between regional FÁS offices and local sponsor and community organisations, and any issues

regarding the allocation of places are dealt with in this context. However, it should be remembered that in so far as participants remain on CE, they are precluding someone else from benefiting from the programme. FÁS makes every effort to ensure that differing levels of demand between neighbouring schemes are equalised.

FÁS will continue to operate the programme flexibly to ensure the continuation of community projects. Persons who are considered job-ready are progressed through FÁS employment services onto other options, thus freeing up CE places for others in greater need.

The revision of the budget for community employment participant numbers in south Tipperary is necessitated by the fact that FÁS ensures an even distribution of the participant numbers across the south-east region in line with the live register. FÁS has advised that these numbers have been exceeded in south Tipperary as a percentage of the live register for a number of years, this being the measure used for the allocation of places. I am assured that FÁS community services management in the south-east region has consulted with each individual sponsor organisation directly on this process and has agreement that these reductions will be phased in over a period of 12 months.

The Government will continue to support into the future the positive role of FÁS employment schemes in meeting the needs of long-term unemployed persons, while at the same time providing essential services to communities. In this regard, the operation of the schemes will be kept under constant review in the context of the current difficult unemployment situation. I thank the Deputy once again for raising this matter.

### Health Services

**Deputy Jimmy Deenihan:** I thank the Ceann Comhairle for allowing me to raise this matter on the Adjournment tonight.

The answer to a recent parliamentary question I tabled indicated that during 2008 some 667 people underwent an amputation in hospitals, of whom 338 suffered from diabetes; some 29 of these were from the Kerry and Limerick area. People with diabetes requiring amputations used 12,937 hospital bed days in 2008, of which 10,132 were in publicly funded hospitals. In 2007, the figure was 11,637, of which 11,209 were in publicly funded hospitals. The inpatient costs of the publicly funded health service for these patients was in excess of €7.4 million in 2008 and €7.2 million in 2007. This cost relates to the inpatient stay only and specifically excludes outpatient, emergency department and day-care costs. Neither does it include lifelong social welfare payments, housing renovation costs and so on.

Prior to having an amputation, these people usually spend many months in hospital having treatment for their ulceration. In addition to those requiring amputations, people with diabetes suffering from foot ulcers are also occupying hospitals beds. These ulcers develop as a result of friction and uneven pressure on the foot which leads to minor problems compounded by poor blood supply and nerve dysfunction. Access to a podiatrist would ensure that minor problems were identified early and corrected, thereby preventing major problems later.

There are no diabetes podiatry services in Kerry or Limerick. A podiatry service should be freely available to all people with diabetes. In County Kerry in 2008, 108 required inpatient treatment for foot ulceration. Some 53 of these had diabetes.

Currently, there are no public podiatry services in County Kerry. There are only two full-time podiatrists available through the public health system in Ireland. However, there are 20 students in the Galway podiatry school due to qualify in 2012. They will be first Irish-trained podiatrists but they will not be employed due to the recruitment embargo. There must be a change in this policy.



[Deputy Jimmy Deenihan.]

In an ideal world, County Kerry should have seven new podiatry posts but, at a minimum, two podiatrists — one for north Kerry and one for south Kerry — should be appointed. Research has shown that this would reduce the level of amputations by as much as 70% annually, resulting in huge savings for the Government and the HSE.

County Kerry has been very much neglected as regards services. For example, even in cardiology, a public cardiologist is shared with the Bons Secours Hospital and that is only for four units out of ten units of his time. We have few services in regard to rheumatology, etc., but we have no public podiatry service and that is the reason so many people in County Kerry have amputations and so many of them have major foot problems.

I appeal to the Minister, Deputy Batt O’Keeffe, to convey the message that when podiatrists are being appointed that County Kerry is not left out again and that it gets what is essential for the health of the people of county.

**Deputy Batt O’Keeffe:** I thank Deputy Deenihan for raising what is a very important issue on the Adjournment. I am taking it on behalf of my colleague, the Minister for Health and Children, Deputy Harney.

The national diabetes programme was established under the governance of the quality and clinical care directorate of the HSE to progress a national diabetes plan which has five key objectives, namely, to establish a national diabetic retinopathy screening service; to establish a national diabetes register; to progress foot care services nationally; to facilitate integration of diabetic services between primary and secondary care; and to develop strategies to improve diabetic control and risk reduction to prevent diabetic complications. A clinician has recently been appointed to take the lead on the diabetes clinical programme. He is currently engaging with all stakeholders, including the Diabetic Federation of Ireland, clinicians and podiatrists to establish a multi-disciplinary foot care package for diabetic patients.

Chiropodists-podiatrists are specialists in all aspects of foot health and also treat people suffering from the complications of diabetes, such as peripheral vascular disease. The aims of the podiatry service are to maintain mobility and independence in older people through assessment, treatment, education and support in a clinical and home environment; to perform total and partial nail surgery under local anaesthetic to children and young adults presenting with repetitive nail trauma; and the education and assessment and care of diabetic patients to prevent complications of the foot.

Patients requiring podiatry assessment and treatment may be referred from GPs, primary care team members, diabetes services and hospital services. The HSE currently provides a podiatry service to medical card holders. The provision of chiropody-podiatry services varies in different regions in the HSE and can be provided by chiropodists-podiatrists employed directly by the HSE and treatments provided by chiropodists-podiatrists contracted under the CMS scheme. These provide services on a sessional basis for clients eligible under the GMS scheme.

Chiropodists-podiatrists who undertake these sessions are taken from the list of approved chiropodists-podiatrists who have been assessed for eligibility to practise in the public health service. In some areas a service level agreement is entered into with chiropodists-podiatrists for the provision of services to eligible persons. Monitoring arrangements are in place for the execution of these agreements while grant aid is provided to voluntary agencies for the provision of podiatry services under section 39 grant aid.

A number of initiatives have been undertaken recently such as the development of a standardised podiatry assessment tool for diabetic patients. This will enable referring GPs and

practice nurses to give the podiatry department an accurate assessment of the status of diabetic patients' foot condition which, in turn, will ensure that the podiatry department can identify and prioritise high risk diabetics and provide timely intervention as required.

In advance of the recent establishment of the national programme, a diabetes services implementation group for HSE south was set up and has been in operation in counties Cork and Kerry for the past two years. Its report on foot care services in both counties is due for presentation in the coming weeks.

The diabetes service at Kerry General Hospital is led by a consultant physician with a special interest in endocrinology who utilises and develops facilities in the area of diabetes. There are three dedicated consultant diabetes clinics held each month at the hospital. In addition to these clinics, the specialist diabetic nurses provide outpatient clinics at Kerry General Hospital and outreach clinics in the community.

Podiatry input is recognised as an essential element in the multi-disciplinary approach required to maintain the health of the diabetic population. Primary care teams, acute hospital services and the regional diabetes services implementation groups are collaboratively working to improve provision and access to podiatry services for people with diabetes. The Minister is assured that Kerry General Hospital and HSE south are committed to providing the best possible quality of care to all diabetic patients within the reasonable resources available.

### **Flood Relief**

**Deputy Michael Ring:** I thank the Ceann Comhairle for selecting this matter. This is the third or fourth time I have raised this issue on the Adjournment. There is a cost factor to every issue we raise but in this case, the money has been provided by the OPW and the Minister of State, and I compliment him on that. However, there is an ongoing problem between the OPW and the national parks and wildlife service. As I said, the money is in place. The OPW put forward a number of suggestions to the national parks and wildlife service. I believe another report went to the National Parks and Wildlife Service today.

What is going on is wrong. There were very serious floods in December 2006 and in January 2007, people's homes were destroyed and families had to relocate. We are coming into the winter and people are genuinely worried that this flooding problem cannot be resolved.

I am not looking for money or for the OPW to do the work because the money has been provided. Paperwork is holding up this work. It is wrong that the National Parks and Wildlife Service is causing a problem for people living in rural Ireland. It depends on the goodwill of people in rural Ireland and depends on them to protect the environment. Nobody wants to destroy the environment. There is a row between two Departments and I suppose there is an EU directive. There is a Habitats Directive. People's lives, livelihoods and homes are far more important than any habitat. I hope the Minister has good news.

The report will be with the National Parks and Wildlife Service tomorrow morning and I hope it is approved tomorrow evening. I have spoken to the families, the Irish Farmers Association and people in the area. If this issue is not resolved in the next two weeks, we will have a day out in Dublin. The Minister can tell security in the National Parks and Wildlife Service that we will not leave until it makes a decision. This is wrong because these people have been patient and have done their best to try to be nice and honourable about this. I hope the Minister has good news for me.

**Deputy Batt O'Keeffe:** I thank Deputy Ring for raising what is an important issue in that area. The Minister for the Environment, Heritage and Local Government, Deputy Gormley,

[Deputy Batt O’Keeffe.]

shares the Deputy’s concern about repeated flooding in the Roundfort-Hollymount area of County Mayo and the need for remedial action.

The area concerned involves two turloughs, which are part of the Kilglassan-Caheravoostia turlough complex special area of conservation. As such, it is protected under the EU Habitats Directive and is part of the EU’s Natura 2000 network of protected areas. Turloughs, or lakes which disappear underground for part of the year, are a unique feature of this country and an irreplaceable part of our natural heritage. They are among the most distinctive features of Irish landscapes, and many are of international importance. This complex in Mayo is one of the most important and is host to a wide range of habitats.

Where proposed works would affect Natura 2000 sites, such as in this case, it is obligatory that the procedures adopted, in consideration and implementation of proposals, are in accordance with the directive. Accordingly, an appropriate assessment must be prepared in respect of any proposals for works which would be likely to damage the integrity of the site. This must consider the effects of the proposed works on the protected habitats.

All possible alternative solutions must be thoroughly examined. If works have to go ahead for reasons of over-riding public importance, all necessary avoidance and mitigation measures must be taken. In the case under consideration, it is important that the particular flood alleviation methods proposed by the OPW do not damage the hydrology of the turlough complex, for example, causing reduction in the extent or duration of flooding in the turloughs in normal years when water levels at the site would not be expected to give rise to concerns of over-riding public importance.

The Department of the Environment, Heritage and Local Government met with the Office of Public Works in April and again in June 2010 and it was agreed that certain additional design work was required on the proposed flood control structures. I understand the report on this design work was completed last week and that a copy of the report was sent to the Department today. It will be examined as quickly as possible and the Minister is hopeful that our obligations under EU law will have been met. This would allow early progress on commencing the flood mitigation works, although the precise timing is a matter for the OPW.

### **Employment Support Services**

**Deputy Michael McGrath:** At the outset I want to thank the Ceann Comhairle for selecting this important matter for the Adjournment. I also thank the Minister, Deputy Batt O’Keeffe, for taking this matter this evening. Having represented Cork South Central for many years I am aware he would have a strong affinity with the company, GlaxoSmithKline, GSK, and with many of the employees and the management. I thank him for the personal interest he has shown.

Everyone in Cork was deeply disappointed to learn of the news on Monday that 55 jobs were to be lost at GlaxoSmithKline following the completion of the formal business review and also confirmation that another 66 jobs would be lost following consultation with the trade unions and other employee representatives and after changes to shift patterns and so forth. It is clearly a significant blow for Cork and for the pharmaceutical industry in the area, particularly coming on top of recent job losses by Schering Plough in Brinny and also Pfizer in Ringaskiddy in recent months.

The main purpose in raising this is to urge the Government and the Minister to ensure that the people who are directly affected by Monday’s announcement at GlaxoSmithKline are given every possible support by Departments and the relevant State agencies. The company intends to implement an out-placement support service for those who will be made redundant, which

I welcome. It is in keeping with the company we are dealing with in GSK and I trust that the work by FÁS and the other State agencies will complement the work the company intends to do to ensure that the people being made redundant will be given the required training and every opportunity to find alternative employment, whether it be in the pharmaceutical sector or any other sector.

The second reason I raise this issue is to call on the IDA to work closely with GSK and the other pharmaceutical companies in the Cork region to maintain the remaining jobs because it is clear there are major challenges. It is important to point out that the announcement by GSK on Monday was not to do with the quality of the employees at the plant, the cost base or anything else. It was directly linked to the continuing decline in product demand globally. These companies are operating in a very competitive environment. There has been a decline in global demand for certain products and they must deal with that. The announcement on Monday was a direct consequence of that but even after that announcement, GSK will still have 340 employees left at the Cork plant and my priority — I know it is also the Minister's — will be to ensure we can retain those jobs and also retain the jobs in Pfizer, Novartis, Centocor and all of the other companies that have invested in the Cork area.

I welcome the statement by GSK on Monday in which the vice president, Finbar Whyte, made it clear that the company is committed to working closely with all employees to ensure we are able to safeguard the future of GSK in Cork. That is a very welcome commitment. Ireland has been particularly successful in attracting all of the major pharmaceutical companies to our economy. We want to maintain that presence and develop it further where possible.

I want to comment briefly on the reference by Commissioner Rehn earlier this week on the issue of the 12.5% corporation tax rate. From my perspective it would be economic suicide for us as a country to increase our corporation tax and I welcome the Government's commitment, following the Commissioner's comments, that such an increase will not be considered because it would do major damage to us as an economy.

While the GSK decision was not directly related to the cost base it is important that we are vigilant on the issue of the cost base for all companies, small and medium enterprises and multinationals. I welcome the various initiatives the Minister has announced to do with cutting down on red tape for businesses but we will have to be increasingly vigilant on the issue of energy costs, waste management costs, labour costs, transport costs and the cost of compliance with health and safety and other regulatory requirements, including the cost of local authority rates, water rates and so on.

It is quite simple. Undoubtedly, there is a direct correlation between our cost base as a country and our ability to attract inward investment. If we can maintain the quality of our workforce and our strong regulatory environment while at the same time reducing costs, we will be successful into the future. I look forward to the comments by the Minister on GSK and the employees.

**Deputy Batt O'Keeffe:** I thank Deputy Michael McGrath for raising an issue on the Adjournment that is of serious concern to all of us. I want to begin by expressing my regret at the announcement by GlaxoSmithKline of the loss of 121 jobs at its Currabinny facility.

GSK currently employs over 1,500 people in Ireland at its various sites in Cork, Dublin, Dungarvan and Sligo. The current job losses are a result of market conditions resulting in a fall in demand for the drugs GSK manufactures in Cork. I am aware that the IDA consistently engages with the company at both local and corporate level in an effort to secure further new investment to maintain and increase the company's base in Ireland. I met representatives of the company last week.

[Deputy Batt O’Keeffe.]

I am acutely aware of the impact of the job losses on employees and their families and share the concern outlined by Deputy McGrath. I have asked the State development agencies to make their full resources and services available to the employees affected by the company’s decision. FÁS Employment Services Management, South West Region, will meet with management and staff representatives at GSK to formulate a plan of action to deliver FÁS services and supports to the staff being made redundant in 2010 and 2011. The Cork county enterprise boards, together with Enterprise Ireland, will provide a range of supports and services to anyone wishing to start their own business.

Cork has been particularly successful in attracting foreign direct investment over the years. In the past ten years direct employment in IDA supported companies in Cork city and county has grown from just under 16,000 in 1999 to 20,000 now. In 2009, foreign direct investment, FDI, decreased globally by 30% and the average scale of investment was smaller than in previous years. Despite these trends, since 2009 the IDA has announced nine projects for Cork, with a job potential of approximately 1,070.

The strategic challenge now facing IDA Ireland is to be proactive in identifying future FDI trends and the associated employment opportunities. Every year, an average of between 7% and 8% of jobs within the IDA Ireland portfolio are lost as part of the normal business life-cycle. The reasons for this include competitiveness, market downturn, global economic trends and business model restructuring, particularly as a result of merger and acquisition activity. I assure Deputy McGrath that my priority is to ensure that the business environment is supportive of Irish enterprise and export growth and that we attract high value foreign investment. By selling on international markets, we will create jobs and prosperity at home. While it is clear that we are operating in a difficult economic environment, there are still investment opportunities in global markets and IDA Ireland will continue to compete vigorously for projects for Ireland. I am to accompany IDA Ireland on a visit to North America over the next number of weeks.

In addition, since 2008, Enterprise Ireland has approved approximately €50 million to client companies in Cork city and county. Enterprise Ireland has a client base of over 700 companies in County Cork, employing approximately 18,000 people. I again assure the Deputy that the State development agencies will provide every possible support they can to GlaxoSmithKline employees affected by the company’s decision.

The Dáil adjourned at 9.45 p.m. until 10.30 a.m. on Thursday, 7 October 2010.

## Written Answers.

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**The following are questions tabled by Members for written response and the ministerial replies as received on the day from the Departments [unrevised].**

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*Questions Nos. 1 to 24, inclusive, answered orally.*

*Questions Nos. 25 to 92, inclusive, resubmitted.*

*Questions Nos. 93 to 102, inclusive, answered orally.*

### **Road Network**

103. **Deputy Terence Flanagan** asked the Minister for Transport his view on the report by the local government efficiency review group to extend tolling to non-motorway roads; if he will provide further details of this proposal; and if he will make a statement on the matter. [35132/10]

**Minister for Transport (Deputy Noel Dempsey):** I am aware that the Local Government Efficiency Review Group recommended the introduction of new tolling schemes on national roads, both new and existing, based on an equitable distribution of tolling points across the national network, with a proportion of revenue being used to invest in local and regional roads. The Infrastructure Investment Priorities document 2010-2016 also refers to the possible introduction of further tolling on national roads and recommends that any additional income generated through tolling should be retained by the NRA to help fund ongoing road investment.

In light of these recommendations the National Roads Authority (NRA) has been asked to examine options for a new tolling strategy. Possible options will be evaluated having regard to factors such as proper traffic management, road investment needs to support economic competitiveness, safety issues and implementation of Government policy in areas like Smarter Travel. Future policy on tolling strategy will be considered once the NRA review is completed.

104. **Deputy Róisín Shortall** asked the Minister for Transport if his attention has been drawn to the fact that the Dublin city development plan 2011 to 2017 includes provision for an overpass over the Royal Canal and railway line at Reilly's Bridge, Cabra, Dublin 7; if he has agreed to finance such a development; the cost of the project; the timescale for delivery of the project; and if he will make a statement on the matter. [35067/10]

**Minister for Transport (Deputy Noel Dempsey):** The improvement and maintenance of regional and local roads is a statutory function of each road authority in accordance with the provisions of section 13 of the Roads Act 1993. The carrying out of works on these roads is a matter for the relevant local authority to be funded from its own resources supplemented by State road grants. The initial selection and prioritisation of projects to be funded is also a matter for the local authority.

On 22nd February, I announced the 2010 regional and local road grant allocations. A total of €411.409 million is being provided to local authorities this year for the maintenance and improvement of regional and local roads. In July this year, local authorities were invited to submit applications for funding in 2011 under the Specific Improvement Grants Scheme. It is open to Dublin City Council to prioritise this project and to include it among its applications when they are submitted in due course.

All applications received for funding under the scheme will be considered, having regard to compliance with eligibility criteria, the need to prioritise projects, competing demands from other local authorities and the funds available for the scheme in 2011. The 2011 regional and local road grant allocations will be announced early next year. To date no funding has been sought from my Department for this project either in 2010 or in previous years. Alternatively, Dublin City Council may fund this project from its own resources.

### EU Directives

105. **Deputy Joanna Tuffy** asked the Minister for Transport the status of EU Commission proposals for implementation of the working time directive in relation to self-employed drivers of trucks; the effect this directive will have on the viability of small haulage firms here; and if he will make a statement on the matter. [35071/10]

**Minister for Transport (Deputy Noel Dempsey):** The European Commission has advised Member States that as a follow-on from a negative vote by the European Parliament concerning proposed amendments to the Directive 2002/15/EC, which would have excluded genuine self-employed drivers from the scope of the rules on the working time, the Commission has decided to withdraw its proposals in that regard. This means, in effect, that the Directive is now applicable to self-employed drivers. My Department will initiate a review of the legislative changes that will be required to the European Communities (Organisation of Working Time of Persons Performing Road Transport Activities) Regulations 2005 (SI 2 of 2005) to bring self-employed drivers within the scope of the rules on working time. Consultation with the industry will be required and self-employed drivers will be afforded the opportunity, during the consultation phase, to give their views on the impact of the Directive for the viability of their businesses.

### Taxi Regulations

106. **Deputy Michael D. Higgins** asked the Minister for Transport if he will provide for an increase in staff, particularly enforcement staff, in the office of the taxi regulator; and if he will make a statement on the matter. [35048/10]

**Minister for Transport (Deputy Noel Dempsey):** In 2007 the Commission for Taxi Regulation recruited a dedicated enforcement team for the industry. An Garda Síochána are also authorised officers under the Taxi Regulation Act 2003. The Commission team of 9 officers work closely with other enforcement agencies, including the Gardaí, Revenue Commissioners and Department of Social Protection to ensure effective compliance in the industry. The resourcing of the Commission for Taxi Regulation is a matter for the Commission having regard to the Government's decision on the moratorium on recruitment and promotion and the Employment

Control Framework (ECF). The National Transport Authority (NTA) will have responsibility for the resourcing of the enforcement team following the incorporation of the CTR into the NTA.

107. **Deputy Eamon Gilmore** asked the Minister for Transport if he will consider authorising the taxi regulator or National Transport Authority to provide financial incentives towards the purchase of new wheelchair accessible taxis; if he will authorise the regulator to buy back surplus taxi plates at cost price; and if he will make a statement on the matter. [35045/10]

**Minister for Transport (Deputy Noel Dempsey):** The Commission for Taxi Regulation (CTR) favours the provision of some financial assistance to wheelchair accessible licence holders to upgrade their vehicles by 2012. I have referred the CTR proposal to the National Transport Authority (NTA) for its consideration and decision as financial assistance will be a matter for the NTA following the incorporation of the CTR into the NTA. The Taxi Regulation Act 2003 does not provide the CTR with the power to purchase back taxi licences. I do not propose amending legislation to enable the CTR to have such powers in the future. I understand that all new taxi licences issued by the Commission from 8th June 2010 are non-transferable licences.

108. **Deputy Ulick Burke** asked the Minister for Transport his views on the fact that it is legal to drive a taxi here without an Irish driving licence; and if he will make a statement on the matter. [35101/10]

**Minister for Transport (Deputy Noel Dempsey):** An Garda Síochána are the licensing authority for the grant of a small public service vehicle (PSV) driver licence. One of the requirements for the grant of a PSV driver licence is a full Irish driving licence or an equivalent licence from an EU or EEA Member State or another recognised State for which there is provision for mutual recognition of driving licences.

### Cycle Facilities

109. **Deputy Simon Coveney** asked the Minister for Transport the amount of funding available in 2010 and 2011 for the cycle ways project; if he has plans to build on the success of this programme; and if he will make a statement on the matter. [35111/10]

**Minister of State at the Department of Transport (Deputy Ciarán Cuffe):** My Department has allocated funding to a number of projects relating to cycle routes, some of which are development projects relating for example to scoping studies, and others which are for the provision of cycle routes. The total amount allocated by my Department to these projects is about €22.5 million of which €13.5 million relates to 2010 and €3.3 million to 2011. In some cases, other agencies are supplementing these allocations through co-funding arrangements.

The projects include in particular the National Road Authority's National Cycle Network Scoping Study and the scoping of a cycle route from Dublin to Galway; the Great Western Greenway from Westport to Achill which is being funded with Fáilte Ireland; and a number of cycle routes in Cork, Dublin, Galway, Leitrim and Limerick. The development of a culture of cycling is one of the objectives of both the Smarter Travel Plan and the National Cycle Policy Framework, with a target of having 10% of all commuting trips by bike by 2020. Cycle networks and routes are a key way of making cycling a normal way to get about, and I am committed to making further progress in this area.

### Rural Transport

110. **Deputy Damien English** asked the Minister for Transport when he expects to publish



[Deputy Damien English.]

the value for money review on rural transport; and if he will make a statement on the matter. [35123/10]

**Minister for Transport (Deputy Noel Dempsey):** I understand that the Value for Money Review of the Rural Transport Programme will be completed later this year. In line with the Department of Finance's Value for Money and Policy Review Guidance Manual, the Review will be submitted to Government and will be published thereafter.

*Question No. 111 answered with Question No. 102.*

### **Rail Network**

112. **Deputy John Deasy** asked the Minister for Transport the status of phase III of the western rail corridor (details supplied) ; if funding has been allocated; and if he will make a statement on the matter. [35118/10]

**Minister for Transport (Deputy Noel Dempsey):** The first phase of the Western Rail Corridor was opened on 29th March 2010. The Department has received an application for funding from Iarnród Éireann for the detailed design and tender preparation stage for Phase 2. This will involve a detailed estimate of costs for the construction of Phase 2. The exact timeframe for when the project will move to construction will be influenced by the outcome of this stage. Progress on Phase 3 is scheduled to commence after the opening of Phase 2 on the basis of the detailed analysis which will be required at that time.

### **Airport Development Projects**

113. **Deputy Joe Carey** asked the Minister for Transport the reason his Department failed to accept the recommendations of a 2003 Government appointed independent panel that favoured an independently designed, built and owned terminal at Dublin airport; and if he will make a statement on the matter. [35105/10]

**Minister for Transport (Deputy Noel Dempsey):** The Aviation Action Plan, adopted by the Government in May 2005 mandated the building of the second terminal at Dublin airport by the Dublin Airport Authority. The Government decision was based on a detailed consideration of how best to provide additional terminal capacity at Dublin airport, given the significant growth in passenger numbers there at the time. The decision took into account the recommendations of the panel referred to by the Deputy.

### **Road Network**

114. **Deputy Lucinda Creighton** asked the Minister for Transport the amount of the €411 million allocated to the 2010 regional and local roads programme that has been spent; and if he will make a statement on the matter. [35089/10]

**Minister for Transport (Deputy Noel Dempsey):** On 22nd February, I announced the 2010 regional and local road grant allocations. A total of €411.409 million is being provided to local authorities this year for the maintenance and improvement of regional and local roads. In deciding on allocations for 2010 the first priority was to ensure the protection of the existing road network and, particularly the Exchequer investment of €6 billion which we have made through the provision of regional and local road grants since 1997. A total of €230.5 million has been spent to date on regional and local roads in 2010.

### Search and Rescue Service

115. **Deputy Jimmy Deenihan** asked the Minister for Transport the reason he failed to meet with a former head of the Air Corps to discuss a cheaper alternative to the recently signed €500 million national search and rescue contract; if he will provide details of the contract signed with a company (details supplied); and if he will make a statement on the matter. [35120/10]

**Minister for Transport (Deputy Noel Dempsey):** The possibility of the Air Corps providing a Maritime Search and Rescue service was considered by both the Department of Transport and the Department of Defence. The Department of Defence consulted with the Air Corps at that time. However the potential for the Air Corps to re-enter this area of operations was not considered feasible. The contract for this service was publicly advertised. It was open to any individual group or company to submit a tender. There is absolutely no evidence to suggest that any cheaper alternative would have emerged from any proposed meeting with this or any other individual.

The Air Corps was withdrawn from maritime search and rescue in 2004 following operational difficulties in the provision of a consistent and satisfactory level of service. This included very significant difficulties experienced in retaining the necessary highly skilled and experienced Search and Rescue personnel. Current Air Corps helicopter assets are not configured for maritime search and rescue, and I understand that the Air Corps do not have pilots or winch men with the required training and experience to support such operations. Indeed it should be noted that the smaller Air Corps EC135 or AW139 helicopters do not provide the maritime search and rescue capacity and capability of the Sikorsky S92A's that will be provided on the new contract. The new contract with CHC will run for 10 years and will represent a stepped improvement in the safety, range, speed, and capability of Ireland's Search and Rescue service, using modern medium-load helicopters. CHC Ireland is also the current service provider.

### Port Development

116. **Deputy Jan O'Sullivan** asked the Minister for Transport if he has discussed with the Dublin Port authority the development of Dublin Port in view of the refusal by An Bórd Pleanála of the port authority's recent proposals for a 21 hectare site; and if he will make a statement on the matter. [35057/10]

**Minister for Transport (Deputy Noel Dempsey):** An Bórd Pleanála announced its decision in June 2010. Since then I have received an interim report for the first six months of this year from Dublin Port Company, which includes an update regarding the planning decision. Clearly the decision has implications for the port's future development plans, and the company is reviewing the decision in that light. I am due to have an annual meeting with the company before the end of this year, at which the matter can be discussed further.

In relation to port capacity in the Greater Dublin Area, the Dublin Port Study carried out by my Department under the NDP and published in August 2009 provides the most recent analysis of future traffic and capacity projections. The study highlighted the need to develop significant additional port capacity by 2025 — 2030. I recently announced a review of national ports policy, which is currently underway. This provides an opportunity to consider recent planning decisions regarding port infrastructure at a national level, including the recent decision in relation to Dublin Port.

### Taxi Regulations

117. **Deputy Ciarán Lynch** asked the Minister for Transport if he will provide an appeals process with an independent adjudicator for the taxi industry; and if he will make a statement on the matter. [35049/10]

**Minister for Transport (Deputy Noel Dempsey):** Section 35 of the Taxi Regulation Act, 2003, which has not been commenced to date, provides for an appeal procedure in respect of refusal to grant, suspend or revoke a small public service vehicle (SPSV) drivers licence or vehicle licence. An Garda Síochána is the licensing authority for SPSV drivers licences and the Commission for Taxi Regulation (CTR) is the licensing authority for vehicle licences. Once the functions on driver licensing are transferred from the Garda Commissioner to the Commission for Taxi Regulation, I envisage that Section 35 of the Taxi Regulation Act 2003 will be commenced. Accordingly persons who are refused a licence will be able to appeal to the District Court. Appeals may also be made where licences are suspended or revoked. I have no plans to introduce additional legislation in this regard.

The exercise by the Commission of its statutory powers is also amenable to the remedy of judicial review. I understand that the CTR is giving special attention to informing existing licence holders and new applicants of licensing requirements in order to acquaint applicants with the conditions that have to be satisfied to obtain a licence. It is hoped that this effort will minimise dissatisfaction by applicants and reduce recourse to appeals in the future.

I should add that the Commission for Taxi Regulations engages in an onerous consultation process prior to any decision making for the industry. The process includes public consultation, meetings with stakeholders and advice received from the Advisory Council which includes representatives from the industry, consumers, tourism, business, people with disabilities, the Competition Authority, the Road Safety Authority, local authorities and the Gardaí. This ensures appropriate dialogue prior to the implementation of new regulatory changes.

### **Rural Transport**

118. **Deputy Emmet Stagg** asked the Minister for Transport his view's on the development of a rural transport policy; and if he will make a statement on the matter. [35069/10]

**Minister for Transport (Deputy Noel Dempsey):** The development of rural transport is a key objective in both the Government's sustainable travel and transport plan 'Smarter Travel — A Sustainable Transport Future' and separately in my Department's sectoral Plan under the Disability Act 2005. Reflecting the Government's continued commitment in this area, €11 million is being provided for the Rural Transport Programme in 2010.

It is important to ensure that existing resources in this area are utilised in the future as cost-effectively as possible. In that context a number of initiatives have been undertaken to explore the potential for improved synergies between existing transport providers, including the Health Service Executive, the Department of Education and Science, Bus Éireann, Pobal and the Irish Wheelchair Association. The initiatives are currently being assessed and, together with a recently completed exercise to map all transport services in County Louth and a cross-border pilot rural community transport project under the auspices of the British/Irish Council, will feed into the further development of rural transport policy.

### **Airport Development Projects**

119. **Deputy Seán Sherlock** asked the Minister for Transport when he expects Terminal Two to open at Dublin Airport; the cost of the project; the airline carriers which will use it; when it is expected to operate profitably; if he is satisfied that its construction cost should be a charge on airport users; and if he will make a statement on the matter. [35066/10]

**Minister for Transport (Deputy Noel Dempsey):** I am informed by the Dublin Airport Authority (DAA) that it is planned to open Terminal Two (T2) next month. I understand that the cost of the terminal project is €609m. This covers the cost of the terminal building itself, the new Pier E boarding gate facility, additional aircraft parking stands, a new energy centre and

a major upgrade of the airport's campus road network. I should say that the DAA capital investment programme, including the construction of T 2, is funded entirely without Exchequer support, and the question of its profitability is a matter that lies within the commercial mandate of the company.

I understand that all existing long-haul carriers at Dublin airport will operate from T2 including Aer Lingus, American Airlines, Delta Air Lines, U.S. Airways, Continental Airlines and Etihad Airways. In fact Aer Lingus will operate all its short-haul and long-haul services from T2 and will be the new facility's anchor tenant. In relation to charges for airport users, that is a matter for the Commission for Aviation Regulation (CAR) which regulates airport charges at Dublin Airport.

*Question No. 120 answered with Question No. 102.*

### **Road Traffic Accidents**

121. **Deputy Pat Breen** asked the Minister for Transport when he will legislate for mandatory blood testing for alcohol at the scene of accidents; and if he will make a statement on the matter. [35097/10]

**Minister for Transport (Deputy Noel Dempsey):** Sections 9 and 15 of the Road Traffic Act 2010 provides for the mandatory testing of drivers in certain circumstances. Part 2 of this Act, which includes sections 9 and 15, consolidated many of the previous intoxicated driving provisions, including new provisions on lower blood alcohol limits. As the intoxicated driving provisions are inter-related, I intend to commence all those sections together when the new Evidential Breath Testing (EBT) instruments have been procured and are in place next year. However, I now intend to move to introduce mandatory testing of drivers in certain circumstances, including at collision sites at the earliest feasible date. I am therefore, moving to amend the existing legislation in order to introduce mandatory testing. I intend to publish the Road Traffic (Amendment) Bill 2010 very shortly.

### **Park and Ride Facilities**

122. **Deputy Ruairí Quinn** asked the Minister for Transport the number of park and ride facilities that are in place here; his policy on park and ride; and if he will make a statement on the matter. [35061/10]

**Minister for Transport (Deputy Noel Dempsey):** Since 1st December 2009, traffic management measures and park & ride facilities in the Greater Dublin Area (GDA), are matters which come under the remit of the National Transport Authority (NTA). Outside the GDA my Department is funding bus priority and park & ride measures in the regional cities of Cork, Galway, Limerick and Waterford under Transport 21. There is currently one park & ride facility, funded under Transport 21, outside the GDA — at Black Ash in Cork City. In the current year funding of €900,000 is being provided for the development of a second park & ride facility in Cork City on the Carrigrohane Road and for the design & planning of a park & ride facility at Doughiska in Galway City. It is matter for the local authorities in each city to prioritise projects and apply for funding each year.

My Department has developed a national sustainable travel and transport policy for Ireland, — “Smarter Travel A Sustainable Transport Future” — published in February 2009. This policy document represents a new transport policy for Ireland for the period 2009-2020 and amongst other things, it sets out the necessary steps to ensure that people choose more sustainable transport modes. One of the actions contained in the policy in relation to public transport, is to provide park and ride facilities at the edge of major and intermediate urban centres and at important public transport nodes, with efficient transport connections to the urban centre.

### Public Transport

123. **Deputy Róisín Shortall** asked the Minister for Transport the total amount of money paid in each of the past ten years in State subsidies for public transport with a breakdown for each category of bus, rail, sea and air; and if he will make a statement on the matter. [35068/10]

**Minister for Transport (Deputy Noel Dempsey):** The information requested by the Deputy is contained in the tables below.

#### Bus and Rail Transport

Year	Iarnród Éireann	Dublin Bus	Bus Éireann	Total
	€000	€000	€000	€000
2000	133,236	41,189	15,757	190,183
2001	146,020	52,377	23,808	222,205
2002	155,483	56,063	21,766	233,312
2003	168,257	53,867	22,856	244,980
2004	171,421	61,810	23,998	257,229
2005	179,991	64,900	25,199	270,090
2006	188,716	69,845	26,459	285,020
2007	189,910	80,078	36,595	306,583
2008	181,152	85,629	41,846	308,627
2009	170,624	83,199	49,365	303,188
*2010	124,317	58,737	34,876	217,930

\*To date.

#### Air Transport

##### Exchequer support for Regional Airports Essential Air Services (PSO)

Year	€m
2000	4.2
2001	16.2
2002	18.5
2003	19.9
2004	21.3
2005	18.2
2006	15.5
2007	15.5
2008	15.3
2009	14.7
Total	159.3

#### Sea Transport

In relation to sea transport there is no funding provided for international ferry passenger transport. The Department of Community, Equality and Gaeltacht Affairs provides funding for domestic ferry services to island communities.

### Road Network

124. **Deputy Emmet Stagg** asked the Minister for Transport his proposals for a motorway linking Dublin to Derry via Aughnacloy; the proposed cost of the project here; the cost to the Exchequer in each case; the time scale for delivery of the project; and if he will make a statement on the matter. [35070/10]

**Minister for Transport (Deputy Noel Dempsey):** Under the agreement of March 2007 between the Irish and British Governments on a funding package to support the restored Northern Ireland Executive, the Irish Government made a commitment to provide funding of £400/€580 million in a roads investment package for Northern Ireland which will contribute to the upgrading of the A5 road from Aughnacloy to Derry/Londonderry to dual-carriageway status. Drawdown depends on the achievement of agreed project milestones and clearance by the Cross-Border Roads Steering Group and North-South Ministerial Council. €9 million was provided in 2009 by the Government for the A5. Future project allocations will be agreed as normal in the context of the overall estimates process and in line with the agreed project milestones and payment schedule. The A5 project is being implemented by the Roads Service of Northern Ireland (RSNI).

With regard to the Republic of Ireland element of the project, the Deputy will be aware that as Minister for Transport, I have responsibility for overall policy and funding in relation to the national roads programme element of Transport 21. The implementation of individual national road projects, including service areas, is a matter for the National Roads Authority (NRA) under the Roads Act, 1993 in conjunction with the local authorities concerned.

### Air Services

125. **Deputy Bernard J. Durkan** asked the Minister for Transport the extent if any to which he has studied the costs for airlines using various airports with particular reference to handling, landing or other charges; if any studies have been done to identify the airports throughout Europe currently having the lowest charges; the extent to which this has affected the number of airlines using such airports; the extent if any to which the various airports throughout this country can be encouraged to compete with the most cost effective and efficient in Europe; and if he will make a statement on the matter. [35140/10]

232. **Deputy Bernard J. Durkan** asked the Minister for Transport the extent if any to which the costs at various Irish airports are competitive with those applicable throughout Europe; and if he will make a statement on the matter. [35447/10]

**Minister for Transport (Deputy Noel Dempsey):** I propose to take Questions Nos. 125 and 232 together.

The Commission for Aviation Regulation (CAR) regulates airport charges levied at Dublin Airport. Airport charges at Cork and Shannon Airports are set by the relevant airport authority while charges at the six regional airports, which are owned and operated independently, are a matter for each airport concerned. In relation to comparative charges at other airports in Europe, I understand that a number of benchmarking studies have been conducted or referenced by the Commission for Aviation Regulation (CAR) concerning operating costs at Dublin Airport. The most recent report, conducted by Indecon-Jacobs during the 2009 regulatory determination process, which is available on the CAR website at [www.aviation.reg.ie](http://www.aviation.reg.ie), demonstrated that the operating costs per passenger at Dublin Airport were the second lowest of the sample of comparator airports in Europe in 2008.

[Deputy Noel Dempsey.]

Other reports have consistently demonstrated that charges at Dublin Airport are amongst the lowest of comparable airports in Europe. For example, in 2008, Airports Council International, the representative body for Airports worldwide, identified Dublin as having the lowest airport charges among the top 20 airports in Europe and preliminary results for the 2009 survey show a similar position. In addition, the annual Airport Charges Monitor, published by RDC Aviation (an air transport consultancy), which measures the top 50 airports in Europe, consistently shows that Dublin Airport is well below average with respect to airport charges. In the 2009 survey, Dublin ranked 39th in terms of the level of airport charges for common short-haul aircraft operations.

I understand from the DAA that charges at Cork and Shannon also compare favourably with European benchmarks. In addition, the three State airports also offer a range of attractive incentive schemes to airlines which provide up to 100% discounts on airport charges for a defined period on qualifying routes. With regard to competition between airports, it is the responsibility of the State Airport Authorities and the regional airports to market their aviation services. I have no function in that matter.

### **Penalty Points System**

126. **Deputy Denis Naughten** asked the Minister for Transport his plans to address the abuse of the penalty points system by those not holding an Irish or UK driving licence; and if he will make a statement on the matter. [34959/10]

**Minister for Transport (Deputy Noel Dempsey):** Part 5 of the Road Traffic Act 2010 provides for the amendment of existing provisions for the endorsement of penalty points and disqualifications on licence records, including endorsements relating to non-national driving licence holders. The 2010 Act also gives the Gardaí powers to seize a licence where the driver has been disqualified, including where a driver has accumulated 12 penalty points. Where such a person continues to drive following the seizure of their licence, a member of the Garda Síochána may arrest without warrant.

### **Taxi Regulations**

127. **Deputy Ciarán Lynch** asked the Minister for Transport the reason those involved in the taxi industry are not required to produce annual tax clearance certificates; and if he will make a statement on the matter. [35050/10]

**Minister for Transport (Deputy Noel Dempsey):** Section 37 of the Taxi Regulation Act 2003 provides that a licence shall not be granted unless the applicant produces a tax clearance certificate. I understand from the Commission for Taxi Regulation that all small public service vehicle licence holders are required to provide the Commission with an annual tax clearance certificate on renewal of their licence.

### **Transport 21**

128. **Deputy Bernard J. Durkan** asked the Minister for Transport the position regarding the completion of the plans outlined in Transport 21; the areas or routes affected in a positive or negative way in the interim; the extent of the change of emphasis or intended funding for any routes in respect of which as yet public announcements have not been made; if he could revise the estimates for capital expenditure in respect of any part of the programme in the current year or in the foreseeable future; if he is satisfied that the level of funding required will remain

available in view of other competing demands; and if he will make a statement on the matter. [35139/10]

237. **Deputy Bernard J. Durkan** asked the Minister for Transport the extent to which the programme he announced at the launch of Transport 21 has been completed or is on target for completion on time and within cost at present; and if he will make a statement on the matter. [35454/10]

238. **Deputy Bernard J. Durkan** asked the Minister for Transport the total projected cost of Transport 21 as now envisaged; and if he will make a statement on the matter. [35455/10]

**Minister for Transport (Deputy Noel Dempsey):** I propose to take Questions Nos. 128, 237 and 238 together.

Substantial progress has been made on Transport 21 since 2006:

- The five major inter-urban motorways and the M50 upgrade will all have been completed by the end of this year.
- The Cork-Midleton line and the first phases of both the Western Rail Corridor and the Navan line have been completed.
- The Kildare railway line has been upgraded and a number of new Dublin suburban stations have opened.
- The Luas Docklands extension opened last December, City West is well advanced and Cherrywood will be opening later this month.
- The Irish Rail fleet has been renewed and over 500 buses have been purchased.

The Transport 21 investment framework runs until 2015. Due to the changed economic circumstances, it is now unlikely that all of the projects originally identified in Transport 21 will be completed by 2015. Therefore transport investment priorities have been reviewed. The Department of Finance published its review of infrastructure investment priorities for the years 2010-2016 in July 2010. In this review, €12.2 billion has been specifically provided for the Department of Transport's capital programme up to 2016, reduced from the original allocation of €15.9 billion for the years 2010-2015. However, improved value for money now available in procurement of infrastructure will go some way to bridge the shortfall.

The position is that no projects have been cancelled and Transport 21 continues to provide the strategic framework for capital spending on transport infrastructure into the future. Planning and design will continue on all projects in Transport 21 to get them as near to "shovel ready" as possible so as to be in a position to move to construction at the earliest possible date once financial circumstances permit. In the meantime, priority projects for investment as identified in the review include—

- Metro North and Dart Underground projects;
- Completion of the Major Inter Urban-Routes (MIUs);
- A number of remaining national roads projects of key strategic importance, such as elements of the Atlantic Route Corridor and the N11;
- Investment in the rail safety and traffic management programmes;



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- In addition to these projects, essential maintenance and a continued high level of investment in the regional roads network will be required;
- It is also recognized that increased investment is needed in walking and cycling infrastructure given the potentially large number of trips that can be accommodated on these environmentally sustainable modes.

### **Road Safety**

129. **Deputy Joan Burton** asked the Minister for Transport if he will outline his timescale for implementing the new proposals from the Road Safety Authority regarding young persons which he launched last month; the legislative proposals that will be required; and if he will make a statement on the matter. [35043/10]

**Minister for Transport (Deputy Noel Dempsey):** In September the Road Safety Authority (RSA) launched its proposals for the introduction of a graduated driver licensing (GDL) scheme. The Government is committed to the development of such a scheme under the Road Safety Strategy 2007-2012. The RSA is now proceeding with the preparation of roll-out of the various proposals. Many of the proposals in the scheme will require primary legislation, and it is my intention to publish a Road Traffic Bill to provide the necessary powers in 2011.

### **Public Transport**

130. **Deputy Lucinda Creighton** asked the Minister for Transport the position regarding the implementation of the integrated ticketing scheme since awarding the contract to operate the scheme to a company (details supplied) in April; and if he will make a statement on the matter. [35088/10]

135. **Deputy Pat Rabbitte** asked the Minister for Transport the progress made on the integrated ticketing project for Dublin to date; when he expects integrated ticketing to be operational across all public transport service providers; the reason it has taken so long to develop the system; the cost to date; and if he will make a statement on the matter. [35064/10]

**Minister for Transport (Deputy Noel Dempsey):** I propose to take Questions Nos. 130 and 135 together.

I have commenced section 58 of the Dublin Transport Authority Act 2008 and therefore with effect from the 30th September 2010 I have assigned to the National Transport Authority (NTA) the functions to develop, procure, implement, operate and maintain the integrated ticketing scheme in the Greater Dublin Area (GDA). Furthermore, in accordance with section 63(1) of the DTA Act 2008, I have also extended the functions of NTA in relation to integrated ticketing schemes to all other areas of the State.

For the information of the Deputies I will outline the position on the integrated ticketing system (ITS) for the GDA as at 30th September. The integrated ticketing system is being introduced in the GDA on a phased basis, based on smartcard technology. A progressive approach is being adopted to permit the ITS Project Team and transport operators undertake the necessary testing with the integration of the technologies involved and to allow customers to familiarise themselves with using the new system. The system must be thoroughly tested to ensure that the scheme provided to customers is stable, safe and reliable. Intensive pilot testing of an integrated smartcard for the Dublin Bus/Luas Annual Pass by staff is currently underway,

to be followed in October 2010 with a live customer pilot. This will be followed by similar testing for ePurse (pay-as-you-go) users of Dublin Bus and Luas services.

As testing proves the system capability, the lead-in to the full launch of ITS e-Purse on Dublin Bus and Luas, will commence. A public launch of the ITS brand and associated marketing campaign will be implemented as part of this launch. This is expected to take place in April 2011. When this system goes live, it will facilitate cashless travel on services of participating operators, Dublin Bus and Luas initially. The integrated smart card will subsequently be rolled out to cover services provided by private bus operators, Irish Rail (DART and commuter rail) and Bus Éireann (Eastern region) following completion of the necessary development, testing and commissioning of their systems. Testing and roll-out for these service providers will commence later in 2011.

The overall capital budget for the integrated ticketing project is €55.4 million, with €31.54 million drawn down to date. In view of the assignments of the functions for integrated ticketing to the NTA, it will, from now on, be a matter which comes within the remit of the NTA who will of course keep my Department informed of progress.

### **Road Network**

131. **Deputy Brian O'Shea** asked the Minister for Transport his views on the future work of the National Roads Authority in view of the fact that the national roads programme is largely completed; the road projects he plans over the next five years; and if he will make a statement on the matter. [35056/10]

**Minister for Transport (Deputy Noel Dempsey):** Under section 17 of the Roads Act 1993 as amended, it is the general duty of the National Roads Authority to secure the provision of a safe and efficient network of national roads and for that purpose it has overall responsibility for the planning and supervision of works for the construction and maintenance of national roads. Under the same Act the NRA has an ongoing responsibility to manage and protect the infrastructure that has already been developed.

The “Infrastructure Investment Priorities 2010-2016” document which was issued in July 2010 indicates that the focus of road investment over the period to 2016 will be on a targeted number of projects of significant economic benefit, including progression of the Atlantic Corridor as well as maintenance of the existing road network to a sufficient standard to ensure that the original capital investment does not depreciate prematurely over the coming years. As provided for under the Renewed Programme for Government and as part of the process of planning the NRA's future work programme, the Authority is undertaking a strategic review of national roads for the period 2010 to 2025.

### **Port Traffic**

132. **Deputy Mary Upton** asked the Minister for Transport the quantity of exports which were transported through each of the main ports for each of the past ten years; the quantity of imports for each of the past ten years; and if he will make a statement on the matter. [35073/10]

**Minister for Transport (Deputy Noel Dempsey):** The Central Statistics Office publishes a comprehensive annual report entitled “Statistics of Port Traffic”. This report includes details of all goods exported and imported through the ports. The reports for the years 1998 to 2009 are available on [www.cso.ie](http://www.cso.ie). The Irish Maritime Development Office also publishes shipping traffic statistics, including details of export and import volumes, both on an annual and quarterly basis and these are available on its website [www.imdo.ie](http://www.imdo.ie).

*Question No. 133 answered with Question No. 102.*

### **Cycle Facilities**

134. **Deputy Jack Wall** asked the Minister for Transport the level of funding allocated to Dublin City Council by his Department for the provision of cycle routes; the level of funding allocated for new bridges across the Liffey and Tolka to facilitate the S2S cycle route; if a value for money audit has been carried out in relation to this proposal; and if he will make a statement on the matter. [35075/10]

**Minister of State at the Department of Transport (Deputy Ciarán Cuffe):** My Department has agreed to provide funding of €8.3m to Dublin City Council's Premium Canal Cycle Route, which includes the River Tolka crossing, to link the Route to the S2S cycle route. The Route will cross the Liffey using the existing Samuel Beckett Bridge. International studies on cycling investment suggest that benefits significantly outweigh costs. For example, a 2007 examination of the London Cycle Network by SQW suggested that the ratio is almost 4 to 1 over a thirty year timespan.

*Question No. 135 answered with Question No. 130.*

### **Air Services**

136. **Deputy Mary Upton** asked the Minister for Transport if his attention has been drawn to the proposals of an airline (details supplied) for doubling its present volume of passenger traffic at Cork and Shannon airports within five years; if his further attention has been drawn to the airline's proposals for increasing its present volume of traffic at Dublin Airport by more than 50% within five years; and if he will make a statement on the matter. [35074/10]

**Minister for Transport (Deputy Noel Dempsey):** I have no function in relation to the proposals of any airline regarding the introduction of services at the State Airports. I understand that Dublin, Shannon and Cork Airports are actively engaged, on an ongoing basis, in encouraging airlines to establish new and enhanced services at the airports.

### **Proposed Legislation**

137. **Deputy Brian O'Shea** asked the Minister for Transport his plans for legislative proposals for regulating clamping companies; and if he will make a statement on the matter. [35055/10]

**Minister for Transport (Deputy Noel Dempsey):** Clamping activities carried out by local authorities and by private companies hired by them are regulated under the Road Traffic (Immobilisation of Vehicles) Regulations of 1998, which give effect to Section 101(B) of the Road Traffic Act 1961, as inserted by section 9 of the Dublin Transport Authority (Dissolution) Act 1987. I have no plans to amend this legislation. The question of how many local authorities employ clamping companies and other information pertaining to those companies are matters for the local authorities, and my Department holds no data in relation to such matters.

### **Road Safety**

138. **Deputy Liz McManus** asked the Minister for Transport his plans to introduce a programme of testing for drug driving; the reasons for the delay in introducing such a programme; and if he will make a statement on the matter. [35054/10]

**Minister for Transport (Deputy Noel Dempsey):** Enforcement of the law on drug driving is a matter for An Garda Síochána. When a member of the Gardaí suspects that a motorist is

driving under the influence of any intoxicant, the Garda may arrest the suspect under Section 49 of the Road Traffic Act 1961 (as amended by the 2004 Road Traffic Act). In line with the commitment in the current Road Safety Strategy 2007-2012, Section 11 of the Road Traffic Act 2010, when commenced, will provide for the preliminary impairment testing of drivers by members of the Garda Síochána. This provision will assist the Gardaí in forming an opinion as to whether a driver is under the influence of an intoxicant to such an extent as to be incapable of having proper control of the vehicle. Action 78 of the Strategy also provides for reviewing the legislation and enforcement options associated with drug driving.

However, in relation to roadside drug testing, there is no feasible basis as yet in Ireland or in Europe for the introduction of a preliminary roadside test for drugs, as testing devices are still in the prototype stages. The Medical Bureau of Road Safety is keeping abreast of developments and will advise me when a suitable roadside-testing device becomes available and should be introduced in this country. A programme of testing for drug driving will be developed when the relevant technology is in place.

### Unemployment Levels

139. **Deputy Charlie O'Connor** asked the Taoiseach the latest unemployment figures at the Tallaght social welfare office in Dublin 24; and if he will make a statement on the matter. [35235/10]

**Minister of State at the Department of the Taoiseach (Deputy John Curran):** The Live Register series gives a monthly breakdown of the number of people claiming Jobseekers Benefit, Jobseekers Allowance and other registrants as registered with the Department of Social Protection. Figures are published for each county and local social welfare office. The most recent Live Register figures available are for September 2010. The table below contains the numbers signing on in Tallaght local office on the last Friday of September 2010. It should be noted that the Live Register is not a definitive measure of unemployment as it includes part-time workers, and seasonal and casual workers entitled to Jobseekers Benefit or Allowance.

Persons on the Live Register in Tallaght Local Office by sex and age, September 2010

	Male	Female	Both sexes
Under 25 years	1,672	981	2,653
25 years and over	5,655	2,243	7,898
All ages	7,327	3,224	10,551

### Pension Provisions

140. **Deputy Róisín Shortall** asked the Taoiseach the value of the pension payment on an annualised basis to the highest paid public sector pensioner in each of the public bodies under the remit of his Department and all public service pensioners not paid by the Office of the Paymaster General; the number in receipt of this level of pension; the total number in receipt of a pension in excess of €155,000 and in each bracket below this at intervals of €20,000. [35253/10]

**The Taoiseach:** The National Economic and Social Development Office (NESDO) is the only agency under the remit of my Department. I understand that no pensions, other than pensions being paid by the Paymaster General's Office, are being paid to any staff member who retired from the Office. Some staff who left the office when their contracts ended, as distinct from retiring from the office, may be in receipt of pensions from other sources, includ-

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ing private pension providers. However, my Department does not have access to information on the amount of pensions payable in such cases.

### Irish Language

141. **Deputy Frank Feighan** asked the Taoiseach the amount of funding spent in 2009 and to date in 2010 by his Department on Irish language training for public servants; the number of persons that participated in Irish language training courses; and if he will make a statement on the matter. [35317/10]

**The Taoiseach:** In 2009 eight staff members attended in-house Irish language classes which were organised by my Department. In 2010 six staff members attended these classes. As all of these classes were provided by *Gaeleagras na Seirbhíse Poiblí*, there was no cost to my Department. In 2009 two staff members attended *Gaeltacht* courses organised by *Gaeleagras*, and a scholarship of €125 each was paid by my Department. The provision of Irish language classes for staff arises from our commitment to providing a high quality of service to our customers, and to fulfilling the requirements of the Official Languages Act. We are fully committed to improving the service we provide in Irish and to developing, on an ongoing basis, a positive culture that encourages the use of Irish both within the Department and with our customers. Provision of these classes for staff helps us to meet these goals.

### FÁS Training Programmes

142. **Deputy Jack Wall** asked the Tánaiste and Minister for Education and Skills the number of employees on FÁS training courses in County Kildare for each of the past three years; and if she will make a statement on the matter. [35304/10]

**Minister of State at the Department of Education and Skills (Deputy Seán Haughey):** The information requested by the Deputy is set out in the table attached. The figures indicate those trainees in employment with an address in Co Kildare who received either apprenticeship training through FÁS or participated on the Competency Development Programme.

Year	Number of trainees
2008	1,535
2009	1,052
2010 (year to date)	522

### Schools Building Projects

143. **Deputy Mary O'Rourke** asked the Tánaiste and Minister for Education and Skills the position regarding a school (details supplied) in County Westmeath. [35175/10]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** The school referred to by the Deputy was authorised earlier this year to tender for the appointment of a design team. The Board of Management of the school are currently assessing tenders from candidate firms for the appointment of the design team and will revert to my Department with the preferred candidates when that assessment is complete.

### Redundancy Payments

144. **Deputy Michael Ring** asked the Tánaiste and Minister for Education and Skills when a person (details supplied) in County Mayo will receive their redundancy payment. [35188/10]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** I can confirm that an application for redundancy has been received by my Department from the Special Needs Assistant referred to by the Deputy. Applications for redundancy are being received on an ongoing basis and are processed in date order of receipt. The application in question will be dealt with as soon as possible.

### **Employment Action Plan**

145. **Deputy Róisín Shortall** asked the Tánaiste and Minister for Education and Skills if she will provide the last monthly progress report and the last complete set of cumulative national employment action plan figures as previously published by the Department of Enterprise, Trade and Innovation. [35193/10]

**Minister of State at the Department of Education and Skills (Deputy Seán Haughey):** I have forwarded the most recent Monthly Progress Report (July 2010) on the Employment Action Plan to the Deputy.

### **School Transport**

146. **Deputy Róisín Shortall** asked the Tánaiste and Minister for Education and Skills if her attention has been drawn to current arrangements for school transport in respect of children with special needs; if she will intervene in the case of a five year old child (details supplied) in Dublin 11. [35212/10]

**Minister of State at the Department of Education and Skills (Deputy Seán Haughey):** Under the terms of my Department's School Transport Scheme, a pupil with special needs will be eligible for transport if s/he is attending the nearest recognised: mainstream school, special class/ special school or a unit, that is or can be resourced, to meet the child's special educational needs under Department of Education and Skills criteria. The purpose of the School Transport Scheme for Children with Special Needs is to provide a reasonable level of transport service for children with a diagnosed disability and/or special educational need. Bus Éireann which operates the School Transport Scheme on behalf of my Department has been requested to liaise directly with the family concerned and to examine the transport arrangements for the pupil referred to by the Deputy, in the details supplied.

### **Schools Refurbishment**

147. **Deputy Jimmy Deenihan** asked the Tánaiste and Minister for Education and Skills when a technical team will be sent to a school (details supplied) in County Kerry regarding the provision of an extension to the school to replace existing prefabs; and if she will make a statement on the matter. [35214/10]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** The school to which the Deputy refers has applied to my Department for capital funding for an extension, including the replacement of prefabs. The application has been assessed in accordance with published prioritisation criteria for large scale projects and assigned a band 2 rating. Information in respect of the current school building programme along with all assessed applications for major capital works, including the project referred to by the Deputy, is available on the Department's website at [www.education.ie](http://www.education.ie).

The priority attaching to individual projects is determined by published prioritisation criteria, which were formulated following consultation with the Education Partners. There are four band ratings under these criteria, each of which describes the extent of accommodation required and

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the urgency attaching to it. Band 1 is the highest priority rating and Band 4 is the lowest. Documents explaining the band rating system are also available on the Department's website. 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. The issue of a technical assessment would normally arise at that point. 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.

### Pension Provisions

148. **Deputy Róisín Shortall** asked the Tánaiste and Minister for Education and Skills the value of the pension payment on an annualised basis to the highest paid public sector pensioner in each of the public bodies under the remit of her Department and all public service pensioners not paid by the Office of the Paymaster General; the number in receipt of this level of pension; the total number in receipt of a pension in excess of €155,000 and in each bracket below this at intervals of €20,000. [35245/10]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** My Department administers the payment of pension benefits to beneficiaries of Teachers Primary, Secondary, Community and Comprehensive Superannuation schemes and certain other education personnel in primary and voluntary secondary schools, e.g. special needs assistants. The attached table outlines the information sought by the Deputy in relation to these pension schemes. Information in relation to pay or pensions in the public bodies under the remit of my Department is not readily available as the information is not collated centrally.

Table 1A: Pensioners paid via the Department of Education and Skills Pension Payroll<sup>1</sup>

Highest Gross Annual Pension Rate in payment at 1 October 2010	Number of pensioners in receipt of this rate
€61,037.01	1

Table 1B: Pensioners paid via the Department of Education and Skills Pension Payroll<sup>1</sup>

Category-threshold by gross annual Rate	Number of pensions in category
Up to €15,000	2,600
€15,000.01 – €35,000.00	11,150
€35,000.01 – €55,000.00	8,200
€55,000.01 – €75,000.00	60
€75,000.01 – €95,000.00	—
€95,000.01 – €115,000.00	—
€115,000.01 – €135,000.00	—
€135,000.01 – €155,000.00	—
€155,000.01 and above	—

<sup>1</sup>This covers teachers who have retired from Primary, Secondary, Community & Comprehensive Schools; retired special needs assistants from these schools; certain retired clerical staff from primary and voluntary secondary schools and certain retired Caretakers from primary schools. It also covers those in receipt of pension as the spouses and children of deceased scheme members.

### Higher Education Grants

149. **Deputy John McGuinness** asked the Tánaiste and Minister for Education and Skills if

approval for a grant based on an application to Kilkenny Vocational Education Committee will be expedited in respect of a person (details supplied) in County Kilkenny. [35271/10]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** The decision on eligibility for student maintenance grants is a matter, in the first instance, for the relevant grant awarding authority — either the local authority or Vocational Education Committee, as appropriate. My Department contacted County Kilkenny VEC, the grant awarding authority in this case. It is understood that supporting documentation has been requested from the applicant and that this is outstanding. Once this documentation has been received by the VEC, the grant application can be processed and the student will then be notified in writing of the grant awarding authority's decision.

150. **Deputy John McGuinness** asked the Tánaiste and Minister for Education and Skills if she will provide a response to correspondence sent to her Department on the 29/03/10 in respect of a person (details supplied) in County Kilkenny; and if her case will be reviewed. [35280/10]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** A reply has issued from my Department to the correspondence referred to by the Deputy on 25 June 2010. An appeal form has issued to the candidate to allow her to make an appeal to my Department.

### **Institutes of Technology**

151. **Deputy Ruairí Quinn** asked the Tánaiste and Minister for Education and Skills the arrangements in place for members of governing authorities of institutes of technology to claim expenses; the range and scales of allowances available for travel and subsistence expenses, as authorised by the Higher Education Authority; what the average claim for a member of a governing authority was in 2009; what the upper limit on expenses claimed is; and if she will make a statement on the matter. [35289/10]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** Institutes of Technology are statutory bodies established under the Institutes of Technology Acts 1992 to 2006. Under the terms of these Acts, the governance and day-to-day activities of the institutes are matters for which the Governing Bodies and the management of the institutes are responsible, including arrangements for dealing with the payment of travel and subsistence expenses. Accordingly, neither my Department nor the Higher Education Authority collects details of travel and subsistence payments made to members of Governing Bodies. I am informed that the Institutes of Technology apply the provisions of the Civil Service/Department of Finance circulars for the purposes of travel and subsistence payments to members of the Governing Bodies.

### **Higher Education Grants**

152. **Deputy Fergus O'Dowd** asked the Tánaiste and Minister for Education and Skills the position regarding an application for a maintenance grant in respect of a person (details supplied) in County Louth; if the person can appeal this decision made; and if she will make a statement on the matter. [35295/10]

**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,



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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**

153. **Deputy Darragh O'Brien** asked the Tánaiste and Minister for Education and Skills the position regarding the progress with the proposal for a new school building (details supplied) in County Dublin; and if she will make a statement on the matter. [35297/10]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** The school referred to by the Deputy was authorised earlier this year to tender for the appointment of a design team. Representatives from the Board of Management of this school attended a briefing given by my Department to explain the tendering process and the steps involved. The first stage of this process has been completed and pre-qualified lists of consultants have issued to the Board of Management. The next step will be for the Board of Management to issue invitations to tender to the pre-qualified lists of consultants for the selection and appointment of a design team.

154. **Deputy Darragh O'Brien** asked the Tánaiste and Minister for Education and Skills the position regarding the progress with the proposal for an extension to a school (details supplied) in County Dublin; and if she will make a statement on the matter. [35298/10]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** The school referred to by the Deputy was authorised earlier this year to tender for the appointment of a design team. The Board of Management of the school are currently assessing tenders from candidate firms for the appointment of the design team and will revert to my Department with the preferred candidates when that assessment is complete.

### **Schools Refurbishment**

155. **Deputy Darragh O'Brien** asked the Tánaiste and Minister for Education and Skills the position regarding the progress with the proposal for additional classrooms, ancillary rooms and refurbishment of a school (details supplied) in County Dublin; and if she will make a statement on the matter. [35300/10]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** I can confirm that the school referred to by the Deputy has made an application to my Department for large scale capital funding for an extension. The application has been assessed in accordance with the published prioritisation criteria for large scale building projects and assigned a Band 2 rating. Information in respect of the current school building programme along with all assessed applications for major capital works, including the project referred to by the Deputy, is available on the Department's website at [www.education.ie](http://www.education.ie).

The priority attaching to individual projects is determined by published prioritisation criteria, which were formulated following consultation with the Education Partners. There are four band ratings under these criteria, each of which describes the extent of accommodation required and the urgency attaching to it. Band 1 is the highest priority rating and Band 4 is the lowest. Documents explaining the band rating system are also available on the Department's website. The progression of all large scale building projects, including 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 progression of the project at this time.

### **Irish Language**

156. **Deputy Frank Feighan** asked the Tánaiste and Minister for Education and Skills the amount of funding spent in 2009 and to date in 2010 by her Department on Irish language training for public servants; the number of persons that participated in Irish language training courses; and if she will make a statement on the matter. [35309/10]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** My Department spent €3,135 in 2009 and €15,350 in 2010 on Irish language training. Seventy seven officials participated in Irish language courses in 2009 and seventy four have pursued courses to date in 2010. The majority of the participants pursued courses with Gaeleagras while 2 officials undertook a Diploma in Irish at the National University, Maynooth and another undertook the Higher Diploma in Editing and Proof Reading in the same college. Of the seventy four participants who pursued courses this year forty one members of my Department's Inspectorate attended a 3 day immersion course with Acadamh na hOllscolaíochta which is a part of University College Galway to enhance their language skills in order that they can conduct their duties through Irish with schools in Gaeltacht areas and schools that conduct the school curriculum through the Irish language.

### **Schools Refurbishment**

157. **Deputy Pat Rabbitte** asked the Tánaiste and Minister for Education and Skills if she is in a position to release the remaining funds which were allocated for refurbishment work at a school (details supplied) in Dublin 24; and if she will make a statement on the matter. [35331/10]

165. **Deputy Charlie O'Connor** asked the Tánaiste and Minister for Education and Skills to order emergency action in respect of concerns of the school community (details supplied) in Dublin 24; and if she will make a statement on the matter. [35438/10]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** I propose to take Questions Nos. 157 and 165 together.

My Department is aware of the difficulties that have arisen between the school in question, the building contractor and the Consultant Architect that has resulted in delaying the satisfactory conclusion of this project. The bulk of the funding due for payment under the terms of the contract between the school and the contractor for this project has issued to the school on foot of appropriate certification that certain works have been completed. This is a normal requirement before funding can be provided in relation to school projects. The dismissal of the Consultant Architect by the school authority has created difficulties in relation to final certification of the satisfactory completion of the project and, consequently, payment of the balance of funding due. Officials from my Department have visited the school and my Department will be in contact with the school management authorities again shortly to invite them to a meeting to discuss the ongoing difficulties.

158. **Deputy Pádraic McCormack** asked the Tánaiste and Minister for Education and Skills the position regarding refurbishment and extension for a school (details supplied) in County Galway; and if she will make a statement on the matter. [35333/10]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** The school to which the Deputy refers has applied to my Department for large scale capital funding for an extension and refurbishment of their existing school. The application has been assessed in accordance with the published prioritisation criteria for large scale building projects and assigned a Band 2 rating. Information in respect of the current school building programme along with all assessed applications for major capital works, including the project for the school in question, is available on the Department's website at [www.education.ie](http://www.education.ie).

In May 2010, the school was approved funding for 5 additional classrooms to meet its immediate needs. Forward Planning Section is in the process of carrying out an analysis on identified priority locations which will require significant additional accommodation up to and including the school year 2014/2015. Following this analysis, decisions will be taken on the means by which emerging needs will be met within these areas. Athenry will be included in this process. Progression of all large scale building projects, including the project in question, 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 Correspondence**

159. **Deputy Seán Ó Fearghaíl** asked the Tánaiste and Minister for Education and Skills if she will consider correspondence (details supplied); and if she will make a statement on the matter. [35337/10]

**Minister of State at the Department of Education and Skills (Deputy Seán Haughey):** Officials in my Department have been in contact with the Office of the Minister for Children and Youth affairs (OMCYA) in relation to person referred to by the Deputy and I understand that the matter has been resolved.

#### **Schools Building Projects**

160. **Deputy Olivia Mitchell** asked the Tánaiste and Minister for Education and Skills if media reports were correct in indicating funding for an extension to a school (details supplied) in Dublin; if she would clarify the current position; when construction is likely to commence; and if she will make a statement on the matter. [35349/10]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** The building project at the school to which the Deputy refers is at an advanced stage of architectural planning. My Department issued authorisation in July for the design team to proceed to seek planning permission, fire certificate and disability assess certificate. The school has been requested to contact my Department for further instruction regarding completion of stage 2(b) on receipt of the above statutory approvals. The newspaper article referred to by the Deputy is incorrect in referring to this project as one those projects announced in February of this year as part of the 2010 school building programme.

The further progression of this project through to construction stage will be considered in the context of my Department's multi-annual School Building and Modernisation Programme for 2011 and subsequent years. However, pending receipt of the necessary statutory approvals and in light of current competing demands on the capital budget of my Department, it is not

possible to give a more indicative timeframe for the progression of the project to tender and construction at this time.

### Special Educational Needs

161. **Deputy Michael Noonan** asked the Tánaiste and Minister for Education and Skills if a special needs assistant will be provided to a pupil (details supplied) at a school in Limerick; and if she will make a statement on the matter. [35352/10]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** As the Deputy will be aware, the National Council for Special Education (NCSE) is responsible, through its network of local Special Educational Needs Organisers (SENOs), for allocating resource teachers and Special Needs Assistants (SNAs) to schools to support children with special educational needs. The NCSE operates within my Department's criteria in allocating such support. I have arranged for the details supplied to be forwarded to the NCSE for their attention and direct reply.

All schools have the names and contact details of their local SENO. Parents may also contact their local SENO directly to discuss their child's special educational needs, using the contact details available on [www.ncse.ie](http://www.ncse.ie). The NCSE has introduced an appeals process whereby schools and parents, where appropriate, may seek to appeal the decision of a SENO in relation to the allocation of resources. Information regarding the appeals process is available on the NCSE's website at [www.ncse.ie](http://www.ncse.ie). It is open to a school to appeal a SENO's decision under this appeals process.

### Site Acquisitions

162. **Deputy Tom Hayes** asked the Tánaiste and Minister for Education and Skills the discussions that have taken place between her Department and an organisation (details supplied) regarding the purchase of a site for a school in south Tipperary; what has been agreed in terms of a contract for this site; the progress that has been made in these contract discussions; the expected date for an agreed contract; and if she will make a statement on the matter. [35406/10]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** In 2004, agreement was reached to amalgamate the two primary schools referred to by the Deputy. The application for capital funding to facilitate this amalgamation was assessed and assigned a band rating of 1.4. A technical inspection was carried out on the existing school buildings to determine which would be suitable to facilitate the amalgamated school. The report produced following this inspection concluded that the most suitable building to facilitate the amalgamation would be the girls' school. It also found that an additional portion of land would be required from the Sisters of Mercy to facilitate the development. The Sisters of Mercy have indicated that they would, in principle, be disposed to selling land to the Department to facilitate the proposed works. The progression of this building project and the acquisition of the additional land required to facilitate the amalgamation, will be considered in the context of my Department's multi-annual School Building and Modernisation Programme.

163. **Deputy Tom Hayes** asked the Tánaiste and Minister for Education and Skills the discussions that have taken place between her Department and the county council regarding the purchase of a site for a school (details supplied) in County Tipperary; what has been agreed in terms of a contract for this site; the progress that has been made in these contract discussions;

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the expected date for an agreed contract; and if she will make a statement on the matter. [35407/10]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** As the Deputy will be aware my Department has reached agreement, in principle, subject to contract with the County Council. Due to the commercial sensitivities relating to site acquisitions, I am not in a position to comment further on the matter at this time. Once this acquisition is concluded, the proposed building project will be considered in the context of the capital budget available to my Department for school buildings generally.

### Higher Education Grants

164. **Deputy Tom Hayes** asked the Tánaiste and Minister for Education and Skills to liaise with South Tipperary Vocational Education Committee in relation to a person's application for higher education from County Tipperary (details supplied) in view of information provided which indicates refusal of a higher education grant based on an issue between the Department and the VEC; and if she will make a statement on the matter. [35420/10]

**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 grant awarding authority, i.e. the applicant's local authority or VEC. An applicant may appeal the decision to the relevant local authority or VEC. Where an awarding authority rejects an appeal, the student may appeal this decision to my Department by submitting an appeal form outlining clearly the grounds for the appeal. The Deputy will appreciate that, given my Department's role in the appeals procedure, direct liaison with the grant awarding authority on the details of an individual case at this point in the process would not be appropriate.

*Question No. 165 answered with Question No. 157.*

### Site Acquisitions

166. **Deputy Joanna Tuffy** asked the Tánaiste and Minister for Education and Skills the total amount expended by the Department of Education and Skills on the purchase of school sites in 2009; and if she will make a statement on the matter. [35464/10]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** I wish to advise the Deputy that €56.7 million was expended on site acquisitions in 2009 as part of the school building programme.

### Cycle to Work Scheme

167. **Deputy Paul Gogarty** asked the Minister for Finance the number of persons who have availed of the cycle to work scheme to date in 2010; if there are any future plans for the scheme; and if he will make a statement on the matter. [35177/10]

**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. 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. I note that the Commission on Taxation in its report did not recommend any changes to the scheme. However, as with all tax incentive schemes, it is subject to regular review as part of the annual Budget and Finance Bill process.

### **Prison Building Programme**

168. **Deputy Pat Rabbitte** asked the Minister for Finance the purchase price paid for a site (details supplied) adjacent to Mountjoy Prison on the North Circular Road which was acquired in 2007 with a view to maximising the redevelopment potential of the Mountjoy site; the current estimated value of the site; the plans for the site in view of the delay in the construction of the Thornton Hall prison; and if he will make a statement on the matter. [35199/10]

**Minister of State at the Department of Finance (Deputy Martin Mansergh):** The purchase price for the site in question was €23,500,000 plus VAT of €3,172,500. A Government Decision in July 2010 approved development of the Thornton Hall Project in three phases, phase one of which has commenced. In that context, the site acquired adjacent to Mountjoy Prison will, as was the original purpose of its acquisition, maximise the future development potential of the Mountjoy Prison site. In the meantime, the premises have been made available for use by the Irish Prison Service (IPS) to provide ancillary facilities connected to the Dóchas women's centre, also on the North Circular Road adjacent to the premises in question.

### **Asset Transfers**

169. **Deputy Chris Andrews** asked the Minister for Finance if he will confirm that all transfers of assets by a person (details supplied) to members of their family in the past six years before they were declared bankrupt will be investigated and set aside where any transfer was made with a view to avoiding obligations owed to creditors. [35240/10]

**Minister for Finance (Deputy Brian Lenihan):** As the Deputy will appreciate, this matter relates to a specific individual as such I am obliged to respect all clients' confidential relationships with their respective banks. The Deputy will be aware that the financial affairs of the individual referred to are currently subject to court proceedings and as such it would not be appropriate for me to make any further comment on the matter. The Official Assignee has powers under the relevant legislation to investigate any transactions prior to the declaration of insolvency. It is therefore a matter for the Official Assignee and the Courts to consider any relevant matters related to the Deputy's question in this case.

### **Pension Provisions**

170. **Deputy Róisín Shortall** asked the Minister for Finance the value of the pension payment on an annualised basis to the highest paid public sector pensioner in each of the public bodies under the remit of his Department and all public service pensioners not paid by the Office of

[Deputy Róisín Shortall.]

the Paymaster General; the number in receipt of this level of pension; and the total number in receipt of a pension in excess of €155,000 and in each bracket below this at intervals of €20,000. [35248/10]

**Minister for Finance (Deputy Brian Lenihan):** The Office of the Paymaster General, which is part of my Department, pays pensions to retired Civil Servants as well as Ministerial, Judicial and other former office holders. The highest paid public sector pensioners in each of the public bodies under the remit of my Department and whose pensions are not paid by the Office of the Paymaster General are as follows: €88,000 (IPA), €205,043 (Central Bank) and €99,757 (ESRI).

The position regarding the NTMA is that since its inception the remuneration packages of all National Treasury Management Agency staff, including staff assigned to associated bodies, have been negotiated on an individual contract basis and are confidential. In line with the recommendation in the Code of Practice for the Governance of State Bodies that State Bodies publish the salary of the Chief Executive Officer in their Annual Report, it is the Chief Executive's intention to publish details of his remuneration in future NTMA Annual Reports.

With regard to the bodies under the remit of my Department, in respect of which pensions are not paid by the Office of the Paymaster General, the following table outlines levels of gross pension and the number of payees payable at each level, in €20,000 intervals.

Level of gross annual pension payable	Number of payees
Above €155,000	4
Between €135,000 and €154,999	6
Above €115,000 but less than €134,999	1
Above €95,000 but less than €114,999	2
Above €75,000 but less than €94,999	8
Above €55,000 but less than €74,999	10
Above €35,000 but less than €54,999	15
Above €15,000 but less than €34,999	24
Nil up to €14,999	31

### Tax Clearance Certificates

171. **Deputy Jack Wall** asked the Minister for Finance if a person (details supplied) in County Kildare can be issued with a P21 for 2009; and if he will make a statement on the matter. [35301/10]

**Minister for Finance (Deputy Brian Lenihan):** I have been advised by the Revenue Commissioners that a PAYE Balancing Statement P21 for the year 2009 issued to the person concerned on 15 January 2010. A copy of this balancing statement will issue to the person concerned shortly.

### Irish Language

172. **Deputy Frank Feighan** asked the Minister for Finance the amount spent in 2009 and 2010 by his Department on Irish language training for public servants; the number of persons who participated in Irish language training courses; and if he will make a statement on the matter. [35312/10]

**Minister for Finance (Deputy Brian Lenihan):** The amount of funding and the number of public servants that received Irish language training courses by my Department is as shown on the table below:

Year	2009	2010
Funding	136,428	89,493
Number Trained	832	573

### Flood Relief

173. **Deputy Billy Timmins** asked the Minister for Finance if he will respond to a matter (details supplied); and if he will make a statement on the matter. [35341/10]

**Minister of State at the Department of Finance (Deputy Martin Mansergh):** In February of this year, Wicklow County Council submitted a funding application under the OPW Minor Flood Mitigation Works and Studies Scheme for a study to address a flooding problem on the River Slaney at Baltinglass. In March, the Council sought a meeting with the OPW to discuss the proposal.

The OPW advised the Council that the flooding problem in the town would be best dealt with through the Slaney Catchment Flood Risk Assessment and Management (CFRAM) Study. The OPW stated, however, that the Office would be willing to consider funding a localised flood study if it is required in advance of the carrying out of the Slaney CFRAM Study, for example in connection with preparation of a Local Area Plan. If an application for funding is submitted by the Council for works or for a study for Baltinglass that is required in advance of the Slaney CFRAM, it will be considered having regard to the eligibility of the Scheme and the overall availability of funding for flood risk management.

### Bond Values

174. **Deputy Olivia Mitchell** asked the Minister for Finance the number and value of bonds, both senior and subordinated, that matured and were redeemed at full face value in the period between September 2008 and September 2010; the number and the negotiated price paid for bonds, of any variety, which were redeemed prior to maturity in the period between September 2008 and September 2010; and if he will make a statement on the matter. [35350/10]

**Minister for Finance (Deputy Brian Lenihan):** Monitoring of funding is principally a matter for the Central Bank. While funding arrangements would not normally be disclosed other than by the covered institutions in public announcements, I have requested the Central Bank to brief the Opposition and give it whatever information it can on bond redemptions by the covered institutions.

### Price Inflation

175. **Deputy James Reilly** asked the Minister for Finance the annual increases in the most popular retail price category of 20 filter-tipped cigarettes since 2006, including the pre-budget retail price, the budget tax increase, the post-budget price, the trade increase, the tax element, and the tax element of the trade increase; and if he will make a statement on the matter. [35430/10]

**Minister for Finance (Deputy Brian Lenihan):** I am informed by the Revenue Commissioners that the annual increases in the retail price category of the most popular price category of 20



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filter tipped cigarettes since 2006, together with the requested breakdown, are shown in the table below. All figures are shown in cents.

Tobacco 20 cigarettes

Budget changes and trade increases: Effect on retail prices (expressed in cents)

	MPPC*	Budget Increase/ (Decrease)	Trade Increase	Excise Content	VAT Content	Total Tax	Trade Content
1 December 05	635.00			383.11	110.21	493.32	141.68
<i>2006</i>							
Trade Increase			20.00	3.66	3.47	7.14	12.86
Overall Price and Tax Content	655.00			386.78	113.68	500.45	154.55
Budget Increase (6 December 2006)		50.00		41.32	8.68	50.00	
Overall Price and Tax Content	705.00			428.09	122.36	550.44	154.56
<i>2007</i>							
Trade Increase			10.00	1.78	1.74	3.51	6.49
Overall Price and Tax Content	715.00			429.87	124.09	553.96	161.04
Budget Increase (5 December 2007)		30.00		24.79	5.21	30.00	
Overall Price and Tax Content	745.00			454.64	129.30	583.94	161.06
<i>2008</i>							
Trade Increase			10.00	1.79	1.74	3.53	6.47
Overall Price and Tax Content	755.00			456.44	131.03	587.47	167.53
Budget Increase (14 October 2008)		50.00		41.32	8.68	50.00	
Overall Price and Tax Content	805.00			497.75	139.71	637.46	167.54
VAT Increase (1 December 2008)		2.70		0.00	2.70	2.70	
Overall Price and Tax Content	807.70			498.25	142.93	641.17	166.53
Trade Increase			2.30	0.42	0.41	0.83	1.47
Overall Price and Tax Content	810.00			498.67	143.33	642.00	168.00
<i>2009</i>							
Budget Increase (7 April 2009)		25.00		20.58	4.42	25.00	
Overall Price and Tax Content	835.00			519.23	147.76	666.98	168.02
Trade Increase			10.00	1.83	1.77	3.59	6.41
Overall Price and Tax Content	845.00			521.05	149.53	670.58	174.42
<i>2010</i>							
VAT Reduction (1 January 2010)		(3.48)		0.00	(3.48)	(3.48)	
Overall Price and Tax Content	841.52			520.42	146.05	666.47	175.06
Trade Increase			13.48	2.46	2.34	4.80	8.68
Overall Price and Tax Content	855.00			522.88	148.39	671.27	183.73

Notes:

\*MPPC is the Most Popular Price Category.

VAT Rate increased to 21.5% on 1 December 2008.

VAT Rate reduced to 21% on 1 January 2010.

### Social Welfare Benefits

176. **Deputy Ciarán Lynch** asked the Minister for Health and Children if she will consider an appeal by a person (details supplied) in County Cork for rent allowance; and if she will make a statement on the matter. [35345/10]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter, it has been referred to the HSE for attention and direct reply to the Deputy.

### Medical Cards

177. **Deputy Edward O’Keeffe** asked the Minister for Health and Children the position regarding an application for a refund to the Health Service Executive for a person (details supplied) who holds an over 70 years medical card. [35183/10]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

### Infectious Diseases

178. **Deputy Simon Coveney** asked the Minister for Health and Children the incident rate for TB in Cork city and county in tabular form; the national average incident rate for each month for TB cases for 2009 and to date in 2010 in view of the fact that weekly reports are published on such statistics. [35184/10]

179. **Deputy Simon Coveney** asked the Minister for Health and Children the number of cases of active and latent TB that have been detected in Cork city and county in 2009 and to date in 2010. [35185/10]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 178 and 179 together.

As this is a service matter, the Deputy’s questions have been referred to the Health Service Executive for direct reply.

### Vaccination Programme

180. **Deputy Simon Coveney** asked the Minister for Health and Children if her Department in conjunction with the Health Service Executive is considering a systematic catch-up programme for the BCG vaccination in Cork city and county for children between the ages of two years and 18 years due to the fact that a vaccination program for infants has only been in place since 2008 and therefore many children may be unprotected from the effects of TB. [35186/10]

**Minister for Health and Children (Deputy Mary Harney):** A catch up programme for BCG vaccination is currently in place in Cork City and County for those aged up to 15 years. In order to assess the position fully, the Chief Medical Officer of my Department has asked the HSE to provide information about the routine administration of BCG in all regions of the country, to identify areas where BCG vaccination is not being administered and outline what arrangements are being made to deliver these services, including a timescale for implementation. The HSE has also been asked to plan for an on-going audit of the delivery of BCG/TB services in the country.

181. **Deputy Simon Coveney** asked the Minister for Health and Children the number of persons on waiting lists in each city and county for TB vaccination in tabular form. [35187/10]

**Minister for Health and Children (Deputy Mary Harney):** As the Deputy’s question refers to a service matter it has been forwarded to the HSE for direct reply.

### Health Services

182. **Deputy Aengus Ó Snodaigh** asked the Minister for Health and Children her views on

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whether it makes both medical and economic sense to invest in the prevention of diabetic foot disease and if she will make funding of €1.56 million available to set up a national foot screening programme involving hospital and community diabetes podiatry services. [35190/10]

**Minister of State at the Department of the Health and Children (Deputy Áine Brady):** The diabetic foot screening programme has been prioritised under the Health Service Executive's National Diabetes Programme. This initiative is currently at an advanced planning stage and several meetings have been held between the various stakeholders, including clinical specialists, podiatrists, diabetes specialist nurses and the Diabetes Federation of Ireland. It will provide for the prevention and management of foot ulcers, thereby reducing the number of hospital in-patients beds occupied by patients with foot problems. The programme will also establish referral pathways with rapid access to specialised care within a multi-disciplinary foot-care service. The cost of implementation of the proposed programme will be met from within current resources.

### Health Service Investigations

183. **Deputy Mary O'Rourke** asked the Minister for Health and Children the position regarding vaccine trials carried out on young children. [35196/10]

**Minister for Health and Children (Deputy Mary Harney):** Following media and public interest over the period 1991-1997, the then Chief Medical Officer of the Department of Health and Children, Dr. Jim Kiely, was asked by then Minister Cowen to investigate a number of vaccine trials which had been undertaken both on children in institutional settings and children in home settings in Ireland in the 1960s and 1970s. Dr. Kiely's report, "Report on three Clinical Trials involving babies and children in institutional settings 1960/61, 1970 and 1973", was laid before both Houses on 9 November 2000. The total no. of children involved was 211.

It was decided that the matter should be investigated further and it was therefore referred to the Commission to Investigate Child Abuse. A Statutory Instrument entitled "Commission to Inquire into Child Abuse Act, 2000 (Additional Functions) Order, 2001" included within the remit of the Commission to Inquire into Child Abuse the scope to investigate the vaccine trials. An extra Commissioner was appointed to the Commission, documentation was collected and a number of public hearings were held. However, in June 2004 the Order was deemed ultra vires the Act (i.e. invalid) by the High Court. Justice Ó Caoimh adjudged that the essential issue of the matter was not one suggestive of abuse as defined in the Commission to Inquire into Child Abuse Act 2000.

Following consideration of the issues raised in the Court proceedings, it was decided not to investigate the matter any further. The Minister's decision was made based on the fact that the difficulties which were encountered would undoubtedly arise again if this matter were to be investigated by another forum. These difficulties include the availability of persons with a necessary knowledge of events and the scarcity of documentary records of the trials.

### Health Service Staff

184. **Deputy Mattie McGrath** asked the Minister for Health and Children the number of health care workers who will be affected by the proposed reconfiguration of health services in the south east; the costs involved; and if she will make a statement on the matter. [35197/10]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter, it has been referred to the HSE for direct reply.

### Health Services

185. **Deputy Enda Kenny** asked the Minister for Health and Children the extent of recent cutbacks in the Health Service Executive western region; the extent of these cutbacks in terms of financial saving and service provision in the region; and if she will make a statement on the matter. [35236/10]

186. **Deputy Enda Kenny** asked the Minister for Health and Children the extent of recent cutbacks in the Health Service Executive western region upon Mayo General Hospital; the extent of these cutbacks in terms of financial savings and service provision at the hospital; and if she will make a statement on the matter. [35237/10]

187. **Deputy Enda Kenny** asked the Minister for Health and Children the extent of recent cutbacks in the Health Service Executive western region upon Sacred Heart Hospital; the extent of these cutbacks in terms of financial savings and service provision at the hospital; and if she will make a statement on the matter. [35238/10]

188. **Deputy Enda Kenny** asked the Minister for Health and Children the extent of recent cutbacks in the Health Service Executive western region upon all its facilities in County Mayo; the extent of those cutbacks in terms of financial savings and service provision throughout the county; and if she will make a statement on the matter. [35239/10]

**Minister for Health and Children (Deputy Mary Harney):** I propose to answer Questions Nos. 185 to 188, inclusive, together.

In its National Service Plan, the HSE committed to maintaining front-line services in line with 2009 levels. The HSE West's overall budget is €2.1 billion. Notwithstanding this overall level of resource, there have been financial problems in the HSE West due to a range of factors, including a shortfall in income collection and hospital activity exceeding Service Plan targets. The focus on financial performance which is underway is showing demonstrable evidence of progress. From a projected deficit of €130m at the end of March, this had been brought down to €49.5m by the end of August. Continued efforts are needed to eliminate the deficit through a net €10-12m a month expenditure reduction for the rest of the year.

Expenditure control is focused on controlling elective activity to bring it back to the target levels; protecting front-line services and in particular emergency services; maintaining the quality and safety of services; and delivering to service plan targets. The principal measures being employed involve: reducing pay and non-pay costs; controlling absenteeism; redeployment of corporate/support staff to front line roles; implementing measures to ensure that hospital care is delivered as efficiently as possible; improved bed utilisation and discharge planning; and procurement initiatives.

The HR measures proposed involve the reduction of staff hours to the equivalent of 200 WTE posts. This is to be achieved mainly through an overall reduction of 7,000 staff hours per week through the elimination of overtime and significant scaling back on the use of agency staff. There are and will remain some 27,000 staff employed in the health services in HSE West. Staff absenteeism is a particular concern and is approximately 5% for the region as a whole. Sustained efforts are being made to work with staff to reduce absenteeism levels, which have a direct impact on the staffing costs of front line services.

The HSE is driving efficiency in the acute hospital system by increasing the proportion of surgery undertaken on a day basis, admission of inpatients of their day of surgery and reducing length of hospital stay consistent with patients' clinical needs. Measures are being taken to control elective activity to bring it back to the target levels, as overall activity in the acute

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hospitals in HSE West has been ahead of the targets in the National Service Plan. In the region as a whole, up to July, inpatient activity was 5.7 % ahead of target.

Notwithstanding the difficult financial environment, the Government is determined to do everything possible to protect patient services, to respond to priority demographic and other needs and to support ongoing reform of the public health services within the resources available for health. To achieve this, staff at all levels will have to work together to deliver services in a more flexible way. Without that co-operation and flexibility, services to patients cannot be protected. It is not just for HSE management to protect services: there is a responsibility on everyone involved to deliver services within budget in new ways that will better serve patient needs in accordance with international practice. As regards the effect of these measures on particular services in Mayo, I have referred the matter to HSE for direct reply.

### **Pension Provisions**

189. **Deputy Róisín Shortall** asked the Minister for Health and Children the value of the pension payment on an annualised basis to the highest paid public sector pensioner in each of the public bodies under the remit of her Department and all public service pensioners not paid by the Office of the Paymaster General; the number in receipt of this level of pension; the total number in receipt of a pension in excess of €155,000 and in each bracket below this at intervals of €20,000. [35250/10]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter, it has been referred to the HSE for attention and direct reply to the Deputy. My Department is also writing to the relevant non-commercial state sponsored bodies to ask that they provide a response in relation to their organisation. This material will then be compiled by my Department and forwarded to the Deputy, as soon as it is available.

### **Health Services**

190. **Deputy John McGuinness** asked the Minister for Health and Children her plans to improve speech therapy services in County Carlow and to increase the number of sessions for each client; if improved services and increased visits will be arranged in the case of a person (details supplied) in County Carlow; and if she will make a statement on the matter. [35260/10]

**Minister of State at the Department of Health and Children (Deputy John Moloney):** As the Deputy's question relates to service matters, I have arranged for this question to be referred to the Health Service Executive for direct reply.

191. **Deputy John McGuinness** asked the Minister for Health and Children if an MRI scan will be arranged as soon as possible for a person (details supplied) in County Kilkenny; if the delay can be explained; and if she will make a statement on the matter. [35261/10]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter, it has been referred to the HSE for direct reply.

192. **Deputy John McGuinness** asked the Minister for Health and Children if the Health Service Executive and the Department of Health and Children annual funding for an organisation (details supplied) in County Kilkenny will be increased in view of the increased demand for the extensive services it provides from its recently purchased headquarters in Kilkenny. [35270/10]

**Minister of State at the Department of Health and Children (Deputy John Moloney):** My Department does not directly fund the organisation in question. With regard to annual funding from the Health Service Executive, as this is a service matter, the question has been referred to the Executive for direct reply.

### **Mental Health Services**

193. **Deputy John McGuinness** asked the Minister for Health and Children the progress regarding a commitment given by the Minister on 24 July 2010 to investigate a complaint made by a person (details supplied) in County Kilkenny; if the report is completed; and if she will make a statement on the matter. [35272/10]

**Minister of State at the Department of Health and Children (Deputy John Moloney):** Following previous parliamentary questions from the Deputy, both the Mental Health Commission and the HSE were asked to investigate this issue. It is understood from the HSE that the complaint was initially addressed by the hospital authorities and subsequently by a Review Panel established to further investigate the matter. The Review Panel concluded that the incident had been appropriately dealt with by the hospital authorities. The matter was then referred to the HSE Review Office in Tullamore who upheld the findings of the original Review Panel, stating that proper procedures were followed in the investigation of the complaint.

The Mental Health Commission has confirmed that the Inspector of Mental Health Services has been in correspondence with the Executive Clinical Director for Carlow/Kilkenny/ South Tipperary in relation to the matters raised, and that the Inspector is satisfied that investigations conducted by the HSE have been carried out satisfactorily. The general issues raised in this case, will however, be taken into account in the context of future inspections of the approved centre in question.

### **Child Care Services**

194. **Deputy Mary Upton** asked the Minister for Health and Children if she will address the concerns of a person [details supplied] in respect of the assessment procedures in place for foster parents; and if she will make a statement on the matter. [35285/10]

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** As this is a service matter it has been referred to the HSE for direct reply.

### **Irish Language**

195. **Deputy Frank Feighan** asked the Minister for Health and Children the amount of funding spent in 2009 and 2010 by her Department on Irish language training for public servants; the number of persons that participated in Irish language training courses; and if she will make a statement on the matter. [35314/10]

**Minister for Health and Children (Deputy Mary Harney):** In 2009 the amount expended was €250 and 7 staff members attended Irish language training. In 2010 expenditure to date is €125 and 3 staff members have attended Irish language training so far this year. This represents the costs of residential courses for 3 staff members. There was no cost to the Department for Gaelleagras courses attended by the other 7 members of staff.

### **Health Services**

196. **Deputy Charles Flanagan** asked the Minister for Health and Children if, since the Health Service Executive locum agency framework was launched in February 2010, she will provide

[Deputy Charles Flanagan.]

the amount the HSE has spent separately on locum NCHDs and consultants with the successful tendered framework agencies; and if she will make a statement on the matter. [35327/10]

197. **Deputy Charles Flanagan** asked the Minister for Health and Children, since the Health Service Executive locum agency framework was launched in February 2010, the amount the HSE has spent separately on non-consultant hospital doctors and consultants for placement of three months and less with agencies that are not party to the framework agreement; and if she will make a statement on the matter. [35328/10]

198. **Deputy Charles Flanagan** asked the Minister for Health and Children her views that the locum framework agencies have failed to satisfy the demand for locum consultants leaving hospitals, without adequate consultant cover because of restrictions implemented by the Health Service Executive during the tender process on the locum consultant pay rate; the measures the HSE intends to take to alleviate this situation; when this change will be implemented; and if she will make a statement on the matter. [35329/10]

199. **Deputy Charles Flanagan** asked the Minister for Health and Children the amount of money that was spent by the Health Service Executive for locum doctor placement in 2009. [35330/10]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 196 to 199, inclusive, together.

As the Deputy's questions relate to service matters and executive functions, including issues relating to a tendering process adopted, they have been referred to the Health Service Executive (HSE) for direct reply. I have also had enquiries made of the HSE concerning the matters. The HSE has advised that there is a shortage in the supply of Consultants. It engaged in a tendering process that led to a Framework Agreement with service providers for the provision of medical locums by agency recruitment and this came into operation in February 2010. Having regard to the reductions in consultant salary scales due to overall pay cuts across the public service, the HSE ran a subsequent tender competition in April 2010, where requests for revised rates from the successful service providers on the framework were sought. This competition, however, was unsuccessful.

### Child Care Services

200. **Deputy Aengus Ó Snodaigh** asked the Minister for Health and Children if she will provide the assessment requirements and practice in relation to relative and non-relative foster parents; the steps she intends to take in this area and a timeframe for same; and if she will make a statement on the matter. [35332/10]

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** The Health Service Executive is required under the Child Care Act 1991 to promote the welfare of children who are not receiving adequate care and protection. Where a child requires care or protection that he/she is unlikely to receive unless the child is taken into care, the Health Service Executive must take the child into its care and provide the most appropriate form of alternative care for that child.

Children who are taken into the care of the HSE under the provisions of the Child Care Act 1991 and placed in foster care or relative care in accordance with the Child Care Regulations 1995. In order to become a foster carer or relative carer as set out in the regulations the following must be completed and provided:

- A. In respect of foster carers and relatives they must provide the following to the HSE:
1. Written report from medical practitioner/GP;
  2. Name and addresses of two referees;
  3. Garda clearance from the Garda Vetting Unit in relation to them and those in the home.
- B. The HSE must carry out an assessment of suitability of the persons and their homes.
- C. A report of the assessment must go before the foster care committee who decide as to the suitability or not to be foster/relative carers.
- D. Foster / relative carers must receive advice, guidance and training.

While the obligations above are the same in respect of relatives and non-relative carers the Regulations in respect of relatives differ slightly in that they allow for the circumstances where a child is placed with a relative in the case of an emergency. In this regard the regulations allowed for the fact that a full assessment and the other obligations set out above would not be complete at the stage that a child was placed with a relative on an emergency basis. In these circumstances the regulations stated that it would suffice if the HSE had formed the opinion that the relatives were suitable to care for the child on an emergency basis following an interview and a visit to their home and any other relevant and possible enquiries.

### **Hospital Services**

201. **Deputy Seymour Crawford** asked the Minister for Health and Children when the CAT scan will be in operation in Monaghan hospital; will sufficient personnel be provided to keep it going on a permanent basis; and if she will make a statement on the matter. [35334/10]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter, it has been referred to the Health Service Executive for direct reply.

### **Health Services**

202. **Deputy Seymour Crawford** asked the Minister for Health and Children if she is satisfied that sufficient funding is available to provide the home help and home care systems that are necessary especially for single people who are being forced home early from hospitals due to the continuing trolley crisis; and if she will make a statement on the matter. [35335/10]

**Minister of State at the Department of the Health and Children (Deputy Áine Brady):** Government policy is to support older people to live in dignity and independence in their own homes and communities for as long as possible. This is implemented by a range of community services such as Home Help, Home Care Packages, Meals-on-Wheels, and Day/Respite care. Since 2006, just over €200 million additional funding has been made available to develop community-based services. Without these supports, many older people would spend longer in Acute Hospitals, or would be admitted to residential care earlier than might be necessary. It is the responsibility of the Health Service Executive (HSE) to deliver the Home-Help service in line with its National Service Plan 2010. This commits the Executive to providing 11.98 million Home-Help hours nationally this year to over 54,000 people. The target for 2010 for Home-Help hours is unchanged from the 2009 figure. In addition to the mainstream Home-Help provision, the current Service Plan is designed to deliver Home Care Packages to around 9,600 people at any one time, or to some 13,000 clients over the course of the year.



[Deputy Áine Brady.]

It is a matter for the Executive, at national and local level, to manage Home Care resources in a balanced manner to best meet the needs of changing demands, individual cases, and Acute Hospital pressures. The position is that, this year, the HSE is spending in the region of €210m on mainstream Home-Help services, and approximately €130m on Home Care Packages. The importance the Government attaches to these services for older people is reflected in the fact that, despite the serious financial pressures pertaining in recent times, we provided an additional €10m in the last Budget to expand Home Care Packages to help relieve system pressure. It is generally accepted that Home Care costs are significantly lower than Acute Hospital or Long-Term Residential Care options.

The Department of Health and Children works closely with the HSE to monitor the provision of Home Care services over the course of each year. In particular, the Department and the Executive are this year progressing a number of initiatives to improve Home Care provision in the future. These relate, for example, to new Guidelines for the planning and delivery of Home Care Packages, and a new Procurement Framework for these services. In the circumstances, I am satisfied that every effort is being made to maximise provision in the area of community based services for older people, in line with overall service priorities and available resources.

203. **Deputy Seán Ó Fearghail** asked the Minister for Health and Children if she will ask the Health Service Executive to confirm if a comprehensive health care plan is in place for a person (details supplied) in County Kildare; and if she will make a statement on the matter. [35336/10]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter it has been referred to the HSE for direct reply.

### **Hospitals Building Programme**

204. **Deputy Mary Upton** asked the Minister for Health and Children the position regarding plans for the proposed children's hospital at the Mater site; if plans have been submitted to An Bord Pleanála; the discussions that have been held with An Bord Pleanála; if she is satisfied that despite the concerns expressed by a number of paediatric consultants, the proposed site is the most appropriate and in the best interest of children; and if she will make a statement on the matter. [35339/10]

**Minister for Health and Children (Deputy Mary Harney):** The National Paediatric Hospital Development Board and the HSE are making good progress in their work to bring this important project to fruition. The Integrated Design Team, appointed in October 2009, completed the concept designs for the new children's hospital and the Ambulatory and Urgent Care Centre at Tallaght in February 2010.

The Minister for the Environment, Heritage and Local Government signed the commencement order for Section 78 of the Planning and Development (Amended) Act (2010) on 5 October 2010. The NPH Development Board will now enter pre-consultation discussions with An Bord Pleanála, following which the planning application for the new children's hospital will be submitted. The designs for the new children's hospital have demonstrated that the site at the Mater campus meets the requirements for children, young people and their families. The professional advice available indicates that the Mater site is the appropriate location. I am committed to proceeding with this important project at this location.

### **Medical Cards**

205. **Deputy Jack Wall** asked the Minister for Health and Children the position regarding

an application for a medical card in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [35340/10]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

#### **Health Service Allowances**

206. **Deputy Jan O’Sullivan** asked the Minister for Health and Children when a person (details supplied) in County Limerick will be awarded back to school clothing and footwear allowance; and if she will make a statement on the matter. [35347/10]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter, it has been referred to the HSE for attention and direct reply to the Deputy.

#### **Hospital Waiting Lists**

207. **Deputy James Reilly** asked the Minister for Health and Children if she will ensure that a person (details supplied) that has been scheduled for an operation at Beaumont Hospital whose operation has been cancelled on three separate dates due to lack of beds will receive a confirmed theatre slot as it is urgently needed; and if she will make a statement on the matter. [35414/10]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter, it has been referred to the Health Service Executive for direct reply.

#### **Hospital Staff**

208. **Deputy Jan O’Sullivan** asked the Minister for Health and Children the staffing and capacity in a hospital (details supplied) in County Limerick for the carrying out of CT scans; if there are staff shortages which are deterring the delivery of service in the department; and if she will make a statement on the matter. [35415/10]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter, it has been referred to the HSE for direct reply.

#### **Inter-Country Adoptions**

209. **Deputy Tom Hayes** asked the Minister for Health and Children if it is the case that a working agreement will be necessary, as opposed to a formal bilateral agreement to recommence adoptions from Vietnam once the Hague Convention is ratified there; the action that has been taken to commence this working agreement; and if she will make a statement on the matter. [35416/10]

213. **Deputy Joe McHugh** asked the Minister for Health and Children in view of the discontinuation of the bilateral agreement between Ireland and Vietnam, if consideration will be given when the declaration to adopt runs out; her views on the predicament of those already on the waiting list with Helping Hand; if she will arrange that if declarations expire as a result of the unanticipated wait that an extension can be automatically granted for a third year without the paper work having to be renewed; if this goes into a fourth year that the adopters will not have to start from the beginning again which is currently the case; and if she will make a statement on the matter. [35423/10]

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** I propose to take Questions Nos. 209 and 213 together.

[Deputy Barry Andrews.]

The Adoption Act 2010 gives 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 Act 2010, once commenced.

The papers for the ratification of the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption were deposited with the Ministry of Foreign Affairs of the Netherlands on 28th July 2010. In accordance with Article 46.1 of the Convention, the Convention enters into force for Ireland on 1 November 2010. It is my understanding that the Vietnamese National Assembly has recently passed legislation which should allow for a move to ratification of the Hague Convention. In the event that both Ireland and Vietnam ratify the Convention there is every reason to expect that adoptions from Vietnam could re-commence subject to the provisions of the Convention and the legislation in both Countries being met in this regard.

As both countries will have ratified the Hague Convention there will be no need for a formal bi-lateral agreement with regard to inter-country adoption. At the time of ratification Ireland and Vietnam will each designate a Central Authority to discharge the duties which are imposed by the Hague Convention. Administrative arrangements will be a matter for the Adoption Authority, as Ireland's designated Central Authority, to make with the designated Vietnamese Central Authority. Section 41(1) of the Adoption Act, 2010, deals with the expiration of Declarations of Eligibility and Suitability. Under the new legislation, declarations will be valid for 24 months from the date of issuance with the possibility of a further 12 month extension.

### Health Services

210. **Deputy Jan O'Sullivan** asked the Minister for Health and Children her plans to centralise the testing of laboratory samples within the health services; if so, the discussions that have taken place with stakeholders; the stage the process is at; have tenders been received; when will a decision be made on the delivery of the service; and if she will make a statement on the matter. [35417/10]

**Minister for Health and Children (Deputy Mary Harney):** Approximately 77 million laboratory tests are undertaken annually across 44 public hospitals at an annual cost of approximately €470 million. In 2009 the HSE announced plans to modernise laboratory services and to achieve significant efficiencies in the configuration and operation of these services. My Department has asked the HSE to respond to the Deputy on the detailed operational matters that she has raised.

### Health Promotion

211. **Deputy Jan O'Sullivan** asked the Minister for Health and Children the efforts her Department is making, in conjunction with the Health Service Executive and other bodies, to ensure greater awareness of Lyme disease; and if she will make a statement on the matter. [35419/10]

**Minister for Health and Children (Deputy Mary Harney):** Lyme disease (also known as Lyme borelliosis) is an infection caused by a bacterium called *Borrelia burgdorferi* which is transmitted to humans by bites from ticks infected with the bacteria. The infection is generally mild affecting only the skin, but can sometimes be more severe involving other organs. Ramblers, campers and those who work in such areas especially if they come into contact with large animals are at greatest risk of being bitten by ticks and of going on to develop the disease. A

number of cases are diagnosed each year, but the true figure is unknown. However, research has determined that there are about 30 human cases per year in Ireland. In 2007, 71 specimens were confirmed positive for Lyme borreliosis, suggesting a crude incidence rate of 1.67 per 100,000 that year. A study at Galway University Hospital suggests that the disease incidence may be higher in the Galway area.

Lyme disease is not a notifiable infectious disease in Ireland. This means that there is no legal requirement on doctors to report cases to their local Director of Public Health, so this makes estimates of incidence difficult. However, the list of notifiable diseases is updated periodically and lyme disease will be considered for inclusion in the future.

A fact sheet on Lyme disease, developed by the Vectorborne Subcommittee of the Scientific Subcommittee of the Health Protection Surveillance Centre (HPSC), is available on their website ([www.hpsc.ie](http://www.hpsc.ie)) to provide members of the general public and media with advice on minimising the risk of Lyme disease and provides information on the prevention and treatment of the disease. This has been updated to bring increased awareness of the disease to the attention of those most at risk and is available for download. To increase awareness, I am arranging to have the link to this document added to my Departments website ([www.dohc.ie](http://www.dohc.ie)). In addition, an awareness raising article was placed in Epi-Insight, the HPSC disease surveillance report which is targeted at clinicians with a view to increasing awareness of the disease. In June 2010 the HPSC produced a leaflet “*Protecting Yourself Against Tick Bites and Lyme Disease*” and also an A3 poster on Lyme Disease and Tick Bites, both of which may be downloaded from their website.

### Departmental Funding

212. **Deputy Arthur Morgan** asked the Minister for Health and Children the amount of funding given to an organisation (details supplied) by her Department in each of the past four years; for what specific purpose were these allocations made; the checks carried out or audits conducted to ensure property in respect of end-user spending; the reporting system in place in respect of accountability on delivery of service; and if she will make a statement on the matter. [35422/10]

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** The Children and Youth Services Unit of my Office provides funding to Youth Work Ireland for its youth service provision, through a number of funding programmes. Youth Work Ireland acts as the grant administering agency for distribution of the funding from my Office to the projects, administered by that organisation, under the different schemes. Details of the monies allocated in the past four years are outlined hereunder:

Year	Special Projects for Youth (SPY)	No. of SPY Projects funded through YWI	Youth Information Centres (YICs)	No. of YICs funded through YWI	Youth Service Grant Scheme*
	€		€		€
2007	5,298,243	49	941,750	12	2,625,755
2008	5,605,293	49	965,294	12	2,721,399
2009	5,297,002	49	912,201	12	2,471,759
2010	5,191,062	49	893,958	12	2,422,324

\*Under the Youth Service Grant Scheme funding is made available to 31 national and major regional voluntary organisations. The continued funding of voluntary youth organisations through the scheme is intended to ensure the emergence, promotion, growth and development of youth organisations with distinctive philosophies and programmes aimed at the social education of young people.

[Deputy Barry Andrews.]

All of the organisations and projects funded under the above schemes/programmes are required to complete a detailed annual report on their activities to my Office. Audited accounts must be provided also in respect of each project/service for the previous financial year and these accounts are examined by the Children and Youth Services Development Unit of my Office.

*Question No. 213 answered with Question No. 209.*

### **Hospital Services**

214. **Deputy Pat Breen** asked the Minister for Health and Children when a person will be facilitated (details supplied) in County Clare. [35425/10]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter, it has been referred to the HSE for direct reply. However, I would like to advise the Deputy that the scheduling of patients for hospital treatment is a matter for the hospital in each case and is determined on the basis of clinical need. Should the patient's general practitioner consider that the patient's condition warrants an earlier appointment, he/she would be in the best position to take the matter up with the hospital.

215. **Deputy Jack Wall** asked the Minister for Health and Children when will a person (details supplied) in County Kildare receive an appointment for an ultrasound at Naas General Hospital; and if she will make a statement on the matter. [35429/10]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter, it has been referred to the Health Service Executive for direct reply.

### **Medical Cards**

216. **Deputy Jack Wall** asked the Minister for Health and Children the position regarding an application for a full medical card in respect of a person (details supplied) in County Kildare. [35431/10]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

217. **Deputy Finian McGrath** asked the Minister for Health and Children if she will support a matter (details supplied). [35435/10]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

### **Health Service Allowances**

218. **Deputy Róisín Shortall** asked the Minister for Health and Children the average cost of each appeal to the Health Service Executive appeals officer in each of the past three years; and, if available, the average processing time. [35441/10]

219. **Deputy Róisín Shortall** asked the Minister for Health and Children the number of appeals to the Health Service Executive appeals officer in each of the past three years which dealt with a supplementary welfare claim, including claims for rent supplement and mortgage interest supplement. [35442/10]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 218 and 219 together.

As this is a service matter, it has been referred to the HSE for attention and direct reply to the Deputy.

### Road Fatalities

220. **Deputy Brendan Kenneally** asked the Minister for Transport the estimated cost of fully investigating, to a conclusion, any fatal accidents that occur; and if he will make a statement on the matter. [35208/10]

**Minister for Transport (Deputy Noel Dempsey):** I understand the Deputy is referring specifically to road fatalities. The investigation of fatal road traffic collisions is a matter for An Garda Síochána and consequently I would not have the details that the Deputy requires. According to the Road Safety Authority the economic cost of a fatality is €2.9 million and for a serious injury the figure is €0.40 million.

### Pension Provisions

221. **Deputy Róisín Shortall** asked the Minister for Transport the value of the pension payment on an annualised basis to the highest paid public sector pensioner in each of the public bodies under the remit of his Department and all public service pensioners not paid by the Office of the Paymaster General; the number in receipt of this level of pension; and the total number in receipt of a pension in excess of €155,000 and in each bracket below this at intervals of €20,000. [35254/10]

**Minister for Transport (Deputy Noel Dempsey):** The value of the pension payment on an annualized basis to the highest paid public sector pensioner in bodies under the remit of my Department is €75,356, which is paid to 2 persons. There are no pensioners in any of the bodies under my Department's remit in receipt of an annualized pension in excess of €155,000. The breakdown of annualized pension payments below €155,000 paid directly by Department agencies is as follows:

Number in receipt of a pension below €155k

Range	95-75	75-55	55-35	35 and less	Totals
Agency	€000				
Road Safety Authority	—	—	1	6	7
National Roads Authority	2	1	11	23	37

### Public Transport

222. **Deputy Joe Costello** asked the Minister for Transport the level of Government funding that will be allocated to the DART underground project for each year until its completion; the timescale for the project; and if he will make a statement on the matter. [35262/10]

234. **Deputy Bernard J. Durkan** asked the Minister for Transport his proposals, if any, for the extension of the DART to County Kildare; and if he will make a statement on the matter. [35449/10]

**Minister for Transport (Deputy Noel Dempsey):** I propose to take Questions Nos. 222 and 234 together.

[Deputy Noel Dempsey.]

Since 1st December 2009, this is a matter which comes under the remit of the National Transport Authority (NTA).

### **Light Rail Project**

223. **Deputy Joe Costello** asked the Minister for Transport the level of Government funding allocated to metro north for each year until its completion; if and when he proposes to draw down the half billion euro approved by the European Investment Bank for the construction of metro north; the way he proposes to protect the business of the city centre during construction; the timescale for the project; and if he will make a statement on the matter. [35263/10]

**Minister for Transport (Deputy Noel Dempsey):** Since 1st December 2009, this is a matter which comes under the remit of the National Transport Authority (NTA).

224. **Deputy Joe Costello** asked the Minister for Transport the level of Government funding which will be allocated to the Luas BXD for each year until its completion; the timescale for the project; if he will link the timescale for construction of the Luas BXD with the timescale for the construction of the DIT Grangegorman development; and if he will make a statement on the matter. [35264/10]

**Minister for Transport (Deputy Noel Dempsey):** Since 1st December 2009, this is a matter which comes under the remit of the National Transport Authority (NTA).

### **Proposed Legislation**

225. **Deputy Joe Costello** asked the Minister for Transport his plans to introduce legislation to permit the provision of dedicated on-street parking spaces in Dublin city for the use of pool car companies (details supplied) which hire cars to commuters; and if he will make a statement on the matter. [35265/10]

**Minister for Transport (Deputy Noel Dempsey):** Action 19 of the Government's Smarter Travel policy acknowledges that initiatives to establish car clubs have potential to contribute to a sustainable transport future in Ireland. My Department is currently giving consideration to how the role of car clubs in the promotion of more sustainable car use can be given a legislative basis. I have also indicated that I will include a "car club parking only" sign in a forthcoming planned revision to the Road Traffic (Signs) regulations, which would facilitate local authorities in the designation of on-street car parking for the use of car clubs. Car clubs can, of course, currently operate using private land or other local authority or public authority land without any need for road traffic legislation.

### **Traffic Management**

226. **Deputy Joe Costello** asked the Minister for Transport if he will support a car pooling scheme whereby four or more persons in a vehicle can have access to bus lanes at peak hours; and if he will make a statement on the matter. [35266/10]

**Minister for Transport (Deputy Noel Dempsey):** Bus lanes have been put in place at public expense for the particular purpose of giving priority on our roads to public transport, especially in congested urban areas. The key consideration underpinning policy regarding bus lanes is that they are provided to support and promote bus-based public transport and to protect the carrying capacity of bus lanes so as to optimise journey times for the members of the public who use that mode of transport. The current rules governing use of bus lanes were established

through the Road Traffic (Traffic and Parking) Regulations 1997-1998. Large public service vehicles (buses) are permitted to use all bus lanes. In addition, pedal cyclists are permitted to use with-flow bus lanes on road safety grounds, as they are regarded as being vulnerable road users. Taxis, available for hire on-street to the public at large, are regarded as being an element of the public transport service and, accordingly, are permitted to use with-flow bus lanes. Emergency services — Gardaí, fire brigade and ambulances for persons — may also avail of bus lanes when in performance of their duties. These services are, like bus services, for the benefit of the general public. I have no plans to extend access to bus lanes to any other classes of vehicle.

### **Irish Language**

227. **Deputy Frank Feighan** asked the Minister for Transport the funding spent in 2009 and 2010 by his Department on Irish language training for public servants; the number of persons that participated in Irish language training courses; and if he will make a statement on the matter. [35318/10]

**Minister for Transport (Deputy Noel Dempsey):** Through Gaeleagras and University College Galway where third level training was availed of, eleven members of staff of my Department in 2009 and one to date in 2010 have participated in Irish language training courses. (Gaeleagras is the Irish language training and promotion body for the civil service and is a part of the Civil Service Training and Development Centre of the Department of Finance.) As most costs associated with Gaeleagras training are borne by Gaeleagras itself, the funding spent by my Department has comprised mainly of funding for third level (Diploma) training. Funding spent by my Department on Irish language training in 2009 and so far in 2010 is €2,935.

### **Air Services**

228. **Deputy Michael D. Higgins** asked the Minister for Transport if he will clarify the process in the granting of exemption from articles 6 and 7 the Air Navigations (Carriage of Munitions of War, Weapons and Dangerous Goods) Order 1973; if a separate exemption must be sought and granted for every flight by an exempted aircraft; the number of aircraft exempt from articles 6 and 7 of the order as of 1 January 2010; the number permitted to take dangerous goods through or over Ireland; and if he will make a statement on the matter. [35342/10]

229. **Deputy Michael D. Higgins** asked the Minister for Transport if the final destinations of flights carrying arms through Ireland are known to his Department; the procedures that are in place to ensure that they are not destined for embargoed destinations, or destined for end-users likely to commit war crimes or human rights violations; and if he will make a statement on the matter. [35343/10]

230. **Deputy Michael D. Higgins** asked the Minister for Transport the reason for which 22 applications for permits to carry munitions through Ireland in 2007, as well as 28 in 2008 and 30 in 2009 were not granted; the criteria used to decide if a permit will be granted; and if he will make a statement on the matter. [35344/10]

**Minister for Transport (Deputy Noel Dempsey):** I propose to take Question Nos. 228 to 230, inclusive, together.

The carriage of weapons and munitions of war on civilian aircraft is prohibited under the Air Navigation (Carriage of Munitions of War, Weapons and Dangerous Goods) Orders, 1973 and 1989, unless an exemption from this prohibition is granted by the Minister for Transport. A separate exemption must be sought for every flight. The origin and destination of each flight



[Deputy Noel Dempsey.]

is specified by the carrier on the application form. In respect of each application, the Department of Transport seeks the views of the Department of Foreign Affairs in relation to foreign policy and the Department of Justice and Law Reform in relation to security. The views of the Irish Aviation Authority are also sought in relation to aviation safety aspects if the weapons/munitions are classified as “dangerous goods” by the International Civil Aviation Organisation (ICAO). Each application is also sent to Department of Defence for their information. Where any of these bodies objects to a particular application the Minister does not grant an exemption. The number of aircraft exempted from Articles 6 and 7 of the Order since 1 January 2010 was 1008. For security reasons it is not the practice to comment on any reasons given for refusal of applications unless the cargo is of a nature that its carriage is specifically prohibited under international law.

### **Rail Services**

231. **Deputy Bernard J. Durkan** asked the Minister for Transport if he is satisfied that health and safety standards are fully observed throughout the commuter rail service; and if he will make a statement on the matter. [35444/10]

**Minister for Transport (Deputy Noel Dempsey):** The Railway Safety Commission (RSC) is responsible for fostering and encouraging railway safety and enforcing safety standards on the railway. Its Railway Safety Statistical Report 2009, which is available on the RSC’s website, provides background statistics to a number of key performance indicators. The report indicates that Iarnród Éireann’s continuing investment in assets and safety management systems is delivering significant safety benefits. The Report also confirms that Ireland generally performs well as regards rail safety performance within the EU.

*Question No. 232 answered with Question No. 125.*

### **Public Transport**

233. **Deputy Bernard J. Durkan** asked the Minister for Transport the extent to which the public transport bus fleet requires upgrading in terms of new vehicles; and if he will make a statement on the matter. [35448/10]

**Minister for Transport (Deputy Noel Dempsey):** Decisions regarding the upgrading of the bus fleet is a matter for the relevant companies and I have no function in the matter. In relation to the Public Service Obligation (PSO) fleet, applications for funding for any upgrading would come under the remit of the National Transport Authority (NTA).

*Question No. 234 answered with Question No. 222.*

### **Air Services**

235. **Deputy Bernard J. Durkan** asked the Minister for Transport the degree to which he or his Department have measured the throughput of passengers at the various airports throughout the country over the past five years; the trends emerging; the need for any policy changes; and if he will make a statement on the matter. [35452/10]

**Minister for Transport (Deputy Noel Dempsey):** Passenger numbers at the three State Airports and the six Regional Airports for the last five years are set out in the tables below:

## State Airports

Passengers Statistics	2009	2008	2007	2006	2005
	'000	'000	'000	'000	'000
Dublin	20,504	23,467	23,287	21,196	18,450
Shannon	2,795	3,170	3,621	3,639	3,302
Cork	2,769	3,259	3,180	3,011	2,730

## Regional Airports

Passengers Statistics	2009	2008	2007	2006	2005
Donegal	50,750	64,532	60,388	56,656	47,776
Galway	194,158	266,897	309,302	248,972	252,897
Kerry	356,247	423,291	389,434	392,400	382,678
Knock	607,228	629,000	556,357	621,171	530,084
Sligo	26,706	42,493	44,533	34,310	39,593
Waterford	111,837	143,465	118,771	82,826	74,357

As is evident from these figures the airline sector is being badly affected by the current global economic downturn. Ireland's aviation policy, as set out in my Department's current Statement of Strategy, is to promote regular, safe cost effective and competitive air services linking the country with key business and tourism markets. In a global market, which is fully liberalised within the EU, the scope for measures to provide direct support to airports and carriers is very limited. My view is that the focus in these difficult times should be on managing the business as best as possible during the downturn and to be well positioned to take advantage of the upturn when economic circumstances improve.

**Transport 21**

236. **Deputy Bernard J. Durkan** asked the Minister for Transport the extent to which traffic volumes projected in the drawing up of Transport 21 are remaining as envisaged; the extent if any to which modifications to the plan will occur as a result; and if he will make a statement on the matter. [35453/10]

**Minister for Transport (Deputy Noel Dempsey):** The National Roads Authority is reviewing investment needs for the national roads network into the future. This review is being carried out on foot of a commitment in the Renewed Programme for Government agreed in October last year. Its scope includes all matters in respect of the national roads programme and it will consider prioritisation of schemes, future demand and capacities of different road types.

*Questions Nos. 237 and 238 answered with Question No. 128.*

**EU Directives**

239. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Justice and Law Reform, further to Parliamentary Question No. 891 of 29 September 2010, to outline in detail the implications for the common travel area in the event of Ireland opting into Directive 2009/52/EC. [35178/10]

**Minister for Justice and Law Reform (Deputy Dermot Ahern):** Directive 2009/52/EC provides for minimum standards on sanctions and measures against employers of illegally staying third country nationals. The Directive is targeted at the illegal employment of third country nationals in order to counteract illegal immigration. It provides minimum standards on sanctions and measures, including disqualification from public benefits, and, in serious cases, criminal penalties against employers of illegally staying third country nationals. Neither Ireland nor the UK has opted into this measure to date.

As the Deputy will be aware, there are some aspects of the Directive that create difficulties in terms of enforceability of contracts, as referred to in my reply to Parliamentary Question No. 891 of 29 September 2010. As regards the impact on the Common Travel Area, it is generally desirable that the immigration regime in Ireland is not significantly out of alignment with that of the UK. This is due in particular to the ease of movement between the two jurisdictions. A decision to unilaterally opt-into an EU proposal that the UK has not opted into would tie Ireland to a common legislative framework with other European Member States but not with the UK. As such, this would reduce the flexibility of Government to adjust its immigration system when necessary in response to trends in the UK in the area of illegal migration. There is also a potential displacement risk where illegal workers find Ireland to be a more attractive location than the UK. The question of opting into the Directive will however be kept under review.

#### **Child Abduction**

240. **Deputy Finian McGrath** asked the Minister for Justice and Law Reform if he will support the case of a person (details supplied). [35203/10]

**Minister for Justice and Law Reform (Deputy Dermot Ahern):** I refer the Deputy to my written reply to Question No. 268 of 5 October 2010. The position remains unchanged.

#### **Residency Permits**

241. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Justice and Law Reform the number of applications for long-term residency pending as of 7 September 2009; and the number currently pending. [35215/10]

**Minister for Justice and Law Reform (Deputy Dermot Ahern):** Long Term Residency is an administrative scheme that was introduced in May 2004 and is focused on persons who have been legally resident in the State for over five years on the basis of work permit/work authorisation/working visa conditions. Such persons may apply to the Long Term Residency Unit of my Department for a five year residency extension. The Long Term Residency Unit processed a total of 6,070 applications between September 2009 and August 2010. There are currently 3,539 cases on hand at the 31st August 2010. Statistics for the month of September 2010 are not currently available.

#### **Road Safety**

242. **Deputy Alan Shatter** asked the Minister for Justice and Law Reform the current position regarding the putting in place of cameras to monitor the speed of traffic at key locations; and if he will make a statement on the matter. [35234/10]

**Minister for Justice and Law Reform (Deputy Dermot Ahern):** The Garda Commissioner and I signed the contract for an outsourced safety camera network with the preferred service provider in November, 2009 following a tender and evaluation process. In accordance with the

provisions of the contract, following the necessary preparatory work, roll-out of the national safety camera network is scheduled to commence in the coming weeks and will reach full capacity in early 2011.

An Garda Síochána will determine the scheduling of the speed monitoring and survey sessions, with a Garda Superintendent overseeing the day-to-day running of the project. The selected supplier will have responsibility for ensuring monitoring and survey sessions are conducted in accordance with the schedules and providing survey and monitoring data to An Garda Síochána. The selected supplier will provide the necessary vehicles, monitoring and survey equipment and operating personnel. An Garda Síochána will issue fixed charge notices to speeding drivers who are detected and pursue any court prosecutions undertaken. The service provider will be paid according to the level of service provided. The number of speeding drivers detected by the service provider will have no effect on the level of payment made. The purpose of the contract is to reduce speed, and so increase road safety, not to generate revenue either for the State or the service provider.

### Pension Provisions

243. **Deputy Róisín Shortall** asked the Minister for Justice and Law Reform the value of the pension payment on an annualised basis to the highest paid public sector pensioner in each of the public bodies under the remit of his Department and all public service pensioners not paid by the Office of the Paymaster General; the number in receipt of this level of pension; the total number in receipt of a pension in excess of €155,000 and in each bracket below this at intervals of €20,000. [35251/10]

**Minister for Justice and Law Reform (Deputy Dermot Ahern):** My Department is responsible for the payment of pensions awarded to retired members of An Garda Síochána, retired solicitors of the Legal Aid Board and retired staff of the Children's Detention Schools operated by the Irish Youth Justice Service. The current value of the highest annual pension paid from my Department is €116,250.00 and 87% of all annual pensions are less than €35,000. The following table sets out the numbers in receipt of pensions from my Department in value bands of €20,000.

Value of Annual Pension	Number of Recipients
€115,000 to €135,000	4
€95,000 to €114,999	1
€75,000 to €94,999	3
€55,000 to €74,999	126
€35,000 to €54,999	1,043
€15,000 to €34,999	6,194
Less than €15,000	1,367

### Citizenship Applications

244. **Deputy John McGuinness** asked the Minister for Justice and Law Reform if an application for naturalisation will be approved in respect of a person (details supplied) in County Tipperary and if he will expedite the matter. [35269/10]

**Minister for Justice and Law Reform (Deputy Dermot Ahern):** An application for a certificate of naturalisation from the person referred to in the Deputy's Question was received in the Citizenship Section of my Department in September 2007. Officials in that section inform me

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that a letter requesting further documentation was sent to the applicant on 2 September 2008 and further letters on the 14 October 2008 and the 17 December, 2008. No response was received from the person concerned and processing of this application was ceased. A new application for a certificate of naturalisation from the person concerned was received in the Citizenship Division of my Department in June 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. 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.

I should remind the Deputy that queries in relation to the status of individual Immigration cases may be made direct to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

### **Visa Applications**

245. **Deputy Brendan Howlin** asked the Minister for Justice and Law Reform the position regarding a visa application (details supplied) submitted on 18 August 2010; when a decision will be made in this case; and if he will make a statement on the matter. [35281/10]

**Minister for Justice and Law Reform (Deputy Dermot Ahern):** I am pleased to inform the Deputy that the visa application referred to was approved on the 4 October 2010. I am informed by officials in the Visa Division of my Department that there is no record of a current visa application in respect of the son referred to. I should remind the Deputy that queries in relation to the status of individual Immigration cases may be made direct to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

246. **Deputy Brian Hayes** asked the Minister for Justice and Law Reform in view of recent announcements regarding making Ireland more attractive to foreign students, why is it that, according to the Irish Naturalisation and Immigration Service website, those wishing to study here, if they have ever been refused a visa for any country, must submit the original letter of refusal issued by the authorities of that state while all other applications need only submit details of the refusal, and do not have to submit the original letter; is it reasonable to expect a person to keep a letter of refusal for up to ten years; and if he will make a statement on the matter. [35293/10]

247. **Deputy Brian Hayes** asked the Minister for Justice and Law Reform the procedures and process whereby visa refusal reasons such as need to study in this State not demonstrated or warranted are created and formulated; and if he will make a statement on the matter. [35294/10]

**Minister for Justice and Law Reform (Deputy Dermot Ahern):** I propose to take Questions Nos. 246 and 247 together.

Each application for a visa for the purpose of study is considered on its individual merits based on documentation and evidence provided by the applicant. It is always the case that the onus rests with the applicant to satisfy the Visa Officer as to why a visa should be granted. In order to assist visa applicants, a list of requirements, including details of the documents to be submitted, is available on the website of the Irish Naturalisation and Immigration Service ([www.inis.ie](http://www.inis.ie)). However, as is indicated clearly on the website, these requirements are intended to act as a guideline only and do not limit the discretion of the Visa Officer in determining individual applications. Bearing this in mind, guidelines may also be tailored to different forms of visa application. I am satisfied that these guidelines, and the carrying out of functions by the Visa Section of INIS, are in line with international standards and best practice.

At the discretion of the Visa Officer, applications for visas for reasons of study may be refused, on the basis that the need to undertake the course in this State is neither demonstrated or warranted, in a variety of circumstances including:

- an applicant has not outlined and/or satisfied the visa officer as regards the reasons for undertaking the particular course of study identified in the visa application. An example of this is where there is no clear link in the applicant's employment or education history to a particular course — be it a change of career, work related or progressing/advancing to the next stage of study e.g. diploma, degree or masters level.
- an applicant has already obtained a higher level of qualification in a particular area than that available from the course of study for which he or she has applied.
- the course in question is readily available in the home country of the applicant and there is no reason for the applicant to travel to Ireland for the purpose.
- an applicant from a country where English is commonly spoken seeks to study English in Ireland rather than in their home country.

On the issue of submission of original documents, rather than copies or the supply of details, this facilitates the efficient consideration of an application as authentication is easier. It is, therefore, in the interests of applicants to retain for submission original documents where relevant.

### **Irish Language**

248. **Deputy Frank Feighan** asked the Minister for Justice and Law Reform the amount of funding spent in 2009 and 2010 by his Department on Irish language training for public servants; the number of persons that participated in Irish language training courses; and if he will make a statement on the matter. [35315/10]

**Minister for Justice and Law Reform (Deputy Dermot Ahern):** Irish Language Training for the staff in the Department is mainly provided by Gaeleagras na Seirbhíse Poiblí attached to CMOD, Department of Finance. Gaeleagras invites Departments to nominate staff for participation in courses. The funding for these courses is provided centrally through the Department of Finance with this Department providing a contribution towards scholarship expenses. For 2009 and 2010, 11 staff received scholarship payments totalling €1,375.

In addition my Department provided three in-house, 8 to 10 week, courses during 2009 and to date in 2010. These courses were attended by 38 members of staff and provided by Gaele-

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agras at no cost. A further 11 staff participated in an on-line course provided through Gaelchultúr at a cost of €2,200. One staff member completed a Higher Diploma in Irish under the refund of fees scheme at a cost of €2,050 and 3 other staff participated in various short courses at a cost of €1,140.

### **Programmes for Government**

249. **Deputy Joan Burton** asked the Minister for Justice and Law Reform in view of the relevant commitment given in the revised programme for Government, when he will bring forward proposals for an extra judicial debt settlement mechanism; and if he will make a statement on the matter. [34039/10]

**Minister for Justice and Law Reform (Deputy Dermot Ahern):** The Renewed Programme for Government of October 2009 indicates that debt enforcement will be reformed in light of the deliberations of the Law Reform Commission. As indicated in my response to the Deputy's Question No. 1198 of 29 September 2010, I intend to give early attention to the recommendations of the Law Reform Commission when it finalises its report on *Personal Debt Management and Debt Enforcement* in the near future.

### **Visa Applications**

250. **Deputy Deirdre Clune** asked the Minister for Justice and Law Reform the steps he will take to address the delays experienced by persons applying for holiday visas from outside the Schengen area; and if he will make a statement on the matter. [29182/10]

**Minister for Justice and Law Reform (Deputy Dermot Ahern):** I am informed by Visa Officials in my Department that there are no delays currently in the processing of "holiday" visas. Visa applications are processed as speedily as possible having regard to the numbers on hand and the resources available to process them. Although the INIS website states that visa applications are processed in six to eight weeks, in fact most applications are processed much faster than that. In our dedicated overseas offices, all types of visit visa applications, including holiday-type visas, are processed typically in two to three weeks. Currently "holiday" visas referred to Dublin are generally being turned around within four to five weeks of receipt in Dublin. The aforementioned timeframe is often less for non-complicated applications.

As regards the Schengen area, the Schengen Convention is an agreement among some European Member States which allows for the abolition of systematic border controls between the participating countries. Ireland has not, however, applied to participate in the Schengen arrangements to the extent that they deal with the abolition of border checks. This decision has been taken to maintain the common travel area with the United Kingdom which remains an important priority for the Irish Government.

### **Crime Prevention**

251. **Deputy Jack Wall** asked the Minister for Justice and Law Reform the number of neighbourhood schemes here; and the number in County Kildare. [28771/10]

252. **Deputy Jack Wall** asked the Minister for Justice and Law Reform the number of community alert schemes here; the number in County Kildare; and if there are plans to change this scheme. [28770/10]

**Minister for Justice and Law Reform (Deputy Dermot Ahern):** I propose to take Questions Nos. 251 and 252 together.

Neighbourhood Watch is a crime prevention programme which aims to enlist the active cooperation of the community in a neighbourhood by observing and reporting to An Garda Síochána suspicious activities and by so doing reducing the level of criminal behaviour. Since its establishment, the Garda authorities have sought to encourage the active participation of the public in Neighbourhood Watch by encouraging and supporting communities to establish and maintain such initiatives and deploying crime prevention officers and liaison Gardaí to assist schemes. Neighbourhood Watch is supported by and operates under the Neighbourhood Watch Strategy 2007-2011, which has helped to strengthen its management and operation.

I am informed by the Garda authorities that currently there are 2,340 Neighbourhood Watch Schemes in operation in Ireland, 148 of which are located in County Kildare. The Community Alert programme is a community-based initiative in rural communities, set up in 1985 by Muintir na Tíre in association with the Garda authorities. My Department has provided financial support for the programme for some time. The programme is dedicated in particular to improving the quality of life of vulnerable people in rural communities, especially the elderly, by: crime prevention, neighbourliness and self-reliance, general community safety and well-being, accident prevention, promotion of personal safety, and awareness of social inclusion. The relationship between An Garda Síochána and Muintir na Tíre is formalised in a Memorandum of Understanding between the two organisations.

The programme was given added impetus with the publication of a joint Muintir na Tíre/Garda strategy for the period 2007 to 2011. The strategy was developed following a fundamental review of the programme by representatives of Muintir na Tíre, An Garda Síochána and the Community Alert development officers, which took account of the social and demographic changes that have taken place since 1985. I am informed that there are currently 1,351 Community Alert schemes in operation throughout the country, 51 of which are located in County Kildare.

### **Community Service Orders**

253. **Deputy Charlie O'Connor** asked the Minister for Justice and Law Reform if he has any plans to increase the use of community service within the criminal justice system. [35457/10]

**Minister for Justice and Law Reform (Deputy Dermot Ahern):** I published a Value for Money and Policy Review of the operation of the Community Service Scheme last October. This independent review found that the Scheme was not being used to the extent that it had been in the past. Furthermore, it found that the Community Service Supervisors then employed, operating at full capacity, could provide supervision services to three times as many offenders as were then on Community Service Orders.

Based on this, and other recommendations contained in the review, the Probation Service of my Department is leading the drive to substantially increase the number of persons that could potentially be placed on Community Service. The Probation Service has restructured the delivery of Community Service nationally under the governance of a dedicated Community Service Unit and has piloted a new model of delivery of Community Service in the Dublin area between January and September 2010. The new centralised model incorporates new practices and modes of operation, new management systems, overall governance and work place utilisation. Arising from this focus I am glad to tell the Deputy that during the period of the pilot there has been an increase of 33% of throughput within the Dublin area. The intention is that this new model



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of Community Service will be rolled out nationwide thus allowing for the potential for increased use of Community Service within the Criminal Justice system as a disposal option by the Judiciary.

At the Deputy knows the most common non-custodial sanction used by the Courts, who are independent in the exercise of their functions, is the imposition of a fine. Specifically the recently enacted Fines Act, 2010 makes provision for the use of non-custodial options for the non-payment of fines such as Community Service in less serious cases.

I should also add that the most recently published Discussion Document of the White Paper on Crime series, 'Criminal Sanctions', included an examination of the use of non-custodial sanctions generally. Submissions on this Document were invited and in August 2010 my Department published reports of both the submissions received and a consultation seminar held in Dublin Castle on the 28 May 2010. The opinions received will all feed into the development of my future policy in this field. I expect that the present drive to encourage greater use of the Community Service will see more persons given such Orders as a disposal by the Courts exercising their functions independent of the Executive.

### **Data Protection**

254. **Deputy Peter Kelly** asked the Minister for Justice and Law Reform the actions he will take to advance Ireland's position in seeking to block a European Commission initiative that would allow the free transfer of personal data on EU citizens to Israel. [35458/10]

255. **Deputy Charlie O'Connor** asked the Minister for Justice and Law Reform the rationale for his position to block Israeli access to potentially sensitive data on European citizens; and the next steps in the process. [35459/10]

**Minister for Justice and Law Reform (Deputy Dermot Ahern):** I propose to take Questions Nos. 254 and 255 together.

Article 25 of EU Directive 95/46/EC (the "Data Protection Directive") prohibits the transfer of personal data from EU member states to a non-EU state unless the country in question provides an adequate level of protection of personal data in its national legislation. Article 25(6) provides that the European Commission may, subject to procedures set out in the Directive, reach a conclusion that a particular non-EU state ensures an adequate level of data protection in their domestic law. Where the Commission has satisfied itself that an adequate level of protection exists in such a country, a formal Decision to that effect must be adopted. However, before the Commission can adopt such a Decision, the member states must, on the basis of qualified majority vote, approve it.

Earlier this year, the Commission prepared a draft Decision confirming the adequacy of Israeli data protection legislation in so far as it applies to automated processing of personal data. The proposal was discussed at a meeting of member state representatives on 20 May and was later circulated for approval by written procedure with a deadline of 6 July. I asked my Department to block the written procedure prior to this deadline and the proposal was subsequently discussed at a further meeting on 2 September.

The Government's concerns in relation to the Commission's proposal originated in the fraudulent use of Irish passports by suspects in a high-profile assassination in Dubai in January last. Our first concern has been that Israeli data protection law applies only to the processing of personal data in automated databases. It appears that the manual transcription of passport

details, or photocopying such details from a passport, at a point of entry into Israel would not be covered by Israel's data protection law. Furthermore, we are concerned that Israel's data protection authority, which appears to be based within rather than at arm's length from the Justice Ministry, may not enjoy a sufficient level of independence to enforce data protection safeguards to the standards required by the Data Protection Directive.

At the meeting on 2 September, the European Commission said that it needed time to consider the issues we had raised and it did not seek member state approval for the draft Decision. Any future action on our part will of course depend on whether the Commission proceeds with the draft Decision at a future meeting and, if so, the extent to which our concerns have been taken into account.

### Sentencing Policy

256. **Deputy Peter Kelly** asked the Minister for Justice and Law Reform if he has plans to allow the courts to only use prison as a last resort for crimes incurring minor sentences. [35460/10]

**Minister for Justice and Law Reform (Deputy Dermot Ahern):** As the Deputy may be aware, the Criminal Justice (Community Service) Act 1983 provides that a court may make a Community Service Order as an alternative to a sentence of imprisonment in respect of a person over the age of 16 years who has been convicted of a criminal offence and who consents to the Order being made. The Community Service Order requires an offender to perform unpaid work for between 40 and 240 hours, usually to be completed within 12 months.

The Criminal Justice Act 2006 allows the court to suspend any portion of a sentence or the full sentence, on condition that the offender complies with Probation supervision and any other specific conditions which are intended to reduce the likelihood of re-offending. The courts frequently seek pre-sentence assessment reports from the Probation Service to inform them of the suitability of the defendant for such an order and the conditions that might usefully be attached to supervision rather than imprisonment.

I would also like to draw the Deputy's attention to the most recently published Discussion Document of the White Paper on Crime series entitled *Criminal Sanctions*, which included an examination of the use of non-custodial sanctions generally. Submissions on this document were invited and in August 2010 my Department published reports of both the submissions received and of a consultation seminar held in Dublin Castle on 28th May 2010. The opinions received will feed into the development of future policy in this area.

In addition, as the Deputy will be aware, the Fines Act 2010 was signed into law on 31 May last which, inter alia, provides for alternatives to imprisonment in the event of non-payment of a fine. In such circumstances, a recovery order can be activated and a receiver will be entitled to recover the fine or to seize and sell property from the person and recover the fine from the proceeds. A community service order is also an option. Imprisonment in the event of default will be a last resort.

### Misuse of Drugs

257. **Deputy Charlie O'Connor** asked the Minister for Justice and Law Reform the effects of his recent anti-headshops laws. [35461/10]

**Minister for Justice and Law Reform (Deputy Dermot Ahern):** The Criminal Justice (Psychoactive Substances) Act 2010 is part of the Government's multi-pronged approach to

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targeting the activities of headshops and the sale of unregulated psychoactive substances. The Act works in tandem with the ongoing controlling as appropriate of identified harmful substances by the Department of Health and Children through the Misuse of Drugs legislation and also links in with the HSE's current National Drugs Awareness campaign which is highlighting the dangers of the use of psychoactive substances.

I am informed by the Garda authorities that the Act, which came into effect on 23 August, 2010, has had an immediate positive effect in vastly reducing the number of "headshop" outlets open for business throughout the country. And that as of 3 September 2010, only 19 such outlets remained open for business. None of these outlets, to date, have been found or are suspected to be involved in the sale or supply of harmful psychoactive products. Finally, I am assured by the Garda authorities that the situation will continue to be closely monitored by senior Garda management.

### **Garda Equipment**

258. **Deputy David Stanton** asked the Minister for Justice and Law Reform, further to Parliamentary Question No. 96 of 10 November 2009, the further progress made regarding the roll out of decibel counters to all Garda stations; and if he will make a statement on the matter. [35462/10]

**Minister for Justice and Law Reform (Deputy Dermot Ahern):** I am informed by the Garda authorities that, following a procurement process conducted in accordance with EU Directives, national procurement procedures and relevant legislation, a Preferred Supplier has been selected for the provision of sound level meters on behalf of An Garda Síochána. The unsuccessful bidders have also been informed and the required period before the contract can be finalised is due to expire on 18th October, 2010. The Garda authorities have also indicated that they will proceed with the roll out of sound level meters for operational use as quickly as possible.

### **Garda Deployment**

259. **Deputy David Stanton** asked the Minister for Justice and Law Reform his views on the amount of Garda time and resources lost in travelling to and attending court hearings; and if he will make a statement on the matter. [35463/10]

**Minister for Justice and Law Reform (Deputy Dermot Ahern):** The Deputy will appreciate that a considerable amount of Garda time will always have to be devoted to court duties. In that context, however, I have been informed by the Garda Commissioner, who is responsible for the allocation of Garda resources, that specific measures have been put in place to minimise the extent to which Garda members are required to attend in court. This is an area that is kept under on-going review. I would also draw the attention of the Deputy to the fact that legislative measures have been adopted to save Garda time by permitting certain evidence to be presented to a court by way of certificate. The operation of the relevant statutory provisions is of course subject to the requirements of justice and judicial supervision.

### **Foreign Direct Investment.**

260. **Deputy Joe McHugh** asked the Minister for Foreign Affairs if he will lobby the US Secretary of State and her Northern Ireland envoy (details supplied) to promote the Border region as a location for new FDI at the Northern Ireland enterprise conference that she will host in Washington on 19 October; if he will acknowledge the importance of same in the

context of the Bilateral 2006 Comprehensive Study on the All-Island economy that notes companies should be encouraged to redesign logistical strategies and treat Ireland as one commercial zone rather than two separate entities; and if he will make a statement on the matter. [35201/10]

**Minister for Foreign Affairs (Deputy Micheál Martin):** The 2006 Comprehensive Study on the All-Island economy identified the need to build on our competitive strengths, particularly in the areas of infrastructure and R&D. The recently published Innovation Task Force report was also clear on the benefits to be gained — not least to border regions — from jointly branding and promoting our “Innovation Island”. An important initiative in this context is the US-Ireland R&D Partnership, an outcome of the US-Ireland Business Summit in Washington D.C. which was launched in July 2006. Its aim is to promote collaborative innovative research projects which create value above and beyond individual efforts. The Partnership represents a new model for international research cooperation and, to date, a total of seven awards have been made amounting to a total of \$19m from a combination of sources in the US, Northern Ireland and Ireland.

I will travel to Washington to attend the Northern Ireland Economic Conference on October 19th which is being hosted by the US Secretary of State Hillary Clinton. While there, I will take the opportunity to stress the potential of all-Ireland, cross border economic cooperation and the investment opportunities in the border region. To coincide with the Economic Conference, I will co-host an event with the First Minister, Deputy First Minister and the US Special Envoy to Northern Ireland, Declan Kelly, to promote the work of the US-Ireland R&D Partnership. I anticipate that a number of key announcements will be made at that Washington event, including the expansion of the Partnership’s relationship with the National Science Foundation in the US.

### Pension Provisions

261. **Deputy Róisín Shortall** asked the Minister for Foreign Affairs the value of the pension payment on an annualised basis to the highest paid public sector pensioner in each of the public bodies under the remit of his Department and all public service pensioners not paid by the Office of the Paymaster General; the number in receipt of this level of pension; the total number in receipt of a pension in excess of €155,000 and in each bracket below this at intervals of €20,000. [35249/10]

**Minister for Foreign Affairs (Deputy Micheál Martin):** Three individuals are currently in receipt of public service pensions direct from the Department of Foreign Affairs. The pensions relate to employment in the former Agency for Personal Service Overseas (APSO) which was integrated into the Department a number of years ago. The annual amount in each case is less than €20,000. There are no public bodies under the aegis of my Department.

### Irish Language

262. **Deputy Frank Feighan** asked the Minister for Foreign Affairs the amount of funding spent in 2009 and 2010 by his Department on Irish language training for public servants; the number of persons that participated in Irish language training courses; and if he will make a statement on the matter. [35313/10]

**Minister for Foreign Affairs (Deputy Micheál Martin):** Details of expenditure by the Department of Foreign Affairs on Irish language training in 2009 and 2010 are set out in the following table, which also shows the number of officers that participated in the training.

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Year	Expenditure	Number of officers
	€	
2009	430	3
2010	1,505	4

My Department is currently finalising arrangements for the provision of Irish language classes for its staff at headquarters and abroad. These classes, at various competency levels, will be particularly aimed at staff who interact with members of the public on a regular basis.

### Social Welfare Appeals

263. **Deputy Mary O'Rourke** asked the Minister for Social Protection if he will review the case of a person (details supplied) in County Roscommon who has been refused supplementary welfare assistance. [35174/10]

270. **Deputy Mary O'Rourke** asked the Minister for Social Protection if he will review the case of a person (details supplied) in County Roscommon who has been refused rent subsidy. [35218/10]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** I propose to take Questions Nos. 263 and 270 together.

The Health Service Executive (HSE) has advised that the person concerned was refused basic supplementary welfare allowance and rent supplement as she did not meet the habitual residence condition. The HSE further advised that the person concerned appealed the decision to the HSE Appeals Office but that no decision has been made on her appeal to date. The HSE Appeals Office will contact the person concerned directly when a decision has been made on her appeal.

### Social Welfare Benefits

264. **Deputy Aengus Ó Snodaigh** asked the Minister for Social Protection, further to his press statement of 6 July 2010, if he will make a statement detailing any changes he intends to make to the mortgage interest supplement scheme and the expected timeframe for same. [35180/10]

265. **Deputy Aengus Ó Snodaigh** asked the Minister for Social Protection further to his press statement of 6 July 2010 the steps he will take to protect those who have been recipients of mortgage interest supplement for over two years while also in receipt of invalidity pension and whose mortgage is not in arrears in the context of any revisions to be made to the mortgage interest supplement scheme. [35181/10]

266. **Deputy Aengus Ó Snodaigh** asked the Minister for Social Protection if his attention has been drawn to the fact that his press statement of 6 July 2010 which detailed his departmental review group's proposal for a two year time limit on receipt of mortgage interest supplement has caused much concern among the public and if he will make a further statement indicating the way those who are struggling to pay their mortgages and who would be in even greater difficulty in the absence of the supplement will be protected into the future. [35182/10]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** I propose to take Questions Nos. 264 to 266, inclusive, together.

The supplementary welfare allowance scheme provides for a weekly or monthly supplement to be paid in respect of mortgage interest to any person in the State whose means are insufficient to meet their needs. The supplementary welfare allowance scheme is administered by the community welfare service of the Health Service Executive on behalf of the Department. My Department's review of the administrative, policy and legal aspects of mortgage interest supplement was published in July 2010. The report was published in conjunction with the interim report of the Mortgage Arrears and Personal Debt Review Group. My Department is currently developing an implementation plan that will set out a framework for the future of the mortgage interest supplement scheme. This plan will be completed when the recommendations of the final report of the Mortgage Arrears and Personal Debt Review Group are available. This report is expected to be completed shortly.

### **Pension Provisions**

267. **Deputy Róisín Shortall** asked the Minister for Social Protection, further to Parliamentary Question No. 1322 of 29 September 2010, if a self-employed person will be included in the auto-enrolment scheme and if so the total level of contributions they will be required to pay. [35192/10]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** The introduction of a new auto-enrolment scheme is a key element of the National Pensions Framework. Employees aged 22 or over, who earn above a certain income threshold will be automatically enrolled into this new scheme, unless they are already in a more favourable occupational pension scheme. Self-employed people will not be enrolled into the scheme.

For those employees who are included in the scheme, contributions will only be paid on earnings above a certain minimum level and below a certain maximum. The level of these thresholds will be decided closer to the implementation date and they will be set in such a way as to ensure that the scheme focuses on those on low and middle incomes. Within these thresholds, the employee will pay 4% of their salary and the employer will be required to pay a contribution of 2%. The State will also provide a contribution within these thresholds which will be equivalent to 33% tax relief. Where a self-employed person employs people who are enrolled into the new scheme he or she will be required to pay the employer contribution of 2% within the upper and lower earnings thresholds, in respect of each such employee.

An implementation group was established in May to develop the legislative, regulatory and administrative infrastructure required to put the reforms into operation. The implementation phase is expected to take three to five years. It is intended that the auto-enrolment scheme will be introduced in 2014 but only if it would be prudent given the economic conditions prevailing at that time.

### **Unemployment Levels**

268. **Deputy Tom Hayes** asked the Minister for Social Protection the number of persons unemployed in south Tipperary as a percentage of the working population from 2006 to date in 2010; the number of persons unemployed here as a percentage of the working population from 2006 to date in 2010; and if he will make a statement on the matter. [35200/10]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** Unemployment figures are released by the Central Statistics Office in their publication "Quarterly National Household Survey". This data is published on a regional and a national level only. I have included a table which shows the unemployment rate both in the South East region, which includes Tipperary south, and on a national level from 2006 to 2010. I have also included a table showing the live register in Tipperary south from 2006 to 2010. Further information on both the Quarterly National Household Survey and the Live Register can be obtained at [www.cso.ie](http://www.cso.ie)

[Deputy Éamon Ó Cuív.]

Table: Number of Persons Unemployed as a percentage of Working Population at the end of December.

Year	South East	National
	%	%
2006	4.5	4.0
2007	5.0	4.5
2008	8.8	7.6
2009	14.7	12.4
2010 (June)	18.1	13.6

Table: Number of Persons on the Live Register in Tipperary South at the end of December.

Year	Persons on the Live Register Tipperary South
2006	3,006
2007	3,288
2008	5,878
2009	8,514
2010 (September)	9,270

### Social Welfare Benefits

269. **Deputy Aengus Ó Snodaigh** asked the Minister for Social Protection the average and longest waiting times for decisions on disability allowance; his view on the fact that many applicants are waiting an unacceptably long time and the steps he will take to speed up the process. [35204/10]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** The average number of weeks taken to decide a disability allowance claim last month (September 2010) was 10.69 weeks. People awaiting a decision on a claim for disability allowance who have urgent income support needs can apply for the means tested supplementary welfare allowance (SWA) from their local Community Welfare Officer in the Health Service Executive. To be eligible for disability allowance, a claimant must satisfy a medical assessment, a means test and be habitually resident in the state.

The processing time for individual disability allowance claims may vary in accordance with their relative complexity in terms of the three main criteria listed above. Certain claims have to be referred to Social Welfare Inspectors for means investigation and this can add to the overall processing times. In addition, factors outside the department's control can have an impact, for example, the supply of relevant information by the customer, employers or other third parties. This Department is committed to delivering the best possible service to its customers. Operational processes and procedures and the organisation of work are continually reviewed in all areas of the department, including disability allowance section, to ensure that claims are processed and decided in the most efficient and expeditious way possible, having regard to the eligibility conditions that apply to each scheme.

*Question No. 270 answered with Question No. 263.*

### Pension Provisions

271. **Deputy Róisín Shortall** asked the Minister for Social Protection the value of the pension

payment on an annualised basis to the highest paid public sector pensioner in each of the public bodies under the remit of his Department and all public service pensioners not paid by the Office of the Paymaster General; the number in receipt of this level of pension; the total number in receipt of a pension in excess of €155,000 and in each bracket below this at intervals of €20,000. [35252/10]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** Details of the annualised pensions paid by the public bodies under the remit of the Department are shown in the following tabular statement.

Highest Annualised Pension	Amount	Number in Receipt of this Level of Pension
	€000	
Pensions Board	53	1
Citizens Information Board (CIB)	52	1
Office of the Pensions Ombudsman	0	0

#### Annualised Pensions Summary

	Pensions Board	CIB	Pensions Ombudsman
in excess of €155,000	0	0	0
€135,000 – €155,000	0	0	0
€115,000 – €135,000	0	0	0
€95,000 – €115,000	0	0	0
€75,000 – €95,000	0	0	0
€55,000 – €75,000	0	0	0
€35,000 – €55,000	3	1	0
€15,000 – €35,000	0	3	0
Below €15,000	1	18	0

#### Social Welfare Benefits

272. **Deputy Willie O’Dea** asked the Minister for Social Protection if his attention has been drawn to the difficulties being encountered in urban areas as a result of the way the rent scheme is being administered; if he is further aware that the Health Service Executive has decided to grant rent allowances to tenants in cases where landlords are not fulfilling their legal obligations by registering with the Private Residential Tenancies Board; if he is aware that the HSE persistently refuses to give persons who are living in the vicinity of a house subject to rent allowance access to the landlord even in cases where anti-social behaviour is occurring as a result of the activities of the family who has been granted rent allowance; if he will consider publishing a full list of the landlords who are in receipt of rent allowance payments. [35267/10]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** Under the Residential Tenancies Act 2004, landlords are legally obliged to register tenancies with the Private Residential Tenancies Board (PRTB). The Department is working closely with the PRTB to ensure that all tenancies where rent supplement is in payment are registered with the PRTB. To that end, the Department provides details of new rent supplement payments to the PRTB to enable them identify tenancies that are not registered and to take any follow-up action necessary.



[Deputy Éamon Ó Cuív.]

Landlords are legally obliged to register tenancies with the PRTB within one month from the start date of the tenancy or at a later date on payment of an increased fee. For this reason, it is not practicable for the Department to insist that a tenancy be registered with the PRTB before payment of rent supplement can be made. There are also instances where a rent supplement tenancy need not be registered with the PRTB, for example, in the case of renting a room in a house or where a premises is owner occupied. Rent supplement tenancies which are liable for registration with the PRTB, should be so registered. In that regard, the close working arrangements which the Department has with the PRTB should ensure that over time, all tenancies that come within the area of rent supplement comply with the statutory system of tenancy regulation and safeguards.

With regard to anti-social behaviour, tenancy arrangements involve a contract between the landlord and tenant and tenant behaviour in private rented accommodation is a matter for the landlord in the first instance. There are a number of avenues open to landlords in such cases, including the mediation service for landlords and tenants operated by the Private Residential Tenancies Board and/or recourse to the Garda Síochána and/or the Courts in relation to enforcement of the law in relation to anti-social behaviour. If necessary, the landlord may seek termination of the tenancy which, if effected, would result in the termination of rent supplement.

Under the relevant rent supplement legislative provisions, the Department's relationship is with the tenant; the tenant makes the application for rent supplement and payment is made to the tenant. Rent supplement is specifically for the benefit of tenants to assist them with their accommodation needs. While there is no direct relationship with the landlord, the landlord/letting agent is required to confirm the rent charged and the landlord/letting agent details are on the application form. The data is collected for the purposes of calculating the rate of rent supplement payable to the tenant and may be shared with other Departments or Agencies in line with existing legislative provisions. For data protection reasons neither my Department nor the HSE are permitted to publish a record of landlords who have rent supplement recipients as tenants. Similarly, landlord details for a particular tenancy cannot be provided to members of the public on request. I am satisfied that existing measures in relation to the rent supplement scheme are adequate and I have no plans to make any changes in this regard.

### **Social Welfare Appeals**

273. **Deputy Dinny McGinley** asked the Minister for Social Protection when an oral hearing appeal on an application for domiciliary care allowance will be held in respect of a person (details supplied); and if he will make a statement on the matter. [35275/10]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** The Social Welfare Appeals Office has advised me that the appeal from the person concerned has been referred to an Appeals Officer who proposes to hold an oral hearing in the case. The person concerned will be informed when arrangements have been made. The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

274. **Deputy Mary Upton** asked the Minister for Social Protection if a user friendly system can be set up for persons calling the social welfare appeals office (details supplied); and if he will make a statement on the matter. [35282/10]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** The Social Welfare Appeals Office has advised me that as part of one of a number of new initiatives brought in recently to improve

the service offered to its customers, a new Phonebank system was installed in the Office from 23 August 2010. Staff training has been provided and the new service is being monitored. Any improvements required will be implemented as feasible.

### Departmental Schemes

275. **Deputy Enda Kenny** asked the Minister for Social Protection if he will provide an overview of the number of refused applications for all schemes administered by his Department from County Mayo; if he may provide a breakdown of approvals and refusals by scheme; if he will specifically provide the number of refusals in respect of the habitual residency clause; and if he will make a statement on the matter. [35287/10]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** The information requested by the Deputy is not readily available within my Department. I can, however, provide the Deputy with data in relation to approvals and refusals for all claims made by customers in the Social Welfare Local and Branch Offices in county Mayo. I have attached a table which breaks down the approvals and refusals by scheme type. I am unable to provide a detailed breakdown of reasons for refusals. The information is outlined in the following tables.

Approvals & Refusals by Scheme type for period 1 January 2010 to 30 September 2010

Scheme	Awards	Refusals
Jobseekers Benefit	4,491	233
Jobseekers Allowance	4,102	429
Systematic Short Time Workers	500	5
Pre-Retirement Allowance	2	0
Farm Assist	253	29
Back to Work Scheme	158	0
Back to Education	219	0
One Family Payment	122	12
Jobseekers Credit Only Claim	437	5
<b>Total</b>	<b>10,284</b>	<b>713</b>

Approvals & Refusals by Scheme type for period 1 January 2009 to 31 December 2009

Scheme	Awards	Refusals
Jobseekers Benefit	7,232	240
Jobseekers Allowance	5,519	343
Systematic Short Time Workers	1,200	18
Pre-Retirement Allowance	2	0
Farm Assist	311	20
Back to Work Scheme	99	2
Back to Education	309	0
One Family Payment	187	28
Jobseekers Credit Only Claim	568	12
<b>Total</b>	<b>15,427</b>	<b>663</b>

*Note:* The data above relates to claims made in the following offices: Achill, Ballina, Belmullet, Castlebar, Claremorris, Swinford, Westport.

### Irish Language

276. **Deputy Frank Feighan** asked the Minister for Social Protection the amount of funding spent in 2009 and 2010 by his Department on Irish language training for public servants; the number of persons that participated in Irish language training courses; and if he will make a statement on the matter. [35316/10]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** The provision of a quality customer service in Irish has been a priority of my Department for many years. A range of supports have been made available to staff to facilitate the provision of services through Irish to the Department's customers, including training in spoken and written Irish. The overall objective of these training supports is to equip front line staff with the necessary skills and confidence to deliver a quality customer service through Irish by phone, letter and in person. The following outlines the expenditure on training and number of participants in the period 2009 to 2010:

Irish Language Training	Expenditure	Attendees
	€	
2009	9,932	49
2010	6,777	36
Total	16,709	85

I would like to assure the Deputy that my Department will continue to fulfil its obligations under the Official Languages Act.

### Social Welfare Benefits

277. **Deputy Michael Ring** asked the Minister for Social Protection if a person receiving the one parent family allowance returning to full-time education and receiving the third level maintenance grant can retain their rent allowance payment; and if he will make a statement on the matter. [35321/10]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** The supplementary welfare allowance scheme is administered on behalf of the Department by the Community Welfare Division of the Health Service Executive (HSE). A number of groups are specifically excluded in legislation from receiving assistance under the supplementary welfare allowance scheme including rent supplement. These include people in full-time education. Where a person is in full-time education and wishes to retain entitlement to receive rent supplement that person must be in receipt of the back to education allowance. People participating in approved courses under the back to education allowance scheme receive a standard weekly rate of payment equivalent to the maximum rate of their previous social welfare payment and may retain entitlement to secondary benefits, such as rent supplement, which had been in payment prior to the commencement of their education course. People returning to full-time education should contact their local Community Welfare Officer to clarify their continuing entitlement to entitlements under the supplementary welfare allowance scheme.

278. **Deputy Róisín Shortall** asked the Minister for Social Protection the number of rent supplement recipients in receipt of a payment that has been reduced because means have been assessed against them. [35323/10]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** Statistics are not available on the number of rent supplement recipients that are in receipt of a reduced rate rent supplement payment because means have been assessed against them.

### Social Insurance

279. **Deputy Michael Ring** asked the Minister for Social Protection the number of complaints received in relation to employers not paying PRSI for their employees for the following years 2005, 2006, 2007, 2008 and 2009; the action taken on foot of these complaints; the sanctions that have been applied; and if he will make a statement on the matter. [35410/10]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** The Department's Inspectorate, appointed under Section 250 of the Social Welfare (Consolidation) Act 2005, is responsible, inter alia, for ensuring that employers and self-employed people comply with the Act in relation to Pay Related Social Insurance (PRSI) contributions. Employer compliance, in this regard, is monitored through employer enquiries and inspections which include detailed examinations of employers' records to ensure that correct PRSI payments are being made in respect of all employees. Where PRSI undercharges are confirmed, the Inspector sets out the PRSI arrears or underpayment in respect of each employee for each tax year and issues a demand to the employer for payment. Should the employer fail to respond satisfactorily, a statutory demand will issue by registered post and the employer given 14 days to respond. If the employer fails to respond, the case is considered for prosecution.

Employer enquiries on PRSI compliance can be referred either by a customer or by a Department official where irregularities on a customer's record are identified. Where an employee notifies the Department that his or her employer has not been remitting PRSI on their behalf, or where an irregularity in a customer's PRSI record is detected at claim processing stage, the case is referred to a Social Welfare Inspector to enquire into the matter. Details of the number of employer enquiries made by the Department in the years 2005-2009 are set out in the following table 1. The number of cases where PRSI undercharges were confirmed is included. The Department does not hold system records on the source of the complaint.

Table 1 — Employer Enquiries 2005-2009

	2005	2006	2007	2008	2009
No. cases	1,383	1,105	1,246	1,154	765
PRSI due	174	171	150	133	127

Employer enquiries may lead to an employer inspection. Details of the number of Employer PRSI Inspections/investigations for the years 2005-2009 are set out in the following table 2:

Table 2 — Employer Inspections 2005-2009

Year	2005	2006	2007	2008	2009
Number of inspections/investigations	710	602	531	474	379

[Deputy Éamon Ó Cuív.]

Table 3 — Employer cases finalised in court 2005-2009

Year	Failure to pay PRSI on foot of demand	Failure to produce/maintain wages records	Failure to provide employment details for employees	Total employer cases finalised in court	Court outcome
2005	4	5	2	11	11 fined #
2006	2	3	2	7	6 fined 1 POA*
2007	7	9	—	16	10 fined 2 POA* 4 struck out
2008	9	6	—	15	9 fined 2 POA* 3 struck out 1 withdrawn
2009	2	4	1	7	3 fined 1 POA* 1 community service 1 struck out 1 withdrawn

# 1 case fined also received a suspended sentence.

\* Probation of Offenders Act.

The Department is committed to ensuring that employers comply with their statutory obligations, thereby ensuring that employees do not suffer a delay in securing any social welfare entitlements and contributions to the Social Insurance Fund are made in an accurate and timely manner.

### Social Welfare Code

280. **Deputy Michael Ring** asked the Minister for Social Protection the criteria for claiming jobseeker's benefit and allowance on a part-time basis; if he will outline the reduced payments made available for same; and if he will make a statement on the matter. [35412/10]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** To qualify for jobseeker's benefit or jobseeker's allowance:

- A person must be unemployed for at least three days out of six consecutive days (excluding Sunday), and must be available for and genuinely seeking work;
- For jobseeker's benefit, a person must also have a loss of employment and satisfy the social insurance contribution conditions;
- For jobseeker's allowance, a person must also satisfy a means test and the habitual residence condition.

If a person becomes fully unemployed, or if their working week is reduced, jobseeker's benefit or allowance is payable provided they satisfy the above conditions.

The weekly rate of jobseeker's benefit is based upon the person's earnings in the governing contribution year (GCY) of the claim. The GCY is two years previous to the year of the claim. The full personal rate of jobseeker's benefit is €196. A reduced personal rate applies if the earnings of the person were less than €300 in the contribution year that governs their claim.

Average weekly earnings	Personal rate	Increase for qualified Adult
	€	€
Less than €150.00	88.10	84.30
Between €150.00 and €219.99	126.60	84.30
Between €220.00 and €299.99	153.60	84.30
€300.00 or more	196.00	130.10

Jobseeker's benefit is based upon a six day week. One sixth of the weekly rate is payable for each day of unemployment so long as all the conditions as outlined above are satisfied. Employees who are temporarily put on short-time working and who have a repetitive work pattern are dealt with differently. In these cases, the total number of days worked and jobseeker's benefit paid cannot exceed five days in any week. For these customers, the daily rate is one fifth of the weekly rate.

In assessing means for jobseeker's allowance, account is taken of any cash income a person may have, together with the value of capital and property (except a person's family home). The means assessment is based on a weekly family rate which is comprised of a personal rate (currently €196), a full increase in respect of a qualified adult (currently €130.10) and a full increase in respect of a qualified child (currently €29.80) less full means.

The insurable earnings of both the claimant and his or her spouse/partner are assessed in the same manner. An earnings disregard of €20 per day applies to the customer and spouse/partner up to a maximum of 3 days a week. The balance is assessable at 60%. If the means of the family are equal to or in excess of the family rate payable on jobseeker's allowance, the claim is disallowed.

### Social Welfare Benefits

281. **Deputy Michael Ring** asked the Minister for Social Protection the number of person's claiming part-time jobseeker's benefit and allowance in tabular form; to provide a breakdown of the duration of same on a per annum basis; to provide the cost for same; and if he will make a statement on the matter. [35413/10]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** The number of persons in payment at w/e 1/10/2010 with a category denoting some form of work is as follows:

	Jobseekers Benefit	Jobseekers Allowance	PTJI
Casual / Part-time	45,956	27,750	n/a
Systematic Short Time	11,995	n/a	n/a
Week on / Week off	857	n/a	n/a
Self employed	172	8,883	n/a
Part Time Job Incentive (Aug 2010)	n/a	n/a	158

It is not feasible to provide an accurate breakdown of the duration of each claim as requested by the Deputy. To do so would involve accessing each record individually. Also the categories

[Deputy Éamon Ó Cuív.]

in the table are not accounted for separately for expenditure purposes as they are merely sub-categories of Jobseekers Allowance or Jobseekers Benefit schemes.

### Social Welfare Appeals

282. **Deputy Michael Ring** asked the Minister for Social Protection if an appeal can be opened in respect of a person (details supplied) in County Mayo. [35426/10]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** I am informed by the Social Welfare Appeals Office that a form for the opening of an appeal has been forwarded to the person concerned and requesting him to state the grounds for his appeal. On receipt of his reply the appeal will be opened and processed in the normal manner. 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.

283. **Deputy Michael Ring** asked the Minister for Social Protection the position regarding a disability allowance appeal claim in respect of a person (details supplied) in County Mayo. [35436/10]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** The Social Welfare Appeals Office has advised me that an appeal by the person concerned was registered in that Office on 28 September 2010. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by the Social Welfare Services on the grounds of appeal be sought. When received, the appeal in question will be referred to an Appeals Officer for consideration. The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

284. **Deputy Róisín Shortall** asked the Minister for Social Protection the number of social welfare appeals in each of the past three years dealing with a supplementary welfare claim, including claims for rent supplement and mortgage interest supplement; and the number of these that had been appealed to a Health Service Executive appeals officer. [35443/10]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** If a person is unhappy with the decision of the Health Service Executive (HSE) on his/her supplementary welfare allowance (including basic SWA, rent supplement, mortgage interest supplement) application, it is open to him/her to appeal the decision to the HSE Appeals Office. Where a person is dissatisfied with the outcome of his/her HSE appeal, he or she may appeal to the independent Social Welfare Appeals Office. The Social Welfare Appeals Office deals with appeals relating to basic SWA and supplements but does not decide on appeals relating to exceptional or urgent needs payments. In the time frame available, I regret that my Department is not in a position to provide the statistics requested. My Department will be in contact with the Deputy over the coming days and provide the statistics requested.

### Pension Provisions

285. **Deputy Róisín Shortall** asked the Minister for Tourism, Culture and Sport the value of the pension payment on an annualised basis to the highest paid public sector pensioner in each of the public bodies under the remit of her Department and all public service pensioners not paid by the Office of the Paymaster General; the number in receipt of this level of pension;

the total number in receipt of a pension in excess of €155,000 and in each bracket below this at intervals of €20,000. [35255/10]

**Minister for Tourism, Culture and Sport (Deputy Mary Hanafin):** There is no pensioner in the bodies under the aegis of my Department in receipt of an annual pension in excess of €155,000. The further information requested by the Deputy relating to public service pensioners not paid by the office of the Paymaster General is set out in tabular form.



Name of Body	Maximum pension and number in receipt	Number of Pensions above €155,000	Number Between €135,001 – €155,000	Number Between €115,001 – €135,000	Number Between €95,001 – €115,000	Number Between €75,001 – €95,000	Number Between €55,001 – €75,000	Number Between €35,001 – €55,000	Number Between €15,001 – €35,000	Number below €15,000
Arts Council	€48,041 (1)	0	0	0	0	0	0	1	2	5
Irish Film Board	0	0	0	0	0	0	0	0	0	0
Chester Beatty Library	€16,700 (1)	0	0	0	0	0	0	0	1	4
Crawford Art Gallery	0	0	0	0	0	0	0	0	0	0
Fáilte Ireland	€88,997 (1)	0	0	0	0	5	15	49	124	122
Irish Museum of Modern Art	€14,049 (1)	0	0	0	0	0	0	0	0	2
Irish Sports Council	0	0	0	0	0	0	0	0	0	0
National Concert Hall	€9,235 (1)	0	0	0	0	0	0	0	0	10
National Library of Ireland	€43,389 (1)	0	0	0	0	0	0	3	7	6
National Museum of Ireland	€36,235 (1)	0	0	0	0	0	0	1	1	7
National Sports Campus Development Authority *	0	0	0	0	0	0	0	0	0	0
Tourism Ireland Ltd.	€61,356 (1)	0	0	0	0	0	2	5	2	3

### Irish Language

286. **Deputy Frank Feighan** asked the Minister for Tourism, Culture and Sport the amount of funding spent in 2009 and 2010 by her Department on Irish language training for public servants; the number of persons that participated in Irish language training courses; and if she will make a statement on the matter. [35319/10]

**Minister for Tourism, Culture and Sport (Deputy Mary Hanafin):** My Department has undertaken a number of measures to meet its obligations under The Official Languages Act 2003 to develop language awareness and skills among its staff to meet the needs of all their customers which include the following:—

- making available to all staff of the Department appropriate Irish language training courses,
- supporting and implementing the Irish scholarships programme conducted by *Gaeleagreas na Seirbhíse Poiblí* by releasing participating officers to attend the *Gaeltacht* courses under the scholarship courses scheme
- providing advice to staff on the range of Irish language classes available outside office hours
- promoting the refund of fees scheme as a mechanism for encouraging Irish language training.

The information sought by the Deputy is as follows:

Expenditure details	2009		2010	
	Annual exp.	No. of staff	Annual exp.	No. of staff
	€		€	
Irish Language classes	7,122.02	12	4,000 (estimated)	5
Refunds under the <i>Gaeleagras</i> scheme	0	0	250	2

### Grant Payments

287. **Deputy Martin Ferris** asked the Minister for the Environment, Heritage and Local Government when will the hen harrier payment for 2010 will issue (details supplied). [35209/10]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The herd number supplied with the question does not relate to any participant in the NPWS Farm Plan Scheme. On receipt of more information regarding the applicant, my Department will confirm the situation in relation to the payment.

### Pension Provisions

288. **Deputy Róisín Shortall** asked the Minister for the Environment, Heritage and Local Government the value of the pension payment on an annualised basis to the highest paid public sector pensioner in each of the public bodies under the remit of his Department and all public service pensioners not paid by the Office of the Paymaster General; the number in receipt of

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this level of pension; the total number in receipt of a pension in excess of €155,000 and in each bracket below this at intervals of €20,000. [35247/10]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):**

The information requested is being compiled and will be forwarded to the Deputy as soon as possible.

### **Irish Language**

289. **Deputy Frank Feighan** asked the Minister for the Environment, Heritage and Local Government the amount of funding spent in 2009 and 2010 by his Department on Irish language training for public servants; the number of persons that participated in Irish language training courses; and if he will make a statement on the matter. [35311/10]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** My Department has spent €4,560.73 in 2009 and €1,755 to date in 2010 on Irish language training for staff. 63 staff members attended Irish language training funded or facilitated by the Department over this period.

### **Planning Issues**

290. **Deputy Olivia Mitchell** asked the Minister for the Environment, Heritage and Local Government if he intends to respond to the National Consumer Agency recommendation to change the law governing the size of supermarkets in order to encourage new entrants and in turn promote competition leading to lower prices; and if he will make a statement on the matter. [35326/10]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** My Department is currently reviewing the Retail Planning Guidelines which were originally published in 2001 and updated in 2005. An Issues Paper was published in June 2010 to provide an opportunity for stakeholders and interested parties to assist in identifying key issues to be considered in the context of preparing and drafting revised guidelines. Almost 200 submissions were received by the closing date of 30 July. The issue of retail floorspace caps was identified in the Issues Paper, along with broader competition issues. All submissions will be carefully considered with a view to draft revised guidelines being published for public consultation by the end of the year. This will afford all interested parties a further opportunity to input into the process before the guidelines are finalised.

### **Infectious Diseases**

291. **Deputy Jan O'Sullivan** asked the Minister for the Environment, Heritage and Local Government if he will provide information on Lyme disease on the website of his Department and encourage local authorities and other bodies under the auspices of his Department to do so also, using the information provided by Tick Talk Ireland in order to inform people of how to protect themselves from this disease; and if he will make a statement on the matter. [35418/10]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):**

The question of public awareness on disease and infections is a matter for the Minister for Health and Children.

### Special Areas of Conservation

292. **Deputy Joe McHugh** asked the Minister for the Environment, Heritage and Local Government in reference to a proposed special protection area, SPA, site, (details supplied) if the Minister or his National Parks and Wildlife Service officials will make a comprehensive statement on the proposed SPA; if this statement will fully set out the entire requirements the designation will impose on local stakeholders including farmers, fishermen, oyster fishermen, foreshore licence holders and aquaculture licence holders; if he will provide comprehensive maps of the proposed SPA; if the Minister or a representative of the National Parks and Wildlife Service will meet with local stakeholders about this matter in the coming weeks; and if he will make a statement on the matter. [35437/10]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** My Department is currently engaged in a programme of classification of Special Protection Areas (SPAs) under the Birds Directive. This exercise includes the re-classification of many existing SPA sites including Trawbreaga Bay which was first designated some fifteen years ago. A judgment delivered by the European Court of Justice against Ireland in December 2007 found that Ireland's classification of its SPAs had been inadequate in some respects and this has necessitated the re-classification of many of the older sites.

The proposal to update the designation of Trawbreaga Bay as a Special Protection Area under the Birds Directive was advertised on 4 August, 2010. Detailed information on the proposal was included with my Department's letter of 30 July, 2010 which issued to some 148 landowners and users identified as having an interest in the site. This material, including maps of the proposed site, was also made available through public access points in the area including Garda Stations, Teagasc offices, the local library and the offices of Donegal County Council. I have arranged for a copy of the information pack to be sent to the Deputy.

Appeals by affected landowners or users may be made by the 3 November, 2010. The re-designation process will be concluded, following consideration of any appeals submitted, with the making of a new Statutory Instrument for the site.

### Electricity Generation

293. **Deputy Paul Gogarty** asked the Minister for Communications, Energy and Natural Resources the number of generators and their size currently operating under the ESB support initiative for micro-generators; the number of applications that are being processed; the reasons for assisting 4,000 generators only; and if he will make a statement on the matter. [35176/10]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** There are currently 302 generators operating in the ESB Microgeneration scheme with a total connected capacity of 1709.17kW.

The types of technology in the scheme are as follows:

- Wind Turbine installations = 261 in total
- PV installations = 39 in total
- Hydro Turbines installations = 2 in total
- Wind Turbine installations comprise approximately 93.5% of total microgeneration connected capacity.
- PV installations comprise approximately 6% of total microgeneration connected capacity.

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- Hydro Turbine installations comprise approximately 0.5% of total microgeneration connected capacity.

A total of some 307,048kWh were exported by ESB microgeneration customers between 30th September 2009 and 14th September 2010.

The breakdown by technology type is:

- A total of 267,760kWh were exported by Wind Turbine installations.
- A total of 38,340kWh were exported by PV installations.
- A total of 948kWh were exported by Hydro Turbine installations.

The purpose of the 4000 generator limit was to place an initial boundary on ESB Networks commitment, with a view to getting a microgeneration tariff scheme up and running.

ESB Customer Supply currently has 15 microgeneration customer applications in progress. ESB Networks deal with a large number of enquiries on the microgeneration scheme, many of these are general enquiries. It is only at the point where import / export meters are installed and the customer contacts ESB Customer Supply that ESB Customer Supply become involved in the customer's application.

### **Pension Provisions**

294. **Deputy Róisín Shortall** asked the Minister for Communications, Energy and Natural Resources the value of the pension payment on an annualised basis to the highest paid public sector pensioner in each of the public bodies under the remit of his Department and all public service pensioners not paid by the Office of the Paymaster General; the number in receipt of this level of pension; the total number in receipt of a pension in excess of €155,000 and in each bracket below this at intervals of €20,000. [35242/10]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** Payment of pensions by State Bodies under the aegis of my Department is an operational matter for each body by reference to the terms of the pension scheme in operation in each instance.

### **Telecommunications Services**

295. **Deputy Mary O'Rourke** asked the Minister for Communications, Energy and Natural Resources his views on a matter (details supplied). [35259/10]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** The regulation of telecommunications operators, including regulatory issues surrounding bill collection and billing by operators, is the responsibility of the Commission for Communications Regulation (ComReg) in accordance with its functions under the Communications Regulation Act 2002.

Eircom has indicated to ComReg that it is in ongoing discussions with An Post on issues arising from the over-the-counter payment service available at post offices, which resulted in Eircom introducing a minimum €20 payment for transactions using this service. Eircom has pointed out to ComReg that it continues to offer its customers facilities to pay bills by agreed instalments at levels below the minimum €20 payment imposed on over-the-counter service. The alternative payment options include An Post's Household Budget scheme, retail outlets

nationwide which operate the Payzone, Paypoint or Postpoint schemes and payments by electronic means. Eircom has advised ComReg that it will notify these alternatives to its customers.

In the case of O<sub>2</sub>, the company which has commenced an online billing trial, I understand that ComReg advised O<sub>2</sub> that it has serious reservations about the proposal to arbitrarily switch consumers to this new online billing service and discussions are ongoing. ComReg advises O<sub>2</sub> customers that they are entitled to receive a paper bill as standard and that they may do so by simply contacting O<sub>2</sub> on 1909 to request this service.

### **Irish Language**

296. **Deputy Frank Feighan** asked the Minister for Communications, Energy and Natural Resources the amount of funding spent in 2009 and 2010 by his Department on Irish language training for public servants; the number of persons that participated in Irish language training courses; and if he will make a statement on the matter. [35306/10]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** There was no expenditure on Irish language training by my Department in 2009 or 2010. The number of staff who participated in Irish language training in 2009 was thirteen. These courses were delivered by Gaeleagras or in-house by my Department's Irish Language Officer, there was no cost to the Department. There has been no Irish language training to date in 2010.

### **Grant Payments**

297. **Deputy Paul Connaughton** asked the Minister for Agriculture, Fisheries and Food the position regarding an area based payment and single farm payment in respect of a person (details supplied) in County Galway; and if he will make a statement on the matter. [35191/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** An application under the 2010 Single Payment Scheme/Disadvantaged Areas Scheme was received from the person named on 14 May 2010. The 75% advance payment under the Disadvantaged Areas Scheme will issue to the person named shortly.

### **Pension Provisions**

298. **Deputy Róisín Shortall** asked the Minister for Agriculture, Fisheries and Food the value of the pension payment on an annualised basis to the highest paid public sector pensioner in each of the public bodies under the remit of his Department and all public service pensioners not paid by the Office of the Paymaster General; the number in receipt of this level of pension; the total number in receipt of a pension in excess of €155,000 and in each bracket below this at intervals of €20,000. [35241/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The information requested by the Deputy in respect of the agencies under my remit is a matter for the agencies themselves as part of their day-to-day activities.

### **Farm Retirement Scheme**

299. **Deputy John McGuinness** asked the Minister for Agriculture, Fisheries and Food if all matters relating to the payments and benefits in respect of a person (details supplied) in County Carlow will be finalised by the Department; if he will clarify the benefits and payments now due to their spouse; if the application for the early retirement scheme submitted on 30 October 2009 has been processed; and if he will make a statement on the matter. [35278/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** My Department received an application from the person named on 30 October 2009 but unfortunately he died on 12 November 2009 and the issue then arose of the entitlement of his widow to payment of the pension if his application was found to have been valid.

My Department is not at present in a position to grant the continuation of a deceased participant's pension to his or her dependants. Since the first Scheme of Early Retirement from Farming was introduced in 1994, it had been my Department's practice to continue to do so. However, following audits of the Scheme earlier this year by both the European Court of Auditors and the European Commission, the Commission informed my Department that this practice is not compatible with the current EU governing Regulations and must be discontinued.

The Commission has not yet formally communicated its decision to the Department. Once it does so, my officials will be engaging in discussions with the Commission services to clarify the position. In the meantime, my Department has no option but to suspend the processing of new cases such as that of the person named.

### **Proposed Legislation**

300. **Deputy Olivia Mitchell** asked the Minister for Agriculture, Fisheries and Food when the Animal Health and Welfare Bill will be published; if he is aware of the urgent need to update legislation in this area; and if he will make a statement on the matter. [35283/10]

302. **Deputy Alan Shatter** asked the Minister for Agriculture, Fisheries and Food when he expects to publish and circulate the long promised Animal Health and Welfare Bill; to detail the work, if any, done in the drafting of the Bill to date; and if he agrees that current legislation providing for animal welfare is totally adequate. [35405/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** I propose to take Questions Nos. 300 and 302 together.

Preparation 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 new bill will consolidate and update a wide range of existing legislation to ensure that the welfare of all animals, including non-farm animals, is properly protected and that the penalties for offenders are increased significantly. This consolidation into a single statute will be of considerable convenience to all those who deal with or have an interest in animal health and welfare matters.

Following the public consultation process initiated on the draft Bill, almost 400 submissions/comments were received from organisations and individuals with an interest in animal health and welfare matters. Officials from my Department met with a large number of these organisations and individuals to provide an opportunity for elaboration on the respective submissions. Drafting of the bill is continuing, taking account of the comments received during the consultation process, together with the animal welfare commitments contained in the renewed Programme for Government. The proposed heads of the bill are nearing completion in my Department and I propose to submit them to the Government at an early date.

### **Irish Language**

301. **Deputy Frank Feighan** asked the Minister for Agriculture, Fisheries and Food the amount of funding spent in 2009 and 2010 by his Department on Irish language training for

public servants; the number of persons that participated in Irish language training courses; and if he will make a statement on the matter. [35305/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** In 2009, the amount spent on Irish language training by my Department was €4,815, covering a total of thirty five participating staff. In 2010, the amount spent on Irish language training to date by my Department is €3,570, covering a total of fifteen participating staff.

*Question No. 302 answered with Question No. 300.*

### Grant Payments

303. **Deputy Willie Penrose** asked the Minister for Agriculture, Fisheries and Food the steps he will take to have the disadvantaged areas scheme payments due to a person (details supplied) in County Longford, immediately granted, as same is being held up due to digitisation problems; and if he will make a statement on the matter. [35427/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** An application under the 2010 Single Payment Scheme/Disadvantaged Areas Scheme was received from the person named on 13 May 2010. Payments under the Disadvantaged Areas Scheme commenced on 22 September, with an advance payment of 75% issuing in respect of those cases cleared for payment at that stage. The application of the person named is now fully processed and the advance payment will issue shortly. The 25% balancing payments under the Scheme are scheduled to commence issuing as and from 20 October 2010.

### Employment Rights

304. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Enterprise, Trade and Innovation, further to Parliamentary Question No. 891 of 29 September 2010, if his attention has been drawn to the fact that section 7 of the Unfair Dismissals (Amendment) Act 1993 protects workers employed under illegal contracts; in view of this, the reason his Department believes legislation on outstanding wages cannot be applied to workers employed under illegal contracts; and if he will make a statement on the matter. [35179/10]

**Minister of State at the Department of Enterprise, Trade and Innovation (Deputy Dara Calleary):** As was indicated in the previous parliamentary response by my colleague the Minister for Justice and Law Reform, in relation to contracts which might be regarded as illegal by the Irish Courts, the Irish Courts have taken the view that it would be contrary to public policy to enforce such contracts. A contract of employment between a third country worker required to have a work permit and an employer, which is not covered by a valid work permit, is an illegal contract. As regards Section 7 of the Unfair Dismissals (Amendment) Act 1993, I understand that the amendment was specific to breaches of Income Tax and Social Welfare legislation.

### Pension Provisions

305. **Deputy Róisín Shortall** asked the Minister for Enterprise, Trade and Innovation the value of the pension payment on an annualised basis to the highest paid public sector pensioner in each of the public bodies under the remit of his Department and all public service pensioners not paid by the Office of the Paymaster General; the number in receipt of this level of pension; the total number in receipt of a pension in excess of €155,000 and in each bracket below this at intervals of €20,000. [35246/10]



**Minister for Enterprise, Trade and Innovation (Deputy Batt O’Keeffe):** My Department is responsible for the payment of pensions under the Competition Authority (Chairman and Members’) Superannuation Scheme, 1996 and the Labour Court (Members) Superannuation Scheme, 1971-2005. Five former members of the Competition Authority are paid an annual pension ranging from €7,384.01 to €88,773.00; 12 former members of the Labour Court (including Chairpersons and Deputy Chairpersons) are in receipt of an annual pension ranging from €9,010.02 to €68,104.28; 5 spouses of deceased former Members of the Labour Court are also in receipt of an annual pension ranging from €11,463.98 to €37,678.

Pension payments in relation to the other public bodies under the remit of my Department are a day to day matter for the trustees of the pension schemes in the bodies concerned. I have asked the public bodies concerned to compile the information and I will forward to the Deputy when it is available.

### Employment Rights

306. **Deputy Dan Neville** asked the Minister for Enterprise, Trade and Innovation if he will respond to a query (details supplied); and if he will make a statement on the matter. [35256/10]

**Minister of State at the Department of Enterprise, Trade and Innovation (Deputy Dara Calleary):** In circumstances where a person is placed on reduced working hours by their employer e.g. a three or a four day week, the redundancy entitlement is calculated on the basis of a full week, provided the employee was put on reduced hours within one year (52 weeks) of being made redundant. If the person is made redundant after the first year of reduced working hours and if it is clear that the employee fully accepted the reduced working hours as being his normal working week, never requesting a return to a full time week, the employee is deemed to have accepted the reduced hours as the normal working week. In this situation the gross pay for redundancy is based on the reduced working hours.

On the other hand, if the employee never accepted the reduced working hours as his “normal” hours and was constantly seeking to be put back on full time working, the employee could then be deemed not to have accepted the reduced hours as normal. In these circumstances, the redundancy entitlement should be calculated at the full-time rate of pay. Where an employee makes a request to be placed on reduced working hours, for his own reasons, and the employer agrees, then the redundancy entitlement is based on the reduced working hours.

### Departmental Agencies

307. **Deputy Jack Wall** asked the Minister for Enterprise, Trade and Innovation if any analysis has been done in regard to the available Industrial Development Authority lands in Kildare with the overview of long-term leasing or selling of the lands either to local authorities or the private sector for the provision of incubation units for small and medium based industries; and whether the IDA still seeks to sell these lands at present day prices given that in some instances the lands were purchased in 1973 and have not been used for any productive purposes since; and if he will make a statement on the matter. [35299/10]

**Minister for Enterprise, Trade and Innovation (Deputy Batt O’Keeffe):** I am informed by IDA that, as far back as 2003, the IDA Board approved the sale of all the Agency’s lands in Kildare to Kildare County Council. However, due to a failure in negotiations, this transaction was not finalised at that time. IDA again approached the Council about the matter, but the Council has confirmed that it now has no interest in acquiring the properties.

IDA now proposes to place the properties on the open market on a freehold basis over the coming 12 — 18 month period. In this connection, I should point out that in keeping with the

proper handling of State assets and finance IDA is required to ensure that all property transactions, whether with industry or other parties, are on the basis of current market valuation. Meanwhile, the Agency is always available to discuss any proposals regarding availability or suitability of individual buildings/properties with Local Authorities, Enterprise Boards the private sector or Community Groups. I will be happy to consider any IDA request for the necessary Ministerial consent should it propose to sell any of its holdings to non industrial undertakings.

### Unemployment Levels

308. **Deputy Jack Wall** asked the Minister for Enterprise, Trade and Innovation if his Department has carried out any assessment or analysis of the unemployment figures for County Kildare for each of the past three years; if any analysis has been completed of the figures in regard to trade, profession or last employment of those on the register; the number of employment opportunities created in Kildare through any of the State agencies in the same period and the number of itineraries that have visited Kildare at the direction or under the guidance of any of the state agencies within the Minister's remit; and if he will make a statement on the matter. [35302/10]

**Minister for Enterprise, Trade and Innovation (Deputy Batt O'Keeffe):** My Department facilitates the creation of new employment opportunities, through the State development agencies, Enterprise Ireland and IDA Ireland, together with the County and City Enterprise Boards. These bodies assist and promote enterprise development and employment growth in businesses. The analysis of labour market data is a matter for the Department of Education and Skills and FÁS.

Enterprise Ireland and IDA Ireland, together with Kildare County Enterprise Board, are fully committed to facilitating the creation of employment opportunities in Co. Kildare. The agencies and the CEB work closely with each other and with the development bodies in the area, including the Kildare County Development Board and County Council, as well as other local bodies and stakeholders, in facilitating an integrated approach to enterprise development.

Since the beginning of 2009, IDA has arranged three site visits by potential investors to Co. Kildare, one in 2009 and two to date in 2010. Details of jobs existing in companies supported by Kildare County Enterprise Board, Enterprise Ireland and IDA Ireland, in the county are set out in the tables accompanying this reply.

Jobs existing in companies in Co. Kildare supported by Enterprise Ireland and IDA Ireland

	End 2007	End 2008	End 2009
Number of Jobs Existing	16,407	15,537	13,803

Jobs existing in companies supported by Kildare CEB

	End 2007	End 2008	End 2009
Number of Jobs Existing	1004.5	975	897.5

### Irish Language

309. **Deputy Frank Feighan** asked the Minister for Enterprise, Trade and Innovation the amount of funding spent in 2009 and 2010 by his Department on Irish language training for

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public servants; the number of persons that participated in Irish language training courses; and if he will make a statement on the matter. [35310/10]

**Minister for Enterprise, Trade and Innovation (Deputy Batt O’Keeffe):** The table below shows expenditure in 2009 and 2010 on Irish Language Training for staff in my Department. It also shows the number of staff who have undertaken such training.

Irish Language Training 2009 & 2010

	2009	2010
Cost	€1,185.00	€490.00*
No. of staff	19	13*

\* Figures to October 4th 2010.

My Department is committed to building on the existing levels of knowledge and competency in Irish language skills currently available within the Department. In accordance with Section 11 of the Official Languages Act 2003, my Department has developed an Irish Language Scheme, which is currently with the Department of the Community, Equality and Gaeltacht Affairs for approval. The Scheme sets out a range of services which my Department will deliver in the Irish language to its customers and staff.

### Job Creation

310. **Deputy Jack Wall** asked the Minister for Enterprise, Trade and Innovation the areas identified as employment black spots by his Department or the State agencies within his remit; the number of task forces created as a result of such identification of problem areas; the number of employment opportunities created by such task forces and the total investment involved; and if he will make a statement on the matter. [35320/10]

**Minister for Enterprise, Trade and Innovation (Deputy Batt O’Keeffe):** In terms of supporting the creation of new employment opportunities across the country the State development agencies, Enterprise Ireland and IDA Ireland, together with the County and City Enterprise Boards assist and promote enterprise development and employment growth in businesses. Enterprise Ireland delivers a wide range of supports to Irish companies, targeted at the specific requirements of clients throughout all regions to ensure that they develop to their full potential in terms of innovation and exports, which in turn, stimulates job creation. In addition, the agency has refocused its efforts on strengthening and sustaining viable companies of through a range of initiatives focused on the needs of their client base.

During 2010, the 35 County and City Enterprise Boards (CEBs) have continued to support enterprise development through the provision of both financial and non-financial assistance and will ensure that available funds are targeted to maximise entrepreneurial development and to enhance employment creation within the county.

While it is clear that we are operating in a very difficult economic environment, there are still investment opportunities in global markets and IDA will continue to compete vigorously for projects for Ireland. So far this year, there have been 63 IDA announcements with the potential to create in excess of 4,700 jobs. In the past Task Forces have been used as part of a response to a sudden loss of large numbers of industrial jobs, often in one major employer. However, in recent years, other initiatives are increasingly used as an alternative to Task Forces. This typically involves the County Development Board taking on a coordination func-

tion and working with representatives from State agencies such as IDA, Enterprise Ireland, FÁS and the County Enterprise Boards, as well as any relevant stakeholders at local level.

In the exceptional circumstances following the decision by Dell to reduce its workforce in Limerick, the Mid-West Task Force was established in February 2009. In July 2009, the Task Force presented an interim report to the Tánaiste. Since then, the Government has responded to many of the report's recommendations and has kept the Dáil apprised of developments. In June, I arranged for all Deputies to be provided with the latest detailed update of the Government's response to the Task Force. I am expecting a final report from the Task Force later this year.

In response to the job losses announced at the Quinn Group earlier this year, I established an inter-agency team comprising Enterprise Ireland, FÁS, IDA Ireland, the relevant County Enterprise Boards and the Department of Social Protection. The primary focus of the Inter Agency response team is to support the employees affected in exploring their options regarding employment, setting up a business, education, and to outline the supports and training available to them. Forfás have also prepared competitiveness agendas for each region of the country and these feed into strategic decision-making of the development agencies.

### **Consumer Protection**

311. **Deputy Olivia Mitchell** asked the Minister for Enterprise, Trade and Innovation the way he intends to respond to the National Consumer Agency's report on supermarket prices and on the absence of price competition between the existing supermarkets; and if he will make a statement on the matter. [35325/10]

**Minister for Enterprise, Trade and Innovation (Deputy Batt O'Keeffe):** The latest grocery price comparison survey carried out by the National Consumer Agency, which was published on the 10th August, found that in the case of the multiples the price of selected branded grocery items had dropped in the region of 14% between January 2009 and July 2010. The Central Statistics Office in its most recent bulletin found that overall the price of food and non-alcoholic beverages fell by 3.2% in the twelve months to August 2010. These reductions in prices clearly provide welcome relief for consumers in these difficult economic times.

The Chief Executive of the Agency in announcing the results of the latest survey expressed the view that there was a need for greater competition in the grocery market so as to ensure that consumers can benefit from more choice and more competitive prices. Government policy in the area of prices has long been focussed on the importance of promoting competition and raising consumer awareness. Research carried out on behalf of the National Consumer Agency shows that consumers are becoming more strategic in relation to their shopping decisions and that for a significant number of them price rather than convenience has become the primary determinant.

I have no doubt that initiatives such as the Agency's regular price comparison surveys have helped to raise consumers' awareness in relation to the prices being charged in the marketplace which in turn has led to retailers responding with lower prices as evidenced by the results of the Agency's survey and by the recent returns from the Central Statistics Office. I, therefore, fully support the work undertaken by the Agency through its ongoing price comparison surveys which undoubtedly will help to ensure that consumers can continue to be informed as to the different offerings available in the marketplace. I will keep all other policy options open to me, which can encourage competition and maintain downward pressure on prices, under review.

### Commercial Credit

312. **Deputy Joe McHugh** asked the Minister for Enterprise, Trade and Innovation, further to Parliamentary Question No. 298 of 30 September 2010, to indicate a precise date for the roll-out of the envisaged loan guarantee scheme; if the scheme will be introduced by the end of 2010; and if he will make a statement on the matter. [35408/10]

**Minister for Enterprise, Trade and Innovation (Deputy Batt O’Keeffe):** As I outlined in my reply to Question Number 1742 on 29 September 2010 and Question Numbers 296 and 298 on 30 September 2010, my officials are working with their colleagues in the Department of Finance, the Credit Review Office, Enterprise Ireland and Forfás to address access to credit issues for viable SMEs including, the option of a loan guarantee scheme.

Substantial progress has been made in identifying the critical elements involved in any further initiatives. However, in developing any further initiatives, it would be important that they would complement, rather than substitute, the main banks’ lending commitments and activities under the recapitalisation package and that they would represent value for money from the taxpayer’s perspective. The provision of credit to our enterprise sector, especially SMEs, should primarily come from a properly functioning banking sector and any additional initiative on the State’s part should not relieve the banks from their obligations in this regard. Only when these issues have been satisfactorily addressed will it be possible to indicate a commencement date for any new initiatives.

### Paternity Leave

313. **Deputy Michael Ring** asked the Minister for Community, Equality and Gaeltacht Affairs the statutory situation with regard to paternity leave; if the Government has any plans to introduce paternity leave; and if he will make a statement on the matter. [35411/10]

**Minister of State at the Department of Community, Equality and Gaeltacht Affairs (Deputy Mary Alexandra White):** There is currently no statutory provision for paternity leave. My Department, in consultation with the social partners, is examining the issue of paternity leave as part of a review of maternity, parental and paternity leave as promised in the Social Partnership agreement “Towards 2016”. The issue of the introduction of a statutory entitlement to paternity leave was examined before, in 2002, by a working group made up of representatives of the social partners and relevant State bodies, as part of the review of the Parental Leave Act, 1998. The working group could not reach a consensus on the issue.

### Pension Provisions

314. **Deputy Róisín Shortall** asked the Minister for Community, Equality and Gaeltacht Affairs the value of the pension payment on an annualised basis to the highest paid public sector pensioner in each of the public bodies under the remit of his Department and all public service pensioners not paid by the Office of the Paymaster General; the number in receipt of this level of pension; the total number in receipt of a pension in excess of €155,000 and in each bracket below this at intervals of €20,000. [35243/10]

**Minister for Community, Equality and Gaeltacht Affairs (Deputy Pat Carey):** The information sought by the Deputy is set out in the tables below.

Bodies under the remit of my Department where pensioners are not paid by Office of the Paymaster General (PMG)	Value of highest pension payment in 2009 not paid by PMG
	€
Western Development Commission	9,348*
Údarás na Gaeltachta	79,459
Waterways Ireland	29,084
An Foras Teanga**	51,807
National Disability Authority	52,121
Family Support Agency	18,551

\*Estimated annualised figure — relates to a person in respect of whom the first pension payment was made in August 2009.

\*\*The figure provided relates solely to Foras na Gaeilge as no pensions are payable by the Ulster-Scots Agency at present.

Level of Gross Annual Pension Payable	Number of Payees
€	
Above 155,000	0
Between 135,000 and 154,999	0
Between 115,000 and 134,999	0
Between 95,000 and 114,999	0
Between 75,000 and 94,999	3
Between 55,000 and 74,999	16
Between 35,000 and 54,999	33
Between 15,000 and 34,999	55
Below 15,000	83

### Community Development

315. **Deputy Jack Wall** asked the Minister for Community, Equality and Gaeltacht Affairs the reasons the Minister is seeking to divert funding from the Leader programme to other Departments; if any discussions have taken place with the Leader groups in relation to such a change; the amount of funding that has being drawn down by Leader groups for rural projects to date since the Estimates were agreed; the projects that have drawn down such funding; the employment opportunity areas that the Minister feels have not being covered by such projects that will in his estimation permit 700 employment opportunities to be created; if agreement is reached with the EU Commission on what procedure must the Minister then adopt to divert such funding given that the Dáil passed the Estimates for his Department; and if he will make a statement on the matter. [35290/10]

**Minister for Community, Equality and Gaeltacht Affairs (Deputy Pat Carey):** The main objectives of the Rural Development Programme (RDP) are to improve the quality of life in rural areas and facilitate the diversification of the rural economy, and the individual measures under the Programme, including indicative allocations, are as follows

- Diversification into non-agricultural activities for farm families — €16.66m;
- Support for business creation and development — €48.26m;
- Encouragement of tourism activities — €45.4m;

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- Basic services for the economy and rural population — €49.61m;
- Village renewal and development — €54.2m;
- Conservation and upgrading of the rural heritage — €51.7m;
- Training and information on adapted and new skills — €29.45m; and
- Implementing co-operation projects — €10.7m.

Details of the expenditure to date under each programme measure and for each Local Action Group (LAG) are set out in Tables 1 and 2 below. I consider that the provision of details in relation to each individual project for each one of the 36 LAGs would not be feasible in the time frame available. If, however, the Deputy requires information in relation to any particular project or area, I will be glad to seek to facilitate such a request.

I am pleased with the progress to date under the RDP, which continues to facilitate access to significant financial resources for rural communities since it started in 2009. This has resulted in the proliferation of innovative and sustainable development projects all over the country, which are providing invaluable support to rural communities in these difficult times, and there is no question of funds being diverted away from the RDP.

The RDP currently has registered project activity of €71 million, with almost €30 million at an advanced stage of development. Expenditure to date amounts to almost €47 million, which includes funding for a diverse range of projects from support for micro-enterprise in rural areas to the build and maintenance of community infrastructure and the provision of training in a variety of disciplines for rural dwellers. I am confident that all of the activity funded under the RDP to date is contributing to the creation of the right conditions for the generation of sustainable, long-term job opportunities in rural areas.

My Department and I will be working closely with Minister Batt O’Keeffe and his Department in the coming months to promote increased co-operation between LAGs and County Enterprise Boards in order to ensure that we maximise the impact of all of the funding available and fully support enterprise and job creation in rural areas. I can assure the Deputy that my Department will continue to work with rural communities through their LAGs to explore all possible funding opportunities under the RDP.

Table 1: Expenditure to date under each RDP programme measure

RDP Measure	Project Expenditure to Date
	€
Diversification into non-agricultural activities	686,377.97
Business creation and development	3,755,876.42
Encouragement of tourism activities	3,267,031.92
Basic services for the economy and rural population	11,365,022.57
Village renewal and development	2,620,648.56
Conservation and upgrading of the rural heritage	1,814,746.53
Training and information	1,758,472.84
Skills acquisition, animation and implementation of local development strategies	28,255.07
Implementing co-operation projects	154,397.44
Total	25,450,829.32

Table 2: Expenditure to date under the RDP for each Local Action Group (LAG)

LAG	Programme Expenditure to date
	€
Avondhu Blackwater Partnership Ltd.	1,535,878.61
Ballyhoura Development Ltd.	1,745,075.04
Carlow County Development Partnership Lt	1,255,124.57
Cavan-Monaghan LEADER	828,752.78
Cill Dara Ar Aghaidh Teo	684,218.56
Clare Local Development Company Ltd.	1,681,835.50
Co Kilkenny LEADER Partnership	1,251,918.42
Co Wicklow Community Partnership	1,072,591.24
Co. Sligo LEADER Partnership Company Ltd	2,095,454.64
Comhar na nOileáin Teoranta	672,895.50
Donegal Local Development Company Ltd.	1,394,561.43
Fingal LEADER Partnership Co.	564,014.58
FORUM Connemara Ltd.	717,963.27
Galway Rural Development Company	1,794,759.47
Inishowen Development Partnership	1,004,285.89
IRD Duhallow Ltd.	1,630,933.79
Laois Community and Enterprise Dev	740,663.20
Leitrim Integrated Development Co Ltd	1,131,829.95
Longford Community Resources Ltd	991,224.16
Louth LEADER Partnership	1,151,552.28
Mayo North East LEADER Partnership Co.	1,694,305.40
Meath Community Rural and Social Dev.	1,536,154.96
Meitheal Forbartha na Gaeltachta	1,857,990.59
North East Kerry LEADER Partnership Teo	1,331,696.00
North Tipperary LEADER Partnership	1,027,494.09
Offaly Integrated Local Dev Co. Ltd.	1,385,294.42
Roscommon Integrated Development Company	1,587,451.84
South and East Cork Area Dev Ltd.	1,349,320.64
South Kerry Development Ltd.	1,119,151.43
South Tipperary Local Development Co Ltd	1,312,129.57
South West Mayo Development Company Ltd	1,508,374.56
Waterford LEADER Partnership Ltd.	1,120,273.00
West Cork Development Partnership Ltd.	1,645,898.94
West Limerick Resources Ltd	1,089,945.25
Westmeath Community Development Ltd	1,124,124.07
Wexford Local Development	1,988,081.28
<b>Total</b>	<b>46,623,218.92</b>



### Irish Language

316. **Deputy Frank Feighan** asked the Minister for Community, Equality and Gaeltacht Affairs the amount of funding spent in 2009 and 2010 by his Department on Irish language training for public servants; the number of persons that participated in Irish language training courses; and if he will make a statement on the matter. [35307/10]

**Minister for Community, Equality and Gaeltacht Affairs (Deputy Pat Carey):** In 2009, 22 staff of my Department attended training courses given by Gaeleagras which is part of the Civil Service Training and Development Centre. No expenses were incurred by my Department in this regard. I can confirm, however, that scholarships of €125 were paid by my Department to two staff who attended residential courses run by Gaeleagras. A further €1,900 was spent in respect of 6 staff arising from their attendance at academic courses and other training courses in relation to the Irish language during that year. In 2010, some €3,520 has been spent in respect of 4 staff arising from their attendance at academic courses and other training courses in relation to the Irish language.

### Naval Service Vessels

317. **Deputy David Stanton** asked the Minister for Defence the availability of each of the naval service vessels in 2007, 2008 and 2009; and if he will make a statement on the matter. [35194/10]

**Minister for Defence (Deputy Tony Killeen):** Minister for Defence (Mr. Tony Killeen, T.D.): The information the Deputy has requested is set out in the table below.

Vessel	2007 Patrol Days	2008 Patrol Days	2009 Patrol Days
LE Eithne	188	179	177
LE Niamh	181	197	182
LE Róisín	214	176	165
LE Aisling	200	198	205
LE Aoife	181	198	159
LE Emer	207	178	159
LE Ciara	184	185	202
LE Orla	191	197	170
Total	1,661 days	1,658 days	1,588 days

The Naval Service provides the maritime element of the Defence Forces and has a general responsibility to meet contingent and actual maritime defence requirements. The Naval Service operates eight general purpose patrol ships, which are involved in coastal and offshore patrolling and surveillance for the State in that part of the seas where State jurisdiction applies. The current Exclusive Fisheries Limits extend to 200 miles offshore and cover an area of 132,000 nautical square miles

The Naval Service currently patrols the entire 200 mile limit and periodically patrols beyond these limits to protect specific fisheries. These patrols are carried out on a regular and frequent basis and are directed to all areas of Irish waters as necessary. The Naval Service has a concurrent multi-functional role as the State's primary seagoing agency, and on any given patrol day the Naval Service can carry out a number of taskings on behalf of other State agencies such as

the Sea Fisheries Protection Authority, An Garda Síochána and the Customs Service of the Revenue Commissioners.

Each year, the Naval Service commits approximately 85-90 of its annual patrol days to foreign deployments. Locations are considered on the basis of the optimum yield that can be derived for Ireland. An Irish naval vessel is considered sovereign Irish territory regardless of its location, and therefore a ship affords rare promotional opportunities for state agencies such as Enterprise Ireland, An Bord Bia and the IDA to support Irish industry and services. In the current economic climate, promoting Ireland to business communities abroad has assumed added importance. This year, L.E. Niamh undertook a voyage to South America, visiting Mexico, Argentina, Colombia and Chile. This visit to South America provided a unique opportunity to highlight the fact that Ireland is open for business.

318. **Deputy David Stanton** asked the Minister for Defence the date on which the sail-training vessel, the *Asgard*, sank; the amount of money made available to Coiste an Asgard in 2009; the way that this money was expended; and if he will make a statement on the matter. [35195/10]

**Minister for Defence (Deputy Tony Killeen):** The sail training vessel Asgard II sank in the Bay of Biscay on 11 September 2008. Grant-in-Aid in the sum of €800,000 was made available to Coiste an Asgard in the year 2009. Total expenditure for the year amounted to €353,877 of which €280,200 was allocated to salaries for crew and office staff. The balance was expended on other miscellaneous costs. It was intended to construct a replacement vessel; however, that plan was cancelled when the Government decided to discontinue the National Sail Training Scheme in December 2009. As a result of that decision, the sum of €3.8m representing the insured value of Asgard II was transferred to the Department of Finance as Exchequer Extra Receipts. Coiste an Asgard is now in the process of being wound up and all residual matters are being handled by the Department of Defence.

### Pension Provisions

319. **Deputy Róisín Shortall** asked the Minister for Defence the value of the pension payment on an annualised basis to the highest paid public sector pensioner in each of the public bodies under the remit of his Department and all public service pensioners not paid by the Office of the Paymaster General; the number in receipt of this level of pension; the total number in receipt of a pension in excess of €155,000 and in each bracket below this at intervals of €20,000. [35244/10]

**Minister for Defence (Deputy Tony Killeen):** It has not been possible in the time available to compile the information requested by the Deputy. The information will be forwarded to the Deputy as soon as possible.

### Irish Language

320. **Deputy Frank Feighan** asked the Minister for Defence the amount of funding spent in 2009 and 2010 by his Department on Irish language training for public servants; the number of persons that participated in Irish language training courses; and if he will make a statement on the matter. [35308/10]

**Minister for Defence (Deputy Tony Killeen):** Irish Language Training courses for the Department are directly funded by the Department of Finance (Training Civil Service Training and Development Centre, *Gaeleagras*). Four staff participated in Irish language training in

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2010. In addition, in 2010, two staff were awarded scholarships which consisted of one weeks course in a Gaeltacht area. A payment of €125 is issued to the staff member by the Department following their attendance at a scholarship course.