

DÁIL ÉIREANN

*Dé Céadaoin, 20 Deireadh Fómhair 2010.
Wednesday, 20 October 2010.*

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

Paidir.

Prayer.

Leaders' Questions

Deputy Enda Kenny: The health system is a failure. When the HSE was set up, the people of the country were promised a world-class health system. These were the very words spoken by the Minister for Health and Children. We have world-class doctors and nurses but we do not have a world-class system to support them. We are now told by the Minister for Health and Children that the cut expected in the budget will be of the order of €600 million to €1 billion. This announcement was made without any commitment not to affect front line services. Front line services are what save lives. They provide care at the front line. The Government has always taken the easy option in distinguishing between waste and service. I ask the Taoiseach to give an assurance to the Dáil and the people of the country that, whatever cutbacks are made in the health budget for 2011, they will not have a direct impact on front line services.

The Taoiseach: It is the objective on every occasion to ensure whatever allocation is made in the service plan this year, which is being exceeded in respect of when the plan was drawn up earlier this year, front line services are provided to the greatest extent possible with the money provided. The framework of the Croke Park agreement provides us with an unprecedented opportunity to ensure the changes that can and will be made—

Deputy Pádraic McCormack: The Government will cut from the bottom.

Deputy Olivia Mitchell: Where else will they cut?

An Ceann Comhairle: The Taoiseach without interruption please.

The Taoiseach: The Croke Park agreement provides us with the framework to ensure we can make changes on the ground that will minimise the impact at the front line. The current Estimate for health is approximately half of the total receipts coming into the national Exchequer.

Deputy Enda Kenny: That is of little consolation to the people of the country. I asked that the Taoiseach, irrespective of the cuts made in the health budget, can give a guarantee front line services will not be cut. The reason I ask is that front line services save lives. Two weeks ago, Fine Gael tabled a motion in the name of Deputy James Reilly. We listed many actions that could be taken by the Government to save money in the health budget. At least €200 million could be saved by using generic drugs. Why has this not been acted on? Why has the Government not followed the €92 million spent on agency staff or the 6,000 redundancies

[Deputy Enda Kenny.]

promised by the Minister for Health and Children and identified by the former chief executive Brendan Drumm before he left office as ways of dealing with a reduction in the health budget without having an impact on front line services? I recognise this Government has led the country into economic quicksand. Reductions must be made across all Departments. In the interests of the hundreds of thousands to be affected by this and irrespective of the size of the cutback in the health budget, can the Taoiseach give the people an assurance that the cut will not affect front line services, which save lives?

The Taoiseach: My first reply reiterated that patient safety is of the highest priority. Many of the structural changes and financial constraints in the health service have led to a response from the health service employees that has ensured patient safety remains the highest priority.

Deputy James Reilly: What about patient services?

The Taoiseach: The service that is provided is in excess of the service plan agreed at the beginning of the year. That service planning is crucial if one is to apply resources properly and ensure every area of the health service is funded to meet the basic requirements. Patient safety is of the highest priority. We have an industrial relations framework, through the Croke Park agreement, that will see negotiated change across a range of areas to ensure the people who work in the health service provide the best possible service for the funds available for health in the coming years. That must be accelerated and done as quickly as possible. On the basis of the Estimates and the allocation of resources to various parts of the health service that will emerge in the budgetary process, the talks at local level can work. We have already seen practical examples where it has happened, where nursing staff have moved from Croom and Ennis into Limerick General Hospital in order to meet the requirements. In the absence of an industrial relations framework that might never have happened.

Deputy Jan O'Sullivan: Limerick General Hospital was top of the list for use of trolleys yesterday.

The Taoiseach: We would not have had the process or mechanism by which this could happen. Redeployment is a key factor in maintaining services to the greatest extent possible for the funds provided. Patient safety is the highest priority for the professionals who work in the service.

Deputy Dan Neville: No guarantees.

Deputy Eamon Gilmore: There is considerable debate and discussion about the forthcoming budget and the possibility of a four-year budgetary plan over the coming years. Obviously such discussion must be based on sound, solid information which only the Government itself can provide. As we know, the projections which the Government gave us last year for economic growth were seriously wrong, as a result of which we are now told the projected budgetary adjustment over the next four years is significantly greater than the €7.5 billion that was originally expected.

We need to have a number of pieces of information if there is to be meaningful discussion on budgetary matters. I ask the Taoiseach this morning if he would provide that information. First, can he tell us what is the growth forecast for 2011 and the projected growth for the next four years? Second, what budgetary adjustments does the Government propose for the coming year, 2011, and what is the total adjustment that is projected for the next four years? What is the forecast for unemployment next year? There are currently approximately 450,000 people

on the live register. The total has been more than 400,000 for the past 16 months. What is the Government's forecast or projection for unemployment next year?

The Taoiseach: First, Deputy Gilmore will be aware from the briefings that his finance spokespersons have received that data is currently being compiled for the plan. When the plan has been agreed and approved by Government in due course, it will be published and can be debated in the House. We can set out the various assumptions that are in the plan.

Deputy Gilmore was talking about forecasts being wrong. Forecasts, by their very nature are set out on basic assumptions that are made at the time. The real question is whether they were justifiable at the time. What has happened is that on the 2010 budget forecasts for the subsequent years the Government took forecasting models from the high growth and low growth scenarios that were set out in the ESRI reports at the time. The forecasts for the years ahead were justifiable at the time. It was the received view that this was the case. We were talking about increasing growth rates of between 3% and 4% over the period. In one of the year's a growth rate of 4.5% was predicted. The figures set out are in documentation that is publicly available. I do not have them in front of me.

What has happened since then, which must be taken into account, was not part of the forecast at the time. Forecasts, by definition, have that constraint. They are forecasts. The Greek situation occurred in April and it had an impact on bond markets. We had a further review of what growth prospects in the American economy would be, which were downward. We have had downside risks emerging in terms of the growth potential in the European economy. All that has changed.

Deputy Tom Hayes: Forget about the Greeks, what about the Taoiseach?

Deputy Dermot Ahern: Ah Tom.

Deputy Frank Feighan: What about Bertie?

An Ceann Comhairle: Deputies, the Taoiseach should be allowed to speak without interruption please.

Deputy Tom Hayes: What about the Bailey Brothers?

The Taoiseach: In broad terms, what has emerged is that growth prospects for the future from 2011 on are less now. When we have finalised the production of the data, we will convey it and deal with it. The reason the forecasts from 2011 to 2014 have to change from what was predicted in 2010 is that the borrowing costs of sovereign debt have increased, and which need to reduce. The reason we need to reduce is because we have to bring forward a four-year plan to assist in achieving the confidence necessary internationally and domestically so that will happen.

Deputy Dinny McGinley: The Taoiseach is changing his story every day.

The Taoiseach: In addition, we have a situation where growth forecasts are down. Therefore, that involves an acceleration of how one brings the public finances into order more quickly. Those are the facts. Specific issues arise from that. It is not the case that the forecasts were wrong. They were justified on the basis of what was set out at the time. There have been changes during the course of this year in world and European economy fundamentals which are changing the forecasts of everyone, not just the Department of Finance but the Central Bank, the European Central Bank, the International Monetary Fund, the OECD and others.

Deputy Tom Hayes: Anglo Irish Bank.

Deputy Olivia Mitchell: It is because of everyone else.

The Taoiseach: That is a continually evolving situation. In reply to Deputy Gilmore, the growth rates will be decided upon when the Department of Finance has finalised its view on those matters. Data are incoming to the Department as we speak. A technical exercise was provided for spokespersons to enable them to see what the scale of the operation would be.

Deputy Joan Burton: It is half of what the Government was saying.

The Taoiseach: I am sorry.

An Ceann Comhairle: Deputy Burton, only one speaker is allowed at a time.

The Taoiseach: The spokespersons were also briefed on market sensitivities in terms of finalising the figures so that we can make sure that we get the very best possible outcome from the Irish economy's point of view.

Deputy Joan Burton: That is why the markets will not sell the Government bonds.

The Taoiseach: No.

An Ceann Comhairle: Deputy Burton.

The Taoiseach: Those questions will be answered with full clarity when the four-year plan has been completed.

Deputy Joan Burton: When?

An Ceann Comhairle: Deputy Burton, please.

Deputy Ruairí Quinn: Joan, leave him alone.

The Taoiseach: We have indicated also.

Deputy Michael Noonan: Is the Taoiseach saying they will make up the forecast again next year?

The Taoiseach: It is not a question——

An Ceann Comhairle: Deputy, we must proceed. Whoever is in possession must be allowed to speak without interruption.

Deputy Pádraic McCormack: You have to admit it was a good question, a Cheann Comhairle.

The Taoiseach: If we are to have a responsible discussion about a serious situation, let us have it.

Deputy Dermot Ahern: Hear, hear.

Deputy Jim O'Keeffe: The Taoiseach will be judged on his record.

Deputy Eamon Gilmore: We do want to have a responsible discussion about the economic and financial situation but one cannot have it in a vacuum. Basic information needs to be

provided. In his response the Taoiseach has taken us on a tour around Europe and the Mediterranean and to the United States——

Deputy Ruairí Quinn: Disneyland.

Deputy Eamon Gilmore: ——all over the place rather than focus on the actual question. The first piece of information we need to know is what are the growth forecasts for next year and if we are to have a four year budgetary plan the forecasts for the four years. The Taoiseach can justify it all he likes but we know that the growth forecasts he gave us last year were way out, as a consequence of which the budgetary projections for next year and the following four years also have to be adjusted. We need to know what is the growth forecast. I accept the Taoiseach is not in a position to tell us today what the growth forecast is but when is he going to settle on the growth forecast and when will he be in a position to tell us? Until we know that we cannot calculate, and neither can the Taoiseach nor anyone else, what the size of the budgetary adjustment will have to be. While he is waiting to decide what the growth forecast is he might give the House some indication as to where he thinks it is likely to end up in terms of the budgetary adjustment that has to be made for 2011 and over the next four years.

The Taoiseach is correct that a briefing was given to the finance spokespersons but the information provided in that briefing is entirely conditional on what the level of growth is likely to be and therefore what the budgetary adjustments are then going to be as a consequence. If the Taoiseach is not in a position to tell us what that is today, can he tell us at least when he is going to be in a position to provide us with that information because until we have it we cannot have — nobody can have — a meaningful discussion on where the budget for 2011 and beyond is going to go?

The Taoiseach did not make any response to my request as to what the forecast for unemployment will be next year. I invite him to have a stab at that when he is replying the second time.

The Taoiseach: First, on the question of growth, growth scenarios were provided to spokespersons. On what the consolidation will be——

Deputy Eamon Gilmore: Scenarios.

Deputy Joan Burton: Scenarios are not forecasts.

The Taoiseach: ——were the growth over the period to be 1% or 2% per annum. It has been conveyed to the spokespersons what the rate of consolidation would be in those scenarios of 1% or 2% growth. That has been provided. That was the discussion that took place. It is possible for the Opposition to glean from that and to decide on that based on the 1% or 2% scenario.

Deputy Joan Burton: Ah no. The Government has the figures, it must tell us what it is suggesting.

The Taoiseach: If I was let answer the question it would help.

An Ceann Comhairle: The Taoiseach must be allowed to answer.

The Taoiseach: This is Leaders' Questions and, with respect, Deputy Burton is not the leader of the Labour Party. Her leader has asked a question. He indicated to the House that he has no idea what the growth scenarios will be. Deputy Burton was told, as a finance spokesperson,

[The Taoiseach.]

under a 1% scenario and under a 2% scenario for growth, what the rate of consolidation of the public finances would be to 2014. That information is available to the Opposition.

Deputy Joan Burton: We are asking the Government for its projection.

The Taoiseach: It is not Deputy Burton's purpose to make a comment at this point in the proceedings.

Deputy Pádraic McCormack: The Taoiseach would make a good Ceann Comhairle.

The Taoiseach: In the normal course of events, as we prepare for a budget in December, we provide for the pre-budget outlook, where much of the information is provided officially and that normally comes in November. On the plan we must now bring forward, once the Government has decided on the growth figure it will run with, which will provide for a credible path to a solution to the public finance problem by 2014, we will provide it to the Opposition.

Deputy Joan Burton: When will we get that?

The Taoiseach: In the coming weeks.

Deputy Joan Burton: Will we get it before——

An Ceann Comhairle: This is Leaders' Questions and Deputy Burton is not entitled to ask questions, it is a matter for her party leader.

The Taoiseach: This is becoming childish. As the spokespersons are aware, there are certain market sensitivities. I would hope that at the meeting today between leaders, we could have a discussion about some of these scenarios in a way that respects the confidentiality and seriousness of those discussions. If at Leaders' Questions we prejudge the publication of the four year plan by providing it prior to its being approved by Government, it would not be the proper way to proceed. There is no point in our using these occasions to seek information that Deputies know will be provided by Government in due course.

Deputy Joan Burton: I thought the Taoiseach was to open the books.

The Taoiseach: If we want a serious discussion about what the country faces, if everyone is signed up to the 3% deficit target by 2014, the various growth scenarios outlined in the briefing the Opposition party obtained where confidentiality and market sensitivity is being respected, the Deputy will know what the rate of change is and what the rate of consolidation must be. That is available and we can have a discussion on that basis.

Deputy Dermot Ahern: These people have to be spoon fed.

Ceisteanna — Questions

Ministerial Appointments

1. **Deputy Enda Kenny** asked the Taoiseach the appointments made by him since May 2008 to the State Boards or other agencies under his aegis; and if he will make a statement on the matter. [30235/10]

2. **Deputy Eamon Gilmore** asked the Taoiseach if he will list the appointments made by him to State boards or agencies since his election as Taoiseach; and if he will make a statement on the matter. [35868/10]

The Taoiseach: I propose to take Questions Nos. 1 and 2 together.

The information requested by the Deputy relating to appointments made by me to State boards and agencies since May 2008 is contained in a schedule that I propose to circulate with the Official Report.

In respect of the National Economic and Social Development Office, on 1 April 2010 an order was made under section 34 of the National Economic and Social Development Office Act 2006, which dissolved the National Economic and Social Forum and the National Centre for Partnership and Performance. These bodies have now been absorbed into the National Economic and Social Council.

Ireland Newfoundland Partnership

Appointment	Occupation / Organisation	Date of Appointment
Deputy Billy Kelleher as Chairman of the INP Board	Minister of State Department of Enterprise, Trade and Employment	June 2009

National Economic and Social Council (NESC)

Appointment	Occupation / Organisation	Date of Appointment
Siobhan Masterson	Senior Policy Executive Irish Business and Employers Confederation (IBEC)	March 2009
Edmond Connolly	Chief Executive Officer Macra na Feirme	March 2009
Tom Parlon	Director General Construction Industry Federation (CIF)	March 2009
Oisín Coghlan	Director Friends of the Earth	May 2009
Pat Smith	General Secretary Irish Farmers Association (IFA)	June 2009
Tony Donohoe	Head of Social and Education Policy Irish Business and Employers Confederation (IBEC)	January 2010
Kevin Cardiff	Secretary General Department of Finance	February 2010

National Economic and Social Forum (NESF)

Appointment	Occupation / Organisation	Date of Appointment
Senator Maria Corrigan Deputy John Curran	Seanad Éireann	September 2008

National Centre for Partnership and Performance

Appointment	Occupation / Organisation	Date of Appointment
Brendan Duffy	Assistant Secretary Department of Finance	10 July 2008
Dermot Curran	Assistant Secretary Department of Enterprise, Trade and Employment	10 July 2008
Mary Connaughton	Head of Human Resources Development Irish Builders and Employers' Confederation (IBEC)	10 July 2008

[The Taoiseach.]

National Statistics Board (NSB)

Appointment	Occupation / Organisation	Date of Appointment
Dr. Patricia O'Hara	Chairperson National Institute for Regional and Spatial Analysis (NIRSA)	Appointed March, 2009; reappointed October 2010
Professor Philip Lane	Trinity College Dublin (TCD)	Appointed March, 2009; reappointed October 2010
Mr. Fergal O'Brien	Irish Builders and Employer's Confederation (IBEC)	Appointed October, 2009; reappointed October 2010
Mr. Paul Sweeney	Irish Congress of Trade Unions (ICTU)	Reappointed October 2010
Mr. Ciaran Dolan	Irish Creamery Milk Suppliers' Association (ICMSA)	Appointed October, 2010
Mr. Michael J. McGrath	Department of Finance	Reappointed October, 2010
Mr. Gerry O'Hanlon	Director General Central Statistics Office (CSO)	Reappointed October, 2010

Deputy Enda Kenny: This question relates to appointments made by the Taoiseach to State boards or other agencies. The Green Party, however, has taken this practice to a new level with the appointment of persons associated with them, party members or those who have lost their seats, to the Private Residential Tenancies Board, the Disability Authority, An Foras Orgánach, the Film Classification Office and the National Transport Authority. These appointments were made in keeping with the sentiment of the previous Taoiseach that appointments were made on the basis of friendship rather than merit.

11 o'clock

The former Taoiseach and the Taoiseach have made the point that it is difficult to get people to serve on State boards. I make the general observation that in the case of one appointment to the board of the national children's hospital, when the former chairman brought issues that were of concern to him to the attention of the Minister, he was asked to resign on the basis that the board was not authorised to look at those issues. It is increasingly difficult to get good people to serve on State boards when situations like this might arise. Would the Taoiseach comment on that? The best people who want to serve on these boards are getting a message that does not augur well if we want people of quality to offer public service.

An Ceann Comhairle: Specific inquiries about appointments were not contemplated. This is a catch-all question.

Deputy Enda Kenny: I knew the Ceann Comhairle would say that and I addressed it in the first part of my supplementary.

An Ceann Comhairle: Yes but it is unreasonable to expect the Taoiseach to have answers ready for specific inquiries about particular appointments or resignations.

Deputy Enda Kenny: It is a valid question about service to the State.

The Taoiseach: There are many good people available for public service. I do not accept the quality of people has deteriorated, it has improved and more people are making themselves available for service. If we are appointing people to State boards they must do their job to the best of their ability but I do not accept that it is difficult to find people who will do public service, that is not my impression.

Deputy Enda Kenny: It might not be the Taiseach's impression but there is now a situation where a person of considerable status accepted a difficult position and while doing the job to the best of his ability, he brought issues of concern to the notice of his Minister and was subsequently asked to resign.

An Ceann Comhairle: The Deputy must pursue this through a different channel.

Deputy Enda Kenny: What message does that send out to other people of status, integrity and ability who might want to assist the State by giving of their experience to a State board? If they bring issues of concern to the Minister involved, they may be asked to resign. That is not the message we want to send out.

I do not want to go through the list of our absent friends from the House, but it is incredible and was done strictly on the basis of party political membership or friendship, as distinct from any ability the people involved might have. The Government must address this. Fine Gael proposed that for people to be appointed to the more important State boards, they should appear before the relevant Oireachtas committee to indicate their ability to fill the post.

Fine Gael will introduce this proposition in Government so that people can state in public their qualifications and what it is they have to offer State boards as distinct from how the Taoiseach's predecessor did it, appointing people on the basis of friendship. I am concerned by the message sent out when a chairman of a board who brings to the notice of his Minister issues of serious concern about value for money, waste and so on is asked to resign as a consequence.

The Taoiseach: I do not think that is a proper characterisation of that particular situation. I do not want to go over it again; it is not within the remit of the questions. I was asked what were my appointments under my Department and I have set out that information. The purpose of parliamentary questions is to obtain information.

The situation clearly is that there was a remit as far as the Minister was concerned regarding the building of a hospital on a site. As I understand it, the former chairman subsequently looked at another site. That was outside the remit of the board. If there is a difference of opinion like that, what happens is the person resigns and another appointment is made. It does not take away from the board.

Deputy Enda Kenny: He was asked to resign.

The Taoiseach: From time to time, that can occur where there is a difference of opinion, but the purpose of the board is to implement Government policy. Government policy is to proceed with the building of a hospital on that site as a result of a lot of independent reports that were conducted and is in line with world trends where paediatric hospitals are built on the same sites as or adjacent to adult hospitals.

Deputy Bernard J. Durkan: Some of those trends have been found to be incorrect.

The Taoiseach: Twenty-four of the last 25 that have been built worldwide have been that way.

Deputy Enda Kenny: There is €600 million involved.

The Taoiseach: As I said yesterday to Deputy Gilmore, the funding arrangements are the same now as they were when the project was first announced. There is no change in that.

Deputy Enda Kenny: Except the Government is spending €100 million digging a hole for a carpark.

The Taoiseach: I am sorry, but I will not get into it. If Deputy Kenny has a line question for the Minister for Health and Children for further detail, that is the place to put it.

Deputy Enda Kenny: She never answers questions.

The Taoiseach: Of course she answers questions. She answers any question that is put to her.

Deputy Enda Kenny: We wait six weeks for answers from the dysfunctional HSE.

The Taoiseach: Either we are going to have a serious discussion or we are not.

Deputy Eamon Gilmore: The revised programme for Government, which was published last year, states by way of a Government commitment:

We will introduce on a legislative basis a more open and transparent system for appointments to public bodies. The legislation will outline a procedure for the publication of all vacancies likely to occur, invite applications from the general public and from the responses. . .

An Ceann Comhairle: I advise the Deputy that this is Question Time.

Deputy Eamon Gilmore: I am only reading from my notes. To continue, it states:

. . .create a panel of suitable persons for consideration of appointment. The legislation will also specify numbers of persons to be appointed by a Minister. . .

The Labour Party would be inclined to support such legislation were it introduced in the House by the Government. I have been looking through the legislative programme, which contains 91 Bills, but I cannot see this legislation anywhere on the programme. At what stage of preparation is the legislation and when are we likely to see it? If it is in the programme for Government, I presume this approach to the making of public appointments is Government policy. Why is the Government not implementing such an arrangement?

The period between the dissolution of a Dáil and the formation of a subsequent Government has tended to be a busy time for the appointment of people to State bodies.

The Taoiseach: I recall the fall of Deputy Gilmore's Government.

Deputy Eamon Gilmore: Will the Taoiseach give a commitment that no appointments will be made to State bodies after the Dáil is dissolved until the formation of a new Government?

The Taoiseach: The only commitment I would like to give Deputy Gilmore in that regard is that we will certainly not repeat something that happened on the demise of a Government in which he was a Minister of State. It purported to appoint people to health boards on dates when I was the Minister for Health and Children. We had a situation in which there was an effort made by an outgoing Government to appoint people to——

Deputy Bernard J. Durkan: The Government has plenty practice of doing that.

The Taoiseach: ——health boards in respect of vacancies which——

Deputy Eamon Gilmore: There is no chance of that happening again. The health boards are gone.

The Taoiseach: It is an interesting principle.

Deputy Bernard J. Durkan: It has never been proven.

The Taoiseach: They were approved by a Government of which Deputy Gilmore was a member.

Deputy Eamon Gilmore: That is irrelevant. The Taoiseach should look to his own Government. Will he answer?

The Taoiseach: I will of course.

Deputy Bernard J. Durkan: He has had plenty of time.

The Taoiseach: I am answering. I can give the commitment that that will certainly not happen.

Deputy Eamon Gilmore: The Government will not appoint anyone to any board.

The Taoiseach: No. An effort will be made——

Deputy Bernard J. Durkan: The Government will not appoint any more people. Is that a promise?

The Taoiseach: I had to listen in silence.

An Ceann Comhairle: Deputies, unless we can have some order in the House, the speaker cannot be heard.

The Taoiseach: Do they not hate this stuff?

Deputy Eamon Gilmore: I hate it, too.

The Taoiseach: Deputy Gilmore did it. He was a member of a Government that approved appointments to boards in respect of vacancies that arose during the time of a subsequent Government.

Deputy Bernard J. Durkan: Not necessarily.

The Taoiseach: That was as good a trick as I ever came across. Members of Deputy Gilmore's party took up or sought to take up positions on that basis.

Deputy Bernard J. Durkan: The current Government is the one that will be making the appointments.

The Taoiseach: Those members threatened legal proceedings afterwards in public commentary, that they would go to the highest court in the land to protect their reputations.

Deputy Bernard J. Durkan: The Taoiseach is making me cry.

The Taoiseach: I never got a civil bill about it, but it was an interesting bit of bluster that went on at the time from members of Deputy Gilmore's party——

Deputy Bernard J. Durkan: That is something with which Government Members are familiar.

The Taoiseach: ——or the party of which he was about to become a member, to go back over his school day recollections just to make sure we got it right.

Deputy Bernard J. Durkan: The Taoiseach can get it right the next time.

The Taoiseach: The point is that vacancies arise and need to be filled. The continuity of boards requires it. The one commitment I will give unequivocally is that I will not try that trick.

Deputy Bernard J. Durkan: That leaves a wide scope. The Government often did it.

Deputy Eamon Gilmore: Let us try the questions again. First, what has happened to the legislation promised in the programme for Government? Has it been dropped entirely? Will there be legislation on public appointments? Second, why is the Government not implementing this policy if it is Government policy? Third, I asked for a commitment from the Taoiseach that no appointments of any kind would be made from the date on which the Dáil dissolves until the election of a new Government.

The Taoiseach: Regarding the first matter, I am sorry for getting distracted for a moment.

Deputy Bernard J. Durkan: It was not for the first time.

Deputy Eamon Gilmore: The Taoiseach is easily distracted.

The Taoiseach: I just wanted to put it on the record because I know it was important. There is only so much mock indignation one can take. Regarding the first point, these are commitments in the programme for Government and must be progressed during the tenure of the Government. I am sure that will be done. Second, it would constitute Government policy to implement that legislation. It is a commitment in the programme. Third, regarding vacancies that arise during the tenures of Governments, I would expect them to be dealt with in the appropriate way, where people with the requisite qualifications would be appointed. If Deputy Gilmore has any specific issue in mind, such as I recalled in the case I have just mentioned, I will take it up.

An Ceann Comhairle: A final, short supplemental question. I have a number of other people offering.

Deputy Eamon Gilmore: The Taoiseach stated the legislation was being progressed. Which Minister has responsibility for introducing the legislation to the House?

The Taoiseach: It is a matter of course, since it is a commitment in the programme for Government. The matter will be progressed.

Deputy Eamon Gilmore: “Would be”.

The Taoiseach: “Will be”. I cannot give the Deputy the details about where it is at, but I can come back to him on the matter.

Deputy Eamon Gilmore: Which Minister has responsibility?

The Taoiseach: I would have to check for the Deputy, but I would presume it is the Minister for Finance or the Environment, Heritage and Local Government.

Deputy Caoimhghín Ó Caoláin: It is more than two years since the abuses among executives and board members of FÁS were exposed, yet the same appointments regime is in place despite repeated calls by this Deputy and others over many years for a system to which Deputy Gilmore has referred in the context of the new revised programme for Government, which comes under the heading “Enhancing Our Democracy and Public Services”. That is exactly the

set of arguments I had been putting year on year, so I welcome its inclusion. Apart from the points already alluded to, it also indicates appropriate appointments via Oireachtas committees. Committees would have the potential to nominate to a panel for consideration for appointment to various boards, which is something I would also welcome.

The critical point is the drafting of the promised legislation. The Taoiseach is very vague and uncertain this morning. Has he any idea whether the drafting of that Bill has even commenced? Is it only an aspiration in the revised programme or is it a serious intent? In general, appointments to boards happen in groupings at different times. Can we be certain that before the next tranche of appointments is proceeded with this legislation will be in place and we will be able to access the best, most available and willing among our citizenry to offer of their services to State boards into the future? That is the critical point. Is the legislation being drafted in order that it can be passed through the Houses, where the Taoiseach can anticipate little, if any, opposition? That will depend on the detail but concerning the principle I indicate my support and I expect the other Opposition voices will do likewise. Would the Taoiseach be prepared to ensure the legislation is *in situ* before a further tranche of appointees to State boards is made?

The Taoiseach: As I said, these questions relate to appointments I have made to agencies or boards under my own aegis and I provided that information. I am now being asked about the position of particular legislation. If a question has been drafted I can deal with it. However, regardless of the drafting of a question, when supplementary questions are raised I will get the information and forward it to the Deputies asking the questions.

Deputy Michael Noonan: This is not a national issue. Approximately €350 million is paid out in allowances to private landlords or their tenants. I understand that last year the Government decided to transfer responsibility from the HSE to the Department of Social Protection in respect of this payment but this is being held up by an industrial dispute internal to the Department.

An Ceann Comhairle: I do not believe this matter is contemplated in this group of questions.

Deputy Michael Noonan: It is about legislation. If the Ceann Comhairle bears with me, every Member in the House will be interested and I shall take only 20 seconds.

When that transfer is made will the Taoiseach legislate to ensure that the code of behaviour which applies to the behaviour of tenants will apply also to this scheme? There is a code of behaviour that applies to local authority tenants but not to the tenants of private landlords who receive public moneys. Will the Taoiseach legislate to correct that?

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

Deputy Michael Noonan: I did so but did not receive a proper answer. Why does the Ceann Comhairle think I am asking the question?

The Taoiseach: I understand a review of the residential tenancies board is taking place to which I believe that situation applies. A review of relevant legislation may be able to accommodate the amendment the Deputy suggests, if it is required.

Deputy Bernard J. Durkan: What is expected of appointees to State boards? In the event of an appointed member having a strong opinion that a procedure is not in the interest of the public or of taxpayers, what is expected? Is the person expected to resign or is he or she fired? Is there a standard procedure in those circumstances?

The Taoiseach: If there is a person on a board who is not happy with Government policy he or she has the option to resign from the board and a replacement can be found. The purpose, as is usual in this instance, is to implement the policy of the Government and if, for any reason, good, bad or indifferent, a person has a different point of view he or she has that option. The option is not such that where persons finds themselves in opposition the Government is expected to change the policy to accommodate them.

Deputy Bernard J. Durkan: I have a quick supplementary question.

An Ceann Comhairle: It must be very quick.

Deputy Bernard J. Durkan: This is fundamental to the question of appointments. I will be very brief. On the appointment of a chairman or a board member, is it made clear to the appointees that they must adhere at all times to Government policy, regardless?

The Taoiseach: In regard to agencies and boards appointed there is a relationship with the line Department which usually sets the overall policy framework. The operational responsibilities of providing the service, if that is what the agency does, or of the making of commercial decisions in a commercial semi-State body, for example, are made by the actual company. If there are major strategic issues they wish to address these are addressed by the board and the chairman of the board will inform the Minister accordingly and presumably ensure that anything being contemplated would be broadly in line with overall Government objectives. That is the slight difference between such a company and a private company.

Deputy Bernard Allen: The shenanigans, as I term them, at FÁS were referred to. Earlier this year I asked the Taoiseach whether any progress was being made on the request from the Committee of Public Accounts to strengthen its role by looking at the situation *vis-à-vis* the Data Protection Act.

An Ceann Comhairle: The Deputy is broadening the range of the two questions.

Deputy Bernard Allen: Every other Member has had a question answered. Why is the Ceann Comhairle picking on me?

An Ceann Comhairle: I know but it is inappropriate.

Deputy Bernard Allen: My question is reasonable. We asked the Government——

An Ceann Comhairle: It must be asked at a reasonable time by submitting a parliamentary question to the line Minister. It might be more appropriate.

Deputy Michael Noonan: They do not answer.

Deputy Bernard Allen: There are many other delays, a Cheann Comhairle. I am merely asking a reasonable question that I believe to be relevant.

Code of Conduct for Office Holders

3. **Deputy Enda Kenny** asked the Taoiseach his plans to amend the Code of Conduct for Office Holders; and if he will make a statement on the matter. [30237/10]

4. **Deputy Caoimhghín Ó Caoláin** asked the Taoiseach his plans to amend the Code of Conduct for Office Holders; and if he will make a statement on the matter. [32341/10]

5. **Deputy Eamon Gilmore** asked the Taoiseach his plans to amend the Code of Conduct for Office Holders; if he has satisfied himself with the operation of the code; and if he will make a statement on the matter. [35869/10]

An Taoiseach (Deputy Brian Cowen): I propose to take Questions Nos. 3 to 5, inclusive, together.

The code of conduct for office holders was drawn up by the Government pursuant to section 10(2) of the Standards in Public Office Act, 2001, following consultation with the Standards in Public Office Commission, and was published in July 2003. A review of the code and its operation will be carried out, in consultation with the Standards in Public Office Commission, after the Ethics in Public Office (Amendment) Bill 2007 has been enacted.

An Ceann Comhairle: I call on An Teachta Caoimhghín Ó Caoláin.

Deputy Enda Kenny: Question No. 3 was mine.

An Ceann Comhairle: Tá go maith. I will take them in order.

Deputy Enda Kenny: The microphone is now switched on. I note the Taoiseach's predecessor appeared in a television advertisement in which he appeared to be sitting in a cupboard, publicising his——

An Ceann Comhairle: Now, Deputy.

Deputy Enda Kenny: Just a moment.

Deputy Deirdre Clune: It refers to code of conduct.

Deputy Enda Kenny: This is about Deputy Ahern publicising his career as a football commentator. I remember standing in Mount Street on the night — the Taoiseach probably remembers it too — Desmond O'Malley was expelled from the Fianna Fáil Party for what was termed "conduct unbecoming". This is a person who was given the honour and esteem of——

An Ceann Comhairle: There are times for that line but not now.

Deputy Enda Kenny: Hold on, a Cheann Comhairle. The person I am referring to was elected as the Taoiseach of this country on three occasions, an honour that is almost unique. He is still in receipt of public moneys for his service as a public representative. Does the Taoiseach believe, in respect of the code of conduct for current and former office-holders, that to have this apparition on the national television screens in what appeared to be a cupboard is conduct becoming? Did Deputy Ahern consult with the Taoiseach before he did something like this? It brings the Taoiseach's office into disrepute.

An Ceann Comhairle: The Deputy knows this matter does not fall under the general heading under consideration. There are other ways, if the Deputy wishes to pursue the matter but perhaps not——

Deputy Enda Kenny: Does the Taoiseach plan to amend the code of conduct for office holders and will he make a statement on the matter? The former Taoiseach is in receipt of privileges, as a former office holder. This is not conduct becoming for somebody who has held that service and I wish to hear the Taoiseach's view on it.

An Ceann Comhairle: Taoiseach, this is not really appropriate.

Deputy Bernard J. Durkan: Come on. It is a question.

Deputy Enda Kenny: Is the Ceann Comhairle ruling it out?

An Ceann Comhairle: We are talking about the code of conduct for office holders.

Deputy Bernard J. Durkan: Yes.

An Ceann Comhairle: The former Taoiseach is not a current office holder.

Deputy Bernard J. Durkan: Can he do anything he likes? Can he stand on his head?

Deputy Enda Kenny: I am sure the Taoiseach, Deputy Cowen, has views on this although he might not wish to express them in the Chamber. I have asked the question but it appears he does not wish to answer it.

The Cabinet handbook 2007 states that applications for the use of ministerial air transport should be submitted to the Taoiseach in respect of every mission, to include destination, route, timing, passenger details and purpose of travel. The justifying need to use the service should be set out in every application and the relative cost of ministerial air transport to possible alternatives should always be borne in mind in preparing travel plans. The relative cost of ministerial air transport services to possible alternatives should be always borne in mind in preparing travel plans. I note that the Minister for Transport travelled to Glenties during the summer and part of that journey was made in the Government jet. Does the Taoiseach recall getting a request from the Minister for Transport for that? Given that he travelled by jet meant the PSNI had to be put on security notice, a garda driver had to go ahead of the Minister and the cost involved was around €100,000.

The Taoiseach: That matter has been dealt with under freedom of information arrangements, and obviously it was in compliance with requirements. I understand the Minister was heading on to other official engagements the following morning.

Deputy Enda Kenny: My question was whether the Taoiseach recalled getting a request from the Minister for Transport in accordance with the Cabinet 2007 handbook, which stipulates a request must be made to the Taoiseach in such matters. Given that the car was going there and the PSNI had to be instructed as regards security, perhaps the Taoiseach might like to comment on that.

Just before Deputy Gilmore comes in, the Taoiseach will be aware that the Cabinet handbook needs amendment because it has been breached on a number of occasions by members of the Government. The use of the Government jet has to be cleared by the Taoiseach, and clearly in a number of cases something peculiar happened. I have asked questions before as regards how the Government jet arrived in Las Vegas. Some confused meteorological conditions were indicated as the reason it was there overnight. The Minister of Defence was caught out charging the taxpayer €46,000 over several years to pay Fianna Fáil activists to deliver leaflets across the constituency. Has the Taoiseach tightened up on this regime, and in that sense is it made perfectly clear on a regular basis to his colleagues in Government that there are rules and regulations in the Government handbook that should be strictly adhered to, and if not that he, as Taoiseach, will ensure infringements are punished accordingly?

The Taoiseach: I do not accept the veracity of what the Deputy has alleged. He has a very detailed response from me given in a previous question time regarding the circumstances in which the Government jet was used, with reference to the locations to which he referred.

Full verification was provided to him and yet he continues to suggest he got some confused meteorological——

Deputy Enda Kenny: Meteorological conditions.

The Taoiseach: Let us not be ridiculous. We should take matters seriously and not carry on with facetious nonsense like that. Otherwise, we are wasting our time.

Deputy Enda Kenny: It is like former Deputy Gerry Collins's reply to the late Deputy Oliver Flanagan here one day, when the convent in Mountmellick was robbed, and he produced meteorological reports to that effect.

Deputy Caoimhghín Ó Caoláin: Deputy Kenny did not cite the most appropriate section of the code of conduct, where it states that office holders are required to “conscientiously and prudently apply the resources of their office in furtherance of the public interest, and to ensure that the use of officially provided facilities are designed to give the public value for money”. Does the Taoiseach agree with me that the code of conduct was certainly breached in the use of the Government jet by Deputy Noel Dempsey, Minister for Transport, to fly to the MacGill summer school and his ministerial car was driven to Derry to meet him when he arrived by air from Baldonnel to take him to Glenties? The whole thing is ridiculous. He actually had another garda-driven car taken from his home in Navan to Baldonnel Airport while his ministerial car was heading up the country to Derry to meet him on his arrival. The whole thing is bizarre. Against all that has unfolded in the past couple of years, in particular, this was a most cavalier action, at the very least——

An Ceann Comhairle: I remind the Deputy that this is Question Time.

Deputy Caoimhghín Ó Caoláin: ——wholly inappropriate and in breach of the code of conduct. Will the Taoiseach not be quite specific and state clearly that he recognises that this action was not only inappropriate but in breach of the code of conduct, in line with what I have directly cited from it?

An Ceann Comhairle: Could we please have a question?

Deputy Caoimhghín Ó Caoláin: That is my question. I am asking the Taoiseach whether he accepts that the actions of the Minister for Transport, Deputy Dempsey, were in breach of the code of conduct in that instance, and will he again outline what steps he is taking to ensure there will be no repetition of what is clearly a patent abuse?

The Taoiseach: I make the point again to Deputy Ó Caoláin that the Minister for Transport had to make that attendance and be in London the next morning. I have not the detail before me, but that was the basis of the matter. It was not a question of simply going to Glenties. Rather, it was a question of doing Glenties and being in London the following morning. He was therefore seeking to attend two functions, one after the other and he had to ensure he reached London by a certain time. Those are the circumstances.

As regards the use of the PSNI, regardless of the ministerial mode of transport going into the Northern Ireland jurisdiction, PSNI security clearance is required. Those are the circumstances in which that occurred.

Deputy Caoimhghín Ó Caoláin: I do not accept that is the full story. Whether the Minister had an appointment next day in no way excuses the transport arrangements he put in place for

[Deputy Caoimhghín Ó Caoláin.]

that journey to Glenties. I am surprised at the Taoiseach's response given that the Minister for Transport, Deputy Dempsey, stated at a subsequent Ógra Fianna Fáil event——

An Ceann Comhairle: I might just advise the Deputy for a moment. If Members wish to make charges against other Members of the House, there is a recognised procedure for doing this.

Deputy Caoimhghín Ó Caoláin: I am sorry, a Cheann Comhairle, but we are dealing with questions on the codes of conduct.

An Ceann Comhairle: The Deputy is pursuing the matter, however, by way of supplementaries.

Deputy Caoimhghín Ó Caoláin: It does not matter how uncomfortable people are about this, we have a responsibility to ask the appropriate questions. I am making the point to the effect that the Taoiseach's response is very surprising, given that the Minister for Transport stated at a subsequent Ógra Fianna Fáil event that he was wrong to have used the jet to fly to Derry, facilitating his access to the Glenties event on that day. Those were the Minister's words, in effect, subsequently and the Taoiseach seems to be at variance with that view in defending Deputy Dempsey's use of the jet. The Minister is fully cognisant of the fact that he had to go to London next day.

An Ceann Comhairle: The Deputy is imparting information, not asking questions.

Deputy Caoimhghín Ó Caoláin: It is not as if this was a single incident. Finally, does the Taoiseach believe the use of the Government jet to fly back the Minister of State, Deputy Dara Calleary, to participate in a vote to prevent the moving of the writ for the Donegal South-West by-election, was suitable in that particular instance? He was flying back from Brussels, by the way.

The Taoiseach: As regards the first part of the Deputy's question, he is misrepresenting the context in which Deputy Dempsey took the flight to Glenties. He suggested in his first question that he simply took a flight to Glenties, when he could have just taken a car. The Minister had another appointment in London the following morning, to which he flew, from Derry. That was the context. The Deputy then sought to use negatively Deputy Dempsey's acknowledgement that he would seek, in furtherance of the code of conduct, to ensure such a situation does not again arise. It is very hard to satisfy the Deputy.

In relation to his second point, the Minister of State, Deputy Calleary, was on official business in Brussels. He completed his business there and was required back here in the House. Is there a presumption to the effect that he should have thumbed home?

Deputy Caoimhghín Ó Caoláin: How many thousands did flying back for a vote to prevent the moving of a writ cost?

Deputy Eamon Gilmore: The Taoiseach in reply to the question about the code of conduct for office holders, told us that a review will be carried out in consultation with the Standards in Public Office Commission after the Ethics in Public Office (Amendment) Bill has been enacted. The Ethics in Public Office (Amendment) Bill has been around for a long time. The Taoiseach will recall that this Bill was first promised on 10 October 2006 by the then Tánaiste, former Minister for Justice, Equality and Law Reform, Deputy Michael McDowell, in response to information that had come into the public domain to the effect that the then Taoiseach, Deputy Bertie Ahern, had received dig-out money.

The purpose of the Bill was that where an office holder got a gift from a friend for personal purposes, he or she would seek advice from the Standards in Public Office Commission as to whether it was all right to accept the gift. The Bill in question was passed in the Seanad in 2007, and we have had neither sight nor light of it since. It has never come into this House. I have asked the Taoiseach about this before because I cannot understand why this is the case. There have been days here with little enough in the way of legislation from the Government to occupy the time. There have been occasions on which the House was adjourned due to a lack of legislative business, including yesterday.

An Ceann Comhairle: An inquiry to the Whips as to whether they have been dealing with it might help.

Deputy Eamon Gilmore: According to the Taoiseach, the review of the code of conduct cannot take place until the Ethics in Public Office (Amendment) Bill has been passed. I want to know when he will bring it to the House so it can be passed.

The Taoiseach: That is a matter for the Whips to consider at any time. There is no reason to review the code of conduct at present as I am not aware of any aspects that have been criticised or with which there is a problem. When that Bill is enacted, we can review the code of conduct to ensure it takes cognisance of the new legislation.

Deputy Eamon Gilmore: That answer surprises me because I understand the Standards in Public Office Commission has made a series of recommendations for changes in the code of conduct and the purpose of a review was to take account of those recommendations. The Taoiseach stated in his reply to the original question that the review would be done when the Ethics in Public Office (Amendment) Bill was passed, yet he is now saying there is no reason to review the code of conduct. If there is no reason to review it there are clearly no grounds for all these consultations with the SIPO Commission.

I ask the Taoiseach to be clear. Is he saying there will be no review of the code of conduct? If he is saying that, fair enough. It is a straight answer. However, in his reply he said it would be reviewed in consultation with the SIPO Commission after the long-awaited Ethics in Public Office (Amendment) Bill had been dealt with.

The Taoiseach: The review of the code and its operation will be carried out after the enactment of the Ethics in Public Office (Amendment) Bill. That is what the reply states. When that is done, we can undertake the review. If there are other issues that need to be dealt with, presumably that is when it will be done.

Deputy Eamon Gilmore: When will we do that?

The Taoiseach: As soon as the legislation is enacted, so whenever that happens.

Deputy Eamon Gilmore: When will the Bill come to the House?

The Taoiseach: Whenever the Whips can arrange it. I do not have a date for it.

Deputy Eamon Gilmore: What is delaying it?

The Taoiseach: I do not have a date for it.

Deputy Eamon Gilmore: I asked the Taoiseach before.

Deputy Emmet Stagg: We can bring it in next week. There is no problem with that.

Deputy Eamon Gilmore: Is the Taoiseach blocking it?

An Ceann Comhairle: We will move on.

Deputy Bernard J. Durkan: It is next week.

Deputy Eamon Gilmore: Deputy Gormley is blocking it.

Deputy Emmet Stagg: Next week.

Deputy Bernard J. Durkan: Next week it is. I thank the Taoiseach.

The Taoiseach: I thought the Deputy would have got over his conspiracy theories at this stage of his life.

Deputy Eamon Gilmore: The Taoiseach knows of a few conspiracies himself.

Deputy Bernard J. Durkan: We should not go there.

The Taoiseach: *The Lost Revolution* — is that what it is called? Has he read it?

Deputy Emmet Stagg: I would like to have been a fly on the wall at his meeting with the Anglo Irish Bank directors.

The Taoiseach: The Deputy need not worry about that. I have no worries about it.

Deputy Eamon Gilmore: He has not told us much about it.

The Taoiseach: It is part of the old——

Deputy Eamon Gilmore: He has been very coy.

The Taoiseach: That is the oldest Sticky trick in the book.

(Interruptions).

Deputy Bernard J. Durkan: Take it easy.

Deputy Eamon Gilmore: What were they talking about?

An Ceann Comhairle: Could we bring the House to order?

The Taoiseach: It is the oldest Sticky trick in the book.

Deputy Eamon Gilmore: What were they talking about?

An Ceann Comhairle: I ask for the Deputies' co-operation.

The Taoiseach: I understand Deputy Quinn met them too when he was a Minister, but the Deputy does not have a problem with that, does he?

Tribunals of Inquiry

6. **Deputy Enda Kenny** asked the Taoiseach the costs which have accrued to date to his Department in respect of the Tribunal Into Payments to Politicians and Related Matters; and if he will make a statement on the matter. [30240/10]

7. **Deputy Eamon Gilmore** asked the Taoiseach the total cost accrued to date by his Department arising from the Tribunal Into Payments to Politicians and Related Matters at the latest date for which figures are available; and if he will make a statement on the matter. [32320/10]

8. **Deputy Caoimhghín Ó Caoláin** asked the Taoiseach the total cost to his Department of the Tribunal Into Payments to Politicians and Related Matters since its inception; and if he will make a statement on the matter. [32348/10]

The Taoiseach: I propose to take Questions Nos. 6 to 8, inclusive, together.

The total expenditure by my Department from the establishment of the Moriarty tribunal to the end of September 2010 was €40.63 million.

Deputy Enda Kenny: We had some discussions about this previously and I am aware that a joint letter was sent to the sole member of the tribunal. Mr. Justice Moriarty has formally stated that his preference is to publish a single final report. Does the Taoiseach have any information from the tribunal on when the judge might be in a position to publish the final report?

The Taoiseach: I do not think I have had any correspondence since the last time we discussed this here.

Deputy Enda Kenny: Does the Taoiseach have an indication of the cost to the State of the tribunal in 2010? It was €4.1 million in 2008, and my reckoning is that it will be approximately €4 million this year. The report of the Comptroller and Auditor General last year indicated that the final cost, including third-party costs, could be in the region of €100 million. Does the Taoiseach have an assessment of the final cost?

The Taoiseach: No. The Moriarty tribunal has not yet considered the question of third-party costs and the sole member has indicated he will not do so until after the tribunal has completed its final report. This is to avoid conjecture and the drawing of inferences on the possible findings of the tribunal. Even after the sole member has made a determination of the costs, the process by which they are recovered is lengthy and unlikely to be completed this year.

Deputy Eamon Gilmore: There have been newspaper reports that the final witness the tribunal wants to question, Mr. Andersen, is to appear before it next week. Is the Taoiseach aware of this, or has it been confirmed to him? Does he have any indication of how long the taking of evidence from that witness will take? Can he tell us whether that witness sought an indemnity from the Government in respect of his appearance at the tribunal? Can he confirm, as has been reported, that the Government refused such an indemnity? Does he have any knowledge of reports that a prominent business person, who has also been a witness at the tribunal, has provided an indemnity for that witness?

An Ceann Comhairle: The Deputy's questions have gone somewhat beyond the scope of the original question.

The Taoiseach: The tribunal is independent of my office, and any correspondence between the tribunal and the witness is a matter for the tribunal. As the Deputy said, no indemnity has been provided by the State in respect of these matters.

Deputy Caoimhghín Ó Caoláin: This morning there was an indication of tribunal judges' salaries of the order of €177,554, plus expenses, and that there are particular conditions with regard to travel expenses for trips of more than six miles. Can the Taoiseach clarify the details

[Deputy Caoimhghín Ó Caoláin.]

of the entitlements of tribunal judges, not only in terms of their salaries, but with a breakdown of the terms and conditions of their expenses? Do these travel expense allowances apply to the Moriarty tribunal and, if so, is the Taoiseach in a position to outline how much has been involved over its duration?

The Taoiseach: I am not aware that is an issue that arises with regard to the Moriarty tribunal, to which these questions pertain.

Order of Business

The Taoiseach: It is proposed to take No. 8a(i), Value-Added Tax Consolidation Bill 2010 — First Stage; No. 8a(ii), motion re Second Stage of the Value-Added Tax Consolidation Bill 2010; No. a17, statements and questions re Minister for Finance’s announcement on banking of 30 September 2010; and No. 4, Criminal Law (Defence and the Dwelling) Bill 2010 — Order for Second Stage and Second Stage. It is proposed, notwithstanding anything in Standing Orders, that No. 8a(i) and, subject to the agreement of No. 8a(i), No. 8a(ii) shall be decided without debate; a Minister or Minister of State shall take questions on No. a17 and the proceedings, if not previously concluded, shall be brought to a conclusion after 60 minutes; and the suspension of sitting under Standing Order 23(1) shall take place at 1.30 p.m., or on the conclusion of No. a17, whichever is the later, until 2.30 p.m. Private Members’ business shall be No. 75, motion re loan guarantee scheme — resumed, and to conclude at 8.30 p.m. tonight, if not previously concluded.

An Ceann Comhairle: There are three proposals to be put to the House today. Is the proposal for dealing with No. 8a(i), Value-Added Tax Consolidation Bill 2010 — First Stage, without debate, agreed to? Agreed. Is the proposal dealing with No. a17, statements and questions re Minister for Finance’s announcement on banking of 30 September 2010, agreed to?

Deputy Joan Burton: No. This relates to a debate on statements that the Minister made on “Black Thursday” about the banking situation. Members from all sides of the House spoke on this debate and we feel that the one hour time slot is completely inadequate. In addition, the Taoiseach said yesterday in the Dáil that the State now has a mortgage of €31 billion in respect of the promissory notes. The Department confirmed last night to *The Irish Times* that the cost of interest on that mortgage is €1.5 billion per year. This is an extra figure that was not known before and which emerged yesterday via the Taoiseach. It is absolutely essential that we have an extra hour for questioning. It would be fair to all Members who have spoken, so I hope the Government agrees to that.

Deputy Caoimhghín Ó Caoláin: I repeatedly asked yesterday what consideration the Minister for Health and Children would give to presenting herself here to answer questions on her signalling of serious further cutbacks to the health budget. Outside the issue of pay under the terms of the Croke Park agreement, what does this actually mean? What devastation are our health services now facing? While there is inadequate time for questions to the Minister for Finance, will the Government facilitate the opportunity for a debate that I have repeatedly called for about the national children’s hospital and yesterday’s budgetary announcement that we are facing cuts in the order of €600 million to €1 billion in the health area alone?

An Ceann Comhairle: We are drifting away from the issue. Does the Deputy have a question?

Deputy Caoimhghín Ó Caoláin: Has the Taoiseach taken time to consider my appeal in the House yesterday? Will he now indicate that the Minister for Health and Children will come before this House and be accountable to its Members?

The Taoiseach: The issue before the House is as set out in the Order of Business. The annual cost of the bank rescue was made clear to the House by the Minister last month. It was not introduced by me yesterday. I am trying to be helpful to the House while trying to get on with its business. If it were helpful to avoid a vote on the issue that we added another 20 minutes on to the 60 minutes for questions, that might deal with things.

Deputy Caoimhghín Ó Caoláin: What about the Minister for Health and Children and the serious issues——

An Ceann Comhairle: That is out of order. Is the proposal, as amended, agreed? Agreed. Is the proposal for dealing with the suspension of sitting under Standing Order 23(1) agreed to? Agreed. I call Deputy Kenny.

Deputy Enda Kenny: When will the report on PPARS, which was prepared and given to the Minister for Health and Children, be published? When will the Minister for Education and Skills publish the report on institutes of technology, which has been on her desk for quite some time? When does the Taoiseach expect the minerals development Bill to be ready for publication?

The Taoiseach: That Bill will be published in the middle of next year. I am not aware that the review on third level education is yet with the Minister. I am sure it is an advanced stage. I do not know the answer to the first question, and I will try to find out for the Deputy, but perhaps a question to the Minister might elicit a reply.

Deputy Eamon Gilmore: The residential institutions statutory fund Bill is to provide for the establishment of a statutory fund to support the needs of the survivors of residential institutional child abuse. This was one of the recommendations of the Ryan report and there was all-party agreement in the House that this should be developed as quickly as possible. When will it be published?

The Taoiseach: It will be published next year. Many non-legislative recommendations of that report are being implemented at the moment.

Deputy Charles Flanagan: On the matter of legislation on white collar crime as promised by the Minister for the Environment, Heritage and Local Government, what arrangements are being made by the Government to have the State and the taxpayer represented at bankruptcy proceedings in the state of Massachusetts for an application made by Mr. David Drumm? Will the State be formally represented? This is a man who owes a considerable amount of money to the State. He owes €8 million to Anglo Irish Bank, which is owned by the taxpayer.

An Ceann Comhairle: That is out of order on the Order of Business.

Deputy Charles Flanagan: It is a further example of how blase we have become about financial chicanery——

An Ceann Comhairle: Do you know the arrangements for the Order of Business?

Deputy Charles Flanagan: Yes.

An Ceann Comhairle: This matter does not require legislation. There are other ways to pursue it.

Deputy Charles Flanagan: It requires an answer from the Government. The taxpayer is the owner of this bank.

An Ceann Comhairle: Deputy Flanagan, there are other ways to pursue the matter.

Deputy Charles Flanagan: There is a clear breach of fiduciary duty on the part of this man. He goes to America.

An Ceann Comhairle: I ask you for your co-operation.

Deputy Charles Flanagan: He runs a coach and four through the system——

An Ceann Comhairle: I ask you to respect the ruling of the Chair that this matter is out of order on the Order of Business.

Deputy Charles Flanagan: I ask that the Government be represented in court in the state of Massachusetts and that the taxpayers' interests be protected.

An Ceann Comhairle: Resume your seat. I call on Deputy Reilly.

Deputy James Reilly: I wish to raise a related matter, namely, money that the State is trying to save——

The Taoiseach: I will answer Deputy Flanagan's question.

Deputy James Reilly: I am sorry. I did not realise the Taoiseach was going to answer.

(Interruptions).

An Ceann Comhairle: The previous query is out of order.

The Taoiseach: I will revert to Deputy Flanagan on the matter at a later stage. Without notice I cannot commit to——

Deputy Charles Flanagan: Will the Taoiseach agree to talk to the Attorney General on the issue?

The Taoiseach: These matters are obviously discussed by the bank and I will take up the matter and find out the position.

Deputy James Reilly: In a week when the Minister for Health and Children told us that she intends to cut somewhere between €600 million and €1 billion off the health budget, can the Taoiseach tell us when he will bring in the drugs reference pricing Bill? This was supposed to come in at the beginning of the year, along with the prescription charges Bill, but it has now been put on the long finger until some time in 2011. Can the Taoiseach provide a more accurate timeframe for this? When we are seeking savings, these are the areas that we should examine, rather than hurting front line services, patients and patient care.

The Taoiseach: I understand that issue will be next year.

Deputy James Reilly: Is legislation necessary in order to release the independent report carried out on Mr. Michael Shine by a senior counsel? The Dignity for Patients group has been

waiting on this report for a long time, but its representatives are getting no information on when it will be released.

An Ceann Comhairle: That is a matter for the line Minister.

Deputy James Reilly: Is legislation required or can the report be released?

An Ceann Comhairle: The Deputy should ask a parliamentary question to the line Minister. I call on Deputy Breen.

Deputy Pat Breen: There is announcement imminent on the loss of 184 jobs at Shannon Aerospace. Did the Government get an early warning that this was going to happen?

An Ceann Comhairle: Deputy——

Deputy Pat Breen: What advance notice did it get?

An Ceann Comhairle: It is out of order on the Order of Business.

Deputy Pat Breen: Was the Minister, Deputy Batt O’Keeffe, involved?

An Ceann Comhairle: It is out of order on the Order of Business.

Deputy Pat Breen: I do not think it is out of order.

An Ceann Comhairle: The Deputy should submit the matter for consideration on the Adjournment.

Deputy Pat Breen: This is a very serious issue for people living in fear in the Shannon area. We have already seen job losses in Dublin Airport——

An Ceann Comhairle: Deputy, please.

Deputy Pat Breen: ——regarding hangar 6——

An Ceann Comhairle: We are trying to establish some discipline on the Order of Business.

Deputy Pat Breen: ——and the Ryanair aeroplane maintenance jobs.

An Ceann Comhairle: I am afraid the Deputy is not co-operating.

Deputy Pat Breen: It is coming at a time——

An Ceann Comhairle: There are other ways to raise the matter.

Deputy Pat Breen: It is coming at a time when Dublin Aerospace got the contract for EasyJet.

An Ceann Comhairle: I am sure it is very important, but there are other ways.

Deputy Pat Breen: Now we hear that there will be an announcement tomorrow morning on Shannon Aerospace.

An Ceann Comhairle: The Deputy is out of order.

Deputy Pat Breen: Sorry, a Cheann Comhairle, but the mid-west region is being totally ignored by the Government.

An Ceann Comhairle: The Deputy is out of order.

Deputy Pat Breen: We have Shannon Airport in crisis at the moment.

An Ceann Comhairle: I will need to ask the Deputy to leave the House if he does not resume his seat.

Deputy Pat Breen: I do not want to leave the House.

An Ceann Comhairle: As a well behaved Deputy in the House I do not wish to do so, but I will have to.

Deputy Pat Breen: My job is to make the Government accountable in the House.

An Ceann Comhairle: I ask the Deputy to raise it some other way.

Deputy Pat Breen: Perhaps the Taoiseach might just answer the question——

An Ceann Comhairle: The Adjournment is one way and a parliamentary question is another.

Deputy Pat Breen: ——on this matter of importance.

An Ceann Comhairle: I call Deputy Shortall.

Deputy Pat Breen: The Taoiseach might like to answer the question. Was the Minister, Deputy Batt O’Keeffe, informed of these potential job losses?

An Ceann Comhairle: It is entirely unfair to expect the Taoiseach to have an answer to that question on the Order of Business.

Deputy Pat Breen: I am sure the loss of jobs is being discussed in every Department.

An Ceann Comhairle: There are other ways, as I have indicated to the Deputy. I ask him to submit the matter for consideration on the Adjournment and we will be sympathetic.

Deputy Pat Breen: It is a serious issue in the mid-west region——

An Ceann Comhairle: I have no doubt it is.

Deputy Pat Breen: ——where unemployment is at a major high and this is due to happen tomorrow morning.

An Ceann Comhairle: Deputy, please.

Deputy Pat Breen: It is a big issue, a Cheann Comhairle.

An Ceann Comhairle: Deputy——

Deputy Pat Breen: I am extremely concerned and angry.

An Ceann Comhairle: I have invited the Deputy to submit it for consideration on the Adjournment, so I have been quite reasonable with him. I ask him to resume his seat.

Deputy Pat Breen: What action will the Taoiseach take?

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

Deputy Pat Breen: I will resume my seat, but I would like to know what action the Government is taking on this matter.

An Ceann Comhairle: I call Deputy Shortall.

Deputy Róisín Shortall: When can we expect to see the promised legislation to transfer the functions of FÁS to the Department of Social Protection?

The Taoiseach: We hope to have that by the end of the year, I understand.

Deputy Róisín Shortall: It has been scheduled for Committee Stage at the beginning of December. I want to make sure we have it in time to consider it before the debate. Is there a date for its publication? Could the Taoiseach get it for us?

The Taoiseach: I do not have a precise date on it.

Deputy Róisín Shortall: Could the Taoiseach come back to me on that, please?

The Taoiseach: I will ask the Minister to note it.

Deputy Joe Costello: The Taoiseach will be aware that many businesses are closing down in the current economic climate. Many of those businesses are vacating their premises and putting on their alarms. As there is no legislation limiting the length of time an alarm can ring, they are ringing for days on end. A number in my constituency have been ringing for weeks at this point and the Garda is unable to identify the owners of the premises because they have gone into liquidation. When does the Taoiseach intend to introduce the noise nuisance Bill to allow enforcement authorities to prevent, reduce or abate noise nuisance and in particular noise from continuously sounding alarms? Alternatively, he might have a job stimulus to get those companies back into business again.

The Taoiseach: I understand the Bill is on the A list so it would be hoped it would be published by the end of this session or the beginning of the next session.

Deputy Joan Burton: Does the Government still propose to legislate for a bank resolution mechanism that would enable the country to deal with future bank collapses without the kind of blanket bailout into which the Government entered, and which would also allow the country to deal with the issue of the senior bondholders and subordinated debt in a structured way? The Government has indicated the possibility of doing this. Has the Government reached a decision on whether it will legislate for a bank resolution mechanism and, if so, when?

The Taoiseach: The up-to-date position in relation to any queries about that matter can be dealt with in the context of the discussion that will take place shortly.

Deputy Bernard J. Durkan: What progress has taken place on the preparation for presentation to the House of the national vetting bureau Bill given its urgency?

The Taoiseach: I understand the matter is being worked on as a priority and the heads of the Bill are expected by the end of the year.

Deputy Bernard J. Durkan: When I raised this previously the Taoiseach and Tánaiste seemed to give an indication that the Bill——

An Ceann Comhairle: The Order of Business arrangement does not anticipate a debate on this matter.

Deputy Bernard J. Durkan: I am not looking for a debate.

An Ceann Comhairle: The Deputy has put a question to the Taoiseach on legislation.

Deputy Bernard J. Durkan: I am fully aware of that, but I am talking about urgently required and desired legislation as generally agreed and the comparison between what is on the pink pages of the legislative programme and the ones that are still waiting. Has any degree of urgency been applied to the preparation of that Bill, which is generally regarded by everybody outside this House——

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

Deputy Bernard J. Durkan: I have done that also.

The Taoiseach: I have indicated it is being handled as a matter of priority in the relevant Department.

An Ceann Comhairle: We must move on.

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

An Ceann Comhairle: Deputy, please your co-operation is required.

Deputy Bernard J. Durkan: I did not hear because you were interrupting, a Cheann Comhairle. Did the Taoiseach say it was not a matter of priority?

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

The Taoiseach: It is a matter of priority.

Deputy Bernard J. Durkan: I am sorry, I cannot hear the reply.

The Taoiseach: It is a matter of priority, as I said in my original reply.

Deputy Bernard J. Durkan: Good. Now I come to the second question on promised legislation. There is a proposal to introduce a Bill to provide for a new risk equalisation scheme for health insurance. Given the problems of the health insurance industry and the costs in the health area in general, when is it intended to bring that Bill to the House? Have the heads been studied, worked upon, agreed or discussed in Cabinet?

The Taoiseach: A consultation process is under way at the moment. The earliest that would be available would be next year.

Deputy Ciarán Lynch: I understand that the Residential Tenancies Act 2004 is under review in the office of the Minister of State, Deputy Finneran. Has that review been completed and will we see amendments to the legislation coming before the House before the end of the year? The working group on mortgage arrears, which published its preliminary report in July, is due to complete the second stage of that report in the coming weeks. Can the Taoiseach indicate

when will that report be completed? Will Dáil time be given to discuss the recommendations and findings of that report?

The Taoiseach: I understand the residential tenancies (amendment) Bill is not due until next year. The other matter is a matter for its publication by the group concerned and then to deal with it in whatever way it needs to be handled by the House.

Deputy Ciarán Lynch: Is there a date for when the report will be completed?

The Taoiseach: I do not have a date.

Deputy Paul Kehoe: I will try not to be out of order——

An Ceann Comhairle: That is a good start.

Deputy Paul Kehoe: ——but I have tried to raise this issue on a number of occasions. I have submitted it for discussion on the Adjournment debate and have tabled parliamentary questions, but I have yet to have my voice heard. I refer to funding for special needs assistants. On Saturday, 9 October, I attended a march in Enniscorthy.

An Ceann Comhairle: The Deputy is veering towards being out of order at this point.

Deputy Paul Kehoe: I would appreciate if you could give me a hearing, a Cheann Comhairle. I attended a march along with more than 300 parents in Enniscorthy. The parents are concerned about their children's education.

An Ceann Comhairle: The Deputy can exercise the option of submitting a parliamentary question or submitting yet again an item for consideration on the Adjournment.

Deputy Paul Kehoe: I have tried the parliamentary question route on numerous occasions, but cannot get an answer from the line Minister. Last week and the previous week I submitted the matter for consideration for the Adjournment debate.

An Ceann Comhairle: The Deputy is out of order.

Deputy Paul Kehoe: I applied again yesterday. I have applied for the past 2.5 weeks and have been refused.

Deputy Bernard J. Durkan: There is no answer to this.

Deputy Paul Kehoe: Can you give me some information on how I can get an answer to a question of such concern to parents and their children, a Cheann Comhairle?

An Ceann Comhairle: Persistence pays on these matters, so I suggest that the Deputy should stay with the Adjournment or parliamentary questions.

Deputy Paul Kehoe: Could I get some indication from you, a Cheann Comhairle, that if I stayed with the Adjournment, I might get an opportunity?

An Ceann Comhairle: It will be considered.

Deputy Emmet Stagg: Canvassing will disqualify.

Deputy Paul Kehoe: Could I say that you might look favourably at it, if I put it forward again?

Deputy Enda Kenny: A nod or a wink.

An Ceann Comhairle: Yes, it will be sympathetically considered, but no promises, just sympathetic consideration.

Deputy Paul Kehoe: I will have to persist each morning if I do not get some form of—

An Ceann Comhairle: I am forewarned.

Deputy Arthur Morgan: I ask the Taoiseach to intervene to prevent the closure of the FÁS premises in Cabra, which have a capacity for 450 students. If those premises close as is forecast to happen within the next two to three weeks, people in the area who wish to avail of FÁS facilities will need to travel across the city at significant inconvenience and cost to themselves.

That will put many people off availing of that FÁS facility. I understand there is an issue concerning the roof of premises and that it could be repaired.

An Ceann Comhairle: The Deputy is seeking detailed information. He should table a parliamentary question to the line Minister.

Deputy Arthur Morgan: I am not tested but if the Ceann Comhairle ever gives lessons on patience, I will be a customer.

An Ceann Comhairle: The Deputy will be most welcome.

Deputy Arthur Morgan: Is the Taoiseach aware of this matter and will he intervene to prevent the closure of this important facility?

An Ceann Comhairle: The Deputy should submit a parliamentary question on the matter and I am sure the Minister concerned will be only too glad to reply to it.

Value-Added Tax Consolidation Bill 2010: First Stage

Minister for Finance (Deputy Brian Lenihan): I move:

That leave be granted to introduce a Bill entitled an Act to consolidate enactments relation to value-added tax.

Certificate of the Attorney General

In pursuance of Standing Order 139 of the Standing Orders of Dáil Éireann relative to public business, I, Paul Gallagher, Attorney General, hereby certify that the Value-Added Tax Consolidation Bill 2010 is a Bill to consolidate enactments relating to value-added tax.

Dated 9th day of October, 2010.

PAUL GALLAGHER,

Attorney General.

Question put and agreed to.

Value-Added Tax Consolidation Bill 2010 — Second Stage: Motion

Minister for Finance (Deputy Brian Lenihan): I move:

That notwithstanding anything in Standing Orders, in the case of the Value-Added Tax Consolidation Bill 2010 — the Second Stage may be taken on a date earlier than the twenty-eighth day after its introduction.

Question put and agreed to.

**Statements re Minister for Finance's announcement on banking of 30 September 2010:
Questions**

An Ceann Comhairle: The following arrangements apply pursuant to today's order of the Dáil: a Minister or Minister of State shall take questions and the proceedings, if not previously concluded, shall be brought to a conclusion after 80 minutes.

Deputy Joan Burton: We would all like to sympathise with the Minister on his recent sad bereavement on the death of his uncle.

There are a number of questions I would like to put to the Minister arising from the discussions since the announcement on "Black Thursday" of the level of the banking crisis. I will begin with my first question. On yesterday's Dáil record, the Taoiseach referred to the €31 billion in promissory notes, which the Minister initiated in respect of Anglo Irish Bank on his announcement on the Tuesday before Easter last, and which in the case of Anglo Irish Bank now amounts to €25 billion.

Minister for Finance (Deputy Brian Lenihan): Or will amount to that.

Deputy Joan Burton: Or will amount to that. I understand that €6.4 billion of that will be listed before the end of the year. The amount in the case of Irish Nationwide Building Society is €5.3 billion of which, I understand, €2.7 billion will be announced before the end of the year. The amount in the case of the EBS is €250,000. The Taoiseach referred to this as a mortgage. At the time of the Minister's announcement of these as promissory notes, it was not absolutely clear what their impact would be on Government accounting. When I visited the Department of Finance——

An Leas-Cheann Comhairle: I am anxious to accommodate as many Deputies as I can and if they ask succinct questions rather than make long preambles, we can have a dialogue across the House.

Deputy Joan Burton: I now understand that this is the equivalent of a national mortgage of €31 billion and that these mortgages have been negotiated at loan rates of current market rates, which at the time they were issued, and will be issued, run between 4% and, unfortunately, 6% plus. Therefore, that means that the €31 billion will carry an annual interest charge of €1.5 billion. Does the Minister accept that there will now be an annual charge of €1 billion to €1.5 billion in our national budget statements for the next ten to 15 years? Can he confirm that?

I understand that the adjustment or the interest charge for this year, which started some time around May when these promissory notes were issued, is €700 million. Has that been included in any revised estimates of the deficit for 2010? Can the Minister tell us how that will be treated in the final 2010 accounts?

I have a number of other short questions.

An Leas-Cheann Comhairle: I will call Members a few times if they——

Deputy Joan Burton: I want to give the Minister notice of my second question.

An Leas-Cheann Comhairle: I will call the Deputy later to ask her second question.

Deputy Joan Burton: It is a very important one.

An Leas-Cheann Comhairle: If the Deputy does not simply give notice of the question, she is asking the question.

Deputy Joan Burton: I want the Minister to be put on notice that I want to ask about the directors and executives of the banks. I want a comprehensive statement from him about the situation regarding proceedings, particularly in view of the fact that the former managing director of Anglo Irish Bank has taken refuge in the courts of the United States and on what implications this has for any kind of accountability by this gentleman and others, who have been directors or chief executives of banks. What will the Minister do to ensure that this particular individual is made accountable to the Irish system? He has now got refuge in the United States.

Deputy Brian Lenihan: First, in regard to the promissory note, which is an important question, to understand the exact circumstances surrounding the note — Deputy Burton fairly accepted the correction on that — the position is that to date, €18.88 billion in promissory notes have been issued to Anglo Irish Bank in three notes issued on 31 March, 28 May and 23 August. The note issued on 31 March bears an interest rate of 4.1745%; the note issued on 28 May bears an interest rate of 4.5693%; and the note issued on 23 August bears an interest rate of 5.1316%. The outstanding note will have a value of €6,400,000,000. It will be issued before the end of the year and the interest rate cannot be fixed for that as of yet.

That amount will represent a sufficient amount to ensure that Anglo Irish Bank can meet its regulatory capital needs. The final value for the note will be settled when the bank's loan transfers to NAMA are complete and the bank's capital requirement can be more fully determined subject to the relevant EU approvals within the context of the restructuring plan for the bank.

The overall final value for the note will be paid to the bank in instalments over an estimated ten to 15 years. The duration of the repayments to Anglo Irish Bank will depend on the final value of the note and any interest rate accrual on the promissory note. It is important to understand that the actual payment of the interest is deferred in cash terms.

Deputy Joan Burton: I am aware of that.

Deputy Brian Lenihan: No, but I refer to the actual payment of the interest not just the capital; the interest also is postponed in cash terms to the end of the repayment term. However, in accountancy terms, the obligation to pay the interest is treated to have arisen when the obligation accrues. The repayments of the note will be made on an annual basis until the final principal value of the promissory note, together with the appropriate interest rate on the note, has been covered.

Take the current €18.88 billion for present purposes, it is expected that note will be paid off over ten to 15 years depending on whether the interest is paid annually or added to the principal. Under the terms of the promissory note, the note will be paid in full at the time of any winding up of the institution. This condition is in line with the required process for the winding up of any business.

An interest rate is included in the terms of the note to enable the bank to value the note at par on its books and therefore achieve the capital benefit the bank requires to meet its regulatory capital requirements. The principal value of the note, together with the appropriate interest rate, will be paid in instalments over ten to 15 years depending on whether the interest rate is paid annually or added to the principal.

Deputy Joan Burton: Will that be about €3 billion a year——

Deputy Brian Lenihan: No, I would not accept that figure.

Deputy Joan Burton: ——when all the notes are issued?

Deputy Brian Lenihan: No, but in GGB terms it has been calculated, for example, next year as being a sum of about €1.5 billion for accountancy purposes even though there is no cash sum of that amount transferring.

Deputy Joan Burton: That is the interest whereas the capital sum is approximately €3 billion a year.

Deputy Brian Lenihan: It is €1.5 billion next year.

Deputy Joan Burton: No, the Minister is wrong.

Deputy Brian Lenihan: We are both right and wrong. Deputy Burton is talking accountancy while I am talking money. The capital sum is already paid for general government balance, GGB, purposes. That is why there is a spike in the GGB this year. The interest will be factored into the GGB next year, although the amount actually paid next year will not reflect that.

Deputy Joan Burton: Yes, but——

An Leas-Cheann Comhairle: Please Deputy Burton, allow the Minister to finish his reply. I also want to open the session to other Members.

Deputy Joan Burton: We need a PowerPoint presentation on this.

Deputy Brian Lenihan: We do not.

Deputy Jim O'Keeffe: We need lots of money for this.

Deputy Brian Lenihan: The interest rate of the promissory note is currently fixed according to the ten-year bond yield.

Deputy Joan Burton: Will the outturn for this year be higher because of the €700 million adjustment in respect of interest this year?

Deputy Brian Lenihan: To date in 2010, the Government has committed to giving cash of €31 billion, as I outlined already, in the three promissory notes. As the actual cash is not being paid up-front to the institutions, interest must be paid so the institutions can value the notes at par on their accounts. The terms of the notes allow interest to be rolled out after the principal sums have been repaid. The interest rate is based on the ten-year Government bond yield.

The payment of interest on the promissory note is expected to be rolled forward after the principal payments. For general government accounting purposes, the interest must be accrued to the years in which it arises. The accrued interest, therefore, in 2010 is currently estimated at just over €700 million——

Deputy Joan Burton: No.

An Leas-Cheann Comhairle: Deputy, please allow the Minister to continue without interruption because we need to progress to other questions.

Deputy Brian Lenihan: —even though there is no actual payment reflecting that. This will rise to approximately €1.5 billion next year, but again no actual payment will reflect that, before declining in future years. It is from there I suspect the Taoiseach developed the analogy of the mortgage although I do not think such an analogy is necessarily useful in this context.

Deputy Joan Burton: Yes, I think it would help—

An Leas-Cheann Comhairle: Deputy, please allow the Minister to address the second question. We have been on only one question for 15 minutes.

Deputy Brian Lenihan: The reason the notes carry interest is so they can be valued at par-for-capital purposes.

Deputy Joan Burton: Not everyone would agree because—

An Leas-Cheann Comhairle: I call the Minister to respond to the second question.

Deputy Joan Burton: —there is a longer period of zero-rated bonds.

An Leas-Cheann Comhairle: Deputy Burton cannot monopolise the session.

Deputy Brian Lenihan: It is estimated the annual debt interest costs on cash borrowings, based on current interest rates, will be approximately €200 million beginning in 2011. The cumulative interest costs on the cash borrowings will increase as the further €3 billion in cash payments are made each year.

An Leas-Cheann Comhairle: Will the Minister respond to the second question?

Deputy Joan Burton: I want to ask another question.

An Leas-Cheann Comhairle: No, Deputy Burton, please. Other Members are indicating and we have spent 15 minutes on this first question. I call Deputy Noonan.

Deputy Michael Noonan: First, I wish on my behalf and of my party to sympathise with the Minister on the death of his uncle.

To move on to prose after all that poetry. The Minister will appreciate an issue arises concerning the reliability of forecasts by the Department of Finance. The forecast for growth in the last budget transpired to be seriously wrong. The forecast on which all parties relied for their economic policies before the 2007 general election was seriously off-line too.

When the bank guarantee was introduced, the Minister told the Dáil that night that the total liabilities for Anglo Irish Bank would be approximately €1.5 billion. Later on, when Anglo Irish bank was nationalised in January 2009, the Minister's forecast had gone up to €4.5 billion. During 2009 it began to creep up even more with the Minister claiming between €8 billion and €10 billion would be needed. Suddenly, the figure was up to €20 billion, drifting even further to €24 billion. We are now at a range of between €29 billion to €32 billion as being the absolute liability. Who was giving the Minister this information? Was it coming from the Central Bank, the Financial Regulator, or solely from Anglo Irish Bank? Was he relying on information

provided by his Department? Will he trace the instalments of the estimates he communicated to the House? Will he explain why his estimates of liability were so wildly wrong?

Deputy Brian Lenihan: I thank Deputies Noonan and Burton for their sympathies.

My Department did not get its forecast wrong in last year's budget. Its forecast for growth this year has been substantially correct to date and borne out by events. What has caused our current fiscal difficulties has been a marked deterioration in the general international climate in the years ahead. The difficulty in the current fiscal position—

Deputy Michael Noonan: This is a three-year budget. The Department got it wrong for 2011.

Deputy Brian Lenihan: This is important for the country. The Department did not get its forecast wrong for 2010. Yes, there are difficulties with the medium-term forecasts which derive from international factors. Markets are saying that too. If the Deputy has difficulties with the Department's forecasts, he knows with whom he can consult.

Before the nationalisation of Anglo Irish Bank, I relied on information supplied by my Department as supplemented by the exercise conducted by PricewaterhouseCoopers. Immediately prior to nationalisation, an intensive exercise was carried out on Anglo Irish Bank by PricewaterhouseCoopers which made up the framework of the decision to nationalise it.

After nationalisation, I relied on information supplied by my Department, as assisted by the bank's board and management. There was a change in the bank's management upon nationalisation.

For the subsequent information establishing a deteriorated loan book in the bank, I relied on information supplied by my Department, based on the analysis which NAMA had conducted on the bank's books.

Deputy Michael Noonan: When consultants, such as PricewaterhouseCoopers, advise the Minister on matters like this and it subsequently turns out their forecasts are wildly incorrect by large margins, does he still pay them? Does he keep them on his list for subsequent employment? Does he believe a payment system based on accurate results should be introduced? Does he feel those who do not do what is written on the tin should have their invoices honoured?

Deputy Arthur Morgan: They promote them instead.

Deputy Damien English: That is the public service approach.

Deputy Joan Burton: The Minister should read their reports. I do not think he has anyway.

Deputy Brian Lenihan: The science of forecasting is a difficult one.

Deputy Brian Hayes: Evidently.

Deputy Brian Lenihan: To establish finality in this matter, it was essential to establish the National Asset Management Agency. Accountants examining a bank's books are very dependent on the word of the institution and its officials in arriving at their conclusions. There is no suggestion the accountancy firm in question was in any way conflicted by the institution; I assume it was reliant on information supplied by the bank's own officials and management. Until NAMA was established, it was difficult to get to the bottom of the exposures in the banking system.

The announcement I made last Easter on the preliminary assessment made by NAMA of the banks' exposures was also reliant on information supplied by the institutions themselves.

[Deputy Brian Lenihan.]

It was only until NAMA, as required by legislation, was able to conduct an individual valuation of each loan that the true extent of the exposures was established.

With regard to the figures that were supplied on 30 September, these were supplied following very detailed consultations regarding Anglo Irish Bank between NAMA and the new board and management in place at Anglo Irish Bank, the regulator's view on the capital required and the National Treasury Management Agency's assessment. All of these bodies participated in the computation of the final figure for NAMA and, as the Deputy knows, the transfer of assets to NAMA was accelerated through an accelerated valuation procedure.

Deputy Michael Noonan: Are there penalties in law for people involved in banking who knowingly supply false information to the Minister, the Department, the regulator's office and the Central Bank? When will we see some action in the pursuit of people who knowingly supplied false information on which major decisions were taken? This is now costing the taxpayer €32 billion, which is seeping back into the national accounts through the promissory note mechanism to which Deputy Burton has drawn attention and magnifying the problems the country is facing at present. Is there law that covers this and does the Minister intend to take action?

Deputy Brian Lenihan: One would have to examine the precise circumstances in which information was forwarded, the individuals who forwarded the information, the extent to which they intentionally misled or the extent to which they were guilty of wishful thinking. The Deputy will appreciate that I am not privy to all those facts. If there are matters which require criminal investigation, they will be investigated in that context. It is not clear that there are criminal exposures here.

An Leas-Cheann Comhairle: I call Deputy Morgan.

Deputy Michael Noonan: The fraud squad is in there.

An Leas-Cheann Comhairle: I call Deputy Morgan. We need to have everybody involved.

Deputy Michael Noonan: The fraud squad has been there for almost two years. What is happening? There are 40 people in jail in America.

An Leas-Cheann Comhairle: The Minister is not accountable to the House for the fraud squad.

Deputy Michael Noonan: He is in a Cabinet that includes the Minister for Justice and Law Reform and the Attorney General. On the direction of the Government the Garda Commissioner sent the fraud squad in there in January two years ago. What is happening?

Deputy Brian Lenihan: I understand that it is investigating various matters in Anglo Irish Bank, which are not related to the matter which the Deputy questioned me about a minute ago but which relate to matters which occurred at that institution in 2008 and perhaps in previous years. These matters are being investigated and the necessary files will undoubtedly be submitted to the Director of Public Prosecutions in due course.

Deputy Michael Noonan: It is going very slowly.

Deputy Arthur Morgan: On my and my party's behalf I offer my condolences to the Minister on his recent family bereavement.

My question relates to the bondholders, both senior and subordinate. Is the Minister aware that the terms of securities allow for the possibility of them not being paid back if a bank is insolvent? Clearly, that was the case here. Is he familiar with the term “the value of your investment can go down as well as up”? We hear it every day on the media. Does that apply in the case of securities other than sovereign debt?

Deputy Brian Lenihan: The Deputy correctly distinguished between senior bondholders and junior or subordinated bondholders. As I indicated in my statement on 30 September, much has been said about the various obligations in Anglo Irish Bank with regard to different bonds. The senior debt obligations rank equally with deposits and other creditors under Irish law. The Deputy referred to the terms on which they were issued and the prospect of insolvency for the holders of that debt. Clearly, in the event of the insolvency of an institution, the holders of that debt would be on the same footing as depositors. There would be no distinction between depositors and the holders of that debt.

Deputy Arthur Morgan: Does the Minister have a legal opinion on that?

Deputy Brian Lenihan: Yes, that is the advice of the Attorney General and they are the terms on which these instruments are issued both——

Deputy Arthur Morgan: Can the Minister share it with us?

Deputy Brian Lenihan: These instruments are commonly issued under English or Irish law and that is the position in English and Irish law. The Deputy does not need an opinion from the Attorney General. His research assistant should be able to establish that much for him without recourse to an opinion from the Attorney General. That is the position. The Deputy has research assistants in the United Kingdom as well as Ireland so he is in a better position than any other party in the House to determine that issue.

Deputy Caoimhghín Ó Caoláin: Shame on the Minister for using such terminology.

Deputy Brian Lenihan: I simply refer to the existence of an entity called the United Kingdom. I did not refer to its union with any part of Ireland.

An Leas-Cheann Comhairle: Our focus is broad enough with the issues at hand.

Deputy Brian Lenihan: I am simply pointing out that the Deputy has the research capacity to check this out without having to trouble the Attorney General further on it. The matter is very clear in law. That is the position with regard to senior debt.

With regard to junior or subordinated debt, it is commonly issued on the express terms that it is deferred in the event of an insolvency as against the claims of the depositors and the senior bondholders. It is in a postponed category in an insolvency. That is the reason the word “subordinated” is commonly used in this context — it is subordinate in an insolvency to the claims of the other instruments. As I made clear in the announcement on 30 September, appropriate burden sharing by holders of subordinated debt is a principle with which I agree. The losses in Anglo Irish Bank and Irish Nationwide Building Society are substantial and those bondholders must accept a very sharp discount in the value of their instruments having regard to the events that have happened, the terms upon which they were issued and the fact that these institutions would not be able to survive in the absence of taxpayer support.

My Department, with the Attorney General, is working on resolution and reorganisation legislation which will enable the implementation of measures which can address the issue of

[Deputy Brian Lenihan.]

burden sharing by subordinated bondholders in institutions that are not listed on the Stock Exchange and which are wholly nationalised by the State. That legislation will be consistent with the requirements for the measures to be recognised as a reorganisation under the relevant EU directive in other member states. I understand that the management in Anglo Irish Bank will be carrying out an exercise to re-purchase the debt at a very substantial discount. That is the current position.

Deputy Arthur Morgan: I had not taken the Minister to be a wee Englander. I always thought he was reasonably sound on the national question but I will watch that space in future.

Does the Minister accept that he could have introduced emergency legislation before he nationalised Anglo Irish Bank to ensure that the taxpayers of this State would not be in hock to the bondholders of Anglo Irish Bank to the tune of €34.3 billion or, as I believe it to be, €37 billion? He could have prevented that if he had acted proactively through emergency legislation. He certainly had enough notice about how bad the bank was.

Deputy Brian Lenihan: No, I do not accept that. Were it as simple as that, I would have been advised to do it by the Central Bank, my Department, the Financial Regulator and the National Treasury Management Agency. None of these advised me to take that action; all of them advised me not to take such action.

It is worth noting what has happened in the few weeks since I made the announcement on 30 September with regard to subordinated bondholders. As a result of this and although the Government has made it very clear that it does not apply to banks that are listed on the Stock Exchange, the markets have already read through this decision to the other Irish banks and have categorised their subordinated debt as junk in status. That does not affect the funding position of those banks at present since they are not in the market for subordinated debt and they have carried out substantial liability management exercises. However, it illustrates the dangers of this loose talk about bond default. It is clear that were the question of senior bond default to be even contemplated, it would have created a run on the banks and on the State's funding and a financial collapse for the country.

Deputy Arthur Morgan: It is not loose talk; it is public debate.

An Leas-Cheann Comhairle: I call Deputy Higgins.

Deputy Brian Lenihan: Public debate has done a great deal of damage to this country and that was confirmed——

An Leas-Cheann Comhairle: I have called Deputy Higgins. The Minister should allow me to conduct business.

Deputy Michael D. Higgins: I too would like to offer my sympathy to the Minister on the death of his uncle.

I do not regard forecasting as a science, as the Minister has referred to it, nor do I regard his scenarios as any aspect of science. I would like to ask one or two macroeconomic questions. If one takes as a departure point the most benign of the ESRI's models for exiting the recession, which suggests that in 2014 Ireland will have a growth rate of 4%, an unemployment rate of 10% — which depends on sets of assumptions relating to how the deficit is managed — the Minister is dealing with the current deficit and the achievement of targets over four years and, at any given time, the contribution to the deficit by the ghost of Anglo Irish Bank. None of us on this side of the House and in this party ever referred to it as a viable bank present, future

or past and I am not sure that many others are hanging on to that illusion now, which is certainly neither scientific nor practical. There is the contribution, therefore, of the €1.15 billion, which people can understand and which will rattle on as the interest on the promissory notes that have been transferred to a different form of liability. The Minister is interesting when he suggests no cash changes in this regard. On the other hand, for European Commission purposes and for reputational purposes, it counts because it affects the figure the Minister throws up.

That leaves us in a position, which I want to put forward out of practical concern. If one takes what is happening in regard to the deficit and the figures published, the greatest disappointment relates to income tax and that is connected to the increasing unemployment figure and the cost of unemployment is related to social welfare expenditure. While the interest rate on the promissory rates will remain a constant, if unemployment increases, the deficit will increase and, therefore, the Minister is speaking of inflicting grief largely sourced from, and facilitating, the legacy of his banking solution, at a cost of rising unemployment.

I hope we have agreed that forecasting is not a science. The Minister has to be able to say what is the connection between the projected deficit, the projected or assumed range of economic growth rates and the unemployment rate. Perhaps he will want to tell us when Ireland envisages returning to the international bond market. Surely a strategy for converting Irish savings, which are at an enormously high proportion at the present, no matter what way they are measured, would be a domestic source of funding for practical spending with the added advantage that it would be retained within the economy and with a high multiplier.

Deputy Brian Lenihan: The Deputy asked a wide range of questions. I will begin with a point of agreement before I proceed to the points of disagreement. I agree with him that forecasting is an art rather than a science, although I use the metaphor of meteorology regularly, which is a science.

Deputy Michael D. Higgins: Weather forecasters are better.

Deputy Caoimhghín Ó Caoláin: That is not saying much.

Deputy Joan Burton: Is the Minister sure he does not want to consider astrology?

Deputy Brian Lenihan: No, we are not quite in the country of tossing a coin or consulting an astrologer.

Deputy Arthur Morgan: The Minister is close.

Deputy Brian Lenihan: We are in a considerably more certain country than that.

Deputy Joan Burton: Some of the Minister's outcomes sound like that.

Deputy Brian Lenihan: There are one or two clear matters.

Deputy Higgins asked when we intend to return to the international bond markets. We intend to return in January.

Deputy Michael D. Higgins: Has the Minister a strategy for handling the savings available to him?

Deputy Brian Lenihan: The international bond markets will make a judgment on the credibility of the financial track we adopt in the next few weeks, which is of fundamental importance to the future of the country.

[Deputy Brian Lenihan.]

With regard to the question of employment and growth scenarios, clearly, in drawing up the fiscal plan allowance has to be made for growth but we must start by reflecting on the fact that we saw a substantial collapse in our revenues in 2008 and the gap between our receipts, including all the moneys the State receives, and our expenditure has remained substantial in that period. The annual cost of the bank rescue will be between €1.5 billion and €1.7 billion. That was made clear by me in the House last month. That figure is less than 10% of the gap that has opened up between what we bring in as a State and what it costs to run the country day by day——

Deputy Michael D. Higgins: What is it as a proportion of the growth rate?

Deputy Brian Lenihan: ——and even if one leaves aside the question of the expenses of the State and considers the interest bill the State has to pay on accumulated debt, the bulk of the interest bill relates to money we have borrowed for capital or current day-to-day purposes and not for banking purposes.

Deputy Joan Burton: The interest rates relate to the banking crisis. The Minister's analysis is faulty.

An Leas-Cheann Comhairle: The Minister, without interruption.

Deputy Brian Lenihan: I agree with the Deputy that the stress the banking system has been under and its fragility has contributed to increased interest rates for Ireland.

Deputy Joan Burton: The interest rate has doubled.

Deputy Brian Lenihan: I do not take issue with the Deputy in that respect.

Deputy Thomas P. Broughan: The Minister wrecked our fiscal position.

Deputy Joan Burton: He wrecked confidence in Ireland.

Deputy Brian Lenihan: If one wants to wreck confidence in Ireland, collapse the banking system altogether.

Deputy Joan Burton: That is what the Minister did. He collapsed the country.

Deputy Brian Lenihan: That is the only policy the Deputy has advocated——

An Leas-Cheann Comhairle: It would be helpful if the Minister did not engage Deputies directly.

Deputy Brian Lenihan: I apologise to the Leas-Cheann Comhairle for engaging in any direct conversational way.

I am trying to deal with Deputy Higgins's questions. He raised the macroeconomic forecasts of the ESRI. I understand it will publish a document tomorrow. However, the position is incontestable that there is a substantial gap between what the State receives and what the State spends and that what the State will have to spend in the years ahead on banking is a small fraction of that. There is an obligation, therefore, on all of us in this House to reflect on that gap and to see what we are going to do about it. In reflecting on that, the question of the prospect for growth must be taken into account and, in the original plan submitted to Brussels, clearly, an assumption was made about growth, not this year because this year's forecast has

proved to be correct, but next year and next year's forecast and the forecast for the ensuing year are seen at this stage to be on the optimistic side. That is the primary reason a steeper correction will have to be conducted this year and that is the primary reason the markets see.

That is why to return to the markets and to borrow — we all want to borrow on the markets to maintain the State services at a certain reasonable level — it will be essential to have a credible financial track way, not just for next year but for the next four years. That is a current obligation of the Government and not, as the Deputy's leader has suggested, some attempt to usurp the mandate of the people or the mandate of the next government. That is a clear and present duty for an Irish Government to preform and if an Irish Government did not do so, it would be faced with a worse correction to execute immediately and no credible plan for an exit.

Deputy Michael D. Higgins: I asked about the Minister's strategy for turning the extraordinary high volume of savings, which is reflecting a fear in the economy, into an available source of funding, which would give him leverage, even with the markets.

Deputy Brian Lenihan: I will reflect on the Deputy's suggestion in that regard in the context of the budget.

Deputy Damien English: There is science in forecasting but there is also an opinion. We would value it if we got the Minister's opinion and his call on the forecasting because there will be facts and figures and there will be his version of what he thinks they are. We need it in order to be able to work on the figures so I ask if the Minister could provide it in the near future.

I have a couple of questions for the Minister. The threshold for loans being moved to NAMA started at €5 million and has now increased to €20 million. I ask the Minister to elaborate on the reason for this increase. On the issue of restoring trust in the banks, Deputies were being told by constituents that banks were increasing customers' loans in order to bring them over the threshold of €5 million and so put them into NAMA. Has the Minister any evidence of this practice and if so, is it of concern to him? Could this still happen with regard to the threshold of €20 million? I ask for the Minister's comments on how to ensure this cannot happen. We have to be able to trust banks again.

Anglo Irish Bank will be split into an asset recovery bank and another bank. Is this option being considered by the other banks? Bank of Ireland and Allied Irish Bank will also have loans of €20 million which I thought they would be handing over. Can they handle those loans or will they need to consider some form of asset recovery within their own structures? I am assuming they are not considering this option but I ask if it is being considered.

The head of the credit review board spoke at committee about the loan guarantee scheme and the national recovery bank. We are pursuing the loan guarantee scheme because it should have been done two years ago but it is still being considered. He differed with the Opposition on that point but that is fair enough. I ask for the Minister's opinion on whether there should be a loan guarantee because it is essential to move this along. The Minister gave us a promise that NAMA would deliver credit to business and this has not happened. This is a failure that will probably hang around the Minister's neck for a long time. However, the loan guarantee scheme might be of assistance.

The head of the credit review board agreed with me in committee when I asked him about the need for a State recovery bank. Fine Gael calls this a national recovery bank and we called for its establishment about two years ago. We published details of how it could be established easily. Now that the State nearly owns AIB, this could be done through AIB without having to set up a new bank. The concept of a recovery bank is to get money moving back to business.

[Deputy Damien English.]

The head of the credit review board wanted it to be considered from the point of view of competition. I do not really mind what way or for what reason it is established because it will benefit business in any case but I ask for the Minister's opinion. Is there a danger of a lack of competition in the banking sector as a result?

An Leas-Cheann Comhairle: The Deputy has asked a number of questions.

Deputy Damien English: I have two brief questions.

An Leas-Cheann Comhairle: Please.

Deputy Damien English: The Minister recently published a statement on the paid advice and evidence he had sought on the bank guarantee scheme. Did the Minister receive any advice for which he did not pay and which the House should know about? He might wish to share such advice with the House, if it exists, as it might help us. If any advice exists which affected the Minister's decision it would be helpful to share it with the House. My final question is to do with the issue of trust. People were concerned that Deputies might be approached to use their influence with NAMA. The Minister now has a strong influence over the banks because he has invested a lot of our money in them. Has any individual approached the Minister or his office or any other Minister to influence these banks with regard to debt restructuring and such matters?

An Leas-Cheann Comhairle: The Minister to reply to a list of questions.

Deputy Brian Lenihan: It is a long list of questions. The opinions of my officials have been conveyed in the form of scenarios to the party spokespersons——

Deputy Damien English: They are paid staff; I asked about unpaid opinions.

Deputy Brian Lenihan: As I understand, opinions about the fiscal position have been conveyed and clearly the Government and myself, as Minister, will have to come to a final conclusion on all the opinions in this matter in the context of the formulation of the four-year plan.

I refer to the question of NAMA and why when NAMA individually valued the loans the discount was far higher than that originally envisaged. There are a number of factors, of course, but three in particular have been drawn to my attention. One was the poor level of security obtained by some institutions in respect of assets which should have been secured as part of the loan transaction and I understand that was a particular difficulty in the Irish Nationwide Building Society. A second factor was the optimism, indeed, the recklessness of the original loans themselves, in the context of the estimate which the institutions gave themselves of the loan to value ratio of the loan. A third factor was the extent to which the banks had rolled up interest as part of these loan arrangements. There were also other factors but those three were the significant factors in the deterioration of the original NAMA estimate to the final conclusion of the valuation and the figures given on 30 September.

The plan for Anglo Irish Bank envisages the bank being split into two banks, a savings bank and an assets recovery bank. Clearly, the assets recovery bank will still function as a bank in the sense that it will lend money to enhance the value of its own loan book but it will not engage in substantial additional or other lending. This is not what is envisaged in the case of Bank of Ireland or Allied Irish Bank, although, as the Deputy rightly says, it is the case that the threshold has been amended. It was decided that loans of debtors with a total exposure below a threshold of €20 million in Allied Irish Bank and Bank of Ireland, will not now be

determined to NAMA. The threshold had previously been set at €5 million. These account for €6.6 billion of the aggregate €80 billion volume of NAMA eligible loans. The rationale for this new threshold is that loans of this size can be efficiently managed by the banks themselves through their network of local representation and relationships. The regulator will ensure that the banks put in place prudent provisioning for these loans. That is the position with regard to those loans.

The Deputy also discussed the issue of the loan guarantee scheme and the national recovery bank. It is important the Deputy understands what a loan guarantee scheme means.

Deputy Damien English: I understand it.

Deputy Brian Lenihan: We are talking about institutions with a proven track record of utter recklessness in the provision of credit and the Deputy is suggesting that the State should give a fresh guarantee to banking institutions in Ireland.

Deputy Damien English: That is not my suggestion. I asked for the Minister's thoughts on the loan guarantee .

Deputy Brian Lenihan: I am giving the Deputy my thoughts——

Deputy Damien English: The Minister should not assume what I am thinking.

Deputy Brian Lenihan: I am giving the Deputy my thoughts——

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

Deputy Brian Lenihan: If the Deputy is suggesting we should look at the option of guaranteeing the loans, irrespective of the consequences in terms of the repayment of the loan, a guarantee means, of course, just that. I believe we must proceed with great care in this matter. There may be some scope, however, for guaranteeing arrangements which facilitate the flow and repayment of credit. I have asked the credit review office to examine this and I understand it is in discussions with the Department of Enterprise, Trade and Innovation, about the scope for such arrangements.

On the question about the national recovery bank, we would all like to see a national recovery bank but the reality is they are having great difficulty raising money in this State. Our interest rates at one stage, prior to the announcement at the end of September was 6.9% on ten-year money and it has fallen far closer to 6% as of today. It is even at higher rates that the banks must raise money because the cost to the sovereign of raising money is always cheaper than to banks. Clearly, the national recovery bank or any bank, will have great difficulty raising funds at those sort of levels. This is the reason we have to focus on this important——

An Leas-Cheann Comhairle: I am anxious we make progress with questions.

Deputy Brian Lenihan: ——fiscal issue. The Deputy has asked a large number of questions and I am trying to conclude. On the question of payment for advice, at the time of the guarantee and of the various banking decisions, the public servants who advised me are not given any specific fee for their advice; they perform their duties as public servants. Various advisers were retained by my officials and they were paid. On the question about representations to NAMA, the position is very clear. From time to time Deputies make representations about banks and these are dealt with in the normal way through the institution but there is certainly no question of using influence or exerting pressure on the banks in that connection.

Deputy Damien English: My question is whether anyone approached the Minister or his office.

Deputy Brian Lenihan: No. A Deputy might have a difficulty with a particular loan and I would simply forward the correspondence.

Deputy Damien English: Thank you. I have a brief supplementary question.

An Leas-Cheann Comhairle: I will try to return to the Deputy but he must allow other Members in who have not asked any questions. The Deputy has asked six questions and he should allow other Deputies who have asked none.

Deputy Caoimhghín Ó Caoláin: I refer to a reply by the Minister to my Parliamentary Question No. 188 of 18 May 2010 in which I asked him to publish the full list of bondholders involved in Anglo Irish Bank, in view of the fact that Anglo Irish Bank is in State ownership and given the extent of the Irish public's exposure. The Minister replied that detailed information on bondholders of domestic credit institutions' senior and subordinated debt is not available. He stated that, unlike in the case of shares, the holders of credit institutions' senior and subordinated debt instruments are not subject to a disclosure regime. Has the Minister taken time to inform himself who are these bondholders? Does he understand the tremendous anxiety on the part of the Irish public to know who is more important than they in the consideration of this Government in respect of what were not gilt-edged or guaranteed investments? They are being treated as such as a result of the Government's decisions and placed above the daily needs of ordinary people who are suffering grievously. In May the Minister indicated he could not say who they are but I have a list of 80 possible suspects and I wonder if the Minister is aware of some of these.

Deputy Finian McGrath: Chelsea.

Deputy Caoimhghín Ó Caoláin: I will cite a small number of them: Alliance Global Investors France SA, Barclays Wealth Managers France, BlueBay Asset Management Ltd, BNP Paribas Asset Management, Brown, Shipley & Co Ltd, Crédit Suisse Asset Management, Deutsche Asset Management Investmentgesellschaft, European Credit Management Ltd, Frankfurt — Trust Investment, W&W Asset Management and WGZ Asset Bank Luxembourg. I understand this list of 80 contains Anglo Irish Bank bondholders and the composite figure of the face value of the bonds they hold exceeds €4 billion. Can the Minister offer further information to his reply of 18 May? Does he accept at this late stage that these are the people who should take the hit, not ordinary taxpayers? I could not pronounce most of these institutions because they are German. A reasonable question has been put to me and I now put to the Minister. Has the Irish Government been put under specific pressure in regard to bondholders *vis-à-vis* Anglo Irish Bank from the European Central Bank or German interests in order to protect investors in Anglo Irish Bank, the vast majority of whom are German?

Deputy Brian Lenihan: The Government is under no pressure from external influences in that regard. Bondholder instruments are traded on markets so there is no register of the current holders. It cannot be established with reliability at my Department who is the current holder. Deputy Ó Caoláin provided a list of names and I recognise some of the names as institutions that subscribe to Irish State debt. Some of the entities to which Deputy Ó Caoláin refers assist in the payment of our salaries in the House, which in part must be funded by borrowed moneys. Bonds are traded on markets, sometimes at a discount, sometimes at par and sometimes in excess of par. However, they are not instruments in respect of which there is an international

register through which I, my Department or the Government of another state can reliably authenticate the current holders.

Deputy Caoimhghín Ó Caoláin: Does the Minister still not know who they are?

Deputy Brian Lenihan: They are crucial in international funding. Ireland is crucially dependent on international funding. I mentioned our salaries in the House. It is a matter of public record that the State requires to be funded on a day-to-day basis with borrowed moneys, the vast majority of which are borrowed from lenders of the character described by Deputy Ó Caoláin. I recognised several of the names read out as names of institutions that continue to express their confidence in this country by subscribing to Irish Government bonds.

Deputy Caoimhghín Ó Caoláin: We are talking about Anglo Irish Bank bonds.

Deputy Brian Lenihan: That is exactly the point. We are also talking about the funding of this State and the funding of the rest of the banking system, which is crucially dependent on bond finance.

Deputy Caoimhghín Ó Caoláin: The Minister elevated their investment.

Deputy Brian Lenihan: We are also discussing the fact that one of the major factors sustaining this economy through this difficult time is the presence of a substantial multinational sector providing much employment and jobs.

Deputy Michael D. Higgins: Good people fell in with the wrong crowd.

Deputy Thomas P. Broughan: Is this the end of the bad news we have been given for the past two years regarding the transfers, the figures provided at the top, promissory notes and the final €6.6 billion? On Black Thursday, the Minister entered a process of accelerated transfers. Can we be confident the forensic examination of loans will be such that the Minister will not revert to us with more shocking news? Do we know what we are facing at this stage?

I wrote to the Minister regarding EBS, given its tradition and history of providing housing loans and mortgages, to ask whether the course of action he has embarked on was the only way forward. I speak as one of the 600,000 members of the society in former times before the takeover. I understand we are in the final phase of the sale of the bank and we
1 o'clock are down to two bidders. Does the Minister have concerns that one of the bidders was involved in the possibly illegal funding of Anglo Irish Bank? What does the Minister intend to do with regard to the mutual model? Many felt that EBS was dragged into the situation to cover the situation in Irish Nationwide. To return to Deputy Noonan's point, is the fraud squad and the Office of the Director of Corporate Enforcement actively investigating the administration or governance of EBS before 2008?

Regarding private debt, has the Minister given consideration to the suggestions by Dr. Peter Bacon and others with regard to the massive overhang of private debt? I refer to young families in negative equity with huge mortgages.

Deputy Brian Lenihan: The Central Bank has identified that the capital needs for Anglo Irish Bank in the proposed restructured state will be €29.3 billion. There will be some reduction in the figure taking into account the contribution to be derived by burden sharing by the holders of subordinated debt. However, we are also conscious that we must agree the final restructuring plan with the European Commission and the figures underpin that. The figure of €34 billion mentioned by the Central Bank refers to an extreme stress scenario and is based

[Deputy Brian Lenihan.]

on an even more conservative assumption than in the stress cases used for other banks. The central case scenario of €29 billion is the appropriate forecast on the final cost of Anglo Irish Bank. Given the amount of work done by NAMA, Anglo Irish Bank, the National Treasury Management Agency, the Central Bank and the Financial Regulator and the dialogue between these institutions throughout the month of September, this will be the central core case scenario for Anglo Irish Bank.

Given the smaller scale of the institution, I am satisfied the figure for Irish Nationwide Building Society is a final figure. Deputy Broughan asked about the mutual model with regard to EBS. The mutual model failed here and the mechanisms in place, whereby depositors own the society, did not succeed in the sense that the management of the two Irish societies engaged in transactions that, in one case, were wholly discreditable and, in the other, were reckless. The relevant parties at EBS, responsible for the reckless lending, faced up to their responsibilities and resigned some time ago. Those at Irish Nationwide may face certain consequences, which the board must pursue.

Deputy Thomas P. Broughan: Did Educational Building Society executives break the law?

Deputy Brian Lenihan: The mutual model therefore does not have a very good record in the context of what we have seen and witnessed in the two institutions.

Deputy Michael D. Higgins: The directors within the mutual model, not the depositors.

Deputy Brian Lenihan: That is correct but whether the model is sustainable in terms of corporate governance to prevent a repetition of that type of activity is an issue on which we will all have to reflect.

Deputy Thomas P. Broughan: In other countries——

Deputy Michael D. Higgins: The flaws are of individuals not the model.

Deputy Brian Lenihan: So be it, but the directors were elected by the depositors. That is the model.

On the interest that has been expressed in the Educational Building Society, I understand the National Treasury Management Agency has finalised a list of two preferred bidders. I have yet to see its submission but I understand it has prepared one in that regard. The Educational Building Society will continue to be examined and benchmarked against the possibility of a straightforward State investment because that is the third option for the society.

Deputy Thomas P. Broughan: What about the two institutions?

Deputy Brian Lenihan: I will come to that in a moment.

An Leas-Cheann Comhairle: Briefly.

Deputy Brian Lenihan: One of the institutions was referred to by Deputy Broughan. I take it he was referring to Irish Life & Permanent. The matter to which he referred is under investigation by the Garda Síochána. It is far from clear that there was any criminal conduct involved but the matter is under investigation. There is no suggestion that the episode necessarily taints the validity of any bid it might wish to make for the EBS.

On private debt and the proposal by Dr. Bacon which I have examined, it is clear that all those matters are being examined by the working group that has been set up to deal with home

owners and borrowers who have difficulties with the banks. I understand a further report from it containing recommendations that will be acted upon will be published in a matter of weeks.

Deputy Jan O'Sullivan: The Minister has told us that the annual cost of the bank rescue will be €1.5 billion to €1.7 billion per annum which is a considerable cost for the foreseeable future to the taxpayer in terms of the fiscal gap. Others have raised the question of whether the people who gave the so-called expert advice which proved so spectacularly wrong are going to be paid for it. Has the Minister sought cuts in terms of the cost of those experts, valuers and legal advisers who are going to make a lot of money out of all of this in the same way as he will be seeking to cut the incomes of lower paid workers in the budget?

Has he received expert advice on how the drop in employment and deflation will affect the outcomes in future years? We know, for example, that the income tax take is considerably down on what was forecast for this year and it is likely to be similarly reduced in the future if the economy remains deflated, people are not working and small businesses are not getting money from banks. Has the Minister received as much advice in that area as he has in the other areas to which he referred?

On the Minister's reply to Deputy Higgins, I understand there may be up to €90 billion in savings in the country, a much higher rate than would be normal. Could the Minister give us more information on how that money might be activated in terms of job creation so that we will have some reasonable tax coming in from income and some chance of recovery in the economy in the future so that we do not reach such a deflationary spiral that we can see no way of recovery?

Deputy Brian Lenihan: I agree with Deputy O'Sullivan that €1.3 billion to €1.7 billion a year in cash terms is a significant figure. It is a most regrettable figure. However, apart from that figure, the gap this year is €19 billion. The gap between State receipts and expenditures, leaving the issue of the banks aside, is a very wide one. The figure speaks for itself.

I assure the Deputy that I received plenty of expert advice on all of those matters, both on employment, deflation, inflation and our economic prospects and forecasts. The question of whether an adjustment is required and the impact an adjustment has on growth is a very important one. She should note that the adjustment last year of €4 billion did not lead to a decline in our economy this year. That is striking. Notwithstanding the fact that there was substantial economic decline in 2009 with a 10% drop in GNP, the further €4 billion of cuts that were introduced last year did not cause any economic decline. That was not the position of her party at the time of the last budget. The Labour Party view is that it was a deflationary budget but it did not have that consequence.

Deputy Joan Burton: I am sorry, but what about the number of unemployed?

An Leas-Cheann Comhairle: The Minister should be allowed to answer the question.

Deputy Brian Lenihan: Given that the fundamental issue of confidence that has to be addressed—

Deputy Joan Burton: Talk about the smart economy, we now have stupid economics.

Deputy Brian Lenihan: —in this country is how we recreate confidence in those abroad that we are able to manage our own affairs and that we are not going to have a continuing gap of €20 billion between expenditure and income—

Deputy Joan Burton: The Minister is not able to do it.

Deputy Brian Lenihan: If one is anxious about the release of €90 billion in deposits I suggest that promising marginal tax rates of between 60% and 80% will not procure their release.

Deputy Jan O'Sullivan: The Minister did not answer my question about expert advice.

Deputy Brian Lenihan: I did.

Deputy Joan Burton: The Minister is back to spoofing.

Deputy Michael D. Higgins: One would not get the ESRI to print that one.

An Leas-Cheann Comhairle: I call Deputy Olivia Mitchell.

Deputy Joan Burton: The Minister is back to spoofing and bluffing.

Deputy Jan O'Sullivan: There are no answers.

An Leas-Cheann Comhairle: Please Deputies. They should allow others to participate.

Deputy Olivia Mitchell: I submitted a parliamentary question that was declined either by the Minister or the Department in respect of Anglo Irish Bank bonds. Unlike Deputy Ó Caoláin I was not looking for information on the names of the bond holders but I was anxious to discover the number and value of bonds that matured and were redeemed at face value during the period of the two year guarantee, and also the number and value of bonds for which a negotiated price was achieved, I presume prior to maturity, during that two years. Why could that information not be released? No element of confidentiality is required. I was not looking for the names of the bond holders. That should be public information.

The taxpayers now own Anglo Irish Bank. It is significant information to them in the sense that they paid for those bonds. They are entitled to know how much was paid and how much was forgone by not negotiating a price. I understand why the Minister might not wish to give the information but it is not confidential.

Deputy Brian Lenihan: In early September I had information at my disposal and conveyed some of it to the committee on the then outstanding bond liabilities of Anglo Irish Bank, both subordinated and senior. I am happy to provide the Deputy with that information but I believe she is anxious to establish the position on the redemption or repayment of bonds during the guarantee period as a whole. I understand some of that information may be obtained from the annual reports but if it requires to be supplemented I am sure that can be arranged with Anglo Irish Bank.

Deputy Olivia Mitchell: Will the Minister answer the question if I resubmit it?

Deputy Brian Lenihan: Yes, but I presume the question was disallowed for a reason.

Deputy Olivia Mitchell: The reason might be that the Minister might not like the information to be made public.

Deputy Brian Lenihan: No.

An Leas-Cheann Comhairle: The Deputy has got a commitment from the Minister.

Deputy Olivia Mitchell: Have I?

An Leas-Cheann Comhairle: Yes.

Deputy Brian Lenihan: The information is at the disposal of the bank. I will arrange for the bank to convey the information.

Deputy Olivia Mitchell: I thank the Minister.

Deputy Brian Lenihan: It is not information that is immediately at my disposal.

Deputy Michael McGrath: The first of my two questions relates to the non-NAMA loan book and the quality of it. Is the Minister satisfied that enough work has been carried out by the regulator to rigorously assess the quality of the non-NAMA loan book, in particular the mortgage book, SME loans, other commercial loans and now loans that had been destined for NAMA, between €5 billion and €20 billion? Is the advice available to the Minister that the banks have adequately provided for the expected losses in the non-NAMA loan book? Is such provision satisfactorily allowed for by the accounting rules? Between now and January, when the NTMA must return to the markets to raise funding, we must demonstrate a credible pathway to achieving the 3% target by 2014. Will the Minister tell the House what advice he has from the NTMA about what he needs to achieve in the budget and the four year plan to demonstrate that credibility to the markets between now and January so we can go back when interest rates have fallen to more sustainable levels?

Deputy Brian Lenihan: The non-NAMA book was assessed by the regulator and his independent determination was that the provisioning envisaged in the capital sum is sufficient to cover requirements, which will be the asset of the asset bank in the future.

I welcome the fact that Fine Gael and the Labour Party accept the need to meet the 3% target by 2014. Deputy Morgan has indicated that his party does not, meaning that if we were to persist in that policy we might not be able to raise money in the future, accelerating a severe financial crisis.

Deputy Arthur Morgan: The opposite is the case.

Deputy Brian Lenihan: That is the advice of the NTMA.

Deputy Arthur Morgan: The opposite is the case.

Deputy Brian Lenihan: I was asked for the advice of the NTMA and I am giving it. A credible pathway must be demonstrated and that is why it is essential if we are to achieve a target by 2014 that we set out in detail in taxation, expenditure and growth plans how we will meet that target by 2014. On the growth side, whatever estimate we make, it must be realistic and based on existing sectors, while including decisions that will be arrived at by Government in the different sectors of the economy that will stimulate their growth and remove blockages to growth. Allowing for a general calculation on growth and allowing for the 3% we will be permitted to borrow in 2014, the remainder of that sum must be addressed either through increases in tax or reductions in expenditure. The four year plan must set out precisely where those reductions in expenditure can be identified. It is important they are identified so consumers and investors can decide with certainty what their disposable income will be in that period.

Deputy Joan Burton: Will the Minister cast his mind back to the discussion on the night of the guarantee and, subsequently, with the representatives of the various banks and the governor and regulator? When the Minister agreed to a blanket guarantee and, subsequently, to further bail outs and the nationalisation of Anglo Irish Bank, at any stage did he seek undertakings from the chief executives, senior executives and boards of those institutions that they would

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stay in the country and undertake to make themselves available to the authorities to account for their actions?

Given the extraordinary size of the banking guarantee, which the Minister knew about and which we have been told to take on, did it never occur to him that there should be an inquiry into why such a catastrophic banking collapse took place? How was it possible that Mr. Drumm and a variety of other bankers and developers have been able to transfer properties and assets to their spouses, establish businesses and go to homes in other parts of the world, locating themselves in other legal systems? There was a lot of talk at the time of the blanket guarantee of due diligence being exercised. Was it not basic due diligence that the Minister for Finance, as the responsible Minister, would ensure that if these executives were to be bailed out, he would seek undertakings from them to remain in the jurisdiction so they would be available to the authorities?

The fact that the former chief executive of Anglo Irish Bank has found refuge in the United States legal system does extraordinary damage to our reputation. That a central figure involved in the crony capitalism that links Fianna Fáil, the banks and the developers, can find refuge in the legal system of the United System does great harm to us as a country. Irish people have seen people in other jurisdictions go to jail, have seen them come before parliamentary committees to apologise but nothing like that has been possible here because of the way Fianna Fáil has treated this crisis. Ordinary people are as angry as it is possible to be that Fianna Fáil has facilitated this. Did the Minister not look for a single undertaking from Mr. Fingleton, Mr. FitzPatrick, Mr. Drumm and others to stay in the jurisdiction, remaining available at all times for inquiries while keeping their assets in their names, rather than transferring them, as they have done wholesale?

An Leas-Cheann Comhairle: Other Deputies wish to contribute. I call the Minister to answer, the Deputy cannot monopolise all the time available for questions.

Deputy Joan Burton: A plethora of bankers have transferred millions of euro to their spouses or families.

An Leas-Cheann Comhairle: This time is to facilitate questions, not to make long speeches.

Deputy Joan Burton: It is a legitimate question.

An Leas-Cheann Comhairle: It is a long speech.

Deputy Joan Burton: Can the Minister answer this fundamental question? Did he seek any undertaking to protect the interests of our system?

An Leas-Cheann Comhairle: Before the Minister replies, everyone in this House is entitled to fairness.

Deputy Brian Lenihan: Deputy Burton did not seek any such undertaking in the past two years by way of legislative amendment or proposal. She has decided to seek this undertaking today and ask why it was not sought two years ago; it was not sought because it is not possible.

Deputy Joan Burton: I sought a report from the inspector of the courts.

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

Deputy Brian Lenihan: I am allowed to answer a question.

Deputy Joan Burton: I sought that two years ago. The Minister is telling untruths. This is more barrister bluffing. We want proof, not this codology.

An Leas-Cheann Comhairle: Members will not be shouted down in this House. I will have order, this is a House of Parliament.

Deputy Joan Burton: Does that entitle the Minister to tell untruths?

An Leas-Cheann Comhairle: The Deputy is not entitled to accuse Ministers of telling untruths.

Deputy Joan Burton: I looked for an inspector's report.

Deputy Brian Lenihan: The inspector would not have been able to incarcerate anyone in Ireland, even if we agreed with Deputy Burton's inquiry. That is the point, citizens of this country have the right to travel overseas and that is why there was no basis for me to seek such an undertaking in the absence of legislative power to detain people here. That is the practical position and the Deputy knows that.

Deputy Michael D. Higgins: Barristers' bluster.

Deputy Joan Burton: I do not know that.

Deputy Brian Lenihan: She does know that, she knows a great number of things she does not disclose to this House because she wants to make a populist chant, which is easy to do.

Deputy Michael D. Higgins: It is not a populist chant, and the Minister is well aware of that.

Deputy Joan Burton: That is a term of abuse.

Deputy Brian Lenihan: It is not a term of abuse.

Deputy Joan Burton: It is hardly a populist chant to seek that boards of management be held to account.

An Leas-Cheann Comhairle: Please, Deputy.

Deputy Joan Burton: That is not a populist chant. It is a requirement of Government.

Deputy Michael McGrath: Deputy Burton can give it, but she cannot take it.

Deputy Jan O'Sullivan: She is seeking accountability from people who should be accountable.

Deputy Brian Lenihan: It is mild compared with some of the suggestions she made to me in the question, for example, that I facilitated the escape of these individuals from the jurisdiction and the concealment of their assets. I assure her that I have been in constant discussion——

Deputy Joan Burton: The Minister did nothing to stop them going. He looked for no undertaking.

An Leas-Cheann Comhairle: Deputy Burton, please allow someone to speak in the House.

Deputy Brian Lenihan: Anglo Irish Bank and the National Asset Management Agency, NAMA, are pursuing all debts owing to them. They are examining spousal transactions and ensuring they are set aside. There is legal provision for setting aside any transaction where

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assets are transferred to a spouse for the purpose of defeating the rights and just claims of creditors.

Regarding Mr. Drumm, the former CEO of Anglo Irish Bank who was mentioned specifically by the Deputy in terms of recovering outstanding debts, his outstanding liabilities to the bank are €8.5 million. The process has been ongoing for some months, with Anglo Irish Bank having instituted proceedings against him. The bank has sought to maximise the return for it and the taxpayer. The tactics adopted by it and its legal team are a matter for them in the day-to-day operation of the bank. I have been clear that the bank should pursue all debts owing to it and Anglo Irish Bank has instigated proceedings to achieve this.

While Mr. Drumm made settlement proposals, what was offered to the bank would have left a severe shortfall in the region of €4 million to be borne by the taxpayer, which was not acceptable to the bank. Its priority throughout has been to ensure that Mr. Drumm discharges the full amount due, even if that was spread over a number of years.

It is important to note that, beside the settlement of the bank debts, the bank was also seeking to ensure Mr. Drumm's full co-operation with the various investigations ongoing into the previous regime at the bank and was also seeking to ensure that, where there was a shortfall between the value of his assets and the debts outstanding, future earnings could be used to repay those debts. The bank sent its latest offer on 8 October. Mr. Drumm's representatives had not responded to this counter offer when he decided to file for bankruptcy in the US. It is now a matter for the bank and its legal team to assess this latest development and take whatever action is necessary to protect the bank and taxpayers' interests. The bank remains in contact with the National Treasury Management Agency on the issue as it progresses it and is keeping the latter briefed on the various proposals.

Deputy Thomas P. Broughan: Will he be extradited?

An Leas-Cheann Comhairle: Our time——

Deputy Joan Burton: May I ask the Minister a supplementary question?

An Leas-Cheann Comhairle: Will the Deputy please take her seat?

Deputy Joan Burton: May I ask a supplementary question?

An Leas-Cheann Comhairle: No, you may not. The Deputy has taken 20 of the 90 minutes so far. The time allocated by the House has expired. If the Minister wishes to propose it, we could continue until the sos at 1.30 p.m.

Deputy Brian Lenihan: I so propose. I would be amenable to it if it was amenable to the House.

An Leas-Cheann Comhairle: Is that agreed? Agreed. I will call Deputy Michael Ahern, after whom I will call Deputies Costello and Durkan if they are brief.

Deputy Michael Ahern: I have two questions, one of which relates to senior bondholders. Will the Minister——

An Leas-Cheann Comhairle: If Members would ask brief questions.

Deputy Michael Ahern: Yes. Will the Minister explain what effect defaulting on senior bondholders would have on the nation? We hear many claims by the Opposition and others outside the House that we should default.

Approximately 40,000 people work in the banks. They are not all bank directors, chief executives and so on. Has a study been carried out on the effect of changes in our banking system on these employees? They have mortgages, education debts and so on like everyone else and are concerned about their futures. What are the Minister's opinions on these issues?

Deputy Brian Lenihan: Neither Deputy Noonan nor Deputy Burton has ever suggested in express terms that there should be a default on senior bondholders. I am being fair to both of them in that respect.

Deputy Michael D. Higgins: That is true.

Deputy Brian Lenihan: I would like to put that on the record. Given the nature of the banking crisis, it is understandable that commentators and some Deputies would canvass, examine and explore various options. Regarding Deputy Michael Ahern's question, were such a decision taken, someone would need to take responsibility for it. That responsibility would be a grave one. I mentioned the legal issue, in that senior bondholders rank equally in our law with depositors, so any haircut would apply equally to depositors, which would have a significant economic consequence for the State and its reputation abroad. Apart from that, there are practical economic considerations, including the fact that other banks and the NTMA rely on bond finance to fund themselves. All of this finance is accessed on international markets, often from the same borrowers who finance the different institutions. While there is some validity in the distinction drawn between sovereign debt markets and bank debt markets, there is also considerable overlap, including reputational overlap. In addition, Ireland has managed to attract a great deal of international investment in the multinational sector. Were Ireland to default on senior debt, it would raise serious reputational issues within that sector.

Bank employees are making representations about their futures and the viability of the banking sector on a constant basis.

Deputy Joe Costello: I appreciate the opportunity to contribute briefly. First, putting the issue of Mr. Drumm's personal debts aside, does the Minister intend to pursue him in respect of the collapse of Anglo Irish Bank? If so, will he consider extradition proceedings?

Second, the most striking feature of the financial debacle was the wildly inaccurate information that was forthcoming from the private banking sector and the official government sector. I am sure the information supplied to the Minister on 28 and 29 September differs from how he perceives the situation now, but what of the regulatory system, be it the Financial Regulator, the Central Bank or the banks, and the Department of Finance's figures, which the Minister cited in the House? I will not even mention the glowing concept of NAMA, the figures shown to party spokespersons this week that were close to double the projected figures or the fact that, when the Taoiseach was trying to discuss estimates and projections today, he was all over the shop and did not know whether he was coming or going. The Minister has obviously learned whether to treat the compilation of figures with a grain of salt, but has he put in place any mechanism within his Department and elsewhere to ensure the figures we get stand up?

Deputy Bernard J. Durkan: The Leas-Cheann Comhairle can tell me if my question has already been asked. Do we know who the primary and secondary bondholders are?

An Leas-Cheann Comhairle: That was asked.

Deputy Bernard J. Durkan: Can we be sure there is no relationship between any of the bondholders as investors and those we are bailing out?

Deputy Damien English: I have three supplementary questions. They are short and I would not mind if the Minister answered them later.

An Leas-Cheann Comhairle: Perhaps the Deputy could bank them.

Deputy Damien English: The Minister mentioned he would favour the idea of a State recovery bank. We on this side of the House believe the pension reserve fund could be used in that respect. Has the Minister considered this option? If he answers at a later time, I will not mind.

The Minister also mentioned rolled up interest, an issue I raised with him previously. During the debate on NAMA, there was more than €9 billion in rolled up interest. How stands the interest on those loans? Will the rolled up interest continue, irrespective of whether NAMA owns the debt? Perhaps the Minister could revert to me at a later date.

The Minister explained the reason for the haircuts as being security. The night he announced NAMA, I discussed security with him in the Chamber.

An Leas-Cheann Comhairle: I must call the Minister.

Deputy Damien English: I raised the issue given that, at a committee meeting, Mr. Neary stated the assets were doubly secure in many cases.

An Leas-Cheann Comhairle: There will be no answer if the Deputy does not sit down now.

Deputy Damien English: On the security issue, I asked about some developers borrowing money through special purpose vehicles, SPVs.

An Leas-Cheann Comhairle: Please, Deputy.

Deputy Damien English: This is an important question. The last time I asked it——

An Leas-Cheann Comhairle: I must adjourn the House in 30 seconds.

Deputy Damien English: Borrowing through SPVs meant no security was given, just the initial investment. Were there many such loans and how do they stand?

An Leas-Cheann Comhairle: The Minister will need to answer some of those questions subsequently in writing.

Deputy Brian Lenihan: I will proceed with dispatch. To respond to Deputy Costello, extradition proceedings can take place at the conclusion of the Garda inquiry. In the event the Director of Public Prosecutions institutes proceedings against particular individuals, their extradition can be sought in respect of those offences. As to the accuracy of information, Deputy Costello went through a wide canvas, in that he dealt with budgetary projections and banking matters. Regarding the latter, it is a matter——

Deputy Joe Costello: Financial.

Deputy Brian Lenihan: They are all financial matters. It is disturbing that until the establishment and operation of the National Asset Management Agency accurate information was not forthcoming from the institutions in regard to the banks. We can have a political argument about budgetary projection. Deputy Higgins and I argued this earlier.

I refer to Deputy Durkan's question. Bonds are traded so the current identity of the owners is unknown. That is the issue because bonds are traded in markets and there is no public register of bonds on the markets.

Deputy English spoke on the idea of a recovery bank. I asked the National Pensions Reserve Fund to examine what profitable investments it can make in Ireland. The NPRF is open in principle to making a profitable investment. One of the big difficulties in setting up a bank is that with State interest at 6% any bank, whether a new recovery bank or an existing one, that seeks to obtain funds to fund its operation overseas, as it must do on top of the additional risk capital the State puts into it, has great difficulties. We must come back and focus on that issue.

Deputy Damien English: That is a fair point.

Deputy Brian Lenihan: I discussed the roll-up of interest with the authorities at the National Asset Management Agency as an issue of particular concern. I assure the House the agency is dealing with the various developers and their arrangements with the institutions in the context of the preparation of business plans. These plans will ensure that a far more rigorous approach will be taken in regard to developers than was taken by many of the financial institutions. The lack of rigour on the part of those institutions in their dealings with individual developers is a matter of serious concern. This applies not only in regard to roll-up of interest, but to the amounts they were permitted to draw down to sustain themselves.

To complete the picture, the question of security was raised. It is primarily in Irish Nation-wide that this difficulty has been identified in regard to transactions.

Sitting suspended at 1.32 p.m. and resumed at 2.30 p.m.

Ceisteanna — Questions (Resumed)

Priority Questions

PSO Levy

45. **Deputy Leo Varadkar** asked the Minister for Communications; Energy and Natural Resources if his Department has calculated or received any calculations from any body under its aegis estimating the increase that would be required in the public service order levy to accommodate 800MW of additional installed capacity for on-shore wind energy and 800MW of additional installed capacity for off-shore wind energy at current fuel prices; if statistics for higher or lower levels of capacity are available; and if he will make a statement on the matter. [38299/10]

Deputy Eamon Ryan: Ireland currently has 1,459 MW of installed wind capacity which is estimated to rise to 1,703 MW by the end of the year. We are on track to reach our 2010 renewable electricity target. Ireland's target of 40% renewable electricity target by 2020 will be largely met through onshore wind under the Gate 3 process.

There are three offshore wind projects totalling 800 MW of capacity in the Gate 3 connection process. EirGrid's Gate 3 programme shows these three offshore wind projects having firm access to the electricity system on a phased basis in 2013, 2018 and 2020.

The renewable energy feed-in tariff, REFIT, is paid on electricity generated. There are no payments in advance of projects being built and operational. This means that it is likely to be 2020 before there are 800 MW of offshore wind subject to REFIT support. The connection of

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onshore wind will continue progressively over the next decade with approximately 4,630 MW needed to meet the 40% target by 2020.

REFIT is funded by the public service obligation levy, PSO, which is calculated on an annual basis by the Commission for Energy Regulation, CER, and which is paid for by all electricity consumers.

The 2010-2011 PSO decision was published by CER at the end of August. The total PSO cost calculation comes to €156 million for the next 12 month period. Less than one third of this figure, some €43 million, is in respect of renewable energy support costs, with the balance being mainly peat support prices. Generating plants that are supported by the PSO are typically supported for a 15 year period, so that over time these plants will start to leave the PSO support regime. By 2020 the existing conventional peat and gas plants and most of the alternative energy requirement, AER, renewable energy contracts, which together account for more than €100 million in support in 2010-11 will cease to be supported under the PSO.

REFIT supported renewable generation will come into the PSO calculations progressively over the period to 2020, as renewable capacity is delivered in line with the EU legally binding target for Ireland. The progressive flow of renewable generators coming into the PSO support mechanism will be offset to a degree by the categories of generators exiting the mechanism over the next decade.

The annual cost at current fuel prices of 800 MW of onshore REFIT supported wind generation is approximately €36 million. The offshore REFIT tariff has yet to receive approval from the European Union. It is expected in any case that new offshore wind projects would operate within a more integrated UK and Irish market which would allow for the exporting of such power and would lower the future cost of any such REFIT support measure. Market operators have outlined that the existence of wind generation on our system has had a significant effect in lowering the wholesale cost of electricity as the availability of wind generation has allowed us to scale back the use of more expensive low merit plant. I have asked the Regulator to quantify the estimated savings that have accrued from this effect and will revert to the Deputy in due course.

Costs of wind drop commensurately as and when gas prices rise. For example when fuel prices result in a wholesale market price of €100 million per megawatt hour onshore wind would cost zero. The present level of wind on the system is putting strong downward pressure on wholesale electricity prices in the single electricity market. It is estimated that wholesale prices are already 6%, or €120 million less as a consequence of wind. There are many complex challenges inherent in building an offshore wind sector of scale not least of which are the capital costs of the technology and the need for offshore grids. Getting the project costs down and delivering offshore grids cost effectively is a shared challenge for Ireland and the other countries of the North Sea's offshore initiative. We will continue to work with all stakeholders to meet these challenges.

The Government's twin strategies of integrating renewable energy and increasing energy efficiency are the key to reducing Ireland's dependence on fossil fuels. These strategies make absolute sense from an economic competitiveness and environmental perspective. A high level of wind generation provides a hedge against the inevitability of high gas prices over the coming decade. It is worth emphasising that in 2008 when gas prices were high, wind generators received an adequate return at little cost to the consumer. The REFIT scheme is the best way of ensuring that strategically vital investment in wind generation takes place at minimum cost to consumers.

Deputy Leo Varadkar: This is probably the answer I was most afraid the Minister might give. The question I asked was whether his Department had calculated or received any calculations from anybody under its aegis estimating the increase that would be required in the PSO levy to accommodate 800 MW of onshore wind, and the same figure for onshore wind. He was able to give me the figure for onshore wind, €36 million, which is acceptable and there is a clear economic case for this. What he was not able to give the House was a figure for the additional cost of offshore wind. The best he could say was that he would ask the Regulator to further quantify this. That answer gives me great concern, because it indicates clearly that the Minister has embarked on this policy without calculating or estimating the cost, and he has admitted that.

I have had work done on this by some independent energy economists, which I shall publish in due course, and it is estimated that the cost will be in the region of €2 billion over the 15-year period, €0.5 billion to pay for the energy and €1.5 billion in pure premiums or subsidies. It is very hard to see why there is a case for this because if we can do this onshore, then we do not need to do it offshore. There is no environmental case for it if it can all be done onshore, since this is much cheaper, and we know the Minister has calculated the cost of it. It seems there is no economic case, either, and it would appear the Minister has not calculated that economic case. Perhaps he might tell the House why he has embarked on this policy without calculating up front the costs and benefits. He does not know the costs, and it would appear that the benefits are nil because this could all be done onshore, in any case, as it should be.

Deputy Eamon Ryan: I am very glad to hear the Deputy's comments on the sense behind our onshore programme. Would he not agree, on that basis, to change what he has said in terms of stopping the PSO for onshore wind — concerning which he issued a statement in August — and which could create enormous devastation for the wind industry, if put into practice? I ask him to come back to me on that.

As regards offshore, we are looking into the question of costs and have worked out various cost scenarios. First and foremost we would have to get the REFIT scheme through Europe and have absolute confirmation on capacity and payments. In advance of that we cannot be absolutely specific on what the costs would be. Critically, I am very ambitious for the development of offshore resources, but in the context of their presenting an export opportunity for Ireland into the UK and French markets. We are working extensively with our UK and French colleagues as well as other governments across Europe on the development of an offshore supergrid for north western Europe, and it will be possible for us to get part European funding to support such a grid. It is on the basis of that work and plan that I see a future for an Irish offshore grid, and not just in respect of the 800 MW mentioned here. In the medium term we could be looking at a 5 GW development of offshore wind, within the Irish Sea, which we could, perhaps, exploit as an export opportunity into neighbouring markets.

However, that requires further work and analysis, as well as co-operation and trading arrangements with the UK and French Governments. We are working on that under the ISLES project, which is doing exactly what the Deputy is looking for. It is looking for a detailed market analysis as to how this can happen. I see us developing our offshore industry under that structure, as possessing massive economic potential for this country in exporting wind power, something I should have thought Fine Gael would also have been interested in.

Deputy Leo Varadkar: It is customary for Opposition Members to ask the questions in this House, not the Minister, but I shall indulge him on this occasion, in telling him what I have already told him, namely, that the party has called for the PSO levy to be suspended for several months, pending a review, and that the moneys be taken away from the hyper profits of the

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semi-State companies the Minister likes to protect. I refer to the €500 million in profits they made last year which dwarf the money required for the PSO levy. I have already told him that, but obviously he does not want to listen.

I was very concerned at the Minister's answer. I heard him say, "We are looking at the cost. . .". Why is he only looking at it now? Surely he should work out the cost before engaging in this policy. He said they had worked out various cost scenarios. My question specifically asked whether his Department had calculated or received any calculations from anybody under its aegis, estimating this, and he has not given the answer. Why is he concealing that answer? He has just admitted that he has "worked out various cost scenarios". Will he publish them? Why is he concealing them? Why did he deny this in his answer? Why has he misled the Dáil on that point? Why had he not worked this out before applying for new state aid?

My concern is here. I can buy into much of the Minister's ideological vision on this, and I am enthusiastic about much of it. However, one cannot have any ideology, no matter what it is, if one does not test it first with basic numbers and facts. The Minister seems not to be doing this, which is a matter of great concern for the public interest. He might tell us what those cost scenarios are and explain why they were not in his answer. He might also explain why he has misled the Dáil on this issue by concealing information from us and whether he intends to publish the information now that he has admitted it exists. He might also confirm to us that Ireland does export wind to other countries — I hope we will be in that position if hydrocarbon fuel prices rise to an unsustainable level, and I share the Minister's vision in this regard — we will not be subsidising it before it goes out. In other words, we should not ask Irish people to pay part of the bill of French or British consumers. I ask the Minister to confirm that this will not be the case.

Deputy Eamon Ryan: I am afraid I must disagree with the Deputy's claim because it is important in the context of the wider discussion. It is not true that we are going soft on the utility companies. We have taken around €500 million away from the profits of the ESB to bring down transmission prices and therefore prices for all energy users.

Deputy Leo Varadkar: Not all — just big energy users.

Deputy Eamon Ryan: No, for all energy users. It is important for large users in particular because that is where the jobs are and, yes, we want to support jobs. That is what we have done — not what the Deputy said. Crucially, the Deputy's proposal to stop PSOs for wind — even, as the Deputy said, on an interim basis — would have the same effect as a similar moratorium earlier in the last decade, which sent a message out to the financial community that its members should stop investing in wind energy projects in this country, doing major damage to the country. What the Deputy sees as a light little idea of stopping payments for a while would have a major negative effect in this industry, which creates a lot of employment.

Deputy Leo Varadkar: On a point of order, a Cheann Comhairle——

An Ceann Comhairle: Very briefly.

Deputy Leo Varadkar: These are questions to the Minister. I asked the Minister a question and he did not answer it. He then asked me a question, which I indulged him by answering. He still will not answer my question. A Cheann Comhairle, would you ask him to answer the question?

An Ceann Comhairle: I do not have any control over the adequacy or otherwise of the Minister's response.

Deputy Eamon Ryan: This debate is about PSO assistance.

Deputy Leo Varadkar: No, it is not.

Deputy Eamon Ryan: The Deputy is proposing that we stop it.

Deputy Leo Varadkar: No. There is a question I asked about the——

Deputy Eamon Ryan: It would hugely damage this country and put up electricity prices.

An Ceann Comhairle: We are on priority questions.

Deputy Leo Varadkar: No. This is a serious point of order. I made the mistake of indulging the Minister by answering a question that he asked of me. Yet he refuses to answer my question. He has now admitted that various cost scenarios have been worked out and that he has deceived the Dáil. He has admitted that he will not——

An Ceann Comhairle: Deputy, let us get back to the issue.

Deputy Leo Varadkar: The public interest is not being looked after——

An Ceann Comhairle: The Deputy may well have to find another way of addressing this. He has made a good start.

Deputy Leo Varadkar: ——when we have a deceptive, dishonest Minister who comes in here and asks Opposition spokespersons questions but will not answer any questions himself.

An Ceann Comhairle: We will move on.

Deputy Leo Varadkar: It is appalling.

Deputy Eamon Ryan: Excuse me, the Deputy will have to retract his statement.

Deputy Leo Varadkar: No, I will not.

Deputy Eamon Ryan: To claim someone is dishonest——

Deputy Leo Varadkar: He is dishonest.

Deputy Eamon Ryan: I am simply making the point——

Deputy Leo Varadkar: He is simply not answering the question.

Deputy Eamon Ryan: ——with regard to the debate we are having on public service obligations, that his proposal to stop the system would result in higher prices and major economic damage for this country. That is a point that is entirely valid within this debate.

Deputy Leo Varadkar: I ask the Minister to answer the question I asked him.

An Ceann Comhairle: I have to——

Deputy Eamon Ryan: To answer the Deputy's question——

An Ceann Comhairle: I am sorry, Minister.

Deputy Eamon Ryan: —although he certainly has not said he would not do it, which is a real concern—

An Ceann Comhairle: I ask the Minister to resume his seat for a moment as I must deal with something.

Deputy Leo Varadkar: This is ridiculous.

An Ceann Comhairle: The word “dishonest” was used in respect of a Member of the House.

Deputy Leo Varadkar: But it is dishonest.

An Ceann Comhairle: I ask the Deputy to rephrase what he said.

Deputy Leo Varadkar: No — I cannot—

An Ceann Comhairle: I ask the Deputy to rephrase it.

Deputy Leo Varadkar: I will rephrase it in this way. The Minister was asked a question by me which he refused to answer. I asked him if his Department had estimated, or received calculations from any body under its aegis estimating the increase that would be required in the PSO levy to accommodate 800 MW of onshore wind energy. He gave the figure for onshore wind but did not give the figure for offshore wind. He then went on to admit that the Department has worked out various cost scenarios. Yet he has not answered the question.

An Ceann Comhairle: I ask the Deputy to withdraw the word “dishonest”.

Deputy Conor Lenihan: Without equivocation. He should just withdraw it.

An Ceann Comhairle: I ask the Deputy to withdraw the word as it is inappropriate.

Deputy Leo Varadkar: I withdraw the word “dishonest”. However, what is very appropriate is to say that the Minister is not telling the truth. He has admitted that he has worked out various cost scenarios and he now refuses to publish them.

An Ceann Comhairle: Deputy, we must move on. We are on priority questions.

Deputy Eamon Ryan: What I said—

Deputy Leo Varadkar: The Minister is not telling the truth.

Deputy Eamon Ryan: A Cheann Comhairle, I require an opportunity to reply. I clearly explained about the potential costs for offshore wind energy. First, we would have to send our proposals to Brussels for clearance, and we have not got that yet, so I cannot give the Deputy an answer until that happens.

Deputy Leo Varadkar: The Minister said that cost scenarios had been worked out.

Deputy Eamon Ryan: Even beyond that, however, those cost scenarios depend—

Deputy Leo Varadkar: Will the Minister publish them?

Deputy Eamon Ryan: —on the outcome of the—

Deputy Leo Varadkar: Will he Minister publish them?

Deputy Eamon Ryan: Please allow me to answer the question. The Deputy is throwing out insults and slurs——

Deputy Leo Varadkar: So is the Minister.

Deputy Eamon Ryan: ——but he will not listen to my answers. In answer to his question, as I said, further analysis is required — the likes of the study we are doing in the ISLES project, which requires us to work out what arrangements can be made within the UK market. The Deputy needs to know that before I can give him an answer. Anyone would.

We will have meetings over the next few months with the UK and French Governments on this very issue.

An Ceann Comhairle: Minister——

Deputy Leo Varadkar: Will the Minister publish the cost scenarios?

Deputy Eamon Ryan: I cannot give the Deputy an answer until I have some sense of what they will say——

Deputy Leo Varadkar: Will he publish the cost scenarios?

An Ceann Comhairle: Please, Deputies. We will have to move on.

Deputy Eamon Ryan: ——because I see this as an export opportunity.

An Ceann Comhairle: Minister——

Deputy Leo Varadkar: Will the Minister publish the cost scenarios he has admitted exist?

Deputy Eamon Ryan: That is straight talking. It may not be the answer the Deputy wants to hear, but it is the truth of what is happening in policy.

Deputy Leo Varadkar: Will he publish the cost scenarios he has admitted to, or will he continue to be——

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

Deputy Eamon Ryan: I wish the Deputy would change his policy, which is in danger of ruining renewables in this country.

An Ceann Comhairle: I ask the Minister to answer Question No. 46.

Deputy Leo Varadkar: I wish the Minister would stop concealing information, which he has admitted now.

Deputy Eamon Ryan: The Deputy refuses to recognise that he got it wrong.

An Ceann Comhairle: Respect for the House, please.

Deputy Leo Varadkar: He should stop concealing information.

Deputy Eamon Ryan: He is saying in the press that I would stop it, yet in here he says it is actually the right idea.

An Ceann Comhairle: Minister——

Deputy Leo Varadkar: I never said that. The Minister has admitted he is misrepresenting it.

Deputy Eamon Ryan: I will come back to that because it is a problem the Deputy needs to address.

An Ceann Comhairle: Could we address Question No. 46, please, Minister?

Deputy Eamon Ryan: By all means. I am sorry, a Cheann Comhairle.

Electricity Generation

46. **Deputy Liz McManus** asked the Minister for Communications; Energy and Natural Resources if he will direct the Energy Regulator to abandon his plans for the rebranding of the ESB and An Bord Gais; if his attention has been drawn to the fact that the estimated cost for this measure for An Bord Gáis is €40 million; and if he will make a statement on the matter. [37997/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): As part of the electricity deregulation process, the Commission for Energy Regulation (CER) commissioned market research which indicates that there is confusion among electricity consumers as to the separate identities and roles of ESB as owner and operator of the electricity network and ESB as an electricity supplier.

This is of concern because ESB Networks must provide, and be perceived to provide, the same level and quality of service to all customers irrespective of their electricity supplier.

It is vital for consumers to have full confidence that they can switch supplier without any impact on the quality of their network service. Therefore, as part of the deregulation process and the delivery of real competition, ESB is required by the CER to rebrand its electricity supply business.

ESB would also in any case be required to engage in some form of rebranding as part of the implementation of EU Internal Energy Market Third Directive. Member States are obliged under the Directive to ensure that there is absolute clarity for consumers as to the separate identities and functions of the energy network operator and a related energy supply company. For this reason, the issue of rebranding needs to be addressed for both ESB and, in due course, BGE.

ESB has advised that rebranding will have an estimated cost of between €6 and €8 million. The CER has also confirmed that there is no plan to include the costs of rebranding in ESB's regulated revenues in the period 2010 to 2012.

ESB has made it clear that the company will introduce its new brand in a practical and cost effective way without causing inconvenience, expense or confusion to customers.

Once full electricity market deregulation has been introduced, expenditure on advertising and marketing, and whether these costs are met from electricity revenues, will be a commercial decision for all competing suppliers including ESB and BGE. The deregulated market will maintain constant pressure on all costs incurred by suppliers, who will be competing vigorously on price offerings to customers.

Turning to the gas market, there is no specific proposal or timescale or firm costings as yet for rebranding. However, with the successful development of competition in the retail gas market, the CER intends to publish for consultation in the coming weeks a roadmap for gas market deregulation. The question of rebranding is likely to be addressed in that context.

In the context of delivering full competition in the gas market and delivering on EU requirements, all concerned are committed to ensuring any rebranding of BGE is done in a fully cost effective and transparent way.

Deputy Liz McManus: I thank the Minister for his reply. However, it shows a complete lack of understanding of the current situation affecting customers, who are reeling from a 5% increase in electricity prices. Many are experiencing such difficulties that their supplies are being cut off. Almost 2,500 disconnections from the electricity supply are taking place every month. Does the Minister not agree that it is totally unacceptable for the public to discover that millions of euro are to be spent on a costly rebranding exercise that is not necessary and has no justification, and whose cost will be borne in some way or another by customers? It is unacceptable at a time when public finances are dwindling and most people are desperately afraid of the impact of the economic recession.

Surely the Minister understands that the public mood cannot tolerate the squandering of millions of euro on an exercise that is unnecessary and has not been costed by the regulator. Does he accept that he has within his power, since he is, in effect, the person who regulates the Commission for Energy Regulation, that under legislation he has the power to direct the regulator to desist from embarking on this costly and unnecessary exercise? Does he not accept that there has been no complaint about electricity networks? This is not an issue for competitors who want access. It never has been an issue since competition was introduced.

The Minister has to get a grip on the reality facing people and sort out this costly exercise, priced at €40 million for Bord Gais. He gave a figure for the ESB that is only one figure bandied about. The regulator made a decision that applies to the retail sector of the ESB without having costed the price of his decision. Surely that in itself requires the Minister to take action.

Deputy Eamon Ryan: I am absolutely aware of the disconnection and the fuel poverty issues. I am also aware that competition has helped our consumers by driving prices down and we want to keep that up. We want to see the competition that we have introduced continue to work. Deputy McManus has been saying that we want to see the ESB get into that competition to get these companies fighting each other in order to bring prices down.

In making sure such competition was possible, the ESB and the regulator agreed that they would rebrand the company's supply business as part of that move towards a more competitive market. It is the ESB cost estimate of €6-8 billion that I am quoting. Having looked at the estimates, the regulator stated that it would not be put on the price to consumers. The benefits we get in competition are a multiple of any such cost effect.

I do not know why the figure in respect of Bord Gais came up in the debate held at the committee, but there is nothing in the regulatory process that is forcing a rebranding exercise that would cost that kind of money. That is a matter for Bord Gais and its representatives, who came out with the figure in the committee hearing. It is not coming from the regulatory process.

Competition works here. It has delivered significant reductions to the Irish public. This will help it further. The regulator is given the job to manage a competitive regulated market. He is doing it well and that is the right approach for the Government to take. We should let the regulators and the company work out the finer details of how competition of how competition works.

Deputy Liz McManus: The cost of electricity has gone up considerably. It is coming down but it still is not coming down as much as it has gone up. The ESB made a strong case to the regulator not to rebrand, but the gun was put to its head. If it wanted a deregulated market, it

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had to go to 60% and rebrand, or 40% without rebranding, which is the true figure. What kind of a choice is that?

Those decisions were made even though the regulator did not have the faintest idea of the costs involved. He was at the joint Oireachtas committee what assessment was done on costs. He said there was no assessment and he did not know.

An Ceann Comhairle: Deputy, there are time limits on this.

Deputy Liz McManus: The Minister said he did not know from where the figure of €40 million came. It has come from Bord Gais repeatedly.

The Minister and others have said that everything is up for grabs now because we are in a completely new situation. Even if it is a small gesture to the hard pressed consumer who will ultimately pay, the Minister should state that he will direct the regulator not to continue on this path of squandering money unnecessarily at a time when everybody is having to watch out how they pay their bills and has to take due to the uncertain times in which we live.

Deputy Eamon Ryan: It is not just the regulator. It is also contained within the third energy package coming from Europe.

Deputy Liz McManus: It is not. Other countries do not do this. That is crazy.

Deputy Eamon Ryan: The directive is there. It was negotiated at great length. It was done with the interest of consumers at its heart.

Deputy Liz McManus: The Minister should not worry about the directive.

Deputy Eamon Ryan: It clearly states that such rebranding between supply businesses and network businesses should be done.

I find it hard to understand where the Bord Gais figure is coming from, given that there have been no negotiations on rebranding, other than what already has taken place under such a European directive system. The creation of Gaslink, which is a separate name and operation to Bord Gais, came from a European directive implemented by the regulator at very low cost and with little fuss.

Deputy Liz McManus: The Minister should not hide behind the regulator.

Deputy Eamon Ryan: I will not hide behind the regulator. I will continue to push the regulator and the companies in this market towards greater competition, because that is what brings down prices and will get a better service quality. Irish householders know that. They can see it in the 20% reductions in gas offers that have been put out to the market at the moment. We can get those 20% price reductions by pursuing the right competition policy. It is happening, it is working and we will continue with it because we will continue to bring prices down. The 20% reduction is a reality.

Deputy Liz McManus: It is a 5% increase and the Minister knows that.

Deputy Eamon Ryan: That 20% reduction by Bord Gais is there.

Deputy Liz McManus: The Minister should have some appreciation of what people are going through.

An Ceann Comhairle: We must move on to the next question.

Deputy Eamon Ryan: I do appreciate it, and the Deputy should recognise that the 20% reduction is also real.

State Assets and Liabilities

47. **Deputy Leo Varadkar** asked the Minister for Communications; Energy and Natural Resources if he has met with or made a submission to the Special Group on Public Service Numbers and Expenditure Programmes that is looking into the sale of State assets; and if he will make a statement on the matter. [38300/10]

Deputy Eamon Ryan: Together with officials of my Department I met with the review group on State assets and liabilities on 13 October. The Department, with my approval, made a submission in the matter to the review group in advance of the meeting. The meeting was a useful and wide ranging discussion. The review group is expected to report to the Government by the end of the year. It will then be for the Government to decide on the issue.

I fully agree that given the current economic situation and the severe pressures on the public finances, full consideration must be given to making the best use of State assets. I have responsibility for a considerable number of commercial semi-State bodies. These companies play a critical role in the Irish economy, by providing essential infrastructure and services to consumers and enterprises. They are also significant employers and most of them contribute significant dividends to the Exchequer.

The principal bodies under my remit are the State energy companies, public service broadcasters and An Post. I also have policy responsibility for the exploitation of spectrum and a number of natural resources.

The major energy utility companies, namely, ESB, Bord Gais, Bord na Móna and EirGrid, are pivotal contributors to the achievement of Government energy policy objectives. They ensure security of supply to the economy and consumers through investment programmes in the national energy networks and power generation including major renewable energy investments. They are collectively committed to decarbonising the energy system in support of the smart economy. The supply companies, ESB and Bord Gais, have also contributed to the much more competitive regime now operating in the electricity and gas markets.

I would expect that the review group will take strong account of the major contribution made by the State companies at both sectoral and national economic levels. As I stated already, any decisions on disposal of any State assets will be a matter for the Government.

The work of the review group also presents an opportunity to examine existing structures and practices within the State ownership model, and to assess how best these valuable assets can contribute to national investment priorities and help restore growth. I believe for instance that the review group should give consideration on how best to extract further sustainable value for the State by exploring innovative ways to secure investment, including new private sector financing models, in renewable energy sources. There is major untapped potential in the national forestry sector, and in the energy biomass and environmental sectors. Both Bord na Móna and Coillte, with their core skills and resources, and considerable land banks, are well placed to develop these sectors further and I have raised this specifically with the group.

Deputy Leo Varadkar: There is a tied theme between Deputy McManus's last question and my previous question. The Minister is just not interested in working out the cost of anything. During the boom period, "Champagne Charlie" gave tax cuts, pay increases and tax shelters to everybody, and during the bust, "Easy Eamon" is prepared to sign any blank cheque without

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ever working out the cost. Ministers may change, but this Minister really fits in with Fianna Fáil. He is more Fianna Fáil than Fianna Fáil itself.

I believe the Minister wants a consensus on a four year budget strategy, and I think we do need such a strategy. It will hopefully be possible to do this within four years. For that to be credible, we need a four year growth strategy. To achieve growth in the economy, we need stimulus and we need competitiveness. My party takes the view that the sale of State assets may form part of that, provided that money is invested in new assets, such as next generation networks, forestry, on-shore wind and other forms of renewable energy.

Does the Minister have any principled objection to the sale of State assets?

Does he have any principled objection to the sale of State assets or can he agree to them if they add up? What strategic benefit does the State have in owning three generation companies and two supply companies?

Deputy Eamon Ryan: I do not have any principled objections; I treat each question on a pragmatic basis, looking to see what value we can get. In response to the Deputy's second question, I see the energy companies group slightly differently. I see Bord Gáis and ESB competing in the electricity and gas markets and they will probably become increasingly integrated. I also see them managing our electricity distribution network in ESB's case and the gas network in Bord Gáis's case, which they do in a very effective way. I believe they can compete with each other while still having a common owner. I do not see that impeding competition; in fact day in and day out they are competing very effectively against each other and bringing benefits with it.

They are also bringing great benefits to the State in that they are able to raise funds, which is difficult for certain companies in the State at present, and spend it very effectively. They are providing a very significant stimulus, along with EirGrid, in terms of developing our transmission and distribution networks that will be of long-term economic value to the State. Those companies are continually able to raise funds and spend large amounts of €1.5 billion to €2 billion each year in this country, which provides a major stimulus for the country and I want it to continue. The greatest value we can get from those companies is through the economic lift they give through their competent management and competitive instincts.

I would put Bord na Móna and Coillte in the same space although they have a slightly different energy space. While to date Bord na Móna's generation has been from biomass, from peat, I see that changing and moving away because the PSOs we are reviewing will come to an end in the latter part of this decade so those companies are already on a path towards seeking alternative markets and alternative space in the energy side. Bord na Móna in particular has a great opportunity in a range of environmental services and bio-energy businesses that are different in nature from the work that Bord Gáis and the ESB would do. They may well develop wind farms and their land bank may be very useful for the development of such resources, but I would imagine that would be done as it has been to date whereby they contract with other energy companies and in that collaborative basis get facilities built.

I believe Bord na Móna has great opportunities in its logistics skills and its ability to handle biomass and also its skills in providing environmental services in waste, water or energy services. It is quite different from a gas or electricity utility service, where there is a supply company, a network company and an energy company. That is a very different market and a very different business.

Coillte has a similar opportunity. This State asset review group could help us with working out the links between Coillte and Bord na Móna or the competitive market we want to create.

It could help us to ascertain how we might access long-term finance, through pension funds and so on, to fund some of the forestry applications that could then provide material for such a bio-energy industry. That is where there is an opportunity to raise finance and generate economic activity that does not come from the State but from private finance sectors using the expertise of State companies.

EU Directives

48. **Deputy Liz McManus** asked the Minister for Communications; Energy and Natural Resources to provide an update on the report from an independent consultant into free to air rugby matches; the timeframe for publication of this report; when he expects to make a decision on this issue; when he expects to make a decision on this issue; the cost of this report; and if he will make a statement on the matter. [37998/10]

Deputy Eamon Ryan: The audiovisual media services, AVMS, directive provides that member states of the European Union may designate sporting and cultural events of major importance to society as free-to-air. The Broadcasting Act 2009, having transposed the AVMS directive, sets down the statutory process for designating events free-to-air.

On 30 April, I set out proposals for a limited extension of the sporting events which are designated free-to-air and invited submissions on those proposals. I also decided that the final decision on this matter will be informed by an independent analysis of the financial and other impacts of listing each event. Indecon International Economic Consultants have been commissioned to do this report and are currently finalising the report for me in this matter. I expect that this report will be delivered to me before the end of the month. The value of the contract is €73,387.

After consideration of the Indecon report and other submissions received, I will revert to Government with definitive proposals. Subsequent to Government consideration of the matter I am required under the audiovisual media services directive to inform the EU Commission of any changes to the events to be designated. The Commission has a period of three months to verify that the list is compatible with Community law, to notify other member states and to seek the opinion of the committee established pursuant to the directive. Any designation will only be effective after the Commission has published the list in the Official Journal of the European Union.

Deputy Liz McManus: I am surprised that the Minister has still not received the report; in fact I find it hard to believe. The Minister made this announcement in April, appointed consultants at the beginning of August and promised that the report would be completed within eight weeks and would be followed by a debate. He has now told us that the report has not even been completed, which is the Minister's responsibility. For a job that was supposed to take only eight weeks, €73,000 is good money. When one looks at the Estimates for the Department of Communications, Energy and Natural Resources, the Minister seems to be very *flaithiúlach* when it comes to employing consultants. One of the few items in the Department's Estimates that increased was the cost of consultants. I believe it increased by 140%.

It appears that the Minister commissioned a report after an announcement he made to make certain events free-to-air, but at the time he made the announcement he did not indicate he would need to employ consultants. Why has it taken so long? How far has it got? Has the Minister or any of his officials seen a draft report? Has any of that work been done? Will it deal with the IRFU concerns about the cost? The IRFU has stated that it will cost between €10 million and €12 million. Does the Minister have any comment to make on that? He seems to be walking backwards rather than walking forwards on this matter. Concerns have been

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expressed about costs to be incurred, for example, by RTE in the context of the Minister's decision. Since we do not have a report, perhaps he might tell us where we are, considering the promises and undertakings he made to the public who have an interest in the matter, but are not getting answers.

Deputy Eamon Ryan: I expect to have the report very shortly and will then bring it to Government to allow my Government colleagues to share their views at which point we will make a call on it and present it to Brussels as set out in the legislative process. This is always a process that takes time, which is right because it is important. I am very confident that the consultants who are being very thorough and exacting in their work are providing very good value for money. It is important to get it right in terms of getting the Irish public's position to ascertain the real importance of these sports in our cultural life. While that takes time and a certain amount of money, it is important to get it right because they are important events. It is important that we do it in a proper process that is legal and that we can bring to Brussels as the final arbiter. We need to be confident that we have followed the correct legal process, which takes time and costs a certain amount of money, but is a process over which I would stand as it is serving us very well.

Deputy Liz McManus: The Minister has not answered the questions I asked him.

Deputy Leo Varadkar: That makes a change.

Deputy Liz McManus: He has talked about a process he created in order to give himself some cover and now he will not give any answers. Has the draft report been seen by him or the officials in his Department? That was my first question. Does it deal with IRFU's concerns and the RTE issue? I will quote the Minister as he seems to be suffering from amnesia. On 25 August he said he expected to come back to his Government colleagues early in the autumn with the analysis done followed by a further lengthy debate on the issue and a decision fairly quickly. He is no longer talking about a lengthy debate but going straight to Brussels. It seems the Minister is wavering on this. He made a decision and an announcement but he has been rowing back from that decision. He should answer the questions that people want answered.

Deputy Eamon Ryan: First, I have not seen that report nor, I understand, has my Department.

Deputy Liz McManus: Nobody has seen it.

Deputy Eamon Ryan: It will be one or two weeks late but once we have it I will then bring it to Government and then, as appropriate, bring it to Brussels. That is the process upon which we are set. The report is a week or two late but that is a timeline I am happy to bear—

Deputy Liz McManus: This is not early autumn.

Deputy Eamon Ryan: —to get it right.

An Ceann Comhairle: We are moving on to the next question.

Deputy Liz McManus: On a point of information for the Minister—

An Ceann Comhairle: We must move on.

Deputy Liz McManus: —this is mid-October, not early autumn.

An Ceann Comhairle: I know.

Deputy Liz McManus: The Minister appointed the consultants and, at the very least, since they are being paid nice money——

An Ceann Comhairle: The Deputy will have to find another way to revisit this matter.

Deputy Liz McManus: ——to produce a report, they should do so on time.

Telecommunications Services

49. **Deputy Michael D’Arcy** asked the Minister for Communications; Energy and Natural Resources the way this country will achieve its target for high speed internet access without significant Government capital investment; and if he will make a statement on the matter. [37814/10]

Deputy Eamon Ryan: Government policy on the development of the electronic communications market, including next generation broadband services, is set out in “Next Generation Broadband — Gateway to a Knowledge Ireland”, which I published in June 2009. The policy paper was developed in accordance with various key principles, which are crucial to the development of the market including: competition, at platform and service levels, which drives innovation and investment; investment certainty for service providers considering investing in network infrastructure; investment intervention by Government to bridge any digital divide in cases of market failure and to meet the State’s own communication needs; and also appropriate regulation.

This policy has facilitated significant progress in rolling out broadband services, including increased speeds, over recent years. For example, at the end of June 2010, Ireland had in the region of 1.48 million broadband subscriptions. The year-on-year growth in subscriptions over the preceding 12 month period was over 16.5%. Internationally, Ireland ranks 11th of the EU 27 for *per capita* broadband penetration in composite fixed and mobile services, fourth for mobile only penetration, and 14th for fixed broadband penetration.

This progress, measured in international comparisons, is also demonstrated in a recent study of broadband services in 72 countries by the University of Oxford and the University of Oviedo, Spain, which ranks Ireland 13th of the 72 countries studied, ahead of France, Canada, the United States and the UK. The study considered broadband quality, that is, download speeds, upload speeds, and latency, and broadband penetration to map the world’s broadband leaders. Ireland is also grouped among the top ten broadband movers since 2009 with 88% broadband penetration, or 11% increase on the previous year.

More generally, of the homes with broadband connections, 77.8% of them and 85.8% of small businesses are using broadband speeds between 2mbps and 10mbps. UPC is providing speeds of up to 30mbps and is rolling out speeds of up to 100mbps under the new DOCSIS 3 platform. Eircom and the Vodafone/BT alliance are both rolling out speeds of up to 24Mbps using vDSL technology. In the wireless market, Imagine have launched WiMAX, a broadband product with speeds of up to 8mbps available. In addition, Eircom has recently launched an Ethernet product offering speeds of up to and exceeding 1Gbps to wholesale customers and to high-bandwidth users.

The next generation broadband policy paper also proposed the establishment of a next generation broadband taskforce comprising industry, Government and ComReg. The taskforce can facilitate a collaborative approach to investment in the development of high speed and high quality broadband in Ireland to meet the demands of Ireland’s smart economy by enabling

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wider customer access to next generation networks. I signalled earlier this month that I now propose to establish the taskforce and the first meeting of the taskforce will be held shortly.

A number of important national and EU developments have come to pass since the next generation broadband policy paper was published. These developments will underpin and inform the work of the taskforce. They include greater clarity from the EU Commission on the regulation of next generation access; revised guidelines from the EU Commission on State Aid for broadband; an outline radio spectrum policy programme from the EU Commission; and completion of the roll-out of the national broadband scheme. These developments provide greater long term clarity to investors on the regulatory rules which will apply to next generation networks.

I am confident that the clarity provided by the EU Commission on the long-term regulatory environment for investments in next generation networks will enable our taskforce to explore investor co-operation in the market in Ireland to deliver an efficient next generation access network.

Deputy Michael D’Arcy: It is a pity the Minister did not answer the question I tabled. He read out a list of what other people have done. My question was clear. I asked, “the way this country will achieve its target for high speed Internet access without significant Government capital investment”.

The Telecommunications and Internet Federation, TIF, has bluntly said that achieving the EU target of 30Mbps for 100% of the population by 2020 and 100Mbps for 30% of the population will cost €1.5 billion. When will the Minister realise that the State will have to put its hand in its pocket at some stage to provide connections for those additional areas? It is easy for the industry to provide broadband connections for the urban areas but it will not do so for our population distributed in rural areas. The Minister can make a decision not to fund such connections but he is prepared to fund other aspects of his brief. He does not seem to be prepared to fund any aspect of this brief.

I again ask the Minister, at what stage and by how much is he prepared to fund the area of next generation broadband for the areas the industry will not reach?

Deputy Eamon Ryan: With respect, Deputy, in this area of my brief, a major international study has just recognised that we practically doubled our broadband speeds in the last two years. We have practically tripled the number of broadband connections in the past three and a half years.

Deputy Michael D’Arcy: I asked a question on——

Deputy Eamon Ryan: We have improved year on year to the point where we are 13th in its rankings of countries.

Deputy Michael D’Arcy: The Minister is referring to another matter.

An Ceann Comhairle: When the Minister concludes I will call the Deputy to ask a supplementary question.

Deputy Eamon Ryan: Therefore, when it comes to my record in this brief, I will stand proud of those achievements and getting the policy approach right.

Deputy Michael D’Arcy: That is not the question I asked.

Deputy Eamon Ryan: To answer the Deputy's question directly, we have and will intervene where there is market failure. We did that with the national broadband scheme, the value of which was approximately €0.25 billion. The Government and the company, 3, worked together and that scheme has been delivered on time and is working.

We have invested in schemes such as Project Kelvin, which is another major scheme which will ensure there is fast connectivity between North America and Ireland. We have invested in our schools and under the commitment given in the programme for Government we will ensure there is 100Mbps connectivity in every secondary school in the country because that is the type of investment that works. It is market neutral, it helps various different players, it is technology neutral and it lifts the ability of our students to use this axis network. Therefore, we will invest. We will sit consult with the industry to work out what is the best way of doing that. This will also free up the industry's investment potential because it has a large amount invested on an ongoing basis. That is what we have to keep doing because this is working.

Deputy Michael D'Arcy: The Minister is a wonderful bluffer — there is no getting away from it. He did not answer the question I asked. The TIF has calculated that €1.5 billion will be required. Two thirds of such funding will be required for civil works which will involve guys using diggers and shovels. Such funding will result in work for such people and when that work is done it also will provide jobs for this country. The Government and the Minister's Department seem to be allergic to providing jobs. I ask the Minister again, this being my third occasion to do so, at what stage does he expect to intervene, given that the industry has said it will not provide all the funding required? It will provide some of the €1.5 billion required but it will not and cannot provide it all. At what stage will the Minister intervene and how much funding will he ensure is provided?

Deputy Eamon Ryan: The figures I quoted were from a major international study. Those are not figures I have given, rather they have been cited by an outside group which noted that we had doubled our speeds, tripled our broadband penetration and that we were consistently going up the league table.

Second, in terms of jobs, last year in the depths of our recession, when the overall e-economy fell by 8% or 9%, jobs in the ICT industry in this country went up 6%, which is 6% of 75,000 jobs. Therefore, we are achieving in terms of turning policy in this area into jobs. Last week I was in my area of Sandymount last week where the company Salesforce employed an extra 150 people. I can refer to other such companies.

Deputy Michael D'Arcy: The Minister should visit rural areas.

Deputy Eamon Ryan: That is the reality of what is happening on the ground. That is what the University of Oxford noted in its study, which was an independent process.

Deputy Michael D'Arcy: The Minister should travel to rural Ireland.

An Ceann Comhairle: Allow the Minister to conclude.

Deputy Eamon Ryan: I have answered the Deputy's question and gave examples of where we will invest, namely, where there is market failure, particularly if a certain area or sector is left behind. We will invest because we want to get ahead of the game and we will provide public service ICT infrastructure in our schools in particular but also in other areas. That is where the State can invest to create the demand for these services that will create efficiencies. We do this in our own business by cutting our costs by improving our own ICT services. Those kinds of investment are the ones that help lift demand and make this happen.

An Ceann Comhairle: That completes priority questions. We will move on to Other Questions.

Other Questions.

Television Licence Fee

50. **Deputy Billy Timmins** asked the Minister for Communications; Energy and Natural Resources if he will allow other television and radio companies to bid for a share of the proceeds of TV licence fee for public service programmes they provide; and if he will make a statement on the matter. [37860/10]

Deputy Eamon Ryan: Part 7 of the Broadcasting Act 2009 provides for public service broadcasting in Ireland and the provisions relating to the public service broadcasting corporations, RTE and TG4, including their principal objectives. These provide the companies' statutory mandates and encapsulate the national policy on public service broadcasting. They include the specific objective of providing national, free-to-air public service broadcasting services, as well as the provision of a broad range of other additional services seen as fundamental to the role of the public service broadcaster.

In their pursuit of these objects, the Act's provisions subject the public service broadcasting corporations to a range of additional requirements. These statutory objects and requirements clearly set the State-owned public service broadcasters apart from their commercial counterparts which, while bringing choice and competition to the market, are privately owned and funded companies that have entered the market on the basis of a commercial proposition.

The rationale for providing State funding for public service broadcasting is to provide an independent and reliable income flow that allows these corporations to attain their public service objectives while ensuring they can maintain a high level of editorial independence. This is especially important in the context of news and current affairs.

RTE receives 93% of net television licence fee receipts to allow it to meet its public service broadcasting remit while the remaining 7% is allocated to the broadcasting funding scheme. The scheme is open to applications from both private and public broadcasters with the aim of encouraging the production of new television and sound broadcast programmes of a particular character as set out in section 154 of the Broadcasting Act 2009.

Commercial broadcasters also benefit from the provision of broadcasting spectrum which is charged at a set rate that is considerably lower to what it would otherwise cost in an open market. I am satisfied these arrangements are appropriate and, as such, have no intention of providing for the changes suggested.

Deputy Leo Varadkar: The Minister did a fair bit of bluffing on the Oxford study on broadband roll-out, only mentioning the bits he liked. If he had read it thoroughly, he would have noted it stated that Ireland, although coming from a bad position to a better one, is still not a leader and would not be able to deliver television on-line and other such service access. Honesty from the Minister would not go astray when it comes to these issues of national importance.

I have an open mind on the allocation of the television licence fee. Will the Minister acknowledge that RTE is not the only organisation that provides public service broadcasting? "Tonight with Vincent Browne" is every bit as much a public service as "The Frontline", probably even more so. TV3 also provides news while radio stations such as Newstalk and other independent stations provide programmes equal to "Drivetime". The same applies to Matt Cooper's and

Scott Williams's programmes. Newspapers, through webcasts on their websites, also contribute public service information on the same basis as RTE. On very many occasions, it is even better.

Will the Minister consider allowing other companies which provide public service broadcasting to bid for the television licence? I understand he wishes to protect the vested interests in this country, particularly in semi-State bodies. However, I do not understand why he would have such a closed mind to this proposal.

Deputy Eamon Ryan: Yes, I agree we need to do more with broadband roll-out. We cannot be complacent even though an international report states we are 13th in the leadership table. As we roll out our cable and fixed line network and improve our mobile networks, Ireland will, I believe, be in the top ten.

Deputy Michael D'Arcy: One has to invest to achieve that goal.

Deputy Eamon Ryan: The report showed a dramatic improvement in the past three years in Irish telecommunications service provision compared with international performances.

Real public service is provided by the likes of Matt Cooper, Vincent Browne and a whole range of different journalists. The news and current affairs content, particularly in the independent radio companies and TV3, is important and beneficial to the State's democracy. A competitive broadcasting market with a strong independent sector is very important. When introducing the Broadcasting Act 2009, Deputies McManus and Coveney and I agreed to the idea of a broadcasting fund and allowing other companies to pitch for a business share of the licence fee revenue. Each of us agreed the setaside should be 7%. I accept there may be an argument it is too small a figure but that was the Fine Gael position at the time. The fund recognises that other networks and broadcasters are important to public service broadcasting.

RTE has a different remit with a legislative basis which allows for revenues to be raised from the licence fee and advertising. I do not believe there should be a fundamental change to that existing structure.

Deputy Michael D'Arcy: The Minister will have to invest in broadband roll-out or else it will not happen, particularly in rural areas.

Local independent radio stations provide a superb service for rural areas. They have as much a public service obligation remit as any other broadcaster. However, regarding the 7% setaside from the licence fee for a broadcasting fund, it irks the independent media sector that RTE can pitch for it too. Bearing in mind the reversal in advertising revenues for independent broadcasters and the power of RTE, will the Minister agree to consider making the broadcasting fund available only to the independent sector?

Deputy Eamon Ryan: The fund rather than being broadcaster-led is independent producer-led. There is nothing to prevent an independent producer going to the fund with a proposal. TG4, if I recall, has received a large percentage of the allocation, as have community broadcasters. It has been expanded to include independent radio producers.

Deputy Liz McManus: The Minister had an open mind on the Opposition's proposals for the Broadcasting Act 2009. The legislation is better for that.

The Broadcasting Authority of Ireland, the regulatory body established by the legislation, is now in breach of the law, however, by not producing a budgetary plan for the next three years. What action is the Minister taking on this statutory breach?

Deputy Eamon Ryan: I read the exchange at the Oireachtas communications committee when the authority's chief executive officer acknowledged the delay in producing a budgetary plan and set out the reasons for this. He informed Deputy McManus that it would be presented at the end of October 2010. The sooner the better. While I have had no direct involvement in this process, I am looking forward to receiving the authority's budgetary statement.

Electricity Transmission Network

51. **Deputy Tom Sheahan** asked the Minister for Communications; Energy and Natural Resources if he has received a copy of the Frontier Report on the transfer of ownership of the distribution network to Eirgrid; the recommendations contained therein; when he will publish same; and if he will make a statement on the matter. [37849/10]

Deputy Eamon Ryan: The independent analysis of the electricity transmission assets by Frontier Economics Limited is being finalised and will be submitted to me shortly. The unbundling of the transmission assets involves the resolution of complex technical, financial and operational issues, as well as the possible development of legislation. The independent analysis includes an assessment of costs, benefits and regulatory impact, EU developments and the all-island single electricity market. The process has involved input from the direct key stakeholders and others.

The direct stakeholders comprise management and unions of the ESB, EirGrid and the ESB employee share ownership trust, ESOT. All direct stakeholders have pivotal roles to play in the process of engagement and analysis. Their co-operation is vital in achieving outcomes that are in the best interests of the economy and energy consumers, as well as the two State entities.

Both EirGrid and the ESB have vital roles to play in delivering our national targets for renewable energy and energy efficiency, as well as security of supply and energy competitiveness. The unbundling of the national transmission assets will be progressed in a way that ensures viable futures for both EirGrid and the ESB, as well as delivering on EU legal obligations on transmission unbundling in the interests of the energy sector and energy consumers.

Deputy Leo Varadkar: I have two questions. The Minister said the report is being finalised. Will he confirm whether he has already seen the draft report? A draft report was submitted to him about three weeks ago. Has he seen it and will he comment on it? Second, would the Minister not agree that it does not make sense for a small country such as Ireland to have two network companies, one owning the distribution network and one owning and managing the transmission network? Would it not make sense to merge ESB Networks Ltd. and EirGrid into a single entity, similar to what has been done in Portugal, for example? Is that an option that has been considered in the report? It can be done under the EU directive. It has been done in Portugal and it is probably a model followed in other countries. Did he receive the draft report some weeks ago and does the report consider the possibility of merging EirGrid and ESB Networks Ltd.?

Deputy Eamon Ryan: I have not seen the report but I understand it has arrived in the Department. It goes through the process of being seen by the Assistant Secretary General and the Secretary General before coming to me for consideration. That process has not yet been completed, so I have not seen a copy of the report yet.

I believe it is appropriate to have a separation of the ownership of the EirGrid transmission assets. We created EirGrid as an independent company and it is operating independently. I cannot see how that is enhanced by having assets in its ownership in a separate location. That is my personal view. I accept this is complex and that it is right for us to take a high level view of it in terms of the economic costs and the mechanisms for making that happen, but I believe

it is the right thing to do. I do not understand the Deputy's proposal with regard to the creation of a single utility or single network company. Is he saying he would prefer to sell the generation and supply company and create a separate single network utility where distribution and transmission would be together? If not, and if he is seeking to maintain the distribution company and the generation and supply company as a single unit and bring EirGrid back into it, it would be a significant reversal of policy.

I have set out my personal view and the Deputy can hold a different position. I look forward to seeing the report. It is right to check the Deputy's view and to get genuinely independent consultants——

Deputy Leo Varadkar: Is the report considering that option?

Deputy Eamon Ryan: My recollection of the terms of reference is that the report was to consider implementation of the Government policy, as set out in the White Paper in 2007 and in the programme for Government in 2007, which was a separation of the ownership to EirGrid. It was looking at that option. I have not seen the final report to see what other options it might have examined. However, I am interested to know which of the two options the Deputy is considering, a separation of the network distribution company from the generation and supply business and an integration with the transmission or simply returning to the ESB as it was.

Deputy Leo Varadkar: I presume the Minister has read our policy which is to reintegrate EirGrid back into ESB Networks Ltd. and sell the generation and supply. It is no secret that it has been our policy for two years. However, that is not the question I asked, which is whether the Frontier Economics report has been allowed to consider other options, such as the options put forward by my party, or if it is only allowed to consider the issue of who owns the distribution network?

Deputy Eamon Ryan: Commissioning this report was part of the process the Department went through in which it set up Fergus Cahill as an independent chairman to bring in the parties to examine how to implement Government policy, which was to bring the network assets into the ownership of EirGrid. That was its primary task. As a side element to its work the report might have examined various different options but I have not seen the final document. However, its primary task was to examine the analysis of the Government proposal as set out in the programme for Government three years ago.

Deputy Liz McManus: I imagine the terms of reference are in the Minister's briefing note. I would be surprised if they were not. With regard to the deliberations in the report, has the issue of compensation been assessed? What assessment has been made in the Department of possible compensation that would have to be paid in the context of such a transfer?

Deputy Eamon Ryan: The terms of reference allow consideration of all such matters, including costs, compensation and other mechanisms. It was for that purpose we considered it right to get an independent consultant of international repute to examine what all the costs are. There are different views and assessments of those costs from both companies and other parties that have an interest, such as the ESOP. To get clarity on that and to assist us in answering some of those questions were among the reasons for commissioning the report. Frontier Economics was also asked to look at all options available to us to ensure compliance with the EU third energy package. There is an EU dimension to this in terms of a requirement for us to have proper separation. Frontier Economics was examining this within the European Union context as well as within the context of the programme for Government.

Deputy Liz McManus: Will the Minister put on record the fact that there has never been a complaint that stood up with regard to access to the networks? That is important.

Second, this decision has been around for quite some time and long before the report was commissioned. What estimates of costs were made by the Department regarding possible compensation?

Deputy Eamon Ryan: My understanding is that in 2006, if I recall correctly, the instigator for the separation of the ownership was set out in a Deloitte report. That initial report was considered by the Government at the time. It was quite a complex report but one of its elements was towards the separation. The initial costings and economic analysis were set within that. This report is for the purpose of getting firm economic costings. The Department was obviously working on how to do this on a statutory basis. From a policy viewpoint, my strategic sense is that this makes sense but we were always going to have to go through the process of carrying out the detailed cost-benefit analysis and examining the transactional costs involved in the separation. That is the reason the Frontier Economics report was commissioned and this process has been undertaken.

Energy Conservation

52. **Deputy Michael Noonan** asked the Minister for Communications; Energy and Natural Resources the progress made in the target to increase energy efficiency in the public sector by 33%; and if he will make a statement on the matter. [37891/10]

Deputy Eamon Ryan: The national energy efficiency action plan, NEEAP, sets out 90 actions which are already under way, or will be taken in the period to 2020, to achieve the national energy efficiency target. The Government has set a target of 20% across the economy and 33% in the public sector. The savings identified in the action plan represent approximately €1.6 billion in avoided energy costs for the economy in 2020.

My Department and the Sustainable Energy Authority of Ireland, SEAI, are setting up a comprehensive monitoring and reporting system whereby all energy usage in the public sector will be accounted for and progress will be systematically recorded. This system will be fully in place next year, which will enable tracking of progress on an annual basis. In the public sector, the most significant cost cutting and energy saving potential lies in improving the energy performance of new and existing buildings and facilities. This will be a key focus of the new national retrofit programme. The public sector programme of SEAI is the main delivery mechanism for energy efficiency actions by public sector bodies. This comprehensive programme includes a public sector support programme, which provides assessments and training to all public sector bodies and a grant programme to support energy efficiency measures.

I announced last month financial support for 20 projects under the public sector and industry energy efficiency fund, which are all scheduled to conclude this year. These projects are anticipated to deliver €4.5 million savings over the lifetime of the measures. In addition, the SEAI is working closely with public sector bodies, including An Garda Síochána and the HSE, to accelerate development of their energy efficiency strategies. Public sector bodies are also actively working with SEAI to deliver energy savings in water services, public lighting and information and communications technology, ICT. Participants have made savings of up to 20%, and have identified future saving opportunities of up to 40% to 50%. The work already under way has highlighted the very significant energy savings achievable across the public sector with commensurate reduction in energy costs for all public bodies.

Deputy Leo Varadkar: I had hoped to receive an answer in percentage terms. If the target is to reduce energy use by 33%, how much has been achieved so far? Is it 3%, 4% or 10% of the 33%? I am not so much interested in the figure; I just want to know that when the Government sets a target such as this, it knows what the target means. When the Minister sets a target of 33%, I assume he knows what 1% or 100% is and, therefore, he must know how much of the target remains to be achieved in percentage terms.

Deputy Eamon Ryan: For my own Department——

Deputy Leo Varadkar: Here we go again with a long waffly speech.

Deputy Eamon Ryan: No, the Deputy asked for figures and facts.

Deputy Leo Varadkar: Shock me.

Deputy Eamon Ryan: The energy bill for my Department over the past three years has reduced by 42% and last year our energy use decreased by 12.7%. That is an example. We looked through our buildings. I attended a series of meetings with departmental officials to discuss the work the SEAI is doing. The Deputy can make hand signals but he asked——

Deputy Leo Varadkar: The Minister should answer the question. How much of the 33% target has been achieved?

Deputy Eamon Ryan: I am answering. In my Department, the figures are specific.

Deputy Leo Varadkar: The Minister is not answering. He is waffling aimlessly as usual.

Deputy Eamon Ryan: Those are real figures and reductions for which I am accountable in my Department.

Deputy Leo Varadkar: The Minister does not know how much of the target he has achieved. This is a joke.

Deputy Eamon Ryan: We have to transfer that progress across the rest of the public service. The work of SEAI, which I listed, will achieve that.

When the national retrofit scheme launches next year, it will be a crucial element because it will be aimed at public buildings as well as households and commercial buildings. I have seen in my area that is possible to achieve savings of 33%. It is a good economic opportunity and the scheme will be one of the key elements. The Deputy may laugh at the savings but they are real.

Deputy Leo Varadkar: I am laughing at the target of 33%, not the savings. The Minister does not know what is his target.

Deputy Eamon Ryan: Expenditure has reduced from approximately €600,000 to €350,000.

Deputy Leo Varadkar: The Minister set a laudable target of 33% but he does not even know what the target means. He could waffle away for days on end if people could stay awake listening to him but he still does not know what percentage of that target he has achieved. How can we have a Government that sets such targets and does not even know what they mean? It baffles me.

Deputy Liz McManus: Will the Minister accept it is not good enough to set targets and then have no mechanism to deliver on them? It is clear nobody is in charge and this raises a serious question over commitments made in the Government programme in an area such as this, which is crucial both in the context of energy efficiency and in meeting climate change targets that are required of us. Since this is part of the programme for Government, why is it taking so long for the SEAI to set up a monitoring unit, which will not be established until next year? The national retrofit programme was promised in last year's budget and, clearly, it will not happen until after this year's budget.

The Minister will run away from my final question because he will say it is not his area of responsibility. When it comes to energy efficiency and all the plans his Department produces, he must take an interest in the fact that local authorities have been grant aided for home adaptation. The take-up by them has been pathetic, even though the need is considerable. What is the Minister's view on that failure if he is to meet targets set by him, his party and Fianna Fáil?

Deputy Eamon Ryan: In discussions with officials of the Department of the Environment, Heritage and Local Government, the budgets will be allocated and spent this year. There is a time-lag. They have to obtain a BER certificate to sign off on the spending.

Deputy Liz McManus: That is because they have transferred to other local authorities. We have all done that. We know how the system works.

Deputy Eamon Ryan: I pursued this and I have been informed money is being allocated.

We are at the start of a process and the SEAI is the key driver through its public sector partnership scheme. The authority has working groups relating to water services, public lighting and ICT energy use and they are seeing savings of up to 20% in the organisations with which they have worked as a result of the additional resources we have provided.

It has taken longer than I would like but the staff embargo was one of the reasons for that. We have overcome that and we are looking at providing further staff to the SEAI to allow it to get on with it. I would have liked to have done that sooner but the Department of Finance officials and others had to make sure we had the staff and resources available. However, we are making resources available at a time budgets are being severely cut and it is difficult to recruit staff. I am prioritising investment in the SEAI and energy efficiency because it saves money from the State's viewpoint. I stand over the savings in this regard in my Department as practical and real examples of helping the taxpayer cut his bill.

Written Answers follow Adjournment Debate.

Adjournment Debate Matters

An Ceann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 21 and the name of the Member in each case: (1) Deputy Michael Creed — to raise the matter of the implementation of a national foot screening programme for diabetics, the provision of podiatry care for diabetics and, in particular, the withdrawal of services from Macroom Community Hospital since January 2010; (2) Deputy Frank Feighan — to ask the Minister for Education and Skills to explore the possibility of providing a third level education college in Carrick-on-Shannon, County Leitrim, given it is now a regional town; (3) Deputy James Bannon — the need for the Minister for Justice and Law Reform to ensure a person who is severely brain damaged following a car accident and requires urgent treatment will be transferred to the care of the Department of Health and

Children; (4) Deputy Paul Kehoe — the number of special needs assistants assigned to schools working with autistic children; (5) Deputy Thomas McEllistrim — postgraduate training and education for recently qualified teachers in association with practical teaching experience; (6) Deputy Billy Timmins — to ask the Minister for Health and Children what the correct situation is with respect to Wicklow District Hospital, Wicklow town; and if she will make a statement on the matter; (7) Deputy Jack Wall — to outline the procedures relating to applying for a medical card in an area (details supplied); (8) Deputy Ulick Burke — the urgent need for the Minister for Education and Skills to indicate when St. Catherine’s national school, Aughrim, County Galway will be given the go ahead for the construction of a new school, given that the class room sizes are one third the size of the regular class rooms in other national schools and the serious health and safety issue arising from overcrowding and lack of other appropriate facilities; (9) Deputy Joe Behan — the proposed closure of Wicklow hospital; (10) Deputy Andrew Doyle — to discuss the decision to close the Wicklow hospital and the impact this will have on the patients and their families; (11) Deputy Thomas P. Broughan — the application of the law in regard to an ongoing matter (details supplied); (12) Deputy Dan Neville — to protect mental health resources in budget 2011; (13) Deputy Paul Connaughton — the reason for the cancellation of a surgical procedure in a hospital in Dublin (details supplied); (14) Deputy James Reilly — the issue of cutbacks at Cavan General Hospital, the stress this has caused for patients, particularly those waiting for endoscopy and other important procedures; to ensure that no further cutbacks to the frontline are imposed on Cavan hospital, particularly in view of the cutbacks and cancellation of surgery at Navan hospital and that any savings are achieved by eliminating needless waste and bureaucracy in the HSE; and that the Minister for Health and Children come in to the Dáil to discuss this urgent matter; (15) Deputy Pat Breen — the situation regarding the future of more than 180 jobs Shannon Aerospace in Shannon Airport; the Minister for Enterprise, Trade and Employment must clarify the situation immediately as to what action he intends to take to save these jobs; and (16) Deputy Joe Carey — the need to protect jobs in the mid-west region, particularly in light of the unemployment rate which is higher than the national rate and the loss of significant number of jobs in the Shannon area.

The matters raised by Deputies Paul Kehoe, Thomas McEllistrim, Jack Wall and Paul Connaughton have been selected for discussion.

Criminal Law (Defence and the Dwelling) Bill 2010: Order for Second Stage

Bill entitled an Act relating to the liability of a person regarding the use of force by him or her in his or her dwelling or in a dwelling in which he or she is a lawful occupant against a person who enters the dwelling; to amend the Non-Fatal Offences Against the Person Act 1997; and to provide for related matters.

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

Question put and agreed to.

Criminal Law (Defence and the Dwelling) Bill 2010: Second Stage

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

I am pleased to bring this Bill before this House. The purpose of the Bill is to clarify and restate the law on the use of force in defence of people and property in the context of an attack by an intruder in the family home. The Bill is intended to ensure the law is clear about the

[Deputy Dermot Ahern.]

rights of an occupier in the application of defence against a person entering the home with the intention of committing a crime. The Bill is also intended to strike the correct balance between the rights of the occupier and those of a trespasser.

I recognise and share the understandable public concern that exists regarding attacks in the home. This kind of crime is intolerable. It strikes at the heart of what most of us hold dear, that is, our homes and our loved ones. There have been a number of high profile, serious cases involving intruders entering homes with criminal intent in recent years. Fatalities have occurred and subsequent public comment has indicated the need for people to be certain of the legal position and to be reassured that there are laws in place to protect them. The legislation addresses that need and is intended to allay any doubts on the issue which may be in people's minds. It is my intention to remove any ambiguity there may be in the law and to ensure people are able to protect themselves, their property and others in the home.

The law has always provided that people can use force to protect themselves, to protect others and to protect property. The statute law in this area is set out in the Non-Fatal Offences Against the Person Act 1997. This Act sets out, among other matters, the rights of those who are required to exercise self defence in the face of an attack on themselves, others or on property. The Act permits the use of reasonable force in applying this kind of defence. The 1997 Act is concerned with attacks irrespective of where such attacks may occur. This Bill deals specifically with matters relating to attacks in the dwelling and on the curtilage of the dwelling. We all realise the importance of the home as a place of refuge and safety. We are entitled to feel safe there and to have the freedom to defend that safety if it is under threat. The home dwelling represents a sanctuary to us all which is generally regarded as more important than any other. For the purposes of this Bill, "dwelling" includes not just the dwelling itself but also the curtilage as defined in section 1. It does not repeal the 1997 Act, which remains on the Statute Book.

It is also important not to lose sight of the fact that the law offers other significant bulwarks against burglars. Burglary is a criminal offence which carries serious penalties. The law in this area was updated by the Criminal Justice (Theft and Fraud Offences) Act 2001. Section 12 of that Act provides that:

"A person is guilty of burglary if he or she—

(a) enters any building or part of a building as a trespasser and with intent to commit an arrestable offence, or

(b) having entered any building or part of a building as a trespasser, commits or attempts to commit any such offence therein".

A person guilty of burglary is liable to a fine or imprisonment for a term not exceeding 14 years, or both.

Section 13 of the 2001 Act provides: "A person is guilty of aggravated burglary if he or she commits any burglary and at the time has with him or her any firearm or imitation firearm, any weapon of offence or any explosive." A person convicted of aggravated burglary is liable to imprisonment for life.

More recently, the law in this area has been further strengthened. Section 26 of the Criminal Justice Act 2007 provides that a court may make a monitoring order for persons convicted of aggravated burglary. The court may also make a protection of persons order. Such an order prohibits the offender from engaging in any behaviour that would be likely to cause the victim of the offence fear, distress or alarm or would be likely to amount to intimidation of any such

person. The same Act provides mandatory minimum sentences for repeat offenders. These are significant provisions and mark the determination, not just of this Government, but of all Members of the Oireachtas, to penalise those who would prey on people in their homes and to protect those innocent victims of such an intrusive crime.

While the measures available to the Garda Síochána and the courts for tackling this crime have been strengthened in recent years, it is right the Oireachtas should review and renew the law governing those measures which householders can themselves take to protect their homes. The common law position on the question of resisting unwelcome intruders was set out in considerable detail by the Court of Criminal Appeal in a judgment issued in December 2006 in the case of *DPP v. Anthony Barnes*. Among the points made by Mr. Justice Hardiman in his judgment was that the home of a person is more than bricks and mortar and a person is entitled to a very high degree of protection by the law. The court noted that by virtue of Article 40.5 of the Constitution, the dwelling house has a higher value legally and constitutionally than other forms of property.

The court also stated in its judgment that every burglary is an act of aggression and every burglar is an aggressor. Although it clearly stated that every burglar is not liable to be killed by the householder simply for being an aggressor, the court made it clear that a householder may not kill with impunity any person whom he finds in his house. The Court of Criminal Appeal also held that force may be used to immobilise or detain a burglar to end the threat to the personal rights of the householder or family or guests.

One of the effects of this judgment was to encapsulate elements of the so-called castle doctrine into Irish law. The origins of the doctrine can be traced back as far as the 14th century. It had been established at that time that a killing performed in defence of one's home or to repel a burglar, was justified. However, Deputies should note that in the Barnes decision it is explicitly stated that although an occupier may defend his home he does not have "a licence to kill".

The judgment in the 1972 case, *The People (A.G.) v. Dwyer*, is regarded as the seminal judgment in the matter of self defence in this jurisdiction. Although it does not relate to a case which occurred in the home it does have general application. It states:

A homicide is not unlawful . . . in reasonable self defence of person or property . . . Full self defence permits such a degree of force up to and including the infliction of death as may be regarded as reasonably necessary . . . the prosecution must establish that the accused knew he was using more force than was reasonably necessary.

I do not propose in this Bill to introduce legislation which might be viewed as encouraging people to take the law into their own hands. However, I wish to clear up any misunderstanding there may be among the public as to the law in this area and to ensure that people are aware that the law does not leave them helpless to defend themselves against aggression by a trespasser.

I believe that all sides of the House share a unity of purpose on this matter. We are all aware of its importance. In addition to the case law there has been considerable public debate on the issue in recent years. The Law Reform Commission report of 2009 has also contributed significantly to our understanding of the issues. This Bill builds on all of that debate and learning in order to clarify the law.

The Bill diverges from the Law Reform Commission recommendations in some specific areas. The reason for this divergence is that the structure of the Law Reform Commission draft Bill, which dealt with defences in criminal law generally, made it difficult to apply the relevant

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recommendations to a Bill dealing only with the dwelling and not dealing with general law on defences. To adopt a greater part of the recommendations of the Law Reform Commission would have required changing the entire law on defences. I do not propose to address such general issues in a Bill which deals specifically with the application of defence in the context of the home dwelling.

I will now outline the main provisions of the Bill. Section 1 is the standard provision containing the definitions of terms used in the Bill. I draw the attention of Members to two particular definitions which are at the heart of the Bill, the first of which is curtilage. The Bill deals with defences which are applied in both the dwelling itself and on the curtilage of the dwelling. Article 40.5 of the Constitution states: “The dwelling of every person is inviolable and shall not be forcibly entered save in accordance with law.”

Section 1(2) provides that every reference to the dwelling in the Bill includes a reference to the curtilage of the dwelling which is defined in the Bill as follows: “curtilage in relation to the dwelling means an area immediately surrounding or adjacent to the dwelling and which is used in conjunction with the dwelling, other than any part of that area which is a public place.” Careful consideration was given by my Department and by the Office of the Attorney General to the drafting of this definition. I am advised by the Attorney General that the definition as drafted is appropriate.

It is important to provide this definition as it goes to the heart of the Bill first, because the curtilage and the dwelling are one and the same in this Bill and the dwelling does have specific constitutional protection. Second, in light of the fact that the Bill provides, in subsection (1), that it shall not be an offence for a person who is in his or her dwelling or a person who is a lawful occupant, to use force against another person in the particular circumstances outlined in this section.

The definition of dwelling contained in the Bill is a comprehensive one. For the purposes of the Bill, “dwelling” includes:

- (a) a building or structure (whether temporary or not) which is constructed and adapted for use as a dwelling and is so used
- (b) a vehicle or vessel (whether mobile or not) which is constructed or adapted for use as a dwelling and is being so used,
- (c) a part of a dwelling;

The kernel of this Bill therefore, is the appropriate use of force by an occupier against an intruder entering the dwelling, which includes the curtilage, with criminal intent. These provisions are set out in section 2. The essential component for the use of force, as set out in that section, is that the occupier must believe that the intruder has entered the dwelling to commit a criminal act and the force used against the intruder must only be such as is reasonable in the circumstances the occupier believes them to be, in order to protect himself or herself or others or property. It will be a matter for a court or a jury to decide whether the occupier’s grounds for belief with regard to the amount of force used, was honestly held.

It is important to note, however, with regard to the grounds for belief the occupier may have, that section 2(4) provides the following:

It is immaterial whether a belief is justified or not if it is honestly held but in considering whether the person using the force honestly held the belief, the court or jury, as the case

may be, shall have regard to the presence or absence of reasonable grounds for so believing and all other relevant circumstances.

Subsection (5) further provides that: “It is immaterial whether the person using the force had a safe and practicable opportunity to retreat from the dwelling before using the force concerned.”

The absence of any requirement to retreat is a new and important feature of the Bill which I will discuss later. Section 2(2) makes it clear that the use of force is not permissible against a member of An Garda Síochána or a person assisting a member acting in the course of his or her duty or against a person lawfully performing a function authorised by or under any other enactment.

Section 2(7) provides that the use of force shall not exclude the use of force causing death. This provision is an acknowledgement that a fatality could occur arising from the use of force by an occupier against an intruder as provided for in this section of the Bill. The provision is not intended to be an encouragement to use force which will result in death.

The test of reasonableness as set out in section 2(1)(b) applies in all cases. If an intruder to the dwelling who is intending to commit a crime is killed by the occupier, it remains a matter for a court and a jury to decide whether the force used against the deceased person was reasonable.

The occupier will obviously have a judgment call to make when using force against an intruder as to the level of force required. Such an event, in most cases, is likely to occur in a situation of great tension and anxiety. The force that may be used is such as is reasonable in the circumstances the occupier believes them to be at the time of the attack. This will be the case whether the force results in the death of the intruder or not.

Section 2(8) provides that within the meaning of this Bill an act is criminal notwithstanding the fact that it may be one which, if the person was charged in respect of it, he or she would be acquitted on the grounds that he or she acted under duress; that his or her act was involuntary; that he or she was in a state of intoxication; that he or she was insane so as not to be responsible according to the law for the act; or that he or she was a person to whom section 52(1) of the Children Act 2001 applied. The justifiable use of force provisions apply even if it turned out that one or more of the conditions above obtained in regard to the intruder.

Section 2(10) defines the term “intoxication” for the purposes of this section as meaning being under the intoxicating influence of any alcoholic drink, drug, solvent or any other substance or combination of substances. Section 2(10) also defines “property” for the purposes of the section, which includes property of a tangible nature, whether real or personal, including money. Section 2(11) provides, for the avoidance of doubt, that a reference in this section to property includes a reference to a dwelling.

Section 3 provides that nothing in the Bill shall operate to require a person to retreat from his or her dwelling or require a lawful occupant in a dwelling to retreat from the dwelling. An occupier should never have to flee his or her home in the face of an intruder entering with the

intention of committing a criminal act. People should have the right to stand their ground in their own homes. The provision in section 3 also reflects a point made

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by the Court of Criminal Appeal in the Barnes case to which I referred. In that judgment, Mr. Justice Hardiman said it was inconsistent with the constitutional inviolability of the dwelling that a householder could be under a legal obligation to flee in the context of a burglary. Section 20(4) of the Non-Fatal Offences Against the Person Act 1997 provides that the fact that a person had an opportunity to retreat before using force shall be taken into account, in conjunction with any other relevant evidence, in determining whether the use of force was reasonable. In this Bill I have decided not to include a similar provision for the reasons I have outlined. In its 2009 report on defences in the criminal law, the Law Reform

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Commission recommended that a defender should not be required to retreat from an attack in their dwelling even if he or she could do so with complete safety. By omitting such a provision, we are making an important point with regard to the rights of an occupier faced with an intruder in their home.

Section 4 of the Bill states that nothing shall operate to prejudice any defence recognised by law as a defence to a criminal charge. Section 5 deals with civil liability and provides that a person who uses force as permitted by section 2 — justifiable use of force in the circumstances referred to in that section — shall not be liable in tort in respect of any injury, loss or damage arising from the use of such force.

The Occupiers Liability Act 1995 provides that an occupier owes a duty to a trespasser not to injure the person or damage the property of a person intentionally. Under section 4(3) of that Act, where a person enters a premises for the purpose of committing an offence, the occupier is not liable for a breach of duty under section 4(1)(b) unless a court determines otherwise. There are also provisions in that Act for the occupier to use proportionate force in his or her self-defence. My purpose in making this provision in section 5 is to ensure that persons who use justifiable force, in the circumstances we are dealing with in this Bill, will not be liable for civil actions by or on behalf of the intruder who has entered the dwelling intending to commit a criminal act.

I have been advised by the Office of the Attorney General that the proposed provision in section 5 of this Bill will ensure that no liability will arise for the occupier who uses force against an intruder with criminal intent. Section 6 of the Bill amends section 18 of the Non-Fatal Offences Against the Person Act 1997. The reference in section 18(3)(a) of the 1997 Act to a person under seven years of age requires amendment so that it now refers to section 52(1) of the Children Act 2001, which deals with the age of criminal responsibility. The new provision has been redrafted to reflect the fact that a child under the specified age cannot be charged with an offence.

Section 7 is a standard provision concerning any expenses incurred by the Minister in the administration of the Act if passed by the Oireachtas. It provides that expenses sanctioned by the Minister for Finance will be paid out of moneys provided by the Oireachtas. Section 8 is a standard provision setting out the Short Title and when the provisions will come into operation. Section 8(2) sets out the commencement provisions. This is a standard provision and, although it is the intention to commence the statute at the same time, the provision allows for maximum flexibility.

While this Bill is relatively short, it is an important Bill and deals with an issue of concern to us all who own dwellings. The protection of the home dwelling and the safety of those within it is a matter of paramount importance. The intention behind this Bill is to ensure clarity with regard to the rights of householders and other lawful occupants. In this jurisdiction we already have relatively severe penalties for burglary. For example, a person found guilty on indictment of aggravated burglary is liable to a fine and to a sentence of up to life imprisonment.

For the first time, this Bill defines the curtilage of the dwelling along with the dwelling itself in the context of the use of force against criminal intruders. The Bill ensures that people are aware they may stand their ground in the face of an attack in the home dwelling. The Bill ensures there will be no exposure to civil liability if an intruder is injured as a result of force being used against him or her by the occupier. The Bill acknowledges that the use of force in the circumstances envisaged in the Bill may result in the death of an intruder.

It is essential that people are fully aware of the law in this area. The Bill provides that clarity and introduces some new elements to the existing legislation relating to the defence of persons

and their property. I look forward to hearing the views of Members on its contents and I have no hesitation in commending the Bill to the House.

Deputy Alan Shatter: I welcome the fact that the Criminal Law (Defence and the Dwelling) Bill is before the House. The Bill is the Government's very belated effort to provide protection to people confronted by attackers in their homes. Fine Gael advocated reform of the law in this area over four years ago, publishing a Private Members' Bill in 2006. The Government repeatedly and cynically voted down Fine Gael's efforts to change the law in 2006 and again in 2009. The initial Bills were published by Deputy Michael Ring in 2006 and by Deputy Charles Flanagan in 2009.

The Government sent the issue to the Law Reform Commission for the commission to report and that report was published in 2009. While welcoming the Bill, Fine Gael is critical of the fact that the Government delayed its publication and delayed changing the law in this area. If the Government had a more constructive view of the legislative role Members on the Opposition should be allowed to play in this House, legislation in this area could have been enacted in late 2006 or early 2007. Any amendments to the Bill presented by Deputy Michael Ring could have been incorporated into it on Committee Stage after passing this House on Second Stage. The same applies to the Bill presented by Deputy Charles Flanagan.

I agree with the Minister's point that people should feel safe in their homes. No person should feel under any obligation to retreat in his or her home or from lawful occupation of it when confronted by an intruder. It is of substantial importance that the law in this area is set out clearly in an Act of Parliament so that people know exactly their position if they are confronted with the nightmare of a burglar or someone who is uninvited intruding into their home and who clearly poses a threat to the person, their family and their property.

Statistics in respect of the offence of burglary and related offences are interesting and show what is happening under the watch of this Minister. In the context of the published statistics that are available, in 2007 there were 23,603 recorded burglaries and related offences. By 2009 that had increased to 26,877, an increase of in excess of 3,000. In the case of burglaries, but not aggravated, as they are described in the statistical report, in 2007 there were 23,052, in 2009 there were 26,079. Again, an increase of in or about 3,000. In 2007 there were 2,171 robbery, extortion, and hijacking offences. In 2009 there were 2,487. In 2007 there were 814 cases of robbery of an establishment or institution. In 2009 there were 1,030.

On this Minister's watch there has been a substantial increase in offences of burglary, robbery and related crimes. The number of robberies and burglaries carried out in Ireland rose by a third in the second quarter of 2010 according to data from the Central Statistics Office. Robbery, extortion and hijacking offences rose by 33.9%, from 575 to 770. There are 1,659 recorded offences of robberies against individuals during that period, a rise of 37.4% compared to the same quarter in 2009. The quarterly figures for robbery, extortion and hijacking offences rose by 24.3%, from 676 in the first quarter of 2009 to 840 in the first quarter of 2010.

The reality is that under the watch of this Minister, despite a great deal being made of the action he has taken to tackle the problems of crime, people are less safe in their homes today than they were when he took office. Only today the *Irish Examiner*, addressing the issue of drugs and drug gangs, reported on a conference that took place yesterday indicates that this country is experiencing a gangland and drugs crisis with entire communities facing intimidation on a regular basis. The report was on the proceedings of a major conference that was held yesterday.

Many of the burglaries that occur are drug-related. Desperate people, drug addicted, on too many occasions out of their heads on drugs, enter the homes of individuals burglarise them

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and terrorise families, placing individual lives at risk and engage in conduct that leaves a lasting scar on the lives of those who find themselves victims in these circumstances.

It is right that this legislation is before the House and that we set out very clearly that people are not under any legal obligation to retreat when they find an intruder in their home. Quite correctly the Minister made reference to the judgment of Mr. Justice Hardiman in the case referring to the constitutional provision about the inviolability of the home in which he made it clear that whatever about the perception in some legal quarters, if one's home is burglarised or one finds an intruder, one is not under any obligation to retreat.

The provisions in the Bill address issues both with regard to an intruder who enters a property where a person feels a need to protect himself or herself and also the position with regard to property itself being stolen. I refer to section 2, which is a section of particular importance. The Minister has detailed its provisions in his speech. It provides a mixture of an objective and subjective test in determining whether the use of force is justified by an individual in their home confronted by an intruder.

Section 2(1)(a) deals with what I would describe as the subjective test. It says it is not an offence for a person, "who is in his or her dwelling, or for a person who is a lawful occupant in a dwelling, to use force against another person or the property of another person where..he or she believes the other person has entered or is entering the dwelling as a trespasser for the purpose of committing a criminal act." The provision is based on the assumption that a person must believe someone has entered their property as a trespasser for the purpose of committing a criminal act and then the force used under section 2(1)(b) can only be such as is reasonable in the circumstances as he or she believes them to be. That is very much the subjective test. One must believe that someone has entered one's home to commit a criminal act and in the circumstances, as one believes them to be, the force one uses must be reasonable. That essentially is a personal perception. It is quite possible that someone could enter my home and I could believe I am under some sort of a threat that I am not in fact under and use a certain level of force and I could not be prosecuted for using that level of force if I had a genuine subjective belief as to the position.

Section 2(4) which deals with the objective part of it states: "It is immaterial whether a belief is justified or not if it is honestly held." One must have a belief as to the circumstances, that they justify force, and one must obviously hold that belief. If that is challenged in court proceedings the objective test which is prescribed by section 2(4) allows a jury or judge to consider whether the person using the force had "regard to the presence or absence of reasonable grounds for the person so believing." The mixture of the subjective and objective gives rise to a complex piece of legislation. The mere fact that an individual believes that the force he used in the circumstances is appropriate does not necessarily mean that that belief will be accepted if the background circumstances are such in which it was concluded that one did not have reasonable grounds for that belief.

The mixture involved in the test is designed to ensure that the force used is reasonable and is not disproportionate. That will leave a certain lack of clarity in the legal position but I am not sure that there is a different way of dealing with it. I am not being critical in any way of the Minister for the approach now taken in the Bill, as prescribed. It cannot be that one can use any type of force simply because one swears one believes something to be a position in circumstances in which no reasonable individual could possibly have had that belief. For example, if a young child climbs over a garden wall to rob an apple from an orchard and I decide to take out my shotgun because I think the eight or nine year old poses a threat to my life and I shoot the young child it is clear that is not something that could possibly be defended

under the Bill. No judge or jury could regard one as having reasonable grounds for such an approach.

The question that I wish to raise with the Minister — it is something he might respond to in replying, laying emphasis on my view and the view of the Fine Gael Party that people must feel safe in their homes and that they must be able to use reasonable and appropriate force to protect their person and property, is the extent to which the Bill has been assessed by him, his office and the Office of the Attorney General by application of Article 2 of the European Convention on Human Rights and the right to life provision therein which, as I understand it based on case law, is that when one is acting in a self-defence role the actions one takes must be proportionate. I want the Minister to address that issue because there are varied views on it.

The Minister, instead of accepting the second Bill proposed by Deputy Charles Flanagan, said he was awaiting the report from the Law Reform Commission. In the 2009 report, the LRC referred to the English lawyer and scholar, Professor Ashworth, who queried if English law on the use of lawful force complies with Article 2, the right to life provision of the European Convention on Human Rights. His questioning was prompted by the English legal test of reasonableness, or whether it is reasonable and necessary, rather than absolutely necessary and strictly proportionate, as adopted by Article 2 of the EU Convention on Human Rights, being the test prescribed to allow for the loss of life when someone engages in an act of self defence.

The Law Reform Commission decided the test of reasonableness is too “vague and unstructured” in paragraph 2.25 on page 31 of its report. It recommended that “substantive requirements traditionally embedded in the defence” should form part of any new law on legitimate defence in an effort to achieve certainty. These requirements, as minimum thresholds, were described as “imminence, necessity and proportionality”. According to the commission, “Placing these requirements on specific statutory footing will help guide the courts and, ultimately, juries; it is the opinion of the commission that juries should be provided with direction with regard to these elements rather than simply being asked to base their decision on a test of reasonableness.” Those quotations come from the Law Reform Commission report on defence and criminal law, 2009, paragraph 2.26, page 31.

I would like the Minister to address further why he has not adopted that approach as prescribed by the Law Reform Commission and has not prescribed a specific test of proportionality. It is important that issue be addressed by him.

This Bill is an important measure that will let people know where they stand when their privacy is violated, when intruders are discovered in their home and when individuals and families experience terrifying events through no fault of their own when others decide they will burglarise their homes and assault the occupants. There have been far too many incidents in this State in isolated homes in rural areas. Families have been terrorised by thugs and gangs of young people who have not only set out to burglarise homes in general, but have particularly targeted retired people and subjected them to acts of barbarity and viciousness that are completely unacceptable anywhere and which must be stopped. There are many individuals who are not capable of defending themselves. The elderly cannot defend themselves when their homes are burglarised and even the able-bodied cannot when confronted by individuals with guns, knives, bars or other weapons or when they are confronted by people high on drugs. While people should not ever be obliged to retreat from their own homes, there are occasions when, for their own safety, if they discover intruders in their homes, they should be cautious as to how to deal with them.

It is important that the message goes from this House that while in principle, this legislation is welcome, Fine Gael supports the position that an individual confronted by an intruder in his home should not for defending themselves or their family ever find themselves either a defend-

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ant in a criminal trial nor a litigant defendant in a civil action in which a burglar tries to secure damages from them. Nevertheless, there are many circumstances in which it is very unwise to confront an intruder in the home. The message should not be sent out of this House that we are encouraging ordinary citizens to take on violent individuals some of whom are sometimes completely out of control on drugs because on occasion taking them on can result in greater tragedy than finding a way to avoid a confrontation.

There are circumstances where someone might have no choice but to engage in confrontation and if he does not do so, his life or the life of a member of his family may be placed at risk but there is an issue of public perception surrounding the Bill and we must be careful about that. The body to which we look to protect the public, to preserve law and order in this State and to prevent and detect crime is the Garda Síochána. If someone's house is invaded it is essential, if it is possible for the occupants to do so, to make an emergency call to seek assistance from the Garda Síochána. The Garda must have the resources, be those patrol cars or communications systems or manpower, to respond when families make an emergency call and state that they are under threat because there is someone in the grounds of their home, or to use the old fashioned word from the Bill, on the curtilage of the home, or someone has been found to be within their home. When the Minister responds, he should address that issue.

This should not be seen to be a Bill that encourages people to take on intruders; people should not be encouraged to put themselves in harm's way when it is unwise. Fine Gael and, in fairness, the Minister wish to tackle the difficulty of those in harm's way being criticised for defending themselves in appropriate circumstances. The Bill not only allows people to defend themselves to protect themselves from injury, assault, detention or death caused by a criminal act, it also expressly states that individuals can protect their property or the property of another person from appropriation, destruction or damage caused by a criminal act. The Bill acknowledges that on occasion people defending themselves as allowed under its provisions, using appropriate force, may in that defence cause a loss of life.

Coming back to the principle that people are entitled to feel safe in their home, to feel privacy in their home and not to have a fear of intruders, people are entitled to protect themselves and their family from attack, there is concern outside the House that the Bill facilitates the killing of burglars for taking property. That is an issue the Minister must address. People should be able to defend themselves, their home and their property, but there is a difference between defending oneself and one's family against attack and killing someone because he or she is going to steal the lawnmower. This State does not have capital punishment. Killing someone for taking property when an individual's safety or the safety of his or her family is not under threat and where there is no genuine risk or concern of assault, detention or injury to anyone, is an issue that requires further teasing out.

I gave the lawnmower example deliberately because the Bill is not only concerned with an intruder entering within the bricks and mortar of a home, but with an intruder being within the curtilage of a home. The curtilage of one's home is one's front garden and back garden. Interestingly, the Bill does not fully define what is meant by "curtilage". While there is a definition, it does not provide for a particular acreage. I am open to correction, but my recollection is the Family Home Protection Act 1976 describes the curtilage as a maximum of one acre around the home. In this Bill, the curtilage is defined as "an area immediately surrounding or adjacent to the dwelling which is used in conjunction with the dwelling". How many acres could that include?

It is very important that we get the Bill right. If a young child climbs over a wall to steal an apple from an orchard, he or she is stealing property. If a passerby picks up someone's garden

shears which that person has left in the front garden, he or she is stealing property. No matter how we may condemn the individual stealing the shears and tell the child he or she should not steal the apple, we cannot have occupants of homes trying to shoot individuals in those circumstances.

It is also important that we protect the treaties to which we are parties and our position with regard to them in international law. Will the Minister outline to what extent the provision in the Bill relating to theft and property, as contained in section 2(1)(b)(ii), has been tested against Article 2 of the United Nations convention on human rights? It is reasonable to expect the Minister to address the issue and put it on the record of the House. It is important that he do so.

It is desirable that any individual who burglarises a house or intrudes on others within their homes and threatens their safety, their lives or assaults them, be arrested and sentenced and that the proper provisions of our law are applied. It is important that appropriate sanctions be applied to individuals who commit crimes. As the Bill deals with criminal law, I will refer to an announcement by the Minister, as reported in newspapers a couple of days ago. He suggested that some form of legislation might be introduced urgently to provide for community service for individuals who, having been convicted of minor offences, could possibly be sentenced to terms of imprisonment of six months or less. Presumably, this would largely apply to the District Court. When replying, will the Minister tease out his suggestion further?

I am conscious that the majority of those serving prison sentences are sentenced to terms of one year or less. In 2009, the number of individuals sentenced to terms of imprisonment of one year or less was 9,150, according to the Prison Service's annual report. Some 5,750 of those convictions were for three months or less. A difficulty in the prison system, as is well documented, is the number of prisoners serving short sentences of one year or less who re-offend within a year or two and go back to prison. One of the burdens which this country has is that each prisoner serving a sentence costs an average of €77,220 per annum according to the Prison Service's figures. It works out at just short of €1,500 per week.

I agree with the Minister in so far as he seems to be developing a policy in this regard. A number of individuals who are given short-term prison sentences at substantial expense to the taxpayer are not prevented by their terms of imprisonment from re-offending but simply emerge from the prison system as better graduates and perhaps more proficient offenders. A number of these people could repay the community more effectively by doing community service. If we make better use of the community service system, they might not re-offend. What is the Minister's exact plan in this regard?

I will conclude, as I am conscious that I only have approximately 20 seconds left. Fine Gael supports the principle of the Bill. We regret it has taken so long to get to this point after the publication of our Bill on this matter in 2006. In general terms, we welcome the Bill's approach. The issues I have raised are appropriate for this side of the House to raise so that the Minister might address them on the record of the House. After Second Stage, I hope the Bill can proceed to Committee Stage rapidly. I also hope that, when the Minister concludes, he will give us some indication as to how quickly that can occur. There is no particular reason for this Bill not to be enacted and become law before the end of November.

Deputy Pat Rabbitte: This is a slight Bill that purports to clarify the law in circumstances where a householder finds himself or herself confronted at home by an intruder with apparent criminal intent. In particular, it addresses the issues surrounding the use of force in circumstances where the intruder is injured fatally or non-fatally.

Unfortunately and as has been stated, many people are apprehensive about being attacked in their homes. The extent of drug abuse in so many communities has fuelled this fear, leading,

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as it does, to burglaries when the intruder is under the influence of mind-altering substances. Whether this malaise can be addressed by more criminal law is doubtful. Whether this particular Bill improves on the existing law is extremely doubtful.

This is the first time that Dáil Éireann has been asked to approve a law that positively refers to the intentional killing of another citizen. As the law stands, lethal force is already a permissible possible outcome in cases of self-defence. The Minister will need to answer concerns summarised by the Oireachtas Library Service Digest as: “the wholly subjective test as to the occupier’s belief will potentially allow for the infliction of deadly force on the basis of paranoia, fear or anxiety rather than objective concerns over physical threats to the individual, rather than just to property.”

The public controversy surrounding certain terrible incidents that have happened in isolated rural communities has prompted this Bill. There have been some appalling atrocities in rural Ireland where elderly defenceless people have been the subjects of shocking physical attacks. In my native county and other western counties, for example, some acts of unimaginable cruelty have been inflicted on senior citizens usually, but not always, living alone. It is difficult for some urban dwellers to comprehend the effect of such bestial attacks on persons who live alone and are vulnerable to such attacks. I have no doubt that many decent, law-abiding senior citizens living in isolated parts live in nightly terror of being the victims of such aggravated assaults.

The Joint Committee on Justice, Defence and Women’s Rights had an opportunity to take submissions on this issue from a number of organisations such as Rural Link which set out most graphically the fear present in the countryside. People such as elderly farmers living alone literally live in fear for their lives as a result of the spates of attacks that take off from time to time. There have been some terrible examples. If all the Members of this House thought we could correct that malaise by having more criminal law we would be more than willing to enact it but is that how we are going to combat this phenomenon, which is relatively new in rural Ireland? It is not many years since one could leave the door off the latch in rural Ireland and the question of personal safety never arose. However, those days are gone and the question arises now. It is a challenge for wider society and needs more considered strategies in terms of encouraging or reassuring those people they can be more safe in their homes. It is a more difficult, complex and complicated question than additional criminal law alone will solve.

I do not wish to give the impression that although the Bill was undoubtedly prompted by what has happened in rural Ireland in some celebrated cases such things are unknown in urban Ireland. That is not the case. Last week in committee I gave the Minister the example of a meeting in Fettercairn in Tallaght in my constituency that I attended along with colleagues in the House at which the joint policing committee held a forum. It was very well attended by the local community, the chief superintendent, the superintendent, senior community gardaí and senior officials of the county council. It was a night for us legislators to hang our heads in shame because of the litany of abuse suffered by law-abiding decent citizens trying to rear their families and make a living. We heard their cry of pain about the manner in which they have been neglected and how policing has fallen down and become ineffective. There are terrible instances of racial and other attacks and regular spates of burglaries and people are genuinely living in fear in their homes This is especially the case where such people are vulnerable or living alone, or are women living alone or housed emigrants.

The resources available for community policing are entirely inadequate. None the less community policing seems to have been a tremendous success. Everywhere I go I hear the role of community gardaí praised. However, the resources are not there and in the times that are in it

I do not see this Government, or, to be honest, any Government that will replace it, making more resources available. This calls for a redirection of resources within the Garda Síochána to community policing. It is a very worrying situation when a community loses faith in the Garda Síochána. I do not know whether the Minister received a report on that meeting but I am sure one went up the line in the Garda. A great number of decent residents got up to explain their personal circumstances, in which they feel persecuted in their homes or are afraid to go out at night, and how the increasing number of break-ins is a great worry.

I mentioned the influence drug abuse has on this phenomenon. When I talk about strategies other than additional criminal law I have in mind such measures as action to reduce demand for drugs. The Garda in my constituency, which I doubt is different from the Minister's constituency, will be able to point to the fall in the number of burglaries where a community drugs treatment centre is doing its job as it ought. When young fellows, who, for whatever complex reason, have fallen into the drug abuse way of life are put on a methadone or stabilisation programme the number of burglaries immediately and identifiably falls. It is an argument for strengthening capacity to reduce demand for drugs and ensuring the resources are in place. There is panic among local drugs taskforces about further paring back of the resources available to them because they are overstretched already. Notwithstanding their success the problem has become worse and is endemic in some communities. For example, I attended a meeting last week in St. Andrew's Resource Centre in Pearse Street. It had nothing to do with my constituency but a number of organisations came together to deal with problems such as intimidation of people working at the coal face on the drugs issue. They, too, live in some trepidation concerning resources and the forthcoming budget. They operate on a shoestring as it is but do so to considerable effect. For example, the Minister for Community, Equality and Gaeltacht Affairs, Deputy Pat Carey, appears to have signalled that the moneys available — which were paltry — to the informal sector in terms of education and prevention among young people will now be pared back and brought into the formal sector, namely, the school system. We have been down the road on this before and we know that it did not work. I was the Minister of State at the time who established the national drug strategy and the local drugs taskforces. The reason I was given the job was the Departments of line Ministers were involved in turf wars as to whether it was the responsibility of the then Departments of Health, Justice, the Environment, the probation service, the local authority or whoever.

The basis of the national drugs strategy was a partnership between the community and the statutory agencies. The community and its voluntary allegiance to the objectives is central. If the Minister pulls back the moneys again going into the statutory agencies, and he loses that community intent, then there will be a worsening of the drugs situation, especially in urban Ireland.

At the moment the law provides that a householder is entitled to defend his or her home. However, under the existing law if he or she uses force to defend himself or herself, the family or the home, the force used must be proportionate. The householder cannot lawfully kill the intruder, merely on the basis that he or she is a burglar.

As has been referred to, the Court of Criminal Appeal held in the case of the DPP v. Barnes that under Article 40.3.1° and Article 40.3.2° of the Constitution a person cannot lawfully lose his life simply because he trespasses in the dwelling house of another with intent to steal. The common law rule is that a person in his dwelling house can never, in law, be under an obligation to leave it, to retreat from it or to abandon it to the burglar or other aggressor.

The Minister spent a great deal of time drawing our attention to section 3, where he is enshrining in statute and making plain that a householder is not required to retreat. Section 3, he says in his script, provides that nothing in the Bill shall operate to require a person to retreat

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from his or her dwelling, or require a lawful occupant in a dwelling to retreat. I am sure there is an explanation but he will have to explain to me how that differs from the present situation. The courts have clearly held that there is no obligation to retreat. As Mr. Justice Hardiman has said, there are occasions when it may be wise to retreat but there is no legal obligation on the home owner or occupier to retreat. That is the danger of the perception that Deputy Shatter spoke about, and people know that. The danger now is people will get the impression that it is permissible to use legal force in circumstances where they believe their property, their family or themselves are at risk. However, the court has clearly pointed out that there may be many situations where the householder would be well advised to flee but he or she can never be under a legal obligation to do so.

The Non-Fatal Offences Against the Person Act 1997 states that in all cases of self-defence, the opportunity to retreat shall be taken into account in determining whether force was reasonable or not. However, no lawyer I know believes, and no court has held that there is a duty on the householder to retreat. The Bill seeks to clarify the law relating to self-defence in the context of the dwelling and the justifiable use of force. It states that force against a trespasser will be lawful when the householder or occupier honestly believes that the trespasser is on the property to commit a crime, and the force is necessary to protect the occupier, another person or property.

This force can include, depending on the circumstances, lethal force. Section 2(7) states: "The use of force shall not exclude the use of force causing death." It is my understanding, given the matters I have indicated being taken into account, that the use of force never excluded the use of lethal force. I do not see where the test in this Bill for assessing the justifiable use of force differs from the test required by the 1997 Act. Again, I refer to the digest prepared for us by the Oireachtas Library, which states, "In respect of the assessment of the reasonable use of force, the Bill clarifies the existing law but it does not substantively amend it". Therefore, whereas section 2(7) does not exclude the use of lethal force, it is not at all clear from section 2(1) whether lethal force may be used to protect property

Various court judgments have established a hierarchy of values where the protection of human life ranks higher than the protection of property. This Bill may cause more difficulty for the courts that it clarifies by purporting to address certain issues but then dodging them.

If it has been the law since time immemorial that one can rely on self-defence even if one's attacker is fatally wounded, what does this Bill add to the law? I do not know of any legislation on this side of the Atlantic where this House has ever been asked before to expressly set out in legislation the right to kill another human being. Up to now the courts seem to have been able to apply the law without offending the reasonable sensibilities of most people. Deputy Shatter pleaded that the Minister would promulgate very clearly that this is not the intention in this case. Moving from Deputy Shatter to another object of the Minister's affection, the Irish Council for Civil Liberties, it deals with this question as regards the defence of property. I only received this as I walked into the Chamber, so I am not sure whether the Minister has seen it.

Deputy Dermot Ahern: Is it something about "thin ice"?

Deputy Pat Rabbitte: No, it is simply drawing the Minister's attention to the Law Reform Commission paper and expressly saying that he ought on Committee Stage to remove the defence of property as a legitimate reason for the use of fatal force. I believe this is something he ought to consider. It is one thing, *in extremis*, to defend one's family or oneself. However, it is a different matter to risk fatality either to oneself or an intruder in defence of property. The Minister ought to be prepared to look at that.

I am not clear that the Bill improves on or adds to the provisions of the 1997 Act relating to the use of force by an individual that is reasonable in the circumstances. Section 2(4) may purport to clarify these provisions but I am unclear as to whether that constitutes any substantive change in the law.

It is really for clarification only. Are these clarificatory gains worthwhile? I hope they are, but it would be wrong to give the impression that we have somehow significantly amended the law when we have not done so. The Bills Digest summarises the impact of these clarifications, which it states are not an amendment of the existing law. It states that the Bill
5 o'clock makes certain there is no obligation to retreat from the dwelling and, in this respect, ends the confusion created by section 20 of the Non-Fatal Offences against the Person Act 1997. It gives greater guidance on what constitutes the dwelling, which we all welcome; it removes the defence of the dwelling from the ambit of the 1997 Act; and it updates the 1997 Act to take account of section 52(1) of the Children Act 2001, which contains a general commitment not to charge or prosecute children under the age of 12. I note what the Minister said in his speech about this. Of course, there are exceptions in the case of serious offences. The Bill also provides that justifiable force used in defence of the dwelling will not lead to a home owner being sued.

The issue raised here, which I hope the Minister will address and which we will have an opportunity to discuss on Committee Stage, is whether these clarificatory gains are a counterweight to the fact that we are now relying on a wholly subjective test of the occupier's belief, which will potentially allow for the infliction of deadly force on the basis of paranoia, fear, apprehension or anxiety rather than objective concerns over physical threats to the individual, as opposed to property. I note that the Bill does not adopt the four suggested factors of the Law Reform Commission — threshold, eminence, necessity and proportionality — in assessing reasonableness, and therefore the emphasis on the judge or jury's belief in the credibility of the individual rather than the physical factors surrounding the incident will be crucial.

The Bill is a very slight measure. I have listened to claims that it is a very important Bill, but is very slight. It does not change or amend the law; it merely makes certain clarifications. The issue it purports to address is a real one — that is, the right of all citizens to peaceful enjoyment of their homes — but the perception difficulty to which this Bill will give rise is worrying, and this will be the main focus of our attention on Committee Stage.

Deputy Brendan Kenneally: I welcome this Bill, as will most people around the country, because it will tidy up once and for all a legal situation that most people would consider unjust. It will also define for both householder and intruder where they stand in the event that their paths cross.

I believe in the concept that a man's home is his castle. This tenet may have originated in England but now extends across the world to countries that hold that a person has a right to defend his or her family home, members and property in all reasonable circumstances. I hold this to be sacrosanct, and have been dismayed on occasions when I read of severe penalties being imposed on people who — on the face of it at least — were defending their homes, families and property from being seriously intruded upon by people with robbery or worse on their minds.

I am especially pleased to see this legislative proposal come before us because the position is not clearly defined not only in this country, but in many countries across the world as well as several US states. Everybody refers to the castle doctrine but in many cases the entire interpretation is left to the police, the prosecution service and, ultimately, the courts. Now we

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will have as clear a definition of what is allowable as exists in any jurisdiction, and people will know their limitations in protecting their families and property. After the Joint Committee on Justice, Defence and Women's Rights held hearings on this subject and teased it out in some detail, the outcome was communicated to the Law Reform Commission.

This is a considered piece of legislation dealing with a subject which troubles many people, particularly those living alone, and will define clearly what is allowed and what is not. If a person or his family are truly at risk, will that person stop to consider whether he has the right to strike a blow, fire a shot or push someone out a window? The instinct for survival is paramount, but we must reassure people, in the uncharged atmosphere of this debate, that they finally have the legal right to defend themselves, their families and their properties with all reasonable force at their disposal if they consider it necessary at the time.

In recent times there have been several high-profile cases involving intruders and defenders which have been as emotive as they have been tragic, and the publicity surrounding them has prompted debate and division, producing scenarios which should not be legally unclear. Neither, it should be said, should they be used to justify an extreme position on either side. I refer in particular to the case of Padraig Nally, who was convicted of the manslaughter of an intruder, although the conviction was subsequently overturned. This case was the subject of widespread debate at the time, and there is no doubt that the sympathies of the vast majority of the contributing population were on his side.

There are difficulties at present in this regard, particularly in rural Ireland. Deputy Rabbitte referred in his comments to the submissions we received in the Joint Committee on Justice, Defence and Women's Rights about what is happening in rural areas and the fact that so many people are living frightened lives. There are people roaming the countryside daily in every rural county seeking vulnerable people, mostly those who are living alone. If these people are challenged they will pretend they are looking for directions or something similar. That in itself is frightening for people who do not expect such people to call, and they have a reasonable assumption that these people have an ulterior motive. This must be taken into consideration when evaluating the actions of a house owner. There are other people in rural areas who call at houses for legitimate purposes; those people have nothing to fear. However, there are grave problems in this regard, and the law has perhaps not been strong enough in protecting these people. That is what we are striving to achieve.

What we are debating here is the right or otherwise of a householder or occupier to defend his or her home and the definition of the level of violence that can be used against an intruder. I hold little sympathy for a person who is injured or even loses his life in the commission of a crime against an individual or his property, provided only reasonable methods have been used in the defence of the occupiers or the property. This is not to equate property with people. Let us envisage a situation in which a home is about to be burned, with the occupants either inside or outside. I have no difficulty in supporting the property holder in defending his property, whether he be in his home, his business, his garage or his garden shed. I see it as lawful to resist such an attempt to destroy property, provided a reasonable and sufficient level of resistance is used. Each case will vary, but a homeowners or occupiers have a right to feel safe within their dwelling and have a right to defend their family and companions with whatever reasonable means are at their disposal.

It is interesting to see that just last week, the state of Pennsylvania grappled with this problem, but they had no difficulty in extending what they describe as the "castle doctrine" by giving homeowners more latitude in using deadly force to protect themselves and their property. Their measure passed in the state Senate on a vote of 45 to four, so there was very little room for

doubt in that state. The measure received across the board support from both sides of Parliament and I suspect that there will be little in the line of opposition to the proposal before this House either, if Deputies are truly to be honest.

Pennsylvania's new Bill proposed allowing homeowners the use of a firearm or other weapon to defend themselves on the porch, lawn or garage of their homes, as well as in the house itself. It is interesting to note that we have confined the provisions of our Bill solely to the dwelling and curtilage, while Pennsylvania included the occupancy of a vehicle as well. The Bill in Pennsylvania defined the right as follows:

Persons residing in or visiting Pennsylvania have a right to expect to remain unmolested within their homes and vehicles. No person should be required to surrender his or her personal safety to a criminal, nor should a person be required to needlessly retreat in the face of intrusion or attack outside the person's home or vehicle. The use of deadly force is not justifiable under this section unless the actor believes that such force is necessary to protect himself against death, serious bodily injury, kidnapping or sexual intercourse compelled by force or threat; nor is it justifiable if the actor, with the intent of causing death or serious bodily injury, provoked the use of force against himself in the same encounter.

I consider all of that to be perfectly reasonable and principles to which we should aspire.

Let us return to our own country. Just this week, a house under construction was burned down by five individuals wearing balaclavas and the security man threatened and ordered off the property and had his car keys and mobile phone confiscated. If that house were occupied at the time with means of escape cut off, should not the occupier defend himself and his property with all reasonable force? We have had many petrol bombings in recent years for a variety of reasons and it would be foolhardy to deprive the occupant of the house the right to the use of reasonable force to defend himself or herself.

In my own city last year, a man's home was attacked by individuals and he died as a result. There was no actual physical assault, but there is no doubt that the incident caused the unfortunate victim to lose his life. Would he not be justified in using a high degree of force without question to remove the risk to his person? Had he not an equal right to life as enshrined in our Constitution? The penalty for conviction in a case like this should not merely be for burglary or breaking and entering, but related in some close fashion to the death which resulted. Deaths caused in the commission of a crime, or by virtue of the commission of a crime, must be treated with appropriate penalties.

There was widespread public debate in the media at the time and there was no doubt where people stood on the issue. My own feeling is that if a perpetrator gets injured during a break-in or in an assault during the defence of the family home, then, to put it mildly, "tough luck". He was grievously breaking the law and violating the Constitution. A publican in the midlands was attacked in his place of work a couple of years ago, and was assaulted and mutilated to the point where he lost his life. Who could deny that man the right to defend himself with all reasonable force and methods at his disposal up to and including taking life?

The Pennsylvania declaration surely applies and its words go to the very core of our debate. "No person should be required to surrender his or her personal safety to a criminal, nor should a person be required to needlessly retreat in the face of intrusion or attack outside the person's home."

If somebody is trespassing with criminal intent or is in the process of burglary, then there must be the right to defend oneself and one's home with reasonable force. The term "reasonable", like in so many other elements of the law, is the key to all this and must be kept in mind

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when combating the threat of or actual violence. Section 2 of the Bill deals with the question of reasonable force. This does not exclude the use of force causing death. It is important that we now define this clearly, in light of some famous cases which have occurred in the more recent past. As far as I know, this is the first time this principle has actually been enshrined in law and it may well be a precedent for other jurisdictions.

I am also pleased to see that a person who is injured in the commission of a criminal act does not have any legal redress in civil law against the homeowner. This is common sense and is long overdue. It is important that the Bill bans the taking of civil actions against occupiers who protect their dwellings and inflict injuries incidental to that. There was a case in Chicago a few years ago where a young man was being stalked by somebody to the extent that the stalker broke into that man's house. The young man's father — the owner of the house — had no idea what this person was doing or what he was capable of doing. He took out a legally held firearm and he shot the intruder in the arm. That homeowner ended up being sued. Most people do not carry firearms in their homes in this country, because we do not have the same culture as that which exists in the US, but a person here could have a hurley or baseball bat close at hand for such situations. If that person had acted similarly to the person in Chicago, then perhaps he could end up being sued here. Any doubt that exists will be removed by this Bill, which is to be welcomed.

I must query whether being intoxicated by either drink or drugs is being considered as a defence in such cases. I sincerely hope not. The day is long gone when any court should accept the plea that "He had too much to drink, your Honour." I would ask the Minister to clarify this matter definitively. This would be a charter for people to act recklessly, but I do not think this is what the Minister had in mind. Section 2(8) states that "An act is criminal notwithstanding that the person doing the act— (a) if charged with an offence in respect of it, would be acquitted on the ground that. . . (iii) he or she was in a state of intoxication". I asked a solicitor in Waterford to look at this wording. He was of the opinion that it was fairly vague and difficult to understand, but he agreed with me that using the fact that one was intoxicated as a defence basically means that the owner of the house does not have the right to attack an intruder because the intruder was intoxicated. A person can be intoxicated from alcohol, drugs, solvents and so on. I want to see this issue clarified. If that can be used as a defence, it means that anybody can have a few pints and then carry out a burglary, and would be better off doing so than carrying out a burglary in a sober state. If this is the case and if it replicates similar provisions in other Bills, then we have to look at those other Bills as well. The Minister should clarify this when he responds at the end of this debate.

We see how the country is sliding into a culture dominated by drink, with excesses causing a wide range of social, medical and legal problems. I am all for the social life which the pub affords, but there is no doubt that we have gone much too far. The combination of excessive drinking and the easy resort to freely available weapons, or just fisticuffs, has caused many deaths, in addition to permanent disability and serious injury. A death occurred outside a public house just this week, following a difference of opinion on a football match. This may well have been unpremeditated and accidental, but the victim is dead, the casualty of an increasingly violent society.

One of the perceived problems with this legislation is that those opposed to it will claim that property owners may use it as justification for attacking people they believe are intruders or, in the extreme case, use force against people because they feel they just looked at them in a funny way. Critics may call it the law to shoot first and ask questions later. I have every confidence in the courts to assess the evidence before them and deal properly and effectively

with people who abuse the new latitude. It will soon become apparent to people that this is not a licence to shoot to kill, but a serious and limited ability to use force to offset real and immediate risk of harm.

I hope that this measure in the criminal law may steer judges in the civil code who tend to award compensation to people with criminal intent who get injured in the course of committing a crime, just because they fell foul of some defect in the home. The public are tired of this and I hope this measure may go some way to redressing the civil imbalance also. I congratulate the Minister who has tackled other social problems very effectively in the recent past, particularly the scourge of head shops. I welcome this Bill and with the clarifications I sought earlier, I commend it to the House.

Deputy Lucinda Creighton: I wish to share time with Deputy Ring.

Acting Chairman (Deputy Jack Wall): Is that agreed? Agreed.

Deputy Lucinda Creighton: This is a very important Bill, which in a different guise was originally proposed by the deputy Fine Gael spokesman at the time, Deputy Jim O’Keeffe, and subsequently brought to the House in 2009 by Deputy Charles Flanagan. I am pleased the Government has finally accepted the need to bring clarity to an area of the criminal law that has been ambiguous for quite some time. As mentioned by Deputy Rabbitte earlier, there is greater clarity in the common law at least on the basis of Mr. Justice Hardiman’s judgment in the Barnes case, specifically on the question as to whether a home owner has an obligation to retreat. It was definitively interpreted on that occasion by Mr. Justice Hardiman that there is no duty to retreat, which allowed for some degree of clarification in the criminal law in this matter. However, there is a need to introduce greater clarity and certainty on the broader defence of property, and defence of the person and family members in one’s own family home or dwelling place. The Bill goes some way to achieving that but, sadly, does not go far enough.

While the Minister, Deputy Dermot Ahern, made it clear to the House when we debated the Fine Gael Private Members’ Bill that he wanted to await the Law Reform Commission’s report in order to take on board its recommendations to a large degree, it is very disappointing that has not happened in one important aspect of the Bill, which is the question of reasonableness.

The Minister and other Deputies have referred in particular to older people living in rural areas, often in fear, and the need for them to feel a sense of protection — that the law serves them and protects them fully. Nobody invites an intruder onto his or her property or wishes a burglar to enter his or her home. Rightly or wrongly, there has been a sense among the public and many individuals and organisations representing older people that they have been served poorly by the law and have not felt protected by it, leading to a prevailing feeling of uncertainty. It is an important Bill from the point of view of giving protection to people in isolated areas, in particular older people living alone often far away from neighbours on farms and so on with no security or protection advantages.

Since as far back as 2006 I have heard some commentators suggest that legislating in this area represents some kind of right-wing agenda, playing to a wealthy upper-middle class audience, and that it does not reflect the needs of the common man. I could not disagree more. The Bill at least sets out to protect ordinary people who are vulnerable and who do not have the privileges and trappings that would enable them to protect their homes with lavish security systems and so on. It is important to knock that point on the head.

The opportunity is to provide a greater sense of security and protection for those people who do not benefit from elaborate security systems and so on. However, sadly, the Bill misses

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some of those opportunities. For example the Bill's most important section, section 2(1), sets out when it is considered lawful to use force against an intruder within the home. There are two criteria: that the person against whom force is used be a trespasser, trespassing on the property in order to commit a crime; and that the force used must be reasonable. While we could not dispute that, the Bill does not contain any definition of reasonableness and I hope that will be addressed on Committee Stage. Such a definition should be along the lines of what was proposed by the Law Reform Commission, which I will outline to jog the memory of the Minister and his officials with a view to improving the Bill on Committee Stage.

The Law Reform Commission report refers to four factors which would lend a degree of clarity and certainty to the concept of reasonableness. First is a threshold requirement, which it suggests would only be suitable in certain types of unlawful attack in justifying the use of defensive force especially lethal defensive force. Second, the attack must be immediate, which speaks for itself. Third, the use of defensive force must be necessary and a person should usually retreat if possible. Fourth, the defensive force should be proportionate to the unlawful attack. As I said at the outset, the issue of a requirement to retreat has already been clarified in the courts, but it is often in the interests of the home owner to retreat for his or her own personal safety, a matter that needs to be addressed. There is no requirement that a person should retreat. If those four criteria of reasonableness were included in section 2, it would introduce more clarity and certainty. That would be beneficial from the point of view of interpreting this legislation in the future. The last thing we want is for this legislation, which is being introduced to provide certainty, to bring more ambiguity into this arena and around this important issue relating to criminal law.

A number of points contained in the Fine Gael Private Members' Bill have been excluded from this Bill, and that is a regrettable. The Fine Gael Bill explicitly set out that the presumption of the use of force in the family home, in a dwelling place, is reasonable in a criminal case. That is an important element; the burden would rest with the Director of Public Prosecutions to disprove that. That was clearly and categorically set out in the Fine Gael's Private Members' Bill, but it is not set out in this proposed legislation. That aspect could be improved.

The clear protection provided for the homeowner in civil law is an important provision. The provision in the legislation that the homeowner cannot be sued for the trip and fall of a burglar who is illegally on his or her property is an step forward. That is an important provision. It would not be right for this aspect of civil law to be overlooked, even though the core issue here is one pertaining to the criminal law.

Another point contained in the Fine Gael Private Members' Bill is important in the context of the home being sacrosanct. Any invasion or violation of a family home or dwelling place should be viewed not only dimly but should be singled out by the criminal law, punished accordingly and treated as being a much higher level crime than any ordinary form of criminal activity. We dealt with that in our initial proposals by providing that a harsher sentence should be handed down for an assault perpetrated against a homeowner on his or her property. An assault on a person walking down the street is not deemed to be on the same level of gravity as an assault perpetrated on somebody in his or her own home, in his or her own sanctuary, as it ought to be and ought to be seen to be and treated as being by the criminal law. That is glaringly absent from the Minister's Bill. I hope that is something that will be considered necessary to address on Committee Stage. We have to develop and promote the concept that a person's home, a person's family place, is sacrosanct and any intrusion of that very special place will be dealt with harshly and will not be tolerated by the criminal law in this country. Those are the main elements of this Bill to which I wished to allude.

I may stand subject to correction on a point raised by Deputy Rabbitte, which he did not expound. I believe he suggested that the defence of one's property should not or could not be contemplated as a justifiable reason for the use of force. I would disagree with that. That is a very black and white interpretation of the issue. The test should be one of proportionality. Who is to say, unless one is in the circumstances at a given point in time, whether a person can judge necessarily whether his or her life or bodily integrity is under threat, whether a family member's life is under threat or whether it is simply the person's property that is under threat? It is difficult to distinguish in that respect in the context of something that happens in the matter of split seconds. The introduction in the legislation of a hard and fast distinction between property and the protection of oneself or one's family would be a dangerous step.

Acting Chairman (Deputy Charlie O'Connor): I remind the Deputy, as my colleagues asked me to do, that six minutes remain in this timeslot.

Deputy Lucinda Creighton: I will sum up because I want to share some of my time with Deputy Ring. I support the introduction of this Bill to the House and I am pleased that the Government has finally done so. However, there are improvements to be made to it, especially in the definition of reasonableness and in some other matters, in particular the distinction between an assault perpetrated against a homeowner in his or her home and the ordinary criminal offence of assault and the type of sentencing that is handed down. We have to distinguish between those. This is an important Bill, particularly for older people and people living in isolated regions. I thank the Acting Chairman for having had this opportunity to speak on the Bill.

Deputy Michael Ring: I thank my colleague for sharing her time with me; I appreciate it. The reason I want to speak on this legislation is that my colleague, Deputy Flanagan and myself brought a Bill on this matter before the House but the Government was mean-minded in that it could have accepted it at that time and brought in the necessary amendments to it on Committee Stage. I hope that the Government will take on board the amendments Fine Gael will produce on Committee Stage to strengthen this Bill.

I take this opportunity to compliment the Law Reform Commission on its report. We are sometimes critical of such organisations but I must compliment it in this instance. It made strong recommendations in its report, on which I compliment it. It was brave and it had courage. I thought it would take the other view, that view of the do-gooder in this respect, and that it would have taken a different approach.

Previous speakers have said that a person's home is his or her castle. If an invader comes into one's home at midnight or 2 a.m., that person is not coming in for a cup of tea. That person is coming in to rob one, one's home, to hurt one or one's family and one has a right to use reasonable force in such circumstances. One should not have to wait to see whether in a few months' time one will get a solicitor's letter or be sued in the courts by the person who robbed one or beat one up in one's home. I hope this legislation will go far enough to deal with that. I listened to the contributions of my colleagues who have a legal background and while they are not quite happy with the legislation, I welcome it. It is important that we have clarity on this matter.

I come from a rural constituency. People in rural Ireland are living in fear of the threat to their lives and in fear of being robbed. Over the years gangs from other parts of the country have travelled to my area and beat up, robbed and hurt old people. Deaths have occurred as a result of intruders breaking into people's homes. People should have a right to defend themselves. I advise the Minister of State present and the Minister for Justice and Law Reform that

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a rapid response is also needed in such circumstances. In terms of providing for people living in a rural, isolated area, this legislation is being introduced while rural Garda stations are being closed. We must ensure, and elderly people living in rural Ireland must have confidence, that when an person dials 999 and ask for the Garda Síochána that the gardaí will arrive at that person's home in a very short time and that the gardaí will not have to travel from a town 25 miles away in that the person who made the call could be dead by the time the gardaí reach that person's isolated home. Criminals who assault, rob and beat up old people must be dealt with. We must send out a strong message that this cannot be tolerated in the courts.

My colleague, Deputy Creighton, was right when she said that an assault on the street is one thing but if somebody comes into one's home, that is a very serious offence and it should be dealt with in the courts. It is time we brought in further legislation to make that a more serious offence than it currently is because if somebody comes into one's home and assaults, robs or beats one up, that person should be put away for a long long time. The do-gooders will not be there at 3 o'clock in the morning when an elderly person is being beaten up in the home, however. In this country, the law serves the criminal only. If a criminal commits and is detained for an offence, the first action he takes is to get a consultant on taxpayers' money to see if he is okay in the head. He then gets free legal aid for his court case, again paid for by the taxpayer. If he appeals his sentence to the High Court and Supreme Court, again the taxpayer pays. It is time the criminals paid their way too. Those before the courts every day should be dealt with and put away for a long time instead of annoying and harassing decent citizens who want to feel safe and protected in their homes.

I am delighted this legislation has been introduced and hope its provisions will be strengthened on Committee Stage. The majority of our people never want to commit violence as they are law-abiding citizens. However, I want to send a warning to those criminals who attack people in their own homes, particularly in rural areas. Reasonable force must be, will be and should be used to stop them.

Tonight, some people in rural areas will go to bed praying they will wake up safely in the morning. That is a sad sign of our society. We cannot just be depending on voluntary organisations in this area. When an emergency call is put in, people, the elderly in particular, must be reassured there will be a rapid response from the Garda. There is nothing worse for someone than to be isolated, lonely and afraid in his or her home.

I recall the late Gerry Ryan challenging me on his show one morning that this legislation would never come before the Dáil. I promised him that I would introduce it. While the Government did not accept my proposed legislation, I am glad it has introduced a similar Bill. A person's home is his castle. No one else has a right to wrongfully enter it. If they do, reasonable force can be and should be used.

Deputy Beverley Flynn: I wish to share time with Deputy Devins. Could the Acting Chairman, please indicate to me when my ten minutes is up?

Acting Chairman (Deputy Charlie O'Connor): Is that agreed? Agreed.

If I look at Deputy Flynn the same way as I was looking at Deputy Ring, it is only because I am paying attention.

Deputy Beverley Flynn: I hope I notice the Acting Chairman looking at me then.

Deputy Michael Ring: He might prefer looking at her than me.

Deputy Beverley Flynn: I welcome this important legislation. I agree with my constituency colleague, Deputy Ring, about the concerns of elderly people living in isolated rural areas, particularly in County Mayo. As Deputy Kenneally earlier said, gangs are going around the countryside identifying elderly people in isolated rural areas as prime targets for burglaries. I have often been surprised at local meetings in my constituency at the number of elderly people who raise this as a serious issue. If one's nearest neighbour lives several miles away and one does not see active policing, one will feel frightened at any time during the day. This Bill will go some way in allaying these concerns.

The Pdraig Nally case focused much media attention on this area. Mr. Nally, a constituent of mine from Cross in south Mayo whom I know personally, had several incidents on his farm in which his property was endangered and led him to become very anxious. Many in County Mayo and across the country were happy to see his manslaughter sentence overturned and Mr. Nally found not guilty. It is an insult to people to insist they must retreat in their own homes if there is an attack in it. It is preposterous that a burglar could come onto someone's property with the intent of doing criminal damage, sustain an injury and then sue the owner for damages. This is outrageous to ordinary decent people who watch these events unfold day in and day out on the news. This Bill addresses these concerns.

No legislation can take the place of extra vigilance on the part of neighbours and the Garda. Community policy must be re-examined because I have noticed, particularly in County Mayo, the decline of rural-based gardaí. When I have contacted local superintendents to find out if a garda was to be replaced, I have often been informed only when resources allow, leaving many communities without a Garda presence. The greatest deterrent to crime is to have greater Garda visibility. In the past such similar actions have been successful. While I commend the neighbourhood watch and community alert programmes and the Garda's older people strategy, there is no substitute for the policeman on the ground.

The Bill's four elements are justifiable use of force, no obligation to retreat in one's home, the castle doctrine, the extent of the dwelling and the prohibition of criminals suing under civil law for damages sustained while trespassing. The Law Reform Commission recommended legitimate defence should be divided into four key elements: a threshold requirement; the attack must be immediate; the use of defensive force must be necessary and that it must be proportionate to the unlawful attack.

I have been burgled in my home twice, once as a student when I was going in the front door and he out the back. At the time I was flippant feeling sorry he did not take the television which was on the blink. I was burgled again just before I had children which caused some upset. However, now being the mother of two young children, if I were burgled today, my feelings would be very different. The state of mind of a homeowner when he or she has to use force is critical. Did the person feel there was a serious threat to himself or herself, his or her family or property? Did he or she act reasonably when he or she used force?

One definition does not suit all scenarios in such cases as the experience of state of mind for a young person can be very different from that for an elderly person living alone. The definition provided by the Bill, that if the occupier honestly believes the trespasser is there to commit a crime and believes a reasonable level of force must be used in defence, even if it is lethal, is correct. We do not want this Bill to be seen as licence to kill. However, it must be borne in mind the occupier's individual circumstance and state of mind at the time of defence. The Minister has provided the right definition in the legislation.

I could see where the Law Reform Commission's recommendations were coming from and in the confines of this Chamber they seem reasonable. However, it may not seem perfectly reasonable to a vulnerable person in their home when there is a criminal on his or her property.

[Deputy Beverley Flynn.]

As a Deputy representing a rural constituency, I draw the attention of the Minister to the definition of what constitutes the dwelling in the Bill. We all understand the dwelling and curtilage in an urban setting and it is clear that where one comes into contact with a public place, it is not one's property. In rural communities, however, a person who lives on a farm might have a number of acres around their house. The land might be fenced off or have a hedge and a gate. Where is the boundary? Does it include the farm buildings? It is very important that we understand the intent of the Minister in this regard. There might be vast areas of ground around a house so we need a better understanding of what is meant by the curtilage around a house. That is particularly important.

Consider the time of day a burglar might enter a premises. If a people come onto one's property at midnight or two o'clock in the morning and they are only in the vicinity of the house but one is aware of their presence, it is a serious issue because they come to the property without the owner's permission. If they are uninvited, the chances are they are not on the property with the intention of doing one any good. If they are within the confines of one's house or half way up the drive way, is that enough to allow one to act with reasonable force if one feels there is a threat to one's property or the persons on that property? This must be nailed down a little further. I would appreciate if the Minister would clarify the issue.

In general, this Bill hits the right note. It tips the balance back in favour of the homeowner, which is critical. Many people feel that in the last number of years the law has been tipped in favour of the criminal and there is insufficient protection for the homeowner. That has been addressed in this Bill. It is a very welcome development. In Ireland, as elsewhere, one's home is one's castle and one has every right to do everything in one's power to protect oneself, one's family and one's property.

I commend the Bill to the House.

Deputy Jimmy Devins: I am delighted to have the opportunity to speak on the Criminal Law (Defence and the Dwelling) Bill. The defence of a person's dwelling house is an issue that arouses great public debate when a person is put in a situation where he or she must defend his or her property or, more importantly, his or her life arising from an attack on his or her property by an intruder, such as a burglar. This interest is not just confined to Ireland but applies worldwide. However, in Ireland it arouses great emotion and debate, which is probably linked to our history and the importance that land, and particularly property and one's home, has in the Irish psyche.

We need only recall the recent case of the farmer in Mayo, Mr. Padraig Nally, which was mentioned by Deputy Flynn. He was convicted of the manslaughter of a man whom he suspected of attempting to rob him on his farm. This conviction was subsequently quashed and he was found not guilty in the retrial. The intense public interest and wide support for Mr. Nally was evidence of the huge interest in this issue. This huge interest is driven to a certain extent by the media, who regularly highlight injustices, perceived or otherwise, that occur in the course of defending one's home.

The statistics for burglary are interesting and show that the number of burglaries carried out with a weapon has remained virtually static since 2004 when taken as a percentage of all burglaries. Last year there were 26,793 burglaries, of which 363 were aggravated. In 2005, the respective figures were 26,381 and 274. While it is early to state why the number of these crimes appears to be stabilising, I have no doubt that credit is due to successive Ministers with responsibility for justice, who have responded rapidly and decisively to the hitherto ever-increasing level of crime. This Bill is a further example of that response and I welcome it.

There are very important principles of civil liberty in this country and where these rights appear to clash with each other, it is the duty of the Dáil to give clear leadership as to its intentions so any subsequent testing of legislation by the courts does not reveal anomalies or weaknesses. Under this Bill there is, on one hand, a right of the individual to protect himself or herself and their property when it is threatened by attack. On the other hand, there are those who will argue that the attacker or burglar has certain rights which remain attached to him or her even though they are committing a crime. In this debate it is important to achieve the greatest clarity possible on who has the greater right to protection. When a decision is made by somebody to enter another person's property with the intention of harming either the dweller in the home or his or her property, the person carrying out the crime is wrong and as a result must forfeit much of the protection he or she would have as a citizen. He or she is the instigator of an act which is a crime.

The issue of how the home dweller responds, particularly how he or she responds with the use of force, is of great interest. It raises the matter of the justifiable use of force. It is a point that has exercised many eminent minds, both academic and legal, in many arenas for many years. I am also sure lawyers have debated this issue *ad nauseam* in the courts over the years. The Non-Fatal Offences Against the Person Act 1997 contains much of the current law on defence by a homeowner. This Bill updates that law to bring it more into tune with the Ireland of the 21st century. The key component of the Bill is that force used against a trespasser will be lawful when the homeowner or occupier honestly believes the trespasser is in the property to commit a crime and that the force is necessary to protect the occupier.

What is the justifiable force that can be used by a home occupier within the dwelling and its surroundings? Nobody condones violence but everybody has the right to self defence. People have a right to defend themselves and their properties when they are attacked or invaded for illegal purposes. What is interesting is that under this Bill the force used by the occupiers must be reasonable in the circumstances, as they believe them to be, and be used only to protect the attacked person or his or her property or to prevent the occurrence of a crime. If either of these elements is absent, the home occupier is not entitled to the rights which this Bill will confer.

A further issue I wish to raise is what precisely is covered by the term "dwelling". This was mentioned by the previous speaker as well. The term is defined in section 1 of the Bill. I would be grateful if the Minister would clarify the wording. Does the word "dwelling" include outhouses or, in the case of farmers and others, sheds which are adjacent to the main house? What about outhouses or sheds which are some distance from the main dwelling? Take the example of a farmer with a small holding or a farmer with two separate holdings on which the farmer has outhouses that are occupied by farm machinery. If an intruder or burglar enters the shed which is far removed from the main dwelling house but which houses valuable property and the farmer is in the shed when the burglar enters, do the provisions and protections of this Bill apply in the same way as they would if the burglary was committed in the main dwelling? This is something that can occur, and I would be grateful to have it clarified. A full and apt definition of the term should be included in the Bill.

Finally, the castle principle is used by some authorities when dealing with the issue of defence of one's home. It is not language which I favour. I understand it arose from English law and dates to the time when one's home was one's castle. Frankly, few of us in the Republic would have any allegiance to or relationship with castles, certainly not with regard to our homes. However, the rationale behind the so-called castle principle is clear.

[Deputy Jimmy Devins.]

Homes are important to the occupier and the thrust of the legislation reflects this. However, the extent of a home or a dwelling should include all buildings on the land and any movable properties resting there.

The home occupier is required to believe that the crime is about to be committed against him or her, not that the crime has been committed, to secure the protection the Bill provides. While this will give rise to great debate in certain areas, it is an important protection for the homeowner, which I welcome. Faced with an intruder, as I was when my home was burgled, it is important that the homeowner can act to protect his or her property and life in order that he or she can feel safe and secure. Having to spend time thinking whether he or she is right to attack this person and defend his or her property might allow the intruder to make the first move, which could be fatal. This Bill protects the homeowner and I warmly welcome it.

Deputy Joe Carey: We have waited a long time for this legislation. The Fine Gael Party, in particular, has argued for quite a period of time that such legislation is necessary. In 2006, Deputy Jim O’Keeffe tabled a Private Members’ Bill on the subject and, as recently as last year, Deputies Charlie Flanagan and Ring tabled a similar motion on the issue. Some commentators look on the Bill as political posturing. I do not agree because it is necessary legislation that redresses the imbalance, both perceived and real, in our law.

The Minister, in debating this matter during the Fine Gael Private Members’ motion last year, stated, “I am a strong believer in tough legislative provisions in combating criminal activity of all kinds”. Tough legislative provisions in their own right are worth little more than the paper they are written on. The issue of security for older people was a catalyst in drafting this legislation but, ironically, this cohort is the least likely to be able to defend themselves with force in their home. Elderly people need more than legislation.

I refer to two specific examples of more concrete action than legislation. The McCarthy report states: “The number of Garda stations is very high at 703, and many of them are in need of extensive refurbishment. We recommend that the Garda station network be reduced by around half.” Can the Minister extend his belief system beyond tough legislation to ensure broad brush stroke proposals such as this in the Government-sponsored report are framed in the context of the Garda’s ability to counter the criminal activity of aggravated burglary? I remind him that the presence of rural Garda stations offers security to the people they serve and removing them from these vulnerable communities will have the opposite effect. Traditional community style policing and the frequent patrolling of neighbourhoods has become the exception rather than the rule in the Ireland we live in today. I acknowledge the community policing initiative is a success story but we need more dedicated community gardaí. In my own county town of Ennis there are seven community gardaí headed by a sergeant while in Shannon, there are two dedicated community gardaí. I compliment them on their sterling work liaising with communities. They offer a wonderful service, which represents the way forward. However, nine dedicated community gardaí is too few to police a population of 110,000 in County Clare.

The second example is the Department of Community, Rural and Gaeltacht Affairs scheme that provided pendant alarms and household security devices to older people, which has encountered major problems over the past two years. The pendant alarms, worn around the neck, enable the holder to make immediate contact with a central station to seek help if they fall or experience a sudden emergency, including a robbery. It is incredible that this successful scheme, which provided older people with a sense of security in their own home, was suspended last year because the Department felt the spend was increasing too much. Under the scheme, every

person in the State over the age of 65 was entitled to financial assistance for the pendants or for improved security to their homes. Elderly people are concerned about safety in their own home. They took action by availing of the pendant alarm scheme. The Department became concerned at the spend on the scheme and it was, ultimately, suspended because it proved to be popular and worthwhile.

In shifting the focus from allowing older people to feel safer in their own homes towards a canon of legislation, the Government is taking its eye off the ball. An elderly, frail person living alone in an isolated area will feel safer when this legislation is enacted but he or she would feel 100 times safer if his or her local Garda station were not under threat of closure or if the suspension in the acceptance of applications for security devices was lifted. The Bill is not an end in itself, as it must be backed up with practical measures on the ground.

State intervention in the provision of proper community-based policing along with secure locks, burglar alarms and pendant alarms would create a much more valid improvement in older people's security. The number of burglaries and robberies carried out in this State increased by one third in the second quarter of 2010. The recent CSO statistics illustrate that robbery, hijacking and extortion offences increased by almost 34% from 575 to 770 during the quarter. A total of 1,659 robberies against the individual were recorded, which represents an increase of 37.4% when compared to the same period in 2009. The crime figures presented by the CSO for recorded crime offences make interesting reading. Burglary and related offences increased from 24,913 to 26,877 between 2004 and 2009, an increase of 8%. The number of aggravated burglaries increased from 282 to 369 in the same period, an increase of 31%. Aggravated burglaries, those carried out with a weapon, as a percentage of all burglaries, have increased by just over 0.2% from 2004 to 2009.

This is a prime example of using statistical data to present an argument in a particular light. A total of 282 out of approximately 25,000 in 2004 and 369 out of approximately 27,000, represents just a 0.2% increase on the overall figure. However, this is little comfort to the 369 individuals or families who suffer an ordeal such as this. More than one aggravated burglary takes place in our country every day of the year. There is little doubt, as a proportion of overall recorded burglary offences, that aggravated burglary is on the increase. This trend, which is disturbing, is not unexpected. There is no doubt that the effects of the recession have had an impact on the crime rate. One can only expect this trend to continue.

The 2009 Eircom PhoneWatch burglary report, published last November, found that more than three-quarters of respondents felt they were more at risk from theft. A further 40% felt more at risk from violent crime and 71% believed that crime as a whole had increased in Ireland since the recession officially began in 2008. The figures for this November should make for very interesting reading.

Many view this Bill as being a right-wing measure which bestows some type of charter on the homeowner to act in a more aggressive manner. However, I do not share these views. This legislation will finally provide homeowners with a measure of protection by balancing the law in their favour against the increased number of burglaries and attacks in the home. The Bill is about addressing the imbalance in the current law and giving rights back to the homeowner when faced with an intruder. It is this principle that Fine Gael tried to reassert through a Private Members' motion in 2006 and 2009. At this stage we have case law to help in the drafting of this Bill. I welcome the publication of the Bill but it is very unsatisfactory that we have had to wait such a long time for its publication.

[Deputy Joe Carey.]

Section 2(1) provides that it will not be an offence for a homeowner or a lawful occupant of the home, to use force against an intruder where he or she believes the other person is a trespasser and is in the dwelling in order to commit a crime, and the force used is only such as is reasonable in the circumstances. The force must be such as to protect himself or herself or another person present in the dwelling from injury, assault, detention or death, or to protect his or her property or the property of another person from appropriation, destruction or damage caused by a criminal act, or to prevent the commission of a crime or to effect a lawful arrest. The Bill states unequivocally that there is no obligation to retreat from the dwelling and that force can be used even if there was a safe and prudent opportunity to retreat. This in effect is the castle doctrine in practice which is based on the old dictum that, “a man’s house is his castle”.

The Minister has stated in his contribution that juries will still have to assess whether the degree of force used was justifiable in all the circumstances. The Bill does not currently define the factors in terms of assessing reasonableness. The Law Reform Commission in its report made an effort to do this on threshold requirement, imminence, necessity and proportionality. The Minister is leaving it up to juries to retrospectively try to decide on these matters, without a proper set of legislative tools. This element of the legislation needs elaboration and further work on Committee Stage.

The fact that the legislation potentially straddles both the criminal and civil justice systems creates ambiguity in that burdens of proof differ across both systems. I ask the Minister to consider the following scenario where the legislation could overlap both criminal and civil systems. I presume that, were somebody acquitted of an offence in the criminal justice system on the basis of “beyond reasonable doubt” under section 2 of this legislation and, subsequent to this, faced civil liability charges, he or she could use section 5 as a defence in the civil court. This seems clear and serves the purpose of the legislation.

However, what would happen if there were no prosecution under criminal law against the individual who had protected his or her property and the process began with the injured party making claim in the civil courts where the threshold is now the “balance of probabilities”? If this individual is now found liable, does this open the possibility of a new prosecution? Is it the case under this legislation, as currently presented, that the homeowner or individual has to go through the criminal justice system in order to protect themselves from any potential civil liability?

Section 5 seems to have been tacked onto the Bill without much thought to its consequences. This section muddies the overall legislation and the crossover between courts may create an unwanted ambiguity.

I welcome the Bill but the strong belief in tough legislative measures so favoured by the Minister must be backed up by concrete, practical work on the ground.

Acting Chairman (Deputy Charlie O’Connor): The next speaker is Deputy Noel O’Flynn who is sharing time with Deputy Chris Andrews.

Deputy Noel O’Flynn: I ask the Acting Chairman to advise me when I have spoken for eight minutes.

I welcome this Bill and I am sure the Opposition parties also welcome it. This is a sensible Bill which clarifies the law regarding the rights of homeowners when faced with intruders with criminal intent. It tips the balance in favour of the law-abiding citizen — where it should always

have been. The Bill provides that a person can use justifiable force, including in some cases, lethal force, to defend him or herself against a trespasser. It establishes that there is no obligation to retreat from the dwelling. It also defines what is meant by a dwelling.

I will deal with each of these provisions in turn. This is the first legislative proposal in this jurisdiction to recognise the special status of the home and the right of people to defend it. This may sound radical but, generally speaking, the Bill is more concerned with clarifying rather than amending existing law. It provides that a person can use reasonable force in defending his or her home against an intruder with criminal intent. The test for assessing the justifiable use of force does not broadly differ from that which is currently in place under the Non-Fatal Offences against the Person Act 1997. In deciding what constitutes reasonable force, the courts will look to the circumstances as the person believes them to be at the time. It is immaterial whether this belief is reasonable or not.

Those who say this is a charter for “Have a Go”, are wide of the mark. While this Bill does not exclude the use of lethal force, it does not specifically provide for it. Rather, it acknowledges that the use of force in a situation of great tension and anxiety may result in the death of an intruder. We recognise that in the context of an attack in the home, one can use the force which one genuinely thinks is necessary at the time and that could cause the death of the criminal intruder. It is clear that an occupant cannot kill a burglar simply for being a burglar. It should be pointed out that force against a Garda can never be justified. It is also important to note that a person may not use force as a shield where he or she has deliberately provoked a violent situation.

I will now deal with a feature in this Bill that is different from the current law. This Bill states unequivocally that there is no obligation to retreat from the dwelling. Indeed the notion that a homeowner should be compelled to retreat in front of an intruder who has entered with criminal intent is plainly ridiculous. This new provision reflects the unique characteristics of an encounter between an intruder with criminal intent and the occupier and the old dictum that a man’s house is his castle. In “Report on Defences in Criminal Law” from December 2009 the Law Reform Commission said the general rule that a person should retreat where possible should not apply where the incident applies in the dwelling.

Another important provision of this Bill is the definition of the term “dwelling”. Dwelling does not simply mean the four walls of a house or a building. The term not only incorporates the home or building but also its curtilage, namely the areas surrounding or adjacent to the home. It does not stretch to public areas or areas that are some distance away from the dwelling. While I welcome the fact that the term dwelling has been defined, there is perhaps more room for clarity here. It is unclear whether sheds and surrounding gardens come within the definition of a dwelling. Curtilage refers to the entire boundary of one’s property.

Another important feature of this Bill is that it puts an end to the bizarre practice where homeowners can be sued by burglars for damages. It provides that where a homeowner injures an intruder while legitimately defending himself, his family, or property, he will not be open to suit. Recently I had four young members of Sinn Féin on my roof. They stole onto the roof of my constituency office on the morning of 6 July. My concern was that they might sue me if they fell through the roof. My son rang the insurance company and the Garda Síochána. The Garda Síochána removed them from the roof because if we had not and if they had fallen through the roof, they could have taken a lawsuit against me. Sinn Féin Members in this House did not condone the activity and said so on the day.

[Deputy Noel O'Flynn.]

In any discussion on defence of the home, it would be remiss not to mention the sanctions available to deal with intruders. Penalties for burglary in this jurisdiction are very high. A person can be fined or sentenced to imprisonment of up to 14 years for burglary on conviction on indictment. The Attorney General has asked the Law Reform Commission to look at mandatory sentencing, particularly for those found guilty of attacking the vulnerable in our society.

It is important to recognise the sterling work of the Garda Síochána in making our homes safer. The force continually develops and implements crime prevention and detection strategies to target those committing burglaries, with intelligence-led and focused operations. The new Garda national model of community policing is not only concerned with reducing crime but also the fear of crime to ensure a better quality of community life for all. Furthermore, the Garda Síochána supports a number of initiatives which promote a community contribution to increasing public safety, including the community alert programme, neighbourhood watch and Crimestoppers.

We are very fortunate in Cork city and county to have a Garda Síochána force committed to protecting the community it serves and enforcing and upholding the laws of our country. I am sure the same situation applies in Tallaght. Garda numbers in Cork city under Chief Superintendent Michael Finn are now at 698, increased from 540 in 1997. In the county there are 616 members, up from 424 in 1987. I commend the gardaí on their community involvement, community policing and interacting with local communities and organisations. They have the trust of the communities they serve. I pay particular tribute to Chief Superintendent Tony Quilter of the national drugs unit for the many drug busts and seizures carried out this year. The arrest of international drug lords will reduce the amount of drugs coming into the country. I acknowledge the role of the Garda Síochána in these international operations.

I am heartened to see this Bill has received a positive response from a number of groups such as Irish Rural Link, AdvIC, the Dublin Rape Crisis Centre and the AGSI. This is not a groundbreaking Bill but it is important. I refer to some comments in reaction to the Bill. A support group for the families of homicide victims, AdvIC, has welcomed the proposals in the Bill. The charity's co-founder, Joan Deane, said the organisation supported any changes in the law that would act as a deterrent to violent crime and murder and that if this even makes them stop and think about it, it is a good thing. AGSI vice-president Dan Hanley said the Bill aims to shift the balance of rights back to the homeowner where it should always have been and that "it is intolerable a homeowner should be compelled to retreat in front of an intruder who has entered the home and who may have malign intentions towards the homeowner, the family or the homeowner's property". Mr. Seán O'Leary, policy officer with Irish Rural Link — the national network of rural community groups — said it is sensible legislation giving much needed clarity to homeowners on their rights when confronted by intruders. The Dublin Rape Crisis Centre has welcomed proposals on defence and the dwelling. Speaking after the publication of the Law Reform Commission report, executive director Ellen O'Malley-Dunlop stated that such measures would help women feel safer at home and gave women the right to protect themselves without fear of prosecution.

I hope people will recognise the merits of the Bill. I commend the Minister, Deputy Dermot Ahern, on the legislation he has introduced over the past three years. Since he became Minister for Justice and Law Reform, he has introduced important legislation that is necessary in the times we live in. I welcome the recent legislation on head shops, which has shut down most if not all of the head shops in this country. The Minister also introduced the Criminal Justice

Amendment Act, the Criminal Justice (Surveillance) Act and the Criminal Justice (Miscellaneous Provisions) Act. These are important items of legislation to combat crime in this country. I hope all the parties in this House will support the legislation. I recall a Private Members' Bill introduced by Fine Gael on this topic. Once this Bill goes through Committee Stage I hope it will be accepted unanimously in this House.

Deputy Chris Andrews: I thank Deputy O'Flynn for sharing his time with me. This Bill amends existing legislation applying to the defence of the person and the person's home. I commend the Minister on introducing this item of legislation, which is timely and welcome. It builds on other welcome legislation.

The Bill outlines what is meant by the dwelling, and provides when justifiable force, including lethal force, may be used against a person entering for criminal purposes. It also states clearly that the occupier has no obligation to retreat from the dwelling. In addition, it bars the taking of civil actions against occupiers who protect their dwellings and inflict injuries incidental to that. That is a common sense measure. The notion that someone who breaks into a home, having injured himself, can claim damages makes no sense.

The right to feel safe in one's own home is a basic entitlement. Article 40.5 of the Constitution states specifically: "The dwelling of every citizen is inviolable and shall not be forcibly entered save in accordance with law." The Constitution clearly states that our home is our castle and we should be allowed to protect it and defend it. Unfortunately, this legislation is necessary.

In recent years, a number of high profile incidents have increased the focus on this subject, most infamously the Nally case. There has been a perception, somewhat unfairly, that the law in this area comes down more on the side of the people who perpetrate the crime of breaking into another person's home rather than those on whom the crime is committed. The legislation clarifies the fact that the law is on the side of the wronged party and ensures that homeowners can be certain of their right to defend their dwellings without fear of civil action.

I welcome the legislation and commend the Minister on the stance he has taken on the matter. However, as I have stated previously there should be greater deterrents for the people who commit crimes, particularly against the elderly and vulnerable. One such deterrent would be the introduction of mandatory sentences for burglary and aggravated burglary. I accept that mandatory sentencing will not solve the underlying problems that cause people to commit crimes but it is my belief that the thought of going to prison for a set number of years would make many burglars think twice before they enter a property.

According to recent statistics from the Central Statistics Office, there were 26,793 burglaries and related offences last year — an increase of 8.5% — while the annual increase in aggravated burglary offences, compared with 2008, was 11.7%. Statistics show that Dublin is the worst affected area, with 32.7% of all burglaries. In my constituency of Dublin South-East there was a spate of burglaries earlier this year in which elderly people were targeted in their homes. Criminals took advantage of the lonely and isolated. They preyed on the trusting nature of those homeowners by posing as council officials or other people on official business such as television licence inspectors or ESB meter readers. While the Garda has been excellent in combating such crimes, providing people with checklists for home security and warning them not to trust anyone they do not know, it is an uphill battle due to the fact that many of the perpetrators serve only a few months in prison before being let out on the streets again to reoffend.

[Deputy Chris Andrews.]

I pay tribute to the former chief superintendent for the south Dublin area, John Twomey, who has been promoted to Assistant Garda Commissioner. He was committed to community policing and drove on that agenda which has made a difference. In the inner city I attend another forum he has set up with residents, public representatives, council officials and the Garda. It has made a difference and improved matters to some extent. It is not a magic wand but it has made a difference. John Twomey deserves credit for his work, which no doubt has been recognised in his promotion. I wish him well in his new post.

I also welcome the appointment of the new chief superintendent, Michael O'Sullivan, whom I met last Friday at a community policing forum meeting which was very well attended by residents and the Garda. The fact that he was present shows his personal commitment and the commitment of the Garda to community policing which has a significant impact on improving the quality of people's lives. There is a considerable level of anti-social behaviour which might not fall into the criminal bracket but does constitute a real nuisance and has a negative impact on people's lives. The community Garda section and the work of such people as Michael O'Sullivan has made a positive difference in my constituency. The community is involved in making decisions. Sometimes even explaining to residents why certain things cannot be done is of benefit. The time given by the Garda to local community residents has made a difference. I wish the new Assistant Garda Commissioner, John Twomey, well and the same to his replacement, chief superintendent, Michael O'Sullivan, in Pearse Street. The area has had its difficulties over the years and of late the Garda has made a big effort to be involved and to build relationships with the local community. That has been a positive development.

Earlier this year the Attorney General asked the Law Reform Commission to consider the issue of mandatory sentencing, particularly for those who attack the vulnerable in society. The Minister for Justice and Law Reform said he was open minded on the subject of mandatory sentences and has not ruled them out, but he queried the need for them in view of the fact that a maximum sentence could apply, which is up to 14 years for burglary and a life sentence for aggravated burglary. I am open to correction but the handing out of maximum sentences is not the norm for burglaries. Until such time as the maximum sentence is handed down for aggravated burglaries we need to introduce mandatory sentencing for such crimes.

The Bill ensures that those people who are in a position to protect their homes, if they wish to, can do so without fear of repercussion. It also adopts the castle doctrine into Irish law, stating that a homeowner is not under a duty to retreat, which has not been clear up to this point. In most cases of burglary the advice would be to get out of the way and leave them to it. However, that is not acceptable. A person should not have to retreat from his or her home, although it is probably wise to do so. If a person defends his or her home, he or she should not end up as the victim.

While I have spoken about my belief on the introduction of mandatory sentencing for burglary I accept that is not the only solution to the problem. Funding and investment in youth training and programmes also need to be maintained in so far as possible in these challenging times to try to prevent those individuals most at risk of embarking on a life of crime from doing so. I commend the work of the community groups in Dublin South-East, Pearse Street, Kevin Street and others across the constituency. I support the work they do and the commitment they have shown. I welcome the Bill and commend the Minister on its introduction.

Deputy Martin Ferris: The Bill does not in any substantial way alter the law as it stands on the issue of self defence in the context of defence of one's dwelling. Instead, the Minister is

simply putting on a statutory footing the common law as it stands and was enunciated by the Court of Criminal Appeal in the case, DPP v. Barnes.

It is typical of the Minister that at a time when the Central Statistics Office figures for the second quarter of 2010 reveal a sharp increase in robberies, hijacking and extortion offences he is content to introduce legislation which fails to actually do anything. Figures from the Central Statistics Office outlined in the *Bills Digest* show a consistent increase in burglary and related offences since 2007. In terms of aggravated burglaries there has been a substantial increase of 43% since 2007 with 2009 figures of 363 aggravated burglaries.

The Minister, Deputy Dermot Ahern's excessive legislative focus has clearly failed to deal with the crime level in the country. He needs to focus instead on tackling the resource restrictions which are serving to prevent the Garda from fulfilling its role of protecting people from crime. Government measures such as the pension levy, the recruitment embargo, the reversal of the civilianisation programme have all contributed to reducing the number of gardaí on the street which affects their ability to prevent crime and protect people. Not alone is the Government failing to tackle the crisis, it is contributing to it. It does not bear thinking about what further cuts the Government will inflict in the forthcoming budget. The Government would be better served in focusing on taking initiatives aimed at tackling crime rather than passing legislation that does not even change the existing law. For example, the Minister should bring forward legislation to regulate shops that are offering cash for gold. These shops seek to take advantage of the economic circumstances of the least well off and are leading to an increase in burglaries as thieves are targeting jewellery more than ever. There has been an increase in burglaries in my own constituency and in many cases jewellery has been the target. The burglars are specifically targeting the elderly and those living alone as they are considered easy prey.

While I have no difficulty with supporting the Bill, considering that it simply restates the law as it exists, there are a number of observations I would like to make on it. The Bill comes in the context of public controversy following the Pádraig Nally case. Its key focus relates to the level of force that a homeowner may justifiably use in defence of his property as well as the issue of whether there is an obligation on a homeowner to make use of an opportunity to retreat. Furthermore, the Bill provides a definition of the dwelling as well as dealing with the issue of civil liability.

On the issue of the justifiable use of force, the Bill states that the use of force against a trespasser will be lawful when the occupier honestly believes that the trespasser is on the property to commit a crime and the force is necessary to protect the occupier, another person or the property. This is already the law as set out in the Non-Fatal Offences Against the Person Act 1997. It is worth noting at this point the criticism that the Law Reform Commission has levelled at the existing standard, and indeed by extension the new Bill, in its 2006 paper. In assessing the justifiable use of force the LRC found that the existing standard was too vague and required clarification. It instead proposed a four part test focusing on threshold, whether the threat was sufficient to warrant a response; imminence, whether the threat was close and impending; necessity, whether force was necessary to protect persons or property; and proportionality, whether the force use was proportionate to the threat. This test has not been adopted in the current Bill and may constitute a missed opportunity to clarify the limits of force in such circumstances.

Section 2(7) of the Bill does not exclude the use of legal force in such cases and the Library and Research Service believes this is the first example of legislative enactment allowing for the use of lethal force by someone other than a person acting for the State. This issue was also

[Deputy Martin Ferris.]

considered by the Court of Criminal Appeal in *DPP v. Barnes*, which found that lethal force may be reasonable in certain circumstances. The balance which this Bill attempts to strike on this issue is to focus on whether the homeowner had an honestly held belief that lethal force was necessary in the circumstances.

On the issue of obligation to retreat, this Bill again reaffirms the finding of the court in *DPP v. Barnes* that there was no obligation on the householder to flee or retreat from his or her home and that therefore a person should not be punished at law for standing his ground.

Two other key issues in the Bill are the definitions which it provides of the extent of the dwelling as comprising the home and the area immediately surrounding the building and used in conjunction with the home.

Finally, I welcome section 5 of the Bill, which provides that injuries inflicted by a householder within the parameters of this Bill will not give rise to civil liability as long as the trespasser had criminal intent.

While I have no major problem with much of the content of this Bill, I want to re-emphasise that it is purely a restatement of the law as it is. It does not and cannot be considered a credible response to the rising incidence of crimes such as burglary and aggravated burglary. I call on the Minister to take real steps to tackle crime in this country by lifting the resource restrictions which are serving to prevent gardaí from fulfilling their role of protecting people from crime.

Deputy Thomas Byrne: I welcome this Bill because this is an area that has caused controversy in recent years, perhaps more than it warranted, but the legislation should hopefully pass quickly and give people some peace of mind that they are safe in their own homes and action they take to defend themselves or their property will not come back to haunt them civilly or criminally in reasonable circumstances. For those reasons it is good this Bill is before us.

There was criticism of the Government for moving slowly but that was unfair because it is important to get this right. When the news dictates the agenda, often the Opposition brings motions to put pressure on the Government when it is fashionable but the Oireachtas must ensure legislation is right and will work beyond the fad. The Oireachtas has an important role to play in looking at this Bill and I expect there will be amendments on Committee Stage.

The Bill has been a long time coming and gives certainty to those who were worried about the safety of their homes and their families. It is important that we clarify the circumstances in which a home owner or other lawful occupant may defend their person or their home. It makes it lawful for him to use force on the grounds that he believes the other person who has entered or is entering a dwelling is a trespasser for the purpose of committing a criminal act. It is not just a case of someone getting a fright, it is a much greater test, someone must have the intention of committing a crime. It allows a person to use reasonable force to protect himself or any other person in the house from injury, assault, detention or death caused by criminal intent. That gives people peace of mind, knowing they are allowed to protect themselves and will not be liable criminal or civilly.

Reasonable force is more subjective than the objective test Mr. Justice Walsh put forward in the High Court in the 1970s. He was one of our most renowned jurists throughout the history of our constitutional law. I was privileged once shortly before he died to speak to him on the telephone, where he apologised for not being able to attend a debate in the Law Society in Trinity College. It was a privilege for me to speak to this great man we had studied so much. His pronouncement has been slightly modified by the legislation but that is the duty and role

of the Oireachtas. The courts interpret the law while we make it so it is possible for us to make changes.

There is scope for further definition of reasonable force to allow for even more certainty. The Law Reform Commission made a number of recommendations in that regard. I understand the Minister has considered these, reached a conclusion and proposed this legislation, but Committee Stage may change the situation.

I welcome the Bill's civil liability aspects. Criminal liability is one matter, but section 5 states "a person who uses such force as is permitted by *section 2* in the circumstances referred to in that section shall not be liable in tort in respect of any injury, loss or damage arising from the use of such force". By this, it means the person will not be liable for damages, as a significant concern among people has been that they might be sued if they take action in defence of themselves, their families or their private property. It is well that their concern is being addressed in this criminal law Bill. It is good to see the criminal and civil sides coming together in legislation, as there is an artificial distinction between them too often and issues are dealt with separately, which could lead to delays. However, this Bill deals with them together. If it did not, there would have been a major gap. It is unfair that honest, law-abiding people have the threat of civil action hanging over them if someone engaging in a criminal act on their property is hurt because they took reasonable action.

The Bill is before the House, so let us deal with it. The subject matter has been a bone of contention in the Oireachtas in the form of various motions. I hope that the House will be able to deal with it as speedily as possible. The Minister for Justice and Law Reform presides over a significant amount of legislation tabled in the Dáil and the Select Committee on Justice, Defence and Women's Rights. A great deal of legislative work is done in his Department over a wide variety of subjects from housing estate management companies to the Defamation Act 2009 and from this Bill to the immigration Bill. The Department of Justice and Law Reform is busy, so I pay tribute to the officials in attendance and to its wider workforce. Like the Minister, they have a busy agenda.

Regarding other matters relating to crime, the issue of anti-social behaviour has recently taken on a particular focus in my constituency, especially in Kells, a lovely town. As the Acting Chairman knows from his constituency, it is usually a small minority that engages in anti-social behaviour. The town of Kells is well known for its community spirit, for its sense of purpose and togetherness and for working for the greater good. While everyone does that, it is unfortunate that one or two people always come in and try to destroy what exists. Today's *Meath Chronicle* reported how my party colleague, Councillor Sean Drew, was attacked in his home town of Kells when he challenged someone. It was wrong and unfair.

I have attended meetings in Kells and, to be fair, its community wants to work together to prevent such attacks. Whenever the community meets to discuss the issue with the Garda and public representatives, public pressure seems to have an impact. I hope that my raising of this issue in Dáil Éireann will have an impact on those few people who are engaging in anti-social behaviour. They must stop, as the community will not tolerate it. The community will work together to stop it and to ensure the people in question are brought to the attention of the Garda and before the criminal justice system.

I pay tribute to the Garda, which has always been available to me, my colleagues and the community for meetings when incidents are reported. The Garda is being stretched, but it is taking this matter as a priority. Meath County Council has drafted an anti-social behaviour strategy and will adopt it shortly. I hope the strategy will have an impact where it applies and

[Deputy Thomas Byrne.]

that people will know that every agency of local government will work to tackle the issue. The draft strategy will also be tabled before the Meath joint policing committee.

The message must be sent to the people engaging in anti-social behaviour that they must stop. People want to live their lives in peace. That is their entitlement. The Oireachtas must send the message that we want the Garda and the judicial system to deal with the people in question in the best and strongest manner possible to ensure they are punished appropriately.

I commend the legislation and support the Minister's efforts in introducing it. I hope it will receive the House's support.

Acting Chairman (Deputy Charlie O'Connor): The next speaker offering is Deputy Deenihan. While there are 20 minutes in this slot, I remind him that it is almost 6.55 p.m. and that I will interrupt him at 7 p.m.

Deputy Jimmy Deenihan: I thank the Acting Chairman. The Bill amends current legislation on the defence of the person and the person's home. The Bill defines what is meant by "dwelling" and provides for circumstances when justifiable force, including lethal force, may be used against a person entering a dwelling for criminal purposes. It also states clearly that the occupier has no obligation to retreat from the dwelling and bars the taking of civil actions against occupiers who protect their dwellings and inflict incidental injuries.

I have spoken in the House about the importance of introducing this type of legislation several times. On local radio in County Kerry some years ago, I had a debate with Deputy Ferris, who has left the Chamber. He was against this approach at the time, but I am delighted that he has changed his mind, given his contribution this evening. I welcome the general progress and recognise the work of the Minister and the Minister of State, Deputy Moloney, in introducing this legislation. It is fair to say the Minister has introduced a raft of legislation. His officials deserve recognition for the backup service with which they provide him.

What the Bill addresses is only part of the problem. As we know from the statistics cited this evening, burglary is unfortunately becoming increasingly prevalent. It is a reflection of our economic times, in that some people go out to seek money or property for which they can get money because of the pressure they are under. They need that finance to fund a certain lifestyle or to buy drugs, drink or whatever. Unfortunately, the trend seems to be on the increase. The level of aggravated burglary is another concern. I just read the statistics. In 2004, incidents of aggravated burglary numbered 282. In 2009, they numbered 369. I do not know the up-to-date figures.

The Bill is only one part of what is required to deal with the issue of people breaking into homes. For this reason, there should be greater national awareness of the importance of security. The Bill will not help old people in their homes too much, in the sense that most old people are incapable of putting up resistance. There are few weapons of protection out there, as not many people have guns or other types of weaponry in their houses that they can use in their defence. This Bill does not mean that people will feel more secure in their homes or that we are protecting a large portion of the population. The reality does not follow like that. Rather, the Bill will remove the legal ambiguity regarding people who take the necessary measures to protect themselves, their families or their properties. Previously, it was for courts to interpret the position. That is now being stated in law, which I do not doubt will be helpful.

7 o'clock

There should be a national campaign to ensure that people, particularly older people, are conscious of the fact they are becoming more vulnerable and that they should lock their doors, secure their windows and take the necessary measures to prevent uninvited people from invading their houses.

Debate adjourned.

Private Members' Business

Loan Guarantee Scheme: Motion (Resumed).

The following motion was moved by Deputy John Perry on Tuesday, 19 October 2010:

That Dáil Éireann:

- recognises that up to 80,000 small firms employ approximately 800,000 people in every city, town, village and region in the country;
- recognises that small and medium enterprises, SMEs, are heavily involved in emerging sectors in areas such as green energy, bio-technology, tourism, healthcare, agri-food and creative industries;
- notes with concern that 1,132 businesses have been declared insolvent since the start of the year;
- notes that the rate of business insolvency is higher so far in 2010 than in the same period in 2009 and 2008 despite assurances of the economy turning a corner;
- notes with concern that small businesses are still having difficulty accessing credit through financial institutions for a variety of reasons;
- recognises that the Government strategy of NAMA and bank recapitalisation has not produced a 'wall of cash' in credit for small business promised by the Minister for Finance;
- acknowledges broken Government promises to introduce a loan guarantee scheme for small and medium sized businesses;
- recognises that similar schemes in countries like Chile and Taiwan have resulted in increased lending to SMEs and delivered business growth and increased trade at little or no cost to the taxpayer; and
- recognises that in the aftermath of a banking crisis, a temporary loan guarantee scheme can support the goal of re-establishing strong and long lasting links between SMEs and banks and to encourage entrepreneurship;

calls on Government to introduce a loan guarantee scheme for small and medium-sized businesses based on the following operational principles:

- risk-sharing between financial institutions and the State;
- auctioning of loan guarantee contracts to financial institutions;
- credit assessment carried out by the banks and the Credit Review Office;
- an emphasis on start-ups and export-oriented companies; and
- exclusion of financial institutions that approve high rates of non-performing loans.

Debate resumed on amendment No. 1:

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

- “—welcomes, in particular, the Government’s five year integrated trade, tourism and investment plan, Trading and Investing in a Smart Economy, designed to help all Irish businesses compete on global markets and create 300,000 jobs across the Irish economy in both exporting and locally trading firms;
- notes the intensive work under way within the Government in relation to further small and medium enterprises, SMEs, credit initiatives while at the same time ensuring that banks fulfil their commitments given to Government to lend to this sector; and
- recognising the important contribution which small and medium enterprises make to economic growth and employment creation, commends the Government for the priority it has given to introducing new and specific initiatives aimed at improving the business environment and supporting directly the further development of the SME sector. In particular:
 - the measures taken to ensure the continued operation of a sustainable banking sector as a provider of credit to viable enterprises in the State, including:
 - the introduction in 2009 by the Financial Regulator of a statutory code of conduct for business lending to SMEs;
 - securing a commitment by both AIB and Bank Of Ireland to make available not less than €3 billion each for new or increased credit facilities to SMEs in both 2010 and 2011, including funds for working capital; and
 - the establishment of the Credit Review Office to measure compliance with the banks’ lending commitments, to examine the lending practices of the recapitalised banks and to review refusals of bank credit;
 - providing continued capital funding of €15 million in 2010 to the county and city enterprise boards to assist micro enterprises and promote entrepreneurship and recently providing an additional capital funding of €3.3 million to the county enterprise boards, CEBs, creating more than 450 jobs;
 - providing financial support to almost 2,000 companies through the employment subsidy scheme and the enterprise stabilisation fund;
 - improving the cash flow of SMEs by requiring Departments to pay their business suppliers within 15 days of receipt of a valid invoice;
 - the provision of €278 million to Enterprise Ireland in 2010, representing a 26% increase on the outturn for 2009, to stimulate the development of new businesses and facilitate the expansion of existing companies through a broad range of initiatives including direct financial and non-financial supports;
 - the commitment through Enterprise Ireland to invest €175 million through the seed and venture capital programme 2007-12 for companies at the early and growth stages of development;
 - establishing the €500 million Innovation Fund Ireland to support entrepreneurs so that they can create jobs;

- establishing the employer job, PRSI, incentive scheme to reduce business costs associated with hiring new employees;
 - the provision of €425 million for the implementation of the Leader rural development programme 2007-13 to promote sustainable employment creation in the rural economy; and
 - preserving a low tax regime for business.”
- (Minister for Enterprise, Trade and Innovation, Deputy Batt O’Keeffe).

An Ceann Comhairle: Ten minutes remain in this slot.

Deputy Thomas P. Broughan: I ask to share my time with Deputy Mary Upton.

An Ceann Comhairle: Will that be for five minutes each?

Deputy Thomas P. Broughan: Yes. I am delighted to have the opportunity to speak on the Fine Gael Private Members’ motion on small and medium enterprises and small businesses and I commend Fine Gael for tabling this critical motion given the profound crisis situation in which many such companies find themselves.

As the motion indicates, 1,132 businesses have been declared insolvent since the beginning of 2010, an incredible loss rate. It is astonishing that with so many critical businesses going to the wall, with 800,000 jobs involved and the job losses that accompany each closure, the Fianna Fáil-Green Party Government has been largely silent on supports for promoting SMEs.

This haemorrhaging of small business jobs can be clearly seen across my own constituency of Dublin North East. If one walks through estates such as Clonshaugh Industrial Estate, Baldoyle Industrial Estate and the various industrial estates around Dublin Airport, for example, one will find that numerous local small and medium business people, from printers to creche owners and small shopkeepers are in difficulty. They have been in touch because they fear they will lose their business or the tragic day will come where people will be made redundant. The scale of retail closures is also shockingly obvious if one walks into the shopping centres in Dublin North East, a constituency I am proud to represent. For example, in Northside, Clare Hall, Donaghmede and Sutton shopping centres and on the high streets in Sutton Cross, Howth, Artane and Coolock one can see the very debilitating situation for the business and wider community. Retail outlets and businesses close down with no sign of any succeeding business. If one walks down any street in Dublin city centre or through any of the cities or towns in the country one will see boarded up windows where once there were thriving businesses. This contributes to a spiral of degradation when one should be trying to promote thriving commercial and shopping activities.

We constantly hear the mantra from the Fianna Fáil-Green Party Government and their senior banker associates pals that credit is flowing to small businesses and entrepreneurs. Many businesses have had overdrafts slashed or cut back completely. What is worse is that many of these firms are stable, viable businesses employing people but given the severity of the current recession they cannot operate wages and stock outgoings, for example, on a severely reduced credit line. Other self-employed people such as taxi drivers are being told by banks they will not qualify for new financing arrangements because the outlook for that industry is so dismal.

A survey by ISME in September found that 42% of companies were refused credit in the third quarter of 2010 and an incredible 55% were refused in the second quarter. ISME has flagged major concerns that nearly half of businesses over the past three months who applied

[Deputy Thomas P. Broughan.]

for credit have been turned down, a measure that may result in even more job losses. There is a crisis in the sector.

NAMA simply has not worked in freeing up credit. This significant flaw with the NAMA construct was highlighted at the time by economists such as Dr. Karl Whelan of UCD who cogently argued there was no evidence to believe that NAMA would get credit flowing to the people in our economy who need it most, the entrepreneurs. Of course, the NAMA legislation contained no provision to allow credit to move after the banks had been changed substantially by the NAMA procedure. Under the Labour Party's nationalisation plan, banks would have been mandated with this key responsibility.

I note and warmly commend the proposal in the motion for a loan guarantee scheme for small and medium-size businesses. Fine Gael colleagues will remember that my own colleague, Deputy Joan Burton, originally proposed an SME working capital guarantee scheme. It is good to see Fine Gael taking up long-established Labour Party policies. I look forward to our Fine Gael colleagues being able to support a future Labour Government.

Deputy Burton has outlined a co-guaranteed, risk-sharing scheme whereby the banks would make the lending decision but the Government would step in to guarantee 50% to 75% of the loan which aligns the interests of the loan originator and the guarantor. This guarantee would reduce the level of the risk-weighted assets and reduce the recapitalisation requirements of the banks. It has been estimated that the expected loss on these loans, through bad loans, would be less than 5%, ensuring a significant volume of loans being advanced through the scheme. There are similar schemes in operation in the UK, Japan and Hong Kong, for example, and I urge the Minister and his colleagues, as a matter of urgency, to implement the Labour Party's SME working capital guarantee scheme. I again welcome that Fine Gael has adopted this policy.

Deputy John Perry: The Labour Party was a long time coming. The Deputy is very ambitious tonight.

Deputy Thomas P. Broughan: I have been involved for more than a quarter century in supporting small business community enterprise and during that time have been a director of a number of small business centres under the Coolock Development Council, the Northside Centre for the Unemployment and Northside Partnership. I am proud to have worked with, and to have played a role in supporting hundreds——

An Ceann Comhairle: Tá an t-am caite.

Deputy Thomas P. Broughan: ——of small businesses in Dublin North East. I ask the Minister to listen to what has been said on this side of the House and to try to implement some of the proposals made.

Deputy Mary Upton: I welcome the opportunity to speak on this motion relating to the difficulties being experienced by small and medium enterprises. I believe the difficulties being faced by these enterprises are a serious threat to the economy as a whole because these industries are the backbone of our economy. These enterprises are in every town and village in the country and provide a host of expertise and services that underpin our economy. They employ approximately 800,000 people in a host of areas such as the service industries, manufacturing and technology. As well as being the purveyors of generations of local knowledge and expertise

they also hold the creative and dynamic energies that will allow us to capitalise on new areas of enterprise as well as our existing areas of speciality.

Like Deputy Broughan, I am painfully aware of the plethora of small industries, retail outlets and services, etc., that have closed down in my constituency. Apart from every other factor, there is a feeling that derelict areas are developing around us because of that, never mind the unfortunate consequences there are for the owners of these small industries.

One area of speciality we excel in is tourism which I want to address in particular. We have a tourism product that is renowned across the world. With offerings such as our rich cultural heritage and our outstanding natural beauty, we compete and thrive in the global tourism marketplace. Our tourism industry is a real indigenous success story and is often overlooked as the importance of the tourism industry is often underappreciated. Each petrol station and cafe in a rural town or village is a contributor to and beneficiary of the tourism industry. This under-appreciation stems partly from the integrated nature of the sector with tourist spending in the local economy not readily identifiable as tourist revenue. However, the importance of tourism should not be underestimated. In 2009 it contributed €5.2 billion in revenue with over €1.2 billion benefiting the Exchequer in taxation. In 2008, tourism accounted for 4% of GDP.

As in so many sectors of our economy, the past two years have been extremely difficult for the tourism industry. We have seen dramatic falls in visitor numbers from traditional markets such as the UK and continental Europe as well as a drop-off in the long haul market such as from the US. The industry has reacted well by refocusing on its core strengths and innovating to adapt to the rapidly changing and increasingly competitive global tourism market. This change takes time and support if it is to succeed but the problems of lack of access to credit to sustain seasonal businesses, as well as credit to allow businesses to develop their product, is a real threat to the industry.

In order to continue to develop our tourist industry it is vital that budding tourism small and medium enterprises are able to access the start up and development funding required to produce technological and innovative products and services which can enhance the tourism product in Ireland and be exported to other countries. As we have been told on many occasions, credit is the lifeblood of the economy but the fact that we are having this discussion now is a clear indication that attempts to free up credit are simply not working. We have figures showing that over 1,100 businesses have been declared insolvent so far this year. These figures are as alarming as the headline figures for unemployment in the economy.

Credit must be unfrozen by banks owned by the State and covered by the State guarantee. What is the point of virtually nationalising AIB and being the largest shareholder in Bank of Ireland if we cannot use them to pump credit into the economy to support businesses and jobs? The Labour Party has already set out a strategy for the creation of a strategic investment bank to improve the ability of SMEs to access credit. This approach would bypass the main banks which seem too shell-shocked by their fall from grace to be able to do what we need them to do to save our economy.

The Labour Party is steadfast in its belief that to protect these indigenous businesses and to help them survive and eventually grow is the surest way of ensuring we are competitive in the growth industries of the smart economy. The tourism industry is a very good example of an industry that traverses both traditional skills and state-of-the-art technology. Our visitors want to savour the traditional Ireland with a modern twist and they need the best and most modern technologies to access the traditional through I-pods, the Internet, broadband and so on. The developers of the technology such as is found in the Digital Hub in Thomas Street, for example,

[Deputy Mary Upton.]

are co-dependent with traditional services and facilities. Each needs credit facilities to set up, stay in business and create employment. We cannot allow any further haemorrhage in these industries because the knock-on effect will be felt across the community. Therefore, credit must be freed up to allow the industries to recover and grow.

An Ceann Comhairle: The next speaker is Deputy Charlie O'Connor. There are a number of other speakers, including Deputy Margaret Conlon——

Deputy Charlie O'Connor: Deputies Michael McGrath, Thomas Byrne and Frank Fahey.

An Ceann Comhairle: There are 30 minutes in this slot. I am not clear as to the division of the time.

Deputy Charlie O'Connor: I shall make it clear, a Cheann Comhairle. I wish to share my time with Deputies Margaret Conlon, Michael McGrath, Thomas Byrne, Frank Fahey, Timmy Dooley and Cyprian Brady.

I welcome the opportunity to make a contribution in this important debate, and I compliment our colleague, Deputy John Perry on his initiative in tabling the motion. I apologise for not being here last night, but I had to cheer on Shamrock Rovers and St. Patrick's Athletic in Richmond Park——

Deputy John Perry: Sligo Rovers will deal with them, now.

Deputy Charlie O'Connor: I now look forward to being in the Aviva stadium if I can get a ticket on 14 November to watch Sligo Rovers and Shamrock Rovers.

An Ceann Comhairle: Will the Deputy please come back to the loan guarantee scheme?

Deputy Charlie O'Connor: It is all about jobs, a Cheann Comhairle.

Members will know that I live in Tallaght, which I shall mention somewhat. Long before I had any ambitions in politics I was involved in founding an organisation called the Get Tallaght Working group. This has been operating for 26 years and has developed into Partas, which is a community developing group in the general Tallaght region dealing with the need for employment and enterprise. Tallaght, 26 years ago, was a different place to what it is today, and we have made much progress in the interim. It is good to remember that this week on Saturday, The Square in Tallaght will celebrates 20 years. It was opened by a Fianna Fáil Taoiseach and was a very proud day for the people of Tallaght, emphasising as it did the need for job creation. It was the catalyst to get Tallaght working and other groups have shared in this success over the years.

We have many great things there, in what is a city in all but name. I am always encouraging people to jump on the Luas here in the city and go out to Tallaght. However, we still have challenges, as with other communities. In the last year the unemployment figures have increased substantially, so it is important to speak up for jobs. Whatever about all the issues that will be raised over the 48 days between now and budget day, the issue of jobs is crucial. I looked with envy at television pictures on Monday of the Minister of State, Deputy Dara Calleary in Mayo with his senior Minister, Deputy Batt O'Keeffe. I do not often get the opportunity to stand behind Ministers in front of television cameras, but——

Deputy Conor Lenihan: I am always inviting the Deputy.

Deputy Charlie O'Connor: —I look forward to the time when that will happen in Tallaght as well, because we need jobs.

I was glad that the Minister, Deputy Batt O'Keeffe visited the institute of technology recently in Tallaght to turn the sod for a new centre of applied science for health. My good friend and colleague, Deputy Conor Lenihan, will share the view I expressed to the Minister, that it is important to impress on him not only the negatives as regards job creation needs but also the positives that I have already listed.

I know that everyone in the House, particular on the Fianna Fáil benches, will mention the needs of their communities, and I am not afraid to speak up for Dublin South-West. I shall continue to do that and it is important that I should look for the support of Government in that regard. I want to briefly mention the Point.

An Ceann Comhairle: I have seven speakers in this slot, Deputy, so we are talking about roughly four minutes each.

Deputy Charlie O'Connor: I am following what I understood to be my written instructions, a Ceann Comhairle. However, I am happy to concede. This is an important debate and I look forward to its conclusion and to getting the message across to Government that jobs is the big issue in Dublin South-West and everywhere else.

Deputy Margaret Conlon: I, too, welcome the opportunity to make a brief contribution this evening. We are all very aware of the difficulties being encountered by small to medium-sized businesses the length and breadth of the country. I am no different from any other Member of the House. I have received calls from the businesses that are struggling and finding it very difficult to manage. While the details of each individual case is different, the theme is the same.

These are businesses that prospered during the years of the Celtic tiger. They expanded their facilities and took on more workers because demands for their goods and services were on the increase. During that time the financial institutions were only too happy to lend money to them. Sometimes they did not solicit overdraft increases, but got them, nonetheless, without even looking for them. Now that activity is falling, businesses find they have to make employees redundant — not something that any business likes doing, downsize facilities and are unable to get access to credit. Worse still, they find that the overdraft limits on which they had relied as very important tools of the business have been reduced overnight, often without any warning or consultation. If suppliers' cheques bounce, employees remain unpaid and businesses cannot operate in such a regime.

In other cases, people have been told by the banks that they must change their overdrafts to term loans. They have no option but to take this route, and it is not something they are happy about. I have been advising people who might believe they have been unfairly treated by a financial institution to go to the credit review office. If a business is viable, with a good track record and good future prospects, then it deserves and needs the necessary tools to enable it to continue. The credit review office is providing businesses with independent reviews of bank refusals, and in some cases overturning the decisions of the banks.

I hoped last week I would not have to speak about this again, and here I find myself talking about the common question the media and public are fixated with. It is, in effect: "Why are you bailing out the banks, the builders, the developers and your friends?" I said before that we were not bailing out banks, builders or developers but society in general because without a

[Deputy Margaret Conlon.]

proper fully functioning banking system, we would have no businesses. Everything would grind to a halt.

No matter how unpalatable the bank recapitalisation is, we have to see it through and ensure that the flow of credit to businesses continues. Another problem facing businesses is rates. They are struggling to pay their rates and while I acknowledge that local authorities need money to fund the necessary services, constituents who speak to me are finding it extremely difficult. There is no provision for rates holidays or deferred payments schemes and perhaps this is an area that should be looked at.

While I welcome all the initiatives made by Government to create jobs, I believe the efforts we have made to sustain jobs is equally important. I conclude by lauding the work of the country enterprise boards. I welcome the recent announcement by the Taoiseach of €3.3 million funding for the CEB network throughout the country. They are acting in a proactive manner. In my constituency, particularly in Monaghan which I visited last week, unfortunately the CEB is not getting the attention it deserves, but I am happy to support the Government's amendment to the motion, this evening.

Deputy Michael McGrath: I welcome the opportunity to make some brief comments in support of the Government's amendment of the motion before the House. All political parties in the House recognise the importance of the SME sector, supporting as it does in excess of 700,000 jobs in the economy. At the heart of the motion tabled by Fine Gael is the issue of access to credit, which of course is fundamentally important for all small to medium-sized enterprises in Ireland.

I agree with the comments of the Minister, Deputy Batt O'Keeffe, last night to the effect that the preferred option is that the banking system should function normally, without any direct intervention from the State in terms of loan guarantees. Having said that, the Government has had to introduce a number of unprecedented policy initiatives to get the banking system working normally by the setting up of NAMA, for example, which has forced the financial institutions to face up to the full extent of the loan losses from the toxic loans in relation to property and so forth. NAMA will help to cleanse the banking system of those loans and as part of the recapitalisation we have insisted that AIB and Bank of Ireland lend €12 billion between them over the course of 2010-11. Mr. Trethowan's credit review office is reporting on the implementation of that on a monthly basis, both by sector and indeed, by geographic area.

I commend the Ministers, Deputy Brian Lenihan and Batt O'Keeffe, on the hands-on approach they have taken in ensuring that the banks extend credit in an appropriate manner to the SME sector. I welcome the recent quarterly report by ISME, whose survey shows that there has been some easing of credit conditions in recent times, although we cannot be complacent in that regard. We must acknowledge that in previous times, credit conditions were at an artificially high level, although they have gone to an exceptional low in recent times. We are trying to strike an appropriate balance. There is some evidence that many sanctioned credit facilities are not being drawn down in full because many SMEs do not have the confidence in the economy to take on that extra debt. Thus, in the forthcoming budget, while we must work towards the four-year plan to reduce the deficit, we must also see some targeted measures to stimulate more consumer spending in certain sectors. That would clearly benefit SMEs.

The guarantee scheme proposal put forward by the Fine Gael Party has merit in principle but only on a limited basis. It would have onerous conditions because ultimately, the taxpayer

will be at the end of the hook. The burden will need to be shared between the institutions and the State and if the scheme were to be implemented it would have to be linked directly to the creation of employment. For example, a State loan guarantee would not be extended to a business applying for additional working capital but only in the case of a project that would directly create additional employment. That is what we all want to see. We must recognise how exposed the State already is to the banking system and take a responsible and cautious approach to becoming involved in any further guarantee initiatives, although there may be scope for it on a targeted and limited basis.

I support the point made by Deputy Conlon about the burden of local authority charges, which is something that all parties in this house can contribute to resolving. Many councils across Ireland are controlled by Opposition parties, and we do need to take practical steps to reduce the burden of local authority rates, development charges and so on so that viable businesses can continue to retain the jobs they have and create additional jobs. I support the Minister, Deputy Batt O’Keeffe, in his efforts to reduce the amount of red tape and bureaucracy for SMEs.

Deputy Timmy Dooley: I welcome the opportunity to contribute to this debate, although I am not necessarily in agreement with the Opposition in terms of the approach it takes. It is important that we take every available opportunity to discuss the area of job creation and retention in the House. There is no point in getting into the difficult economic situation in which we find ourselves but at the heart of our current difficulties was our inability to retain the level of employment we had. We must consider every measure, and that is why it is worth considering the idea put forward by the Opposition. However, as the previous speaker mentioned, we must be careful not to put the taxpayer further in hock than is absolutely necessary.

We are right to focus on small- to medium-sized enterprises. We often pat ourselves on the back when IDA Ireland succeeds in bringing foreign direct investment to the country, which is important and beneficial even in the current climate because it contributes towards exports. However, SMEs must be seen as the bedrock of employment in this State, as is the case throughout Europe. The type of support they need is not overly burdensome credit support but assistance in running their businesses in a careful and efficient way. What they need is an effective banking system and an effective flow of credit, which has not been the case up to now. Although the Government has had to introduce policy initiatives — in particular, the requirement for Bank of Ireland and AIB to generate new borrowing by providing €3 billion in new loans this year and next year — my view is that this is not filtering through. I have heard reports, as Deputy Conlon mentioned, of institutions converting overdrafts into term loans, which is ultimately not new money. It is not providing any additional comfort to companies that are vulnerable in the current environment but will have a viable existence and be able to create and retain jobs as we come out of this difficult international climate.

Much has been achieved in resolving the problems in our banking system, whether it be through the nationalisation of certain elements of our financial institutions, the recapitalisation or the existence of NAMA and the work it has done. However, continuous monitoring is required and further pressure should perhaps be put on financial institutions to improve their policies, either through their boards or by implementing additional measures if necessary. We need to continue to monitor this.

The community enterprise boards are a vital and valuable component of support for the emergence of SMEs, providing assistance from the very start. We need to focus more on that. I was disappointed during the week to see that some of these community enterprise boards

[Deputy Timmy Dooley.]

have not sought extra money or have not been in a position to draw down the additional money. In the current climate they should be pushing it out to the boundary. For that reason we need to have a greater focus on this area.

I will conclude with a view I hold, which is that we need to change our bankruptcy laws. If we force the owners of SMEs into the wilderness for 12 years — or even for six years, as mentioned in the report of the Law Reform Commission — we are robbing ourselves of some outstanding entrepreneurs. They are the people who will ultimately get us out of the mess we are in through the creation of employment. There is much work to be done in dealing with the political fallout of this, but we do need to reduce the length of time for which people find themselves locked in bankruptcy.

Deputy Cyprian Brady: I support the amendment to the motion. As far back as December 2008, the Tánaiste and then Minister for Enterprise, Trade and Employment, Deputy Coughlan, stated that every action and initiative being taken by the Government was about jobs, jobs, jobs. The actions taken then, which are continuing now, were aimed at stabilising the public finances, fixing the banking system, improving our competitiveness and making sure we were ready to take full advantage of any upturn when it came. In fairness, the Government has stuck to that plan. The vast majority of the actions have worked and are working. We continue to compete successfully with other countries in attracting foreign direct investment, as recent job creation announcements have shown. However, there is still much more we could be doing. We should be out there selling Ireland around the world and explaining the benefits of doing business in Ireland. The five-year integrated trade, tourism and investment plan is going some way towards achieving that. We had to do this back in the 1980s when former Deputy MacSharry and Padraic White, at the behest of the then Taoiseach, Charles Haughey, went out and sold Ireland as a country and a place to do business. We must continue to do that.

When we consider in detail the measures that have been put in place, it is obvious that they are not just about creating new jobs. There is an equal emphasis on protecting the approximately 1.8 million people who are in employment, which is a major responsibility for the Government. Previous speakers have mentioned, and I know from speaking to people in my own area, that many business people are struggling. Some of them have managed to adjust the way they do their business, but unfortunately, others are just not in a position to do that and are suffering. They need more support and they also need co-operation from the banks. The measures that have been established, including forcing AIB and Bank of Ireland to provide €3 billion this year and next year specifically for SMEs, must go some way towards ensuring that those companies that find themselves struggling and need extra support are able to get it.

We have also seen the introduction of the Credit Review Office. My fear is that SMEs that seek credit who are refused and continue to fight the case would be targeted for special treatment further down the line. I hope this is not happening. I know that businesses are finding it difficult to get overdrafts and credit. In the majority of cases, there are probably good reasons for that, but the measures that have been put in place should ensure those businesses which need the support get it.

The cost of doing business is continuing to come down. For many years we have listened to how over-regulation has affected businesses. We have gone a long way towards improving that. As a member of the Joint Committee on Enterprise, Trade and Innovation, I know that every effort is being made to listen to the concerns of as many small and medium enterprises as

possible and to talk to the statutory agencies that are dealing with them on a daily basis. We will continue to do that.

Deputy Thomas Byrne: I am pleased to have the opportunity to speak on the Government's amendment to the Fine Gael motion. I listened with interest to speakers on both sides of the debate. There is a general consensus across the floor that small and medium enterprises are the cornerstone of our economy and if we do not protect the cornerstone, the whole thing will collapse. We must support small and medium enterprises if we are to get out of the current economic crisis.

In the spirit of the cross-party consensus I hope will build up, I recognise Deputy Perry's own experience of small business from his various businesses in south Sligo, which is from where my wife comes. He certainly has a knowledge of small business and I pay tribute to Fine Gael for not using the usual language to slam the Government in the motion. At the same time, I would suggest that some things are going right, particularly exports. The economy will probably have overall growth this year and it is important to recognise that. While it is certainly the duty of the Opposition to oppose and criticise, it would be helpful if it recognised the export performance of the country and the increase in foreign direct investment. My hope is that the more foreign direct investment into this country, the more products they need from small and medium indigenous companies here, and that a knock-on effect can be created.

The Government is providing concrete measures to support the small and medium enterprise sector. I want to look at the city and county enterprise boards throughout the country and in particular, the board in Meath which does much work in assisting members of the public and potential business people in my own county with jobs and training. A further €3.3 million in funding was announced last week for county enterprise boards. This relatively small amount of funding has the capacity to create more than 450 jobs in small firms, which highlights the importance of a good capital budget in creating jobs. The money will be used to help people set up new businesses, support entrepreneurial spirit and to help local communities through job creation. The Government has provided €18 million to county enterprise boards, helping smaller businesses in 2010.

Meath County Enterprise Board is doing tremendous work. For the year up to September 2010, it has approved 19 projects with a potential of 42 jobs, which is an average cost of €7,000 per job. It paid out €106,000 for another 18 projects that created 27 full-time jobs at an average cost of just under €4,000 per job. A total of 457 people have completed training or are on training courses with the Meath County Enterprise Board this year. The number is divided fairly evenly between men and women and I would like to pay tribute to our female entrepreneurs in my constituency, and throughout the country as well. Out of that figure of 457, 184 received "start your own business" training. It created many jobs in the county even though it is a relatively small operation. The county enterprise board is working with neighbouring boards in Kildare and Fingal on training and support for former SR Technics employees. That is a big issue for my constituency, with Dublin Airport being so close.

The county enterprise board employs only the equivalent of four and a half full-time staff, so it does a great amount of work with such a small number of staff. I pay tribute to it. It is another reminder of the work the Government is doing and which is being delivered on the ground to support job creation.

Deputy Frank Fahey: I support the amendment to the motion in respect of small and medium enterprises. Three critical areas are being addressed, namely, the ability of the banking sector

[Deputy Frank Fahey.]

to make cash flow available to small business, the need for a major reduction in the amount of regulation, bureaucracy and red tape that small businesses have to endure and — the most important area — the return of confidence in the small business sector.

The support from Enterprise Ireland and from the IDA to assist small businesses to get into new markets is encouraging. That we are getting into markets such as Brazil, China, India, Russia, Japan, the Gulf states and former Soviet states is an example of the opportunities that exist for small businesses in Ireland. We must be export orientated and in that respect I note what the Minister had to say about the guarantee scheme being put in place. That scheme must be put in place as a matter of urgency.

The banking situation is critical. There is no doubt, no matter what anybody says, both Bank of Ireland and AIB have made life very difficult for small businesses in this country. We understand this is because the banks themselves do not have the cash to give out, but they have to move from the culture we have seen in the past two years whereby they have not been prepared to take any risk. It is vitally important that we capitalise the banks as soon as possible, but it also vitally important that we give back to the local bank manager the ability to be able to make decisions. Every decision in Bank of Ireland and AIB currently has to be sent to a credit department in Dublin that has no concept of what is going on across the country. The Minister for Enterprise, Trade and Innovation must get the banks to give back decision making powers to the local bank manager. He knows his customers. He knows what is a good risk and a bad risk. This is the most critical issue.

The second most critical issue is the need to put an end to the crazy aspects of regulation. How many agencies are involved in the regulation of small businesses at present? We have an army of inspectors making life difficult for them. NERA is the biggest offender. NERA was set up because of a number of cowboy employers that needed to be dealt with a few years ago. However, the majority of employers are not cowboy employers. I am not advocating for one moment that there should be any diminution in standards or workers' rights, but there is no need for this plethora of inspectors from NERA, the Health and Safety Authority, local authorities, the HSE and so on. They are making life impossible for small business people who are trying to make a go of things.

As we are now bringing confidence back into the sector and are coming out of the recession in spite of difficulties, I believe people will spend more and small businesses will benefit. I am satisfied we will see a return to growth in this sector, provided we deal with the first two issues I mentioned.

An Ceann Comhairle: In the next slot I have nine speakers offering. There are 30 minutes available, so there is a need for discipline.

Deputy Kieran O'Donnell: I wish to share time with the speakers on the list. Do you need to read the list, a Cheann Comhairle?

An Ceann Comhairle: No, it is fine, I will call them.

Deputy Kieran O'Donnell: I commend Deputy Perry on tabling this motion which is appropriate and apt. I want to speak on a positive note. What we need is recovery through growth and key to that is the SME sector. I came from that sector myself having set up as self-employed many years ago. We need to look after start-up companies, particularly in the export area. I have a simple ten-point plan starting with the need to foster an entrepreneurial culture. People

should be encouraged to set up as self-employed rather than that being seen to be a dirty term. People should not be afraid of failure and be encouraged to take risks, which is not the case here.

The main banks, Bank of Ireland and AIB, need development wings dealing specifically with the SME sector. At the moment the banks are more interested in repairing the balance sheets and are giving no attention to SME lending. People from the private sector should be brought in to head up those development wings. There should be an ancillary board comprising representatives from ISME and the Small Firms Association, who have the knowledge and can track what lending is taking place.

The VAT registration limits for people setting up businesses need to be increased as they are too low. For goods the limit is €75,000 and for services it is €37,500, which is an excessive burden on an SME setting up. The high-level review group investigating regulation in the SME sector has only met five times in 2009. There is a target for a 25% reduction in the regulation burden on the SME sector by 2012. We should have yearly targets with, perhaps, a target reduction of 10% by the end of 2010, another 10% by the end of 2011 and 5% by 2012. That high-level group should meet on a monthly basis.

There is an exemption from corporation tax for people setting up as self-employed for the first three years. Most self-employed people set up as sole traders. There is a major burden of having to be audited and they worry about being directors. From my experience as a chartered accountant, people would only establish companies when their tax levels were sufficiently high to justify it. They should be exempt from tax for the first three years.

Deputy Fahey spoke about funding to be provided by Enterprise Ireland and IDA Ireland. The funding to the enterprise boards was cut in the past year. As start-up companies get their funding from the enterprise boards, funding must be given to that area and proper mentoring must be put in place. Based on what I saw today, a venture fund should be set up for start-up businesses to allow risks to be taken with them. At the moment the self-employed are entitled to virtually no social welfare benefits; they do not qualify for FIS or job seeker's benefit because they are on an S stamp rather than an A stamp. We need to find ways to get people in small businesses over the hump. If those points were implemented it would have a major effect on business.

We need a link between graduates and colleges and the business sector because college graduates represent the future. We have one of the highest proportions of graduates in Europe and we need to ensure they do not emigrate and that we keep them here. We need an enterprise culture to drive recovery through growth. While the multinationals are very important, the indigenous SMEs, particularly those that export must be supported.

Deputy John O'Mahony: I am glad to have the opportunity of making a few points on this crucial debate and I commend Deputy Perry on tabling the motion and outlining how the implementation of these suggestions would have a positive effect on the survival and growth of small businesses. I was present in Ballina on Monday last when the Minister, Deputy Batt O'Keeffe, and the Minister of State, Deputy Calleary, announced 250 new jobs in Hollister Ireland. I shook the hand of the Minister of State and it was a happy occasion. There is universal welcome for those jobs. I would like to think there would be similar announcements for my county every week or month, but I do not hold my breath. These jobs were badly needed in Ballina and in the county because many more than 250 were lost in Ballina in recent times, most of them in the small business sector whose credit has been shut off in the past two years because of the financial crisis.

[Deputy John O'Mahony.]

Nobody is suggesting that non-viable businesses should be supported by handing out buckets of cash to businesses without a chance of success but we have gone from a situation a few years ago, when money was being shovelled out, to the present state of affairs. I know one small business at that time that sought €50,000 and was offered €300,000. The businessperson was so cautious at the time that the company did not proceed but later figures proved that it could have taken on two or three additional staff if it had proceeded as originally proposed. Now it can get nothing. I emphasise those two or three jobs because it is the two or three jobs lost that make up the majority of the 450,000 people who are unemployed. These twos and threes will not make national or even local headlines but they have the same effect on those losing jobs and their families.

Much has been spoken about in recent weeks and months by our economic experts and on all sides of this House about getting the balance right between spending cuts and tax increases, and the balance between savings and stimulation. One area where balance has not been fair is in the small business sector. Charges and costs have gone through the roof and income and turnover gone through the floor. I would agree with the point Deputy Fahey made about the increased regulation in recent years.

The Fine Gael motion is an honest effort to redress that balance and deserves the support of this House. I will finish by quoting from a letter to today's edition of *The Irish Times*:

One does not need to hold an economic title to know that small businesses need access to finance (i.e. cash) to support their businesses and to pay their 800,000 taxpaying employees. Business owners do not need more talk, more interdepartmental discussion, more economic assessment; they need action on making finance available and accessible, and they need it now.

Our proposal is self-financing and would not cost anything. It was implemented in Northern Ireland in 2008 and has worked there. We hear much about consensus; I ask for consensus from across the floor for this motion.

Deputy Lucinda Creighton: I thank Deputy Perry for tabling this important motion and I endorse his proposal for a loan guarantee scheme for SMEs. I have done considerable work in recent months in meeting and consulting with small and medium-sized enterprises in my constituency. What I have gleaned from my many meetings is essentially the same as my colleagues have encountered across the country. It is that urban and rural areas are all facing the same challenges. The lack of access to credit is well defined and has been well aired. We have now reached a point where we need action by the Government on this matter and less discussion.

The other issue that needs to be addressed, which is politically sensitive and which the Government has failed to touch on up to this point, is the enormous challenge we face due to the cost of labour in our economy and the utter lack of competitiveness in that respect compared to the position that pertains in most of our European neighbours and in other parts of the globe. If we are to recover our economy and return to growth, we must make our economy competitive. The minimum wage rate in Ireland at €8.65 an hour is the second highest in the European Union and considerably higher than that in our biggest and nearest trading partner, the UK. This wage rate is not sustainable. It must be reviewed in the current context to give a break to employers who literally have been dipping into personal and family savings to keep people on the payroll. Business owners and employers have gone way above and beyond the

call of patriotism and duty to try to keep people in employment in this country, but that is not going to last. My fear is that after the Christmas season and come the New Year, even more haemorrhaging of jobs will occur in the private sector because employers are not being assisted or given a break in any way by the Government. I call on the Government to review the issue of the minimum wage. It is essential it is reviewed now in the context of the budgetary crisis, the relentless cost and competitive challenges that face employers and the further job losses we will face in the New Year if the Government does not act.

Deputy James Bannon: I commend Deputy Perry on tabling this important motion. What comes across loud and clear is that Fine Gael can see the wood from the trees when it comes to the support necessary for our small and medium-sized businesses. However, this awareness contrasts starkly with the extraordinary lack of will by the Taoiseach and his Government to face reality and get the country back to work through a dynamic lending scheme and jobs strategy.

A fact that must be acknowledged is that small and medium-sized businesses are facing liquidity problems. This follows a decade in which small and medium-sized businesses have been virtually ignored while the focus has been on foreign direct investment despite the fact that small and medium enterprises provide 70% of employment in the non-financial sector.

Last June, a Longford man, Dr. Ciarán Mac an Bhaird, published a new academic book on financing small and medium-sized enterprises. He described such businesses as the cornerstone of the Irish economy. However, he highlights the fact that small firms in Ireland are in deep trouble and are struggling to stay alive. I am very much aware of this from speaking to people in small businesses throughout my constituency in both Longford and Westmeath. Dr. Mac an Bhaird said that these businesses need a level playing field with regard to tax incentives and that the old bank lending system must be replaced by a different means of forwarding finance to small and medium enterprises.

It had been hoped that the Government loan guarantee scheme would boost the small and medium businesses sector. Once again, however, we see the Taoiseach wriggling like a worm on a hook to escape another commitment to Irish businesses. It is very revealing that there is an absence of reference to the scheme in the Government's amendment to the motion. What the Government cannot deny is that it has sidestepped this issue, and this has always been the case.

It is now nearly a year since the Taoiseach first proposed the loan guarantee scheme in a statement worthy of his predecessor. He has since said that the issue needs to be looked at very carefully because we have already given credit lines from the banks to ensure, on the basis of their successful recapitalisation, that they will be in a position to have credit lines to business. I wonder does he know what he means by that. It is as confusing as something Deputy Bertie Ahern would say, only the Taoiseach is using bigger words. This is an example of Cowen language.

Also last April, the Minister for Enterprise, Trade and Innovation promised 40 jobs for Mullingar, raising hopes that have since been dashed of increased jobs in a local company. Such false promises are a normal part of the Government's spin, grabbing the headlines in the name of the Government with no follow up and no regard for those who have been conned.

I again commend my colleague, Deputy Perry, on putting forward this important motion. Hopefully, common sense will prevail and it will be agreed by all Members of this House.

Deputy Joe McHugh: Small and medium-sized enterprises are in a vicious circle at present. Members of this House find themselves in a similar position to an extent in that Members on all sides are all saying the same thing on this subject but they will vote differently on this motion. That does not make sense. The vicious circle in terms of this sector relates to overdrafts. These are based on turnover and one does not need to be a rocket scientist to know that the turnover of businesses has gone down. The banks have now turned such overdrafts into term loans, thereby introducing a racket effect. What happens then is that businesses cannot afford to pay fees such as insurance premiums. The most significant development in this vicious circle is that there has been a loss of confidence in spending. Turnover cannot be maintained by these existing companies because people are either saving or are just surviving and cannot afford to spend. We need to examine the overall economy and introduce measures that would restore confidence. As Deputy O'Donnell said, restoring confidence, positivity and growth are key in this respect.

Deputy Perry, who tabled this motion, has his ear to the ground and he knows that banks are not lending. We must be experimental in our thinking. We should note what Alistair Darling did with the VAT rate in the UK a few years ago. In the pre-Christmas period people will travel North to buy certain merchandise such as toys because they are cheaper. We need to look at a bundle of goods and reduce or remove the VAT rate on some of them. We need to be experimental and creative in our thinking. If we want to get people to spend, we must offer cheaper products; if there are cheap options across the Border, the current position will not suffice.

I will outline the conundrum we face. Every person who is in a position to pay back his or her mortgage in the country pays his or her money into the bank on a monthly basis. Mortgage holders in the Minister of State's constituency are making their repayments to the banks but the banks are not paying out. Given the amount of money that is continually going into the banks in terms of mortgage repayments and the austerity measures that will come down the line, the conundrum facing our country is reflected in the John Maynard Keynes's theory, namely, the issue is not the cuts themselves but the expectation of cuts. That is where the Government has made the mistake, and it is by this that it will be measured into the future.

Deputy Ulick Burke: I congratulate Deputy Perry on bringing this motion before the House. Everybody in the business world understands that access to credit is their most important lifeline. Given that there are 80,000 small businesses in this country employing approximately 800,000 people, surely a Government that ignores that fact is falling flat on its face and is devoid of policies that will create employment in the future. One of the Government's efforts to make the banks lend again and to make them work and function properly was to set up a credit review process, as it had promised. That has been established and functioning since last June. Only 20 applicants have come forward to have their applications reviewed. That in itself shows that the Government has not been serious about advertising this facility for people who have been deprived of proper finance by the banks. Of those 20 applications, only ten have been processed and, of those ten applications, the decisions in only five of them have been upheld. Surely that in itself indicates the level of failure of this Government to do anything worthwhile.

The Government introduced this agency which has been nothing short of a talking shop with no clout to deal with the banks. I agree with Deputy Fahey on the Government side on how important it is to restore discretion and power to local bank managers. Any request for funding or credit at a local bank branch is now sent to its head office in Dublin to be decided on by officials who know nothing about the customers in question. These customers, who have been

honourable in all their dealings with their banks in the past, are refused credit and loans for no particular reason.

Along with Deputy Perry's proposal for a loan guarantee scheme, we need to establish a national loan scheme, particularly considering the amount of money still in the economy. Such a scheme was a success in the past and should be introduced again by the Government.

Deputy Seymour Crawford: This motion calls on the Government to introduce a loan guarantee scheme for small and medium-sized businesses based on a realistic operational system. When I hear my colleagues on the Government side questioning how it can be done and how much it would cost, it is clear they did not read the motion thoroughly. Deputy Perry spelled out clearly how it was not an open door but a scheme that would be guaranteed and maintained.

It is also ironic the Government questions the logic of such a scheme when it has already committed up to €100 billion to save the banks, of which €40 billion went to Anglo Irish Bank and Irish Nationwide Building Society, which will never create one job.

It is welcome some Members opposite realise local authority rates are a burden which must be dealt with. They have also realised many family businesses are keeping themselves afloat by raiding their savings. This is not good enough. The Government promised the introduction of a support scheme for small businesses last January. Unfortunately, last week the Taoiseach told the Dáil this scheme was a non-runner.

Everyone can talk about the issues but action and creating jobs is the only way this country will ever get out of its present mess. It is not good enough when one thinks of all the jobs once provided by furniture manufacturing, bacon processing and retail in County Monaghan which have been lost. In September 2009, the Minister for Finance, Deputy Brian Lenihan, promised a wall of cash would be available once NAMA came into existence. As we all know now, the opposite is the case.

Up to 2,000 similar schemes to this one have been introduced in 100 countries. Ireland is the only one in Europe not to have such a scheme. Will the Minister of State think again about voting against this motion tonight?

Deputy Frank Feighan: Fifteen months ago the Ceann Comhairle suspended me from the House for unruly behaviour when I challenged the Taoiseach's claims of a wall of cash being available in the economy. While the Ceann Comhairle was right then, the Taoiseach certainly was not. Coming from a small business background, I knew there was no credit available and many small businesses were going to the wall.

It is still happening. The banks continue to run the country while repairing their balance sheets. When my local bank branch shut down, I was told to use the local post office for certain transactions. Recently, I went to the post office to settle my credit card bill for €1,000 with cash only to be told such a transaction could not be carried out there until 15 November. When I went to the bank's regional branch, I was informed it could not take cash for the payment because it was now a cashless bank. When I told the bank official I had just lodged a cheque from Revenue for €4,000 which could be offset against this, I was told it would clear the payment for the amount owed on the card, €1,000, but the remainder would not be cleared for another five days. This five-day rule for clearing cheques is ridiculous. It is obvious the banks are controlling the Government's actions. The sooner the Government wakes up to this the better.

[Deputy Frank Feighan.]

Many people cannot sell their assets and release credit because they are competing with NAMA-held assets. I know one man who wanted to purchase a factory site near me. He was warned by his accountant not to buy it as there would be many more empty sites around the country for half nothing because of NAMA.

Those who are trying to work their way out of this recession receive no support. Many businesses have been forced on a three-day week with some staff on a two-day week. The Government has to pick up the tab for this through lower PRSI contributions and welfare payments. Will the Government give these companies financial support to get back to full-time work instead of funding them through welfare?

It is time the Government got real. It has been all talk for the past 15 months while many businesses have shut down and their employees joined the dole. Those who invested their time and every penny they ever had in their small or medium-sized enterprise have not survived. The Government has done nothing for these innovators. Instead, it gave them the two fingers and told them they are on their own.

Deputy Michael Ring: I compliment Deputy Perry, the small businesses' champion, for tabling this motion. When he becomes Minister responsible for this area, he will ensure small businesses will have every opportunity to survive.

I apologise to the Minister of State, Deputy Calleary, for not being in Ballina, County Mayo, last Monday for the recent jobs announcement there. My clinics are on a Monday from 9 a.m. to 1 p.m. so last week I had to attend to those with no jobs.

Several weeks ago Westport had good news from Allergan, an American company, which will invest €750 million in its local plant there. It is the company's largest and most profitable factory outside of California and when its board met in Westport recently, it complimented its wonderful workforce there.

The Government can make changes in several areas to support small and medium-sized businesses. During the boom, small businesses were ripped off by local authority rates. No matter the authority's budget requirements, the rates always rose. The Minister of State must give a directive to local authorities to reduce their rates by 10% for small businesses.

Recently when purchasing a major home product I had a choice between one made in England and one in Portlaoise. While I liked the former, I decided for the product made in Portlaoise, simply because it was Irish. Last year there was a problem with the VAT rate. Now with the VAT rate reduced, in the run-up to Christmas this year I urge people to shop local and buy local to keep their local small businesses viable. It also has a knock-on effect on the tax take and the State's ability to pay social welfare.

Minister of State at the Department of Enterprise, Trade and Innovation (Deputy Dara Calleary): I commend the amendment to the House. I thank Deputies on all sides of the House for their contributions in this debate.

The nub of the Opposition's motion and the contributions of all Deputies is how to get access to credit and finance. It is clear that the Government's actions in addressing the financial crisis within the banking sector are fundamental to providing a capacity for banks to support our enterprise sector, including SMEs. As part of the recapitalisation process, banks have begun to retrain their staff in the basic skills of lending, as a number of Deputies have mentioned this evening, and this process should be accelerated.

The purpose of NAMA is to remove uncertainty about the banks' balance sheets, clean them up and provide them with an ability to access liquidity, thereby facilitating the availability of credit to the real economy. To date, NAMA has removed €27 billion of risky assets from the balance sheets of the participating institutions, with €13 billion in NAMA bonds being issued in return. These bonds are a direct source of liquidity for the participating institutions as they are market tradeable in addition to being eligible as collateral for eurosystem operations. It is from this source that credit should now be available.

Banks are committed to meeting their lending target for new lending of €12 billion through 2010 and 2011 and are confirming that they are open for business. Today's annual conference of the Irish Banking Federation, IBF, placed considerable emphasis on the banks' willingness to lend and to engage with their stakeholders——

Deputy Ulick Burke: Too late for many.

Deputy Dara Calleary: ——in re-establishing their customer relationships and credibility. Banks are currently providing lending to businesses in the order of €32 billion.

However, it is not just being left to the banks to give assurances. There is close measurement of their performance in meeting lending targets, in disclosing their lending policies and in reviewing cases where credit has been refused to viable SMEs. The work of Mr. John Trethowan and the Credit Review Office is central to this process. The Opposition Members have made specific reference to the work of the Credit Review Office. While I accept there was no personal criticism of Mr. Trethowan there has been comment that the Credit Review Office is irrelevant and ineffective. This is an unfair comment and shows a lack of understanding of the Credit Review Office. The office is making a major contribution to dealing with the outflow of credit, not just in reviewing cases where credit has been refused but in reviewing bank lending policies and in driving the process of providing our businesses with a proper, professional banking service.

Deputy Ulick Burke: There were 20 applications and only ten dealt with.

Deputy Dara Calleary: The reference to 20 cases fails to have regard to the huge volumes of other inquiries handled by the office and the impact the office has had on the main banks in establishing formal internal appeals mechanisms for handling their own review processes.

Deputy Seymour Crawford: It is still not happening.

Deputy Dara Calleary: For the first quarter of its operations, the Credit Review Office had 2,650 visits to its website and nearly 200 calls to its helpline, which is much more than the review of 20 cases mentioned in the office's first quarterly report. The House should support the work of the office and encourage SMEs to refer cases to the Credit Review Office.

I draw the attention of Members to the remarks by the Minister, Deputy Brian Lenihan, today at the IBF conference in which he asked other banks, the non-supported institutions, to come within the remit of the Credit Review Office as well as to provide an effective internal review process for SME customers. Everybody appreciates the extremely difficult trading environment in which SMEs find themselves at present. The Minister in my Department, working with the Minister for Finance, requested that new guidelines issue for public contract procurement to make it easier for small and medium enterprises to compete for Government contracts. Under these new guidelines, all advertised contracts up to €250,000 for work and €125,000 for supplies and general services must now be open to all potential tenderers without a pre-qualifi-

[Deputy Dara Calleary.]

cation process. The threshold for advertising supplies and general services on eTenders has also been halved, from €50,000 to €25,000, reducing red tape and making it easier and less costly to tender for public contracts.

I will summarise some of the other actions the Government has taken. It has provided continued capital funding of €15 million in 2010 to the county and city enterprise boards and last week provided an additional capital funding of €3.3 million, creating more than 450 jobs. It has provided financial support totalling €135 million for almost 2,000 companies through the employment subsidy scheme and the enterprise stabilisation fund. There is a range of other incentives in place through Enterprise Ireland and the enterprise boards for SMEs.

These measures are a concrete example of action by the Government in support of the SME sector and show how it values the contribution, commitment and energy of our entrepreneurs. This Government has and continues to put enterprise and jobs growth at the centre of its economic strategy. I acknowledge the remarks made by Deputy Ring and Deputy O'Mahony regarding Hollister and emphasise that it is to the credit of the workforce involved. It is because of the Government's record in this area that I commend the amendment to the House.

Deputy Richard Bruton: I congratulate Deputy Perry for putting down this motion. It is very timely in this enormous crisis. The problem is that we have a Government that is trying to steer this economy by looking out the back window and it continually misses every obstacle on the road ahead.

I recall what we were told when this banking crisis started — this was going to be the cheapest banking solution of all time; that Anglo Irish Bank, at worst, would cost us €4 billion; it was a going concern. Those calculations were totally beside the point. Anglo Irish Bank could cost us ten times what the Government estimated. We were told only a few months ago that the size of the deficit was manageable at €7.5 billion. Three months later, it is now double that according to the ESRI. How can there be credibility in the recital the Minister gives? It is like whistling past the graveyard. The Minister is reciting the same things the Government is doing, and has been doing for years, which are producing no results but he expects the House to believe they will suddenly transform the situation.

There is no urgency whatsoever on the Government side of the House about the jobs crisis. Consider the PRSI concession, which was the big idea in last year's budget. This was to encourage employers to take people off the dole. It was first announced in December but did not emerge until the middle of this year. What has been achieved with regard to the 10,000 promised jobs? Not even 1,000 have been achieved. The Government is not even 10% of the way with the flagship of its employment strategy in last year's budget.

The same applies to its credit strategy. It is in tatters, and the sooner it wakes up to that reality, the better. It is not driving credit through the banks and there was no hope that it ever would. The banks are in a situation where they must do one thing, shrink their loan books relative to their deposits. We all know they must do that. What does that mean? It means they are closing down lending at every opportunity. They are making it harder to get credit. They are not in a position to take a punt on a bright start-up idea that might create a job for an individual and some jobs for his neighbours. They are not in that space; it is not what they are doing. They are trying to survive and shrink their loan books. The Government thought, foolishly, that NAMA acquiring their impaired loan books would change that. It was not going to change it. The Government thought some recapitalisation to fill the hole created by appalling losses would change it, but it was not going to change it.

I recall telling the House 18 months ago that we needed a national recovery bank that would provide credit to small businesses to help them through this crisis, because the banks would not help them. The Minister's backbench colleagues, to a man, talked about fantasy banks and said it would never happen. They told us to believe them and that the Government had a cheap banking strategy that would save everyone and provide a wall of cash. When will they wake up, smell the coffee and realise that the banking strategy is not addressing the credit problem?

It was amazing to see the Minister, Deputy Batt O'Keeffe, when he first went into the Department of Enterprise, Trade and Innovation. There was an air of reality as he walked in the door of the Department. He said he could see that bank credit was not getting through. Now, however, he has become totally institutionalised. He now believes the Government rhetoric that its banking solution is solving everything and that all we need is a man sitting in an office somewhere processing 20 complaints and everything in the garden is rosy. Deputy Batt O'Keeffe's first instinct was correct but he has been sucked into the maw of the thinking in that Department that it has everything right.

Consider even the notion of the Minister of State coming to the House to talk about the €3 million for the county enterprise boards. He and I know that at the start of this quarter 40% of county enterprise boards were turning away people with good business ideas. The Government produced this €3 million because there was such a wall of applications which could not be dealt with by the county enterprise boards. They were turning away people who had viable business projects. The banks had closed their doors to them and now the Government is closing the door on them through the county enterprise boards. Even with this decision on the €3 million, the Government has cut the budget by 10% when every county enterprise board will confirm that the demand has rapidly increased. It has increased by 20% according to the *Public Sector Times*, quoting the chairman of the Donegal County Enterprise Board. The same is true in Dublin and every other county. Out of desperation people are anxious to set up businesses and need a leg up, but the Government has closed even that down. The Government made a mealy-mouthed announcement that it will provide €3 million but the money can only be used for the applications on hand. The scheme closes in December and the Minister of State does not know where it will go from there. That is not a solution to this crisis.

Deputy Perry has come up with a solution that has worked elsewhere. The default level when a similar scheme was applied in Chile was 1.5%. The banks paid a premium to get the cover, the state lost nothing and it has triggered credit to viable businesses. Surely the Minister of State can see the logic in that. The scheme has worked elsewhere because it is tightly targeted. It is not about running loose with public money; this is tightly targeted. The Government needs to think again and back what Deputy Perry has offered.

Deputy Paul Kehoe: I very much appreciate the opportunity to contribute to the debate and I thank Deputy Perry for tabling the motion. I am surprised and disappointed that a man of the calibre of the Minister of State would support the Government amendment because I always thought he was an honourable man. The second paragraph of the amendment states, "notes the intensive work underway within the Government in relation to further small and medium enterprises, SMEs, credit initiatives while at the same time ensuring that banks fulfil their commitments given to Government to lend to this sector". The only commitment the Government made this year was to bail out the banks. It has pumped billions of euro into the banks over the past number of years.

Small and medium-sized business are the life, soul and bloodline of the country. The Minister of State comes from a rural constituency, as do many backbenchers who will walk through the

[Deputy Paul Kehoe.]

lobby tonight to support the amendment. They know the importance of such businesses in their communities because they are the only companies sustaining employment where they can remain open. Since January, a total of 1,132 small businesses have closed. That is a deplorable reflection on the Government. When the bank guarantee scheme was introduced in this Chamber by the Minister for Finance, he said “a wall of cash” would be available to small and medium-sized businesses. Government backbenchers raced to these business owners in their constituencies to tell them this great news but, unfortunately, the complete opposite has happened.

I refer to the tax revenues generated by these businesses for the State over the past number of years. They include €500 million in corporation tax, more than €500 million in PRSI, €3 billion in income tax and €4 billion in VAT. Ministers should be ashamed of themselves that so many small and medium-sized businesses are closing. All one has to do is visit any small town in Ireland to see the number of shops that have closed. Everything from sweetshops and pubs to clothes shops have closed. The Government parties will not listen to alternative solutions, which is why the country is in trouble. They will not listen to the ideas proposed on this side of the House or outside the House. They want to stick to the failed ideas they have implemented over a long number of years.

As Deputy Bruton said, it is about time they got up and smelled the coffee. They are past that though because they cannot even smell the reality of what has happened on the ground over the past two years. They are more interested in protecting bankers and others who have protected them for years and making sure they can remain snug. The Minister for Finance said a wall of cash would be available when NAMA was established. There is a wall but I assure the Minister of State there is no cash. I commend the motion to the House.

Deputy John Perry: I thank every Member who contributed to this important debate. The Fine Gael motion calls on the Government to introduce a credit guarantee scheme, precisely targeted at viable small businesses that have the ability to repay the loan. It is all about jobs, jobs and more jobs. The Government amendment does a trawl through the policy archive and lists all the old news about previously announced scheme and past broken promises to help small business. We are referring to emerging sectors that are very much under pressure such as green energy, biotechnology, tourism, health care, agriculture, construction and creative industries.

The Minister for Enterprise, Trade and Innovation stated that the banks have been recapitalised and have been instructed to make credit available to small business. The Minister for Finance stated, “a wall of cash from NAMA can help to restore the credit flow, even allowing for fewer banks and the retrenchment of many UK-owned banks”. Some banks have left the market and transferred their loan book to the banks that remain active in the market. These new loans have not provided additional credit for the small business sector. Other banks are not taking on new clients. They are closed for business and they are only tidying up their affairs by creating their own NAMA or good bank-bad bank structures internally. There is a lack of credit for small business on the ground, regardless of the 2,000 companies that have been supported. The Minister of State did not refer to the other 78,000 companies.

To use the Government’s own phrase, “a wall of cash” was provided to bail out the banks. The banks were then expected to support small business and protect jobs. The wall of cash is in the banks to shore up their balance sheets but, as Deputy Burton said, the banks are standing guard in front of this money. Cash is not being made available to viable businesses on the

ground, regardless of the commitment made by the State-guaranteed Allied Irish Banks and Bank of Ireland. I again refer to the three supports for business. Does the Minister not agree that, as the Government has bailed out the banks at a cost of billions of euro, the banks should invest in business and, therefore, the third tier should be the retention of jobs, which is not happening?

The Minister failed to acknowledge that small businesses have identified an urgent need for a credit guarantee system. Three weeks ago, Forfás made the same case. It was announced on a Friday evening without any fanfare in case it would get publicity. The experience in other countries is that small businesses are being aggressively supported by use of loan guarantees, as well as export promotion and export insurance schemes. They are self-financing schemes, as is the scheme I have proposed.

Last night, the Minister made an outrageous statement that the Fine Gael motion proposes a loan guarantee scheme to let the banks off the hook. Over the past ten years, the actions of Fianna Fáil and other parties have let the banks off the regulation hook and the result has been a complete lack of confidence resulting in no credit. The Minister certainly is not smelling the coffee. Thanks to this Fianna Fáil-led Administration, the only people on the hook for Government and banking incompetence are the ordinary taxpayers of the country and no one should forget that. Thanks to Government support, the failed bankers and the failed developers are off the hook. The more than 1,000 small businesses that have been forced to close this year are also off the hook. The Government controls the banking sector.

While the banks are on the Government hook, they are hiding behind the code of conduct for SME lending, published in 2009. The code was meant to facilitate access to credit for small business. The Minister of State also mentioned the credit review office. Fine Gael fully intends to expand the functions of the office because it currently can only examine applications that have been refused. An applicant's ability to repay should also be assessed. The code of conduct is not doing the necessary job. It is time to revised code in order that the initial loan application will be completed within 28 days. It can take nine months currently and the banks are hanging people out hoping their businesses will close before they give a decision. The code has failed to deliver. Instead, it has become an obstacle course for anyone trying to access credit. The Minister referred to positive signs in recent weeks and the need for consumer confidence and he stated the Government is doing what it can to provide the best operating environment. This rhetoric does a disservice to the reality on the ground. The banks are not providing credit to small business. Typical small businesses up and down the country need help. They are not getting any help from the Government and the number of small business insolvencies speaks for itself. The number of people now unemployed is 500,000. We need to kick-start the economy. For the past two years we have listened to an endless loop of Fianna Fáil commentary on banks and bank bailouts, but we have heard very little about the needs of small companies.

This Fine Gael motion proposes a credit guarantee scheme for viable small businesses with the ability to repay the loan. This scheme is a practical solution to the credit problem of the typical small business, 80,000 of which employ 800,000 people. This motion deserves the support of every Deputy and I commend it to the House.

Amendment put:

The Dáil divided: Tá, 78; Níl, 72.

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.
 Cowen, Brian.
 Cregan, John.
 Cuffe, Ciarán.
 Curran, John.
 Devins, Jimmy.
 Dooley, Timmy.
 Fahey, Frank.
 Finneran, Michael.
 Fitzpatrick, Michael.
 Fleming, Seán.
 Flynn, Beverley.
 Gogarty, Paul.
 Gormley, John.
 Hanafin, 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.
 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'Keefe, Batt.
 O'Keefe, Edward.
 O'Rourke, Mary.
 O'Sullivan, Christy.
 Power, Seán.
 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.
 Breen, Pat.
 Broughan, Thomas P.
 Bruton, Richard.
 Burke, Ulick.
 Burton, Joan.
 Byrne, Catherine.
 Carey, Joe.
 Clune, Deirdre.
 Connaughton, Paul.
 Coonan, Noel J..
 Costello, Joe.
 Coveney, Simon.
 Crawford, Seymour.
 Creed, Michael.
 Creighton, Lucinda.
 D'Arcy, Michael.

Deasy, John.
 Deenihan, Jimmy.
 Doyle, Andrew.
 Durkan, Bernard J.
 English, Damien.
 Enright, Olwyn.
 Feighan, Frank.
 Ferris, Martin.
 Flanagan, Charles.
 Flanagan, Terence.
 Gilmore, Eamon.
 Hayes, Brian.
 Hayes, Tom.
 Higgins, Michael D.
 Kehoe, Paul.
 Lynch, Ciarán.
 Lynch, Kathleen.
 McCormack, Pádraic.
 McEntee, Shane.
 McGinley, Dinny.

Níl—*continued*

McGrath, Finian.
 McHugh, Joe.
 McManus, Liz.
 Morgan, Arthur.
 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.
 O'Sullivan, Maureen.

Penrose, Willie.
 Perry, John.
 Quinn, Ruairí.
 Reilly, James.
 Ring, Michael.
 Shatter, Alan.
 Sheahan, Tom.
 Sheehan, P.J.
 Sherlock, Seán.
 Shortall, Róisín.
 Stagg, Emmet.
 Stanton, David.
 Timmins, Billy.
 Upton, Mary.
 Varadkar, Leo.
 Wall, Jack.

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

Amendment declared carried

Question put: "That the motion, as amended, be agreed to."

The Dáil divided: Tá, 78; 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.
 Cowen, Brian.
 Cregan, John.
 Cuffe, Ciarán.
 Curran, John.
 Devins, Jimmy.
 Dooley, Timmy.
 Fahey, Frank.
 Finneran, Michael.
 Fitzpatrick, Michael.
 Fleming, Seán.
 Flynn, Beverley.
 Gogarty, Paul.
 Gormley, John.
 Hanafin, 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.
 McGrath, Michael.
 McGuinness, John.
 Mansergh, Martin.
 Moloney, John.
 Moynihan, Michael.
 Mulcahy, Michael.
 Nolan, M.J.
 Ó Cuív, Éamon.
 Ó Fearghail, 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.

Tá—*continued*

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

McCormack, Pádraic.
McEntee, Shane.
McGinley, Dinny.
McGrath, Finian.
McHugh, Joe.
McManus, Liz.
Morgan, Arthur.
Naughten, Denis.
Neville, Dan.
Noonan, Michael.
Ó Caoláin, Caoimhghín.
Ó Snodaigh, Aengus.
O'Donnell, Kieran.
O'Dowd, Fergus.
O'Keefe, Jim.
O'Mahony, John.
O'Shea, Brian.
O'Sullivan, Jan.
O'Sullivan, Maureen.
Penrose, Willie.
Perry, John.
Quinn, Ruairí.
Reilly, James.
Ring, Michael.
Shatter, Alan.
Sheahan, Tom.
Sheehan, P.J.
Sherlock, Seán.
Shortall, Róisín.
Stagg, Emmet.
Stanton, David.
Timmins, Billy.
Tuffy, Joanna.
Upton, Mary.
Varadkar, Leo.
Wall, Jack.

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

Question declared carried.

Adjournment Debate

Teaching Qualifications

Deputy Thomas McEllistrim: I thank the Cathaoirleach for allowing me to raise this important issue. I recently met a very frustrated recently qualified primary school teacher who, after applying for more than 200 teaching jobs had received just eight letters in reply telling

her that she would not even be called for interview. Her dream has always been to be a teacher and she is determined to get a job as soon as possible so that she can put her years of training into practice. Although she is providing substitute cover in schools for days here and there she believes she has little prospect of a teaching post in the short or medium term and she is now considering emigration. She sees this as preferable to collecting the dole. What a great pity and a waste it is to see young, eager, recently qualified teachers leave this country to teach elsewhere. I have heard of other fully qualified young teachers who regularly volunteer in schools or who have taken jobs as special needs assistants to further their skills and experience and I fully commend them for it.

The situation, unfortunately, is a far cry from the high esteem in which the teaching profession is held in Finland where teaching is a highly sought after career and where professional skills are not wasted. In recent years, Finland has consistently ranked at the top of the OECD education surveys. Many international reports have cited the importance of quality teacher training and how it has brought success for Finnish students. In Finland a long tradition of high-quality teacher training is regarded as an essential factor in the success of the Finnish public education system. Primary school teachers have been undergoing master's level university training since the 1970s. The success of the Finns in their studies is based on well-trained, university-educated teachers. The high-level academic teacher training has also made the teaching profession very attractive. University-level teacher education is based on solid pedagogic knowledge and proficiency in the subject areas to be taught. All primary school teacher trainees also engage in research, which supports them throughout their careers in terms of their pedagogical thinking and professional development. Since 1995, the training of kindergarten teachers working with children between the ages of one and six has also been based on university-level Bachelor of Education studies. The Finns are already looking at raising the education of pre-school teachers to master's degree level.

If we are to develop a smart economy, surely we need to lay firm foundations in schools and provide them with the brightest and the best. Newly qualified teachers are an investment in our children's futures which we cannot afford to waste. I accept that the economic situation in which we find ourselves means that our ability to employ extra teachers is limited. However, I also believe that paying fully qualified bright young teachers the dole is a poor investment. Allowing them to emigrate is as bad or worse. I welcome the new induction courses now in place for newly qualified teachers, NQTs, throughout the country as a significant step but other opportunities are required for newly qualified teachers who cannot find work.

Some time ago a plan was proposed by Professor Tom Collins, head of education at NUI, Maynooth in response to the jobs crisis facing student teachers after it was estimated that thousands of student teachers graduating each summer would struggle to find employment. Professor Collins's plan was that qualified second level teachers would join teaching staff on a studentship programme for up to two years. They would provide ten to 15 hours teaching and extra curricular provision per week and enrol for a master's degree. At the time Professor Collins suggested that the graduates would qualify for a jobseeker's allowance of €10,000, supplemented by €10,000 from sources such as the European Social Fund and FÁS. The obvious advantages of such an Exchequer-neutral scheme would include saving teachers from the dole queue while upgrading their qualification and providing extra resources for schools.

The plan was based on using existing funding mechanisms in a new way. The idea of the scheme was to allow newly qualified teachers to begin to practice their profession and continue their academic advancement while also mitigating the worst effects of the education cutbacks. Minority subjects and programmes currently threatened by the cutbacks could be retained, while other staff members in the school could potentially be freed up to pursue studies and

[Deputy Thomas McEllistrim.]

other pursuits if they wished. Participants in the scheme would be supernumerary and it would not result in a reduction of the current teacher allocation to the host school.

While Professor Collins's proposal was based on second level education, it could also be of great relevance in other areas, especially in primary education. In hundreds of small primary schools teaching principals struggle to teach a class or more often several classes, while also double-jobbing as managers, school policy writers and God knows what else. It is interesting to note what is happening in Northern Ireland as well. A scheme, similar to that proposed by Professor Collins would elevate the standard of the teaching profession for the future, perhaps to equal or surpass that of the Finns and would be a sound foundation stone for the smart economy we seek to develop. I urge the Minister to consider seriously the proposal.

Minister of State at the Department of Education and Skills (Deputy Seán Haughey): I am taking this Adjournment matter on behalf of my colleague, the Tánaiste and Minister for Education and Skills, Deputy Mary Coughlan.

The Department of Education and Skills and other Departments, in this current difficult economic environment, are open to looking creatively at options that provide benefits to the system and to individuals seeking to enhance their skills or to gain valuable work experience where they are not employed. As the House is aware, much has been done in this regard already, such as the FÁS work placement programme and the €32 million labour market activation fund.

The FÁS work placement programme provides unemployed individuals with up to nine months valuable work experience in an organisation in the public, private or the community and voluntary sectors. The programme is designed to keep participants close to the labour market while providing them with the opportunity to increase their employability. To date there have been 2,022 participants who have commenced their placement under the programme.

From an upskilling perspective, the Department is providing in excess of 160,000 training and employment places this year for the unemployed. The majority of this provision is delivered primarily through FÁS. However, the labour market activation fund will deliver approximately 12,000 places. This fund was launched to assist in the creation of training and education provision for specific priority groups among the unemployed, including the under 35s and those who are long term unemployed. The programmes delivered under the fund aim to provide participants with the skills to meet current and future skills requirements of the economy thereby improving their prospects of securing employment in the future.

In terms of graduate teachers, the significance of teacher quality is well supported by research which indicates that the most important factors in positively influencing student outcomes are the quality of teachers and the quality of their teaching. We are all aware of the rapid changes in Irish society in recent decades and the recent dramatic changes in our economic circumstances. These changes underline the need to provide our children and students with the education and skills to ensure that they have the flexibility to adapt to take on various roles during their adult life.

We are fortunate that initial teacher education programmes here continue to attract high achieving applicants at school leaving level, and entry to post-graduate courses is competitively contested, attracting candidates with a wide range of backgrounds, including some discovering a vocation for teaching having started their working lives in other professions. The teachers that graduate from initial teacher education programmes are recognised as being fully qualified

to teach in our schools, and our teachers and education system generally are widely admired and lauded internationally.

That said, there is always room for improvement, and we cannot become complacent. The Department of Education and Skills therefore also operates a wide range of initiatives which link the initial stage of the continuum of teacher education with induction and continuing professional development. Of particular relevance to recently qualified teachers at primary and post-primary level are the national induction programmes freely available nationwide through the network of education centres. The Deputy may be interested to know that significant numbers of newly qualified teachers who have not obtained a post are currently taking part in this modular programme.

In tandem with this, teachers, those serving as well as those not currently in employment, are more and more identifying areas in which to pursue further studies, for example, in areas of education which hold a particular interest for them, or where they identify a need in themselves or related to their school environment. This is to be encouraged, and third-level institutes offer a range of programmes that are of relevance to qualified teachers at all stages of their career. In practical terms, the Deputy may be aware of the opportunities that are already in existence for graduate teachers, and for other disciplines too, to progress along the qualifications framework with financial assistance from the State. Financial assistance is available to students under the means tested maintenance grant schemes, which are administered by the local authorities and vocational education committees on behalf of the Department.

Students entering approved courses for the first time are eligible for grants where they satisfy the relevant conditions as to age, residence, means, nationality and previous academic attainment. However, financial assistance is also available to eligible candidates who already hold an undergraduate or postgraduate qualification and who wish to enter a further postgraduate course, at a higher level, which represents progression from the level at which the first qualification was attained. The progression route, for grant purposes, is primary degree to higher diploma or postgraduate diploma to masters degree to PhD.

We must all be committed to maintaining and improving the standard of teaching and education for all so that Ireland can work towards turning our economic fortunes around and placing ourselves at the front of the global knowledge economy. There are opportunities for new teachers to continue their professional development and this Government will continue to support this objective.

Health Service Executive Charges

Deputy Jack Wall: This is a simple matter. The HSE has determined that an applicant for a medical card in certain situations must make a sworn statement in front of a commissioner for oaths instead of accepting a statement made in front of a peace commissioner. I cannot believe that in current circumstances a person seeking a medical card must pay €50 to a solicitor so he will sign a sworn affidavit. The peace commissioner's signature is accepted by the courts but the HSE refused point blank to accept an application I had signed in front of a peace commissioner for a man who has lost his job and whose wife is seriously ill. He was asked for a number of documents, such as a mortgage statement to confirm monthly repayments, income tax assessment forms for the past three years, the vehicle registration certificates for two vehicles, up to date payslips and GP reports and when he supplied those he was told he would need a statement sworn in front of a commissioner for oaths. We duly supplied such a statement sworn in front of a peace commissioner but it was not acceptable.

Our colleague, Councillor Mick Dollard, attended the health information committee that has been constituted by the HSE to seek to transfer information. He raised the issue at the meeting and no one knew a statement had to be sworn in front of a commissioner of oaths. The person

[Deputy Jack Wall.]

there from the HSE said he would investigate but that as far as he knew, it was not the case. In a reply I got from the HSE, however, it was clear the commissioner for oaths would have to sign off on the affidavit.

In the present circumstances, someone looking for a medical card would not have the €50 the commissioner for oaths would charge for such a service. It is ridiculous that a peace commissioner, who has the confidence of the Garda, the courts and the Minister for Justice and Law Reform, is not acceptable to the HSE. I asked the Minister for Health and Children about this but, as usual, she referred it to the HSE for decision. I asked her to give a directive to the HSE on the issue but she chose to ignore that request and leave it for the HSE to answer.

I hope the HSE will have the confidence in the peace commissioner system that has been recognised since the foundation of the State and will accept the validity of the statement that has been made, so no one will be asked to pay a fee to obtain a medical card. It is unheard of in any other application for social welfare claims or anything else. I have been told by colleagues of sworn statements being required to be made before commissioners of oaths in similar cases. It is crazy. Deputy Connaughton is nodding his head, so the same must be happening in the west.

This is unique to the HSE, it wants to be different from every other State organisation and wants statements sworn in front of commissioners for oaths and will not accept what is accepted in every other facet of life, a statement made before a peace commissioner.

Deputy Seán Haughey: I am replying to this Adjournment matter on behalf of my colleague, the Minister for Health and Children, Deputy Mary Harney. In assessing eligibility, the HSE uses guidelines based on people's means, which includes their income, certain allowable outgoings and the effect of other factors which may impact on people's ability to meet the cost of general practitioner, GP, services for themselves and their families. Notwithstanding the above, the HSE may issue a medical card on a discretionary basis if the applicant would otherwise be caused undue hardship in providing general medical and surgical services for himself or herself and any dependants. The executive takes all medical issues into account in determining whether undue hardship exists.

If a person is refused a medical card and is not satisfied with the decision, he or she may appeal the decision to the appeals office of the local HSE area. The office will conduct a reassessment of the application. This reassessment is conducted by HSE staff who were not involved in deciding on the original application. If the applicant is still not satisfied following the appeal, he or she may contact the Ombudsman's office.

The HSE has produced national medical card-GP visit card assessment guidelines for its staff. These are regularly updated to provide a clear framework for decision makers to assist them in making reasonable, consistent and equitable decisions when assessing people under the General Medical Services, GMS, scheme. As part of the HSE's ongoing programme to provide a more responsive and cost-effective service, the HSE is centralising the processing aspect of medical card applications to its facility at the Primary Care Reimbursement Service, PCRS, in Dublin. Under the centralisation plan, the HSE's local offices will continue to provide the public with assistance and information locally in respect of medical card eligibility and making an application. They will also provide information on the current status of their applications or reviews.

In June 2010, the HSE introduced a new website — *www.medicalcard.ie* — which enables people anywhere in the country to apply for a medical card through a simple and efficient application process. As the centralisation process continues, more initiatives will be introduced. The current initiatives will continue to be enhanced as the HSE receives feedback and con-

tinues to engage with advocacy groups, staff, public representatives and primary care contractors.

The HSE has advised the Department that there is no general policy in place that requires all applicants in the Kildare-west Wicklow area to provide sworn statements in support of medical card applications or appeals. In cases where an applicant cannot produce evidence of income, a sworn affidavit can be useful to progress the application more speedily because it can be difficult, in certain occupations, to establish the applicant's income. I understand the HSE has been advised by its legal advisers that it is difficult to apply legal recourse where a statement countersigned by a Peace Commissioner is subsequently found to be untrue. Therefore, an affidavit sworn before a Commissioner for Oaths is a more compelling document when produced in support of an application.

Special Educational Needs

Deputy Paul Kehoe: It is with regret I must raise such a matter in the Dáil. I am referring to the review carried out earlier this year by the Department of Education and Skills of the allocation of special needs assistants, SNAs, to special units in primary and post-primary schools. As a result of the review, a primary school in my constituency, St. Senan's in Enniscorthy, has lost seven SNAs, five from its specialist autism unit and two assigned to children with autism in the mainstream classes. As such, the school believes it was hard done by.

Last Saturday week, I attended a protest march in Enniscorthy where more than 300 parents turned out in frustration at the cutbacks applied by the Department. When the autism unit opened in St. Senan's school in 2004, the Department recognised the special needs of the children and sanctioned SNAs for each child based in classes in the autism unit. Back-tracking and removing SNAs from those children several years later is sad. Parents with whom I spoke explained to me how much their children came on thanks to the SNAs.

As I stated in an earlier debate this evening, the Cabinet and Members opposite do not realise how important an SNA is to a child and how much his or her skills can develop with the help of one-to-one special needs assistance. I have no doubt that this is a cost saving exercise on the part of the Department of Education and Skills. Nor do I doubt that the Department, if it examined its budget and spending, would find other areas in which to apply cost saving measures without touching front line services. The SNAs based in St. Senan's school and many other schools across County Wexford form part of our front line services. They have been removed from children.

Parents and teachers alike would tell the Minister of State about the importance of having an SNA available. The children in question have special and autistic needs. It is sad to see a cost saving exercise being put in place at the expense of a child and that child's future. It is with total frustration and anger that parents took to the streets in Enniscorthy last Saturday week. The parent does his or her very best when his or her child returns from school in the evening. Parents expect a special level of education and a level of help for their children in the schools they attend.

I remember when the then Minister, Deputy Hanafin, visited the autistic unit in St. Senan's school and saw the great work the school was carrying out. I commend the principal, the teachers, the board of management and every parent on putting this excellent facility in place. They have fundraised to make it so. The work done by teachers and SNAs alike is special for the children who attend the school. They had the opportunity to access a proper education, one that recognises the importance of integrating the children in question into the mainstream setting, including its social aspect. These children were made to feel special by being able to attend a mainstream school like St. Senan's in Enniscorthy. With one fell swoop, the Department has saved money and removed SNAs from that school.

Acting Chairman (Deputy Joe Costello): The Deputy's time has expired.

Deputy Paul Kehoe: I will conclude on this point. When replying, the Minister of State will give the Government's standard reply. I know that cutbacks must be made, but I would rather that the Department of Education and Skills save money on costs in other areas and not hit the front line service provided by SNAs. Children should be given every opportunity to have a proper education.

Deputy Seán Haughey: I am taking this Adjournment matter on behalf of my colleague, the Tánaiste and Minister for Education and Skills, Deputy Mary Coughlan. I thank the Deputy for giving me this opportunity to outline the position in regard to the special needs assistant, SNA, scheme generally and, in particular, the allocation of SNA support to schools working with children with autism in specialised units.

The House is aware that the education of children with special educational needs has been and remains a key priority for Government. The Department of Education and Skills continues to invest huge resources into schools to enable them to meet the needs of children with special educational needs. This year alone, more than €1 billion of the Department's budget is being spent to provide supports to enable learners with special educational needs access an education appropriate to their needs. The SNA scheme, in particular, has been a major factor in both ensuring the successful integration of children with special educational needs into mainstream education and the provision of support to pupils enrolled in special schools and special classes.

I take this opportunity to assure the House that the National Council for Special Education, NCSE, is processing applications from schools for SNA support and sanctioning SNA posts to schools. Schools, which have enrolled children who qualify for support from an SNA continue to be allocated SNA support. The terms and criteria for the SNA scheme have not changed.

The Deputy will be aware that the NCSE, through its network of local special educational needs organisers, SENO, is responsible for allocating resource teachers and SNAs to schools to support children with special educational needs. The NCSE operates within the Department of Education and Skills criteria in allocating such support and is independent in the making and issuing of its decisions relating to the allocation of such supports.

It is important to understand in regard to the SNA allocation process that the allocation for any school, and any adjustments to that allocation, depend on a number of factors such as the number of pupils with care-medical needs leaving, the number of new pupils and the changing care needs of existing pupils in the school. SNA allocations are therefore not permanent but are increased or decreased as pupils who qualify for SNA support enrol or leave a school. They are also decreased where a child's care needs may have diminished over time. There has been no policy change in this regard.

The Deputy may be aware that one of the reasons for the allocation of SNAs is to assist children to develop greater levels of independent living skills. It is not generally in the interests of a child for the NCSE to leave an SNA in place where a child has achieved a greater level of independence. To do so has the potential to impact on a child's personal development in a negative way. I am sure the Deputy will agree that many children with disabilities develop independent living skills as they grow and mature. Where a child develops to such an extent that he or she no longer needs the support of a SNA, that is a positive development. Likewise, where children to whom SNA support was previously allocated have left a school, it would be inefficient to leave those resources in place.

The Deputy is fully aware that the Department has prioritised the provision of special education supports to schools. This remains a key Government policy. However, this does not mean that resources, allocated in response to various historical factors, are retained in schools *ad infinitum*. At a time of constrained resources, it is essential to ensure that public resources

are deployed as effectively as possible. Resources left in an area that are not in accordance with criteria mean public resources are not available for another deserving area.

The Deputy may be aware that the NCSE has introduced an appeals procedure whereby schools and parents may appeal a decision in relation to the allocation of teaching and SNA resources. Where a school is unhappy regarding a decision in regard to its SNA resource allocation, it is open to the school and-or the parents concerned to appeal the decision of the SENO to the NCSE through this appeals mechanism.

I understand that a number of schools in the Wexford area have appealed the decision of the NCSE in relation to the allocation of supports. These appeals will be processed by the NCSE in line with that body's procedures in this regard.

I again thank the Deputy for raising this matter.

Hospital Services

Deputy Paul Connaughton: I am thankful to be given this opportunity in Dáil Éireann to raise a very important matter concerning a patient in County Galway who was due to undergo an operation last week in St. Vincent's public hospital in Dublin for the insertion of a special implant known as a spinal pain block to try to lower the most intensive pain that emanates from his back. He was told hospital management at St. Vincent's had decided a few days earlier that it had established a new catchment area, consisting in the main of Dublin city and County Wicklow. For all other patients coming from outside this area the local HSE or the actual patients would have to bear the cost of the operation — in this case €26,000.

This is in spite of the fact that this operation cannot be performed in any other hospital in the country. St. Vincent's Hospital treated patients from all over Ireland until last week. Both the hospital and HSE west are funded from the same HSE purse nationally so this is no more than a tug of war match between two parts of the HSE. The only loser is an elderly patient in County Galway lying on the broad of his back with excruciating pain.

Whoever can knock heads together tomorrow morning, or however it may be done, it cannot be possible, in natural justice, that any person, in particular, any elderly person, should be subject to the treatment this poor man is receiving. I do not know the reason St. Vincent's Hospital has made this decision. I assume it has problems with its budget just as HSE west has problems but neither has the problems of the patient of whom I speak.

I hope the Minister of State will bring this matter to the notice of the Minister, Deputy Harney, tomorrow. Whatever may be done tomorrow, in the name of the Lord I ask that they try to get this man taken into hospital. Granted that even with this procedure the prognosis is not for 100% success, anything would be better than what he has been putting up with for the past ten years. I use whatever words I can to convey to the House that if ever there was an urgent matter regarding a sick patient I am speaking about it now. I have the medical evidence to prove it and all I ask is for the Minister of State to convey to the Minister for Health and Children that something must be done for this patient.

Deputy Seán Haughey: I am taking this Adjournment matter on behalf of my colleague, the Minister for Health and Children, Deputy Mary Harney. The management of chronic pain is a highly complex and specialised area of medicine, requiring a multidisciplinary approach to treatment and care of patients. Traditionally within Ireland and the UK, pain medicine evolved from within the hospital discipline of anaesthesia and is a consultant-led service. The service has grown considerably in this country over the last two decades and departments of pain medicine now exist in most regions.

Patients requiring treatment for chronic pain can be seen in a number of different settings. Most patients are treated on an out-patient basis at major acute hospitals and return home

[Deputy Seán Haughey.]

after treatment. Where required, patients are also treated on a day-care or in-patient basis under a more intensive and structured treatment programme. The department of pain medicine at St. Vincent's University Hospital is the largest centre in Ireland providing treatment for chronic pain. The service was founded in the hospital in 1991 and has continued to develop its expertise in this area since then.

St. Vincent's University Hospital provides one of the comprehensive pain management services in Ireland. While it is not a national referral centre for pain management, the hospital has accepted on its waiting list patients from all over the country. These patients are referred to St. Vincent's by pain medicine consultants in other institutions. This is because of the need for particular expertise and a multidisciplinary approach.

Patients are prioritised and treated by the consultants based on clinical need. All patients at initial evaluation are assessed by a multi-disciplinary team comprising a pain specialist, a clinical psychologist and a physiotherapist. All patients complete a range of psychometric evaluation tools prior to assessment in order to help identify the psychological impact of pain on each individual. Following evaluation an individualised management plan is devised for each patient comprising medication optimisation, diagnostic procedures, psychological intervention, functional rehabilitation, including physiotherapy and occupational therapy and interventional therapies.

Approximately 150 major implants per year are performed in St. Vincent's Hospital including spinal cord stimulation. This accounted for over 80% of all such major interventions performed in Ireland in 2007. It would not be appropriate for me to comment on a particular case. However the HSE has assured the Minister that patients when referred to the service will continue to be prioritised on the basis of clinical need. This priority list is regularly updated.

Although HSE west provides certain treatments for chronic pain management it does not provide some of the more complex treatments available at St. Vincent's University Hospital. HSE west refers its more complex cases to St. Vincent's and sometimes to the Mater or Beaumont hospitals in Dublin. The HSE is exploring whether further treatments could safely and appropriately be provided in the western region. The Minister has been assured by the HSE that all patients already on the waiting list at St. Vincent's Hospital will be appropriately prioritised and treated on the basis of their clinical needs. It is important that a co-ordinated approach to the management of patients with severe and chronic pain is ensured in order that patients who require treatment can receive it as quickly as possible in the appropriate healthcare setting. The Minister has asked the HSE to address this issue as a matter of priority.

The Dáil adjourned at 9.35 p.m. until 10.30 a.m. on Thursday, 21 October 2010.

Written Answers.

The following are questions tabled by Members for written response and the ministerial replies as received on the day from the Departments [unrevised].

Questions Nos. 1 to 8, inclusive, answered orally.

Questions Nos. 9 to 44, inclusive, resubmitted.

Questions Nos. 45 to 52, inclusive, answered orally.

Carbon Levy

53. **Deputy Róisín Shortall** asked the Minister for Communications, Energy and Natural Resources when the carbon revenue levy imposed on generators commenced; if the receipts have been sent in by the companies concerned; the person who will benefit from this levy; when will the levy be paid to the customer; and if he will make a statement on the matter. [37783/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The Electricity Regulation (Amendment) (Carbon Revenue Levy) Act 2010 was enacted by the Oireachtas and signed into law by the President last June.

The Act provides for the introduction of a Carbon Revenue Levy which will recover a substantial portion of the windfall gains of electricity generators. These gains arise from the inclusion of carbon among the revenues that electricity generators currently receive in the all-island Single Electricity Market (SEM). The levy will remain in place until the end of 2012.

As stipulated in the Act, the first three month levy period began on 1st July and ended on 30th September. The Act requires all electricity generators to submit details of their carbon emissions over the first levy period to the Commission for Energy Regulation (CER) by close of business on 14th October. I can inform the House that all relevant electricity generators have complied with this provision.

In accordance with the Act the CER will now issue notices to electricity generators by close of business on 21st October, informing them of the average price of carbon over this levy period and the amount of the carbon revenue levy payable by each generator. Each electricity generator must then pay the amount specified within 15 working days of receipt of the notice given by the CER.

[Deputy Eamon Ryan.]

The CER will distribute the funds received from electricity generators to Large Energy Users (LEUs) in accordance with the Direction given to the CER by me in August of this year and as stated in their information note, CER/10/155, published on September 1st.

There are two elements to these rebates. A fixed element is applied as a credit to each LEU's contracted electricity capacity each month. A variable element, also known as the kWh element, is calculated and applied based on customer consumption.

Both credits will benefit all Large Energy Users connected at Distribution Group Seven and above and all Transmission connected customers, irrespective of supplier.

The rebates will apply from 1st October 2010 to 30th September 2011. It is anticipated that in the region of €80 million will be distributed to large energy users over this period.

Telecommunications Services

54. **Deputy Jim O'Keeffe** asked the Minister for Communications, Energy and Natural Resources if charges are being imposed by the National Roads Authority for access to ducts on motorways and national roads and the scale of such charges [37894/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): Section 21 of the Communications Regulation (Premium Rate Services and Electronic Communications Infrastructure) Act 2010 provides that the National Roads Authority (NRA) is the relevant authority for applications from telecommunications service providers to install telecoms equipment under national roads including motorways. The local authorities remain the relevant authority for applications relating to road openings for telecoms purposes on regional and local roads.

Under the 2010 Act the NRA are allowed charge for administration work they incur as a road authority, including road re-instatement costs that take place after road works carried out by telecommunication service providers. Local authorities are allowed charge similar costs in relation to regional and local roads. These charges existed prior to the 2010 Act but were applied only by Local Authorities. The 2010 Act extends this power to the NRA in the case of motorways and national roads.

In addition, the Act provides that the NRA may make a scheme to charge for the use of its ducts on national roads. This power to charge was necessary to avoid market distortion and possible State Aid complaints. All other infrastructure owners, be they in the public or private sector, also charge for access to their infrastructure.

This scheme is subject to the approval of the Minister for Transport, following consultation with the Minister for Communications, Energy and Natural Resources and the Minister for Finance.

Earlier this year the NRA engaged in a public consultation on a draft scheme setting out the Authority's proposed policy regarding the use of underground national road capacity by network operators. My understanding is that the response to this consultation was quite positive and that the respondents did not raise any major issues with the draft proposals contained in the NRA's document.

The Act obliges the NRA to act in an open and transparent manner in setting charges for access to ducts on the national road network.

Recently, the Authority has submitted a paper to the Department of Transport on approaches to be adopted in developing a draft charging scheme. In line with the statutory obligations a copy of this proposed charging scheme was sent on to my Department and to the

Department of Finance earlier this week for our consideration prior to Department of Transport giving its formal approval for the proposal.

All three Departments will quickly complete their respective consideration of the proposals so as to expedite the necessary formal approval for the Authority's proposed scheme.

In the various Departments' deliberation on this matter the overriding objective is to ensure a charging regime that will be competitive and will provide both cost-effective solutions and alternative competition to potential customers for broadband backhaul.

Copyright Law

55. **Deputy Joe McHugh** asked the Minister for Communications, Energy and Natural Resources if he intends to legislate on foot of the EMI Records (Ireland) Limited and others versus UPC Communications Ireland Limited; and if he will make a statement on the matter. [37885/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The matter to which the Deputy is referring is the judgment delivered by the High Court on 11 October 2010 in a case taken by a number of record companies against an Internet service provider seeking an injunction, pursuant to the Copyright and Related Rights Act 2000, to prevent the illegal downloading of copyrighted material over the Internet.

While responsibility for the Copyright and Related Rights Act 2000 falls to my colleague the Minister for Enterprise, Trade and Innovation, my Department has an important role to play in this matter given our role in setting and implementing the EU regulatory framework for electronic communications networks and services.

One of the provisions of the revised EU regulatory framework which was adopted last year concerns restrictions on access to and use of services and applications through electronic communications networks, including Internet access.

Under this provision Member States may only impose restrictions on such access subject to adequate procedural safeguards in conformity with the European Convention for the Protection of Human Rights and Fundamental Freedoms and with general principles of Community law, including effective judicial protection and due process.

In adopting this provision, the Council and Parliament have sought to strike a balance between the rights and freedoms of persons to access material and information on the Internet and rights of copyright holders to protection from illegal downloading of their material.

The judgment of the High Court raises a number of important issues which require careful consideration. Illegal file sharing is unacceptable and must be tackled effectively. Of course, any measures introduced on foot of the judgment will have to take account of the requirements of the revised Framework Directive. Other countries are considering how best to legislate for this matter including Belgium, whose national court has referred a case to the European Court of Justice seeking clarification. My officials will work closely with the Department of Enterprise, Trade and Innovation as well as the Attorney General's Office as appropriate, to identify the options available for addressing the issues raised in the judgment while fully complying with European law requirements.

I have also recently met with representatives of the music industry and I am pleased that they will be participating in Ireland's Digital Future Forum which will be addressing these issues in a consultative manner.

Broadcasting Services

56. **Deputy Paul Kehoe** asked the Minister for Communications, Energy and Natural Resources if his Department will fund the public information campaign on the switch over to digital terrestrial television; and if he will make a statement on the matter. [37875/10]

58. **Deputy Leo Varadkar** asked the Minister for Communications, Energy and Natural Resources when he intends to sign an order to terminate analogue television transmission; and if he will make a statement on the matter. [37866/10]

63. **Deputy Liz McManus** asked the Minister for Communications, Energy and Natural Resources the way he intends to proceed with digital terrestrial television here in view of the recent negotiations for the commercial DTT contracts; the way he will ensure that commercial DTT will proceed here by the 2012 deadline; the steps he is taking to ensure a public information campaign on this issue; the way it will be funded; and if he will make a statement on the matter. [37773/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I propose to take Questions Nos. 56, 58 and 63 together.

As the Deputy is aware, the BAI's commercial digital terrestrial television (DTT) process did not lead to the licensing of a commercial DTT operator. This result was disappointing and it is now expected that a commercial DTT operator will not materialise until sometime after analogue switch off in 2012. Further consideration of the potential for a commercial DTT service and of the most appropriate mechanisms for delivering this will not now be undertaken until after analogue switch off.

In the meantime, the clear responsibility of my Department, in conjunction with the RTÉ, the Broadcasting Authority of Ireland (BAI), ComReg and other stakeholders, is to progress the digital switch-over process so that it meets the 2012 timeline for analogue switch off.

Accordingly, I imposed, by order, a requirement on RTÉ to make its public service DTT multiplex available to 90% of the population from 31 October 2010.

This service will be provided by RTÉ as a trial service in advance of the full national launch in 2011. I believe that this RTÉ trial service is essential as it provides time for the DTT service to fully develop whilst also providing for TV viewers to adopt the new service at the earliest opportunity.

I have also developed a steering group, chaired by my Department and comprising members from RTÉ, BAI, ComReg and other stakeholders, in order to progress the digital switch-over process. An important element of the work of this group will be ensuring that information and advice on digital switch-over is available to TV viewers in a timely and cost-effective manner. I can confirm that the issue of funding for the information campaign for Analogue Switch-off is being considered in this context.

In accordance with Government policy, it is my intention to provide for the closure of Ireland's analogue television network by the end of 2012.

The process for providing for the closure of the analogue television network is covered by Part 8 of the Broadcasting Act 2009 and section 13 of the Communications Regulation Act 2002.

Section 139 of the Broadcasting Act 2009 deals with the issue of determining how long it would be appropriate for television broadcasting services to continue to be provided by ana-

logue means. In coming to this determination, I am required to keep under review a range of issues, including the availability by digital means of RTÉ, TV3, and TG4.

I am also required to consider the ownership or possession in the State of equipment capable of receiving those digital services, as well as the likely future extent of availability, ownership or possession.

For the purposes of triggering the actual analogue switch off, section 13 of the Communications Regulation Act 2002 requires that I must issue a policy direction regarding the date or dates with effect from which ComReg shall revoke the RTÉ, TG4 and TV3 analogue TV licences.

It is my intention that this will be done once I have fully satisfied myself that the range of issues mentioned earlier have been addressed.

57. Deputy Joe Costello asked the Minister for Communications, Energy and Natural Resources his views on the status of RTE's public service statement; when he will publish the public service statement; and if he will make a statement on the matter. [37790/10]

59. Deputy P. J. Sheehan asked the Minister for Communications, Energy and Natural Resources if he has received an RTE public service statement; if he is satisfied with same; and if he will make a statement on the matter. [37855/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I propose to take Questions Nos. 57 and 59 together.

Section 101(1) of the Broadcasting Act, 2009 provides that RTÉ, following a public consultation, shall prepare not later than 12 July 2010 (12 months after the passing of the Act) a five-year public service statement setting out the principles to be observed and activities to be undertaken by it in order to fulfil its public service objectives.

RTÉ submitted its public service statement to me on 12 July 2010, in line with the requirements of the Act.

Section 101(3) of the Broadcasting Act, 2009 requires me to consult with the Broadcasting Authority of Ireland (BAI) prior to my granting of consent to the public service statement. This consultation process has been initiated and I expect to receive the BAI's considered response shortly.

As soon as I have received this submission from the BAI, I will be in a position to finalise my review of RTÉ's public service statement. I will then proceed to considering the granting of consent or otherwise prior to laying the document before the Houses of the Oireachtas.

Question No. 58 answered with Question No. 56.

Question No. 59 answered with Question No. 57.

Ministerial Engagements

60. Deputy Emmet Stagg asked the Minister for Communications, Energy and Natural Resources the number of times he has attended the Cabinet Sub-Committee on Climate Change for each year since its inception; and if he will make a statement on the matter. [37779/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I have attended all the meetings of the Cabinet Committee on Climate Change and Energy Security to date. No meetings have been held to date in 2010. Meetings were held on 23 January, 5

[Deputy Eamon Ryan.]

March, 28 May, 2 July, 10 September and 5 November 2008; on 29 April and 7 October 2009. I also attended the Cabinet Committee on Environment, Energy and Climate Change twice, on 12 September and 14 November 2007. Scheduling of the Cabinet Committee for Climate Change and Energy Security is a matter for the Department of the Taoiseach.

Electricity and Gas Disconnections

61. **Deputy Joan Burton** asked the Minister for Communications, Energy and Natural Resources his views on the numbers of gas and electricity disconnections that have taken place to date in 2010; his further views on a zero disconnection policy; and if he will make a statement on the matter. [37804/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I am deeply concerned at the number of electricity and gas disconnections that have taken place in 2010.

All options to improve the situation need to be explored and I welcome the fact that the Commission for Energy Regulation (CER) has agreed to review regulatory policy on disconnections. This review will specifically look at how the costs of disconnection are allocated across business and the domestic customer.

While the review is ongoing, the CER has instructed ESB Networks to roll out sufficient pre-payment meters to electricity customers at risk of disconnection.

In the gas market a supplier may request that a pre-payment meter is installed for free for customers experiencing genuine financial hardship. The cost of these pre-payment meters is currently recovered through gas network charges, which are applied across all customers. Given current circumstances, the CER has relaxed the definition of “financial hardship” to enable additional meters to be allocated free of charge to customers.

All energy suppliers have put in place Codes of Practice setting out the steps to be taken before initiating a disconnection. These include working with the customer to put in place a payment plan and liaising with third parties who may be acting on the customer’s behalf. These include the Money Advice and Budgeting Service (MABS) and the Society of Saint Vincent de Paul.

Suppliers are also required to give a customer 7 days notice in writing, informing the customer of disconnection/reconnection charges and providing contact details to make payment arrangements.

There are other strong protections in place for particularly vulnerable customers. For example, suppliers are prohibited from disconnecting elderly customers in the winter months or those dependent on medical devices that use electricity.

There are also significant programmes to support those in energy poverty, including the electricity and gas allowances that are available under the Household Benefits package.

The key message for people who are in genuine difficulty with their energy bills is to make immediate contact with their supplier. Suppliers will work with customers to agree a payment plan before the unpaid bills begin to accumulate and therefore well before it gets to the point of disconnection.

Broadcasting Services

62. **Deputy Alan Shatter** asked the Minister for Communications, Energy and Natural

Resources the action he will take against an authority who are contravening the Broadcasting Act 2009; and if he will make a statement on the matter. [37842/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The provisions in relation to the submission of the Authority's three-year estimates and expenditure proposals and their publication are set out in Section 37 of the Broadcasting Act 2009.

In relation to the estimates for the period 2011-2013, which were due to be submitted by the Authority no later than 30 September, I can confirm that these estimates have not yet been received in my Department. Furthermore, following recent queries raised by my Department with the Authority, it has been clarified to me that the 3 year estimates will now not be available until the end of October.

This delay results from a decision of the Authority that the Budget for the period 2011-2013, which will be the BAI's first three-year budget, needs to be framed in the context of the Statement of Strategy for the same period. The Authority is of the view that the content of the Statement of Strategy provides the framework for the objectives and work-plan of the organisation and the budget supports the activities to be undertaken to achieve these objectives.

As the Deputy may be aware, the Authority is currently engaged in a comprehensive process in regard to the development of its Statement of Strategy and this has involved wide-scale consultation with industry and other key players. I am informed by the Authority that, on the basis that a draft Strategy is finalised over the coming weeks, it expects that the 3-year Budget will be agreed and submitted to me before the end of October.

While this goes beyond the timeline provided for in the legislation, I have been assured by the Authority of its continued commitment to comply with the will of the Oireachtas as expressed in the legislation.

In this instance, while the Authority regrets the delay, its view is that the approach being taken is the most appropriate to best serve the needs of the broadcasting industry. It will provide greater certainty regarding the Authority's future work and expenditure plans and, through this, the clarity needed by industry on the level of levy that it will be required to pay over the coming 3-year period.

In relation to publication, the legislation requires that, subject to my consent and the consent of the Minister for Finance, the Authority shall publish its 3-year estimates or a summary of them on a website maintained by the Authority.

I am very much aware that both public and commercial broadcasters will be keen to view the Authority's expenditure proposals as early as possible and it is my intention to facilitate this as much as practicable.

Question No. 63 answered with Question No. 56.

Telecommunications Services

64. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources the extent, if any, to which he proposes to encourage or facilitate the upgrading of the telecommunications sector here to the best European and international standards; the extent, if any, to which the efficacy and efficiency of broadband, fixed line, wire, wireless and satellite available here is comparable to that in each EU member state; the reason for the difference; the effect if known of such deficiency on economic performance; and if he will make a statement on the matter. [37664/10]

74. **Deputy Eamon Gilmore** asked the Minister for Communications, Energy and Natural Resources further to his announcement at a recent conference that he is to establish a next generation network taskforce, the way in which this is distinct from the broadband task force announced in July 2009 next generation report; and if he will make a statement on the matter. [37784/10]

77. **Deputy Emmet Stagg** asked the Minister for Communications, Energy and Natural Resources the specific measures he has taken to ensure next generation broadband is advanced here; the timelines involved for such measures; and if he will make a statement on the matter. [37797/10]

90. **Deputy Ciarán Lynch** asked the Minister for Communications, Energy and Natural Resources the nature of any talks between his Department and Eircom in relation to investment in a fibre optic network; if he will outline the role of ComReg in these talks; and if he will make a statement on the matter. [37792/10]

100. **Deputy Seán Sherlock** asked the Minister for Communications, Energy and Natural Resources the progress made regarding setting up a task force to ensure the smart economies broadband demands are met; and if he will make a statement on the matter. [37796/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I propose to take Questions Nos. 64, 74, 77, 90 and 100 together.

Government policy on the development of the electronic communications market, including next generation broadband services, is set out in “Next Generation Broadband — Gateway to a Knowledge Ireland”, which I published in June 2009.

The policy paper was developed in accordance with various key principles, which are crucial to the development of the market including:

- competition, at platform and service levels, which drives innovation and investment;
- investment certainty for service providers considering investing in network infrastructure;
- investment intervention by Government to bridge any digital divide in cases of market failure and to meet the State’s own communication needs, and
- appropriate regulation.

This policy has facilitated significant progress in rolling out broadband services, including increased speeds, over recent years. For example, at the end of June 2010 Ireland had in the region of 1.48 million broadband subscriptions. The year-on-year growth in subscriptions over the preceding 12 month period was over 16.5%. Internationally, Ireland ranks 11th of the EU 27 for per-capita broadband penetration of both fixed and mobile, 4th for mobile only penetration, and 14th for fixed broadband penetration.

Of the homes with broadband connections, 77.8% of them and 85.8% of SMEs are using broadband speeds between 2mbps and 10mbps. UPC is providing speeds up to 30 Mbs and is rolling out speeds up to 100 Mbs. Eircom and the Vodafone/BT alliance are both rolling out speeds of up to 24 Mbs using vDSL technology. In the wireless market, Imagine have launched WiMAX, a broadband product with speeds of up to 8mbps available. In addition eircom has recently launched an Ethernet product offering speeds up to and exceeding 1Gbs to wholesale customers and to large broadband users.

The National Broadband Scheme (NBS) is a broadband service supported by my Department. The NBS has resulted in broadband services being available throughout Ireland. The EU Commission recently introduced a target to have universal broadband access available across the EU by 2013. The NBS has gone most of the way towards Ireland meeting this target and providing services in areas unserved by the liberalised market.

Even after the full roll-out of the NBS there will be a small number of isolated premises that will have persistent difficulty in obtaining a broadband service. This is primarily due to technical and locational reasons (e.g. suitability of telephone line, distance from an enabled exchange, no line of sight for wireless services).

The European Commission has set aside a portion of the European Economic Recovery Programme (EERP) funding for rural broadband initiatives. Using this funding, which will be augmented by an Exchequer contribution, I intend to launch a Rural Broadband Scheme before the end of this year. This scheme will aim to provide a basic broadband service to individual un-served rural premises outside of the National Broadband Scheme areas.

The report “Building Ireland’s Smart Economy” identifies Ireland’s educated population, with 85% of 20-24 year olds having completed post-primary education, as one of the strengths of the Irish economy and commits to “the pursuit of the objective of equipping second level schools with 100mbps broadband connectivity”.

78 schools were chosen to take part in a pilot project, sponsored by my own Department and the Department of Education and Skills. All 78 have received their enhanced bandwidth and have migrated on to the HEAnet network. This innovative project presents a very real opportunity to demonstrate the benefits and positive impacts of high speed bandwidth and appropriate ICT equipment on the teaching and learning environment within these schools. I am committed to rolling out this project to all second level schools by 2012.

The improvements in broadband services over recent years have been achieved by a combination of competitive pressures in the open market and proportionate State intervention to bridge any digital divide in instances of market failure. My Department continues to liaise with industry participants and with ComReg on an ongoing basis in discussions which encompass all matters relating to current and future broadband infrastructure development to ensure universal progress. These ongoing bilateral engagements with industry players on broadband development, include discussions with eircom as the incumbent telecommunications provider.

The June 2009 policy paper also proposed the establishment of a Next Generation Broadband Taskforce comprising industry, Government and ComReg, aimed at ensuring that the development of Next Generation Networks in Ireland will meet the demands of Ireland’s Smart Economy. I was awaiting various developments prior to establishing the Task force including:

- (i) greater clarity from the EU Commission on the regulation of next generation access;
- (ii) revised guidelines from the EU Commission on State Aid for broadband;
- (iii) an outline Radio Spectrum Policy Programme from the EU Commission; and
- (iv) completion of the roll-out of the NBS.

All of these developments have come to pass and I signalled earlier this month that I now propose to establish the Taskforce. The first meeting of the Taskforce will be held shortly.

Broadcasting Services

65. **Deputy Brian Hayes** asked the Minister for Communications, Energy and Natural

[Deputy Brian Hayes.]

Resources if he will enhance the powers of the Broadcasting Authority of Ireland to allow them to force an agreement between RTE NL and commercial multiplex providers; and if he will make a statement on the matter. [37868/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The Broadcasting Act 2009 made provision for the development of a commercial digital terrestrial television (DTT) service in Ireland. In this regard, the Broadcasting Authority of Ireland (BAI) was given the role of providing for commercial DTT service providers. In particular, Section 131 of the legislation provides the BAI with the function and associated powers to arrange for the establishment of commercial DTT multiplexes.

As the Deputy is aware, the competition initiated by the Broadcasting Commission of Ireland (BCI) in 2008 failed to produce a national commercial DTT service provider and this failure has been largely attributed to the economic downturn and the consequential impact that this had on the business cases of the applicants.

The failure of the commercial DTT process was disappointing and it is now not expected that a commercial DTT operator will materialise until sometime after analogue switch off in 2012. As a result, consideration of the potential in this regard and of the most appropriate mechanisms for delivering this will be undertaken closer to that time. I will consult with the BAI as to what action, legislation or otherwise, may be necessary in this regard.

In the meantime, the clear responsibility of my Department, in conjunction with the BAI, ComReg and other stakeholders, is to ensure the successful delivery of the “free-to-air” DTT service to the viewing public. I have directed that this be done to facilitate switch-off of the analogue system by the end of 2012 and the consequential digital dividend that will arise.

Energy Efficiency

66. **Deputy Joe Costello** asked the Minister for Communications, Energy and Natural Resources the date on which the National Energy Efficiency Retrofit Programme will be launched in view of the difficulties that there has been with expenditure in 2009 (details supplied); and if he will make a statement on the matter. [37776/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): My Department recently concluded a consultation process on the National Retrofit Programme, setting out a proposed framework and details of how it will operate over the next three years. The programme will be launched in 2011 and will entail the transition of the existing energy efficiency and renewable energy programmes over the course of the year. Whilst expenditure on these schemes to end-September 2010 is behind profile, it still amounts to some €55.263 million. I am advised by the Sustainable Energy Authority of Ireland (SEAI) that they expect the end of year outturn to be close to the 2010 allocation.

The Home Energy Saving Scheme (HES) commenced in late March 2009 and provides grant assistance to homeowners for energy efficiency measures. Applicants are given six months in which to undertake the work. Not all projects were completed by year end, leading to less than anticipated expenditure in 2009. To date in 2010, 33,302 homes have been approved for energy efficiency upgrades.

The WHS provides energy efficiency upgrades to low-income houses. The scheme is delivered through a combination of community based organisations and private contractors, who were retained for programme delivery for the first time in 2009. Budget 2010 provided a substantial increase in funding which will allow for 22,500 homes to be delivered this year. I am advised by the SEAI that they expect to exceed this target.

The Greener Homes Scheme (GHS), which has been in operation since 2006, currently provides capital support for the installation by householders of renewable energy heating technologies including wood-pellet and chip stoves and boilers, gasification boilers, solar panels and geothermal heat pumps. To date, over 25,000 installations have been completed under the scheme.

In advance of the introduction of the new national retrofit programme, the HES, Warmer Homes Scheme (WHS), and GHS will continue to operate.

Telecommunications Services

67. **Deputy Shane McEntee** asked the Minister for Communications, Energy and Natural Resources if it is still his intention to ask ComReg to take on the role of one-stop-shop for State owned telecommunications infrastructure; and if he will make a statement on the matter. [37880/10]

98. **Deputy Seán Sherlock** asked the Minister for Communications, Energy and Natural Resources the position regarding the implementation of a one stop shop for broadband; and if he will make a statement on the matter. [37795/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I propose to take Question Nos. 67 and 98 together.

The objective of the one-stop-shop commitment in the Next Generation Broadband policy paper “Gateway to a Knowledge Ireland”, is to facilitate telecoms network operators in gaining access to ducting that exists along publicly-owned energy, transport and other infrastructure so as to facilitate access to backhaul networks in a cost effective manner.

Government policy is aimed at leveraging such State-owned infrastructure to help deliver high-speed broadband and improved telecommunications services throughout the country. The policy also strongly supports this being done on an open-access basis and I do not favour exclusive deals whereby one service provider secures exclusive access to a particular State-owned network.

In general terms I am satisfied that there are no current impediments to accessing the majority of state-owned telecommunications infrastructure. Both ESB Telecoms and Aurora Telecom, which is a division of Bord Gáis Networks, have developed highly successful commercial ventures in this area. Indeed the recent announcement of Aurora’s investment in ultra-high speed fibre-optic network linking Dublin to the West of Ireland is very positive evidence of the critical role this type of infrastructure can play in the delivery of high-speed networks. Apart from its general infrastructure in the area of backhaul service, ESB’s infrastructure is also playing a vital role in the successful delivery of the 100mbps pilot project to secondary schools.

Access to Irish Rail’s network is also available through its long-standing commercial arrangement with BT and I have also enacted legislation earlier this year designating the National Roads Authority as the single point of contact for accessing State-owned infrastructure on national roads and motorways. Open access is also available to ducting running along tow paths on some of our canal network.

However, I am mindful that we should continue to ensure that all infrastructure of this kind is fully optimised for broadband purposes and I have earlier this week written to all State Agencies, including Local Authorities, that are in possession of such infrastructure to invite them to meet with me in the coming weeks to discuss how we can work together to ensure that no unnecessary impediments are put in place regarding access issues and, where possible, to open up infrastructure that heretofore has not been utilised for telecommunications purposes.

[Deputy Eamon Ryan.]

I will also utilise this meeting to explore further the introduction of a one-stop-shop embracing a simple point of contact in relation to access to all State infrastructure for broadband use. As pointed out above there is already an elaborate network of state owned assets which is open to service providers for broadband purposes. Apart from the quality of service thus provided this is also ensuring competition with the incumbent, eircom. In this way the objectives of the one-stop-shop as set in the 2009 Broadband Policy paper are being delivered. I am, however, anxious to ensure that this is being done in an optimal way and my impending discussions as referred to above will explore the need for a more formal structure in this regard.

Electricity Generation

68. **Deputy Seymour Crawford** asked the Minister for Communications, Energy and Natural Resources his plans to improve the structures to encourage farmers and others to utilise small wind generation units or digesters at pig farms in order to minimise the problems with pig slurry; and if he will make a statement on the matter. [37666/10]

84. **Deputy Mary Upton** asked the Minister for Communications, Energy and Natural Resources if he will confirm the date on which the REFIT price recently announced for miscanthus will be implemented; if he will confirm that the 9.5 cent price is the full tariff to be paid to suppliers and farmers or if it includes the capital costs of the power stations; and if he will make a statement on the matter. [37777/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I propose to take Questions Nos. 68 and 84 together.

In May 2010, I announced a set of new Renewable Energy Feed In Tariffs (REFITs) for electricity generated from biomass, ranging from 8.5 cent per kilowatt hour to 15 cent per kilowatt hour depending on the technology deployed. These tariffs include support for electricity generated from biomass co fired with peat in the three peat fired power stations, along with supports for electricity produced from Anaerobic Digestion units. Anaerobic Digestion offers opportunities for farmers to use animal wastes like pig slurry to generate electricity, while also reducing the environmental impact of that waste through alternative use.

In all cases, the REFIT Tariff announced refers to the price to be paid for the electricity exported to the grid, rather than the price for inputs into that process. This is the way in which existing REFITs have operated since 2006, and the manner in which other similar schemes across the EU also operate. It will be for generators to manage their businesses so as to ensure that they source sufficient volumes from the market. However it should be noted that the two separate prices available for biomass material being combusted, 8.5c kw/h for general biomass and 9.5c kw/h for energy crops (including Miscanthus) reflects the higher costs associated with growing energy crops, and is also designed to incentivise the potential for Irish farmers to exploit the opportunity which energy crops represent.

State Aid Clearance from the European Commission is required before the new biomass tariffs can be implemented. My Department is currently finalising the State Aid submission with Sustainable Energy Authority of Ireland for transmission to the Commission this week.

Energy Prices

69. **Deputy Kieran O'Donnell** asked the Minister for Communications, Energy and Natural Resources his views on energy prices here as commented on by Government agencies such as the National Competitiveness Council, Forfás and the chief executive officer of the Industrial

Development Authority; the measures he is taking to make them more competitive in the short to medium term; and if he will make a statement on the matter. [37812/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The Government recognises that the cost of energy in Ireland is a competitiveness issue facing the enterprise sector during this difficult period for the economy. The provision of secure, sustainable and competitive energy supplies is critical for the economy.

Ireland's higher energy costs over recent years, by comparison with EU average prices, have been primarily due to significant dependence on volatile imported fossil fuels, particularly gas, as well as a requirement for very significant investment in energy infrastructure, following two decades of under-investment in the networks. The under-investment in networks and power generation posed real risks to security of energy supply which had become a major concern for both indigenous and Foreign Direct Investment Companies.

Recognising the concerns of indigenous business and the inward investment community, particularly in view of the difficult economic conditions, the Government has put in place a number of measures to mitigate the cost of energy for business.

All electricity users benefitted in 2009 from rebates totalling €567m. In July 2009 the Government agreed that these rebates would continue for large energy users at the same level until October 2010 and would then be phased out over the following two-year period.

The Carbon Revenue Levy commenced on July 1st 2010, after the enactment of the Electricity Regulation (Carbon Revenue Levy) Act by the Oireachtas. The Levy is directed at electricity generators in relation to a significant portion of the carbon windfall gains that they are currently receiving. Receipts from the Carbon Revenue Levy will fund the continuation of the large energy user rebate from Oct 1st 2010. The Levy will remain in place until the end of 2012.

For small to medium business users, the Commission for Energy Regulation (CER) reduced regulated ESB prices twice in 2009, by an average of 10% from May 1st and a further 5.5% from October 1st 2009.

Business customers can also avail of the competitive benefits of value and choice by shopping around for alternative suppliers. Competition in the business electricity market has developed to such an extent that the CER has recently ended price regulation for ESB in this market segment. As a result, ESB are free to compete against the independent electricity suppliers for these customers.

The CER is also close to completion of its 5-year review of electricity network expenditure. This review proposes measures to ensure that ESB and EirGrid make greater efficiencies in operational and capital expenditure, thus minimising costs for consumers.

Taken together, these measures, along with falling natural gas prices on the global market, have already had a significant impact on Ireland's international energy competitiveness over the last two years. This is acknowledged by the Agencies referred to by the Deputy as well as industry itself. The latest comparative statistics available from the Sustainable Energy Authority of Ireland (SEAI) show that in general, Irish electricity prices in 2009 fell at a faster rate than in the rest of the EU, moving Ireland significantly closer to the EU average. Prices for the majority of business consumption bands are within 6% of the EU average. While EU comparison figures are not yet available for the first half of 2010, the SEAI data shows further significant reductions in Irish electricity prices in this period. Prices for the large business categories have reduced on a cumulative basis by some 34%-44% in the 18 months to June 2010.

[Deputy Eamon Ryan.]

All customers are paying a higher Public Service Obligation (PSO) Levy since October 1st 2010. The PSO Levy is necessary to support the continued contribution of peat-generated electricity to security of supply and to deliver on the Government's 40% renewable electricity target, which also reflects Ireland's legally binding EU renewables target. In the longer term, delivering on the renewables targets will reduce Ireland's exposure to high and volatile external fossil fuel prices. Even in the short term, PSO supported wind generation can help reduce wholesale electricity prices at times of high wind by displacing higher cost fossil fuel generators.

The Government also remains firmly committed to increasing competition as the best means of exerting downward pressure on electricity prices. Significant progress has been made to date, most notably with the all-island Single Electricity Market now in its 3rd year of successful operation, the sale of ESB generation capacity, the entry of new players into both the generation and supply markets and new generation capacity coming on-stream in the Irish market.

Planning Issues

70. **Deputy Paul Connaughton** asked the Minister for Communications, Energy and Natural Resources the explanation Eirgrid have given him for the failure of the planning application for the Meath-Tyrone 400KV power lines; if he will meet the costs of the objectors to the project which were incurred in connection with the oral hearing; and if he will make a statement on the matter. [37832/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): EirGrid applied for planning consent for the Meath Tyrone 400kV Interconnection Development Project in December 2009, under the Planning and Development Act 2000 as inserted by the Planning and Development (Strategic Infrastructure) Act 2006.

An Bord Pleanála convened an oral hearing on the matter on the 10th of May 2010. On Wednesday 23rd June, it was drawn to EirGrid's and the inspector's attention that there was an error in the newspaper public notice and site notice relating to pylon height ranges for a section of the project. It is the case that full details of the correct heights of pylon heights in question were fully and accurately described in the Environmental Impact Statement and in the accompanying planning drawings, which were submitted to An Bord Pleanála.

EirGrid has undertaken a review of the circumstances which led to the error in the public notice. I have been furnished with a copy of this review, which also is publicly available on EirGrid's website: www.eirgrid.com. It is clearly a matter of concern and disappointment to see that this key strategic infrastructure project will now be delayed as a result of the error referred to above.

Whilst I appreciate the concerns of individuals and groups who have inquired to the planning process relating to the Meath-Tyrone 400kV Interconnection Project, the operation of the planning system is a matter for the relevant planning authorities. I have no function in relation to the issue of costs.

Semi-State Bodies

71. **Deputy Enda Kenny** asked the Minister for Communications, Energy and Natural Resources if he has any plans to carry out a review of pay levels of senior staff members in the State owned companies under his aegis; and if he will make a statement on the matter. [37876/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): Staff, including chief executive officers, of commercial State Sponsored Bodies do not come within the provisions of the legislation provided for in the Financial Emergency Measures in the Public Interest Act 2009. With the exception of chief executives, the Minister for Finance or I do not control the pay of staff of these bodies. However, the Minister for Finance has brought proposals to Government to review the arrangements governing the pay of chief executives. The Government has agreed that such a review should be undertaken. The Minister for Finance will shortly announce further information on the nature of the review and the group to undertake it.

Unlike the position in the commercial State Sponsored Bodies, staff of non-commercial State Sponsored Bodies, including the chief executive officers, come within the legislation referred to above and are subject to both the pension related deduction and the reductions in pay.

Broadcasting Services

72. **Deputy Kathleen Lynch** asked the Minister for Communications, Energy and Natural Resources his views on the submission he received from the National Newspapers of Ireland regarding unfair competition by RTE; his further views on the NNI's concerns regarding unfair competition in relation to RTE's online services in particular; if he is satisfied that his Department and the Broadcasting Authority of Ireland are monitoring the situation sufficiently; and if he will make a statement on the matter. [37789/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): As I outlined to the House in a written reply on the 29th September I have received a detailed written submission from National Newspapers of Ireland (NNI) on a number of matters of concern to them. I met with representatives of NNI on the 13th of October when they gave me a comprehensive briefing on the issues facing their industry.

As the Deputy will be aware, the Broadcasting Act 2009 sets out, inter alia, the principal objects and associated powers and obligations of the public service broadcasting corporations, RTÉ and TG4. On the specific issue raised by the Deputy, one of the principal objects of RTÉ under Section 114(1)(b) of the Broadcasting Act 2009 is to establish and maintain a website in connection with its services and the allocation of public funding, *vis-à-vis* the licence fee, in pursuing this public service object is fully in line with the provisions of the legislation. Section 108(1) of the Broadcasting Act 2009 clearly envisages that the commercial activities undertaken by RTÉ in the exploitation of its commercial opportunities, for example on-line, shall be used to subsidise its public service mandate.

The Act also imposes extensive reporting requirements on the two corporations in regard to the pursuit of their objects and compliance with relevant obligations. These reporting requirements are supplemented by ex-ante and ex-post Ministerial and regulatory oversight mechanisms that are being used, when and as appropriate.

With regard to the wider issues raised I intend to organise a digital forum, in the near future, that will examine how Ireland can best embrace the advent of the digital era. As a major initial step, I will convene before the end of the year a one day gathering of key stakeholders. This event would set the agenda for the priority issues requiring further consideration in the ever changing digital media environment, including, inter-alia, new media platforms and their effect on traditional media outlets. I welcome NNI's agreement to input into this initiative and look forward to engaging further with NNI in this context in the near future.

Telecommunications Services

73. **Deputy John O'Mahony** asked the Minister for Communications, Energy and Natural

[Deputy John O'Mahony.]

Resources the need to introduce a new utility law to standardise procedures and fees for way leaves and road opening licences across all local authorities in order to reduce the cost of civil works for telecommunications companies; and if he will make a statement on the matter.

[37824/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The Communications Regulation (Premium Rate Services and Electronic Communications Infrastructure) Act 2010 provides for the National Roads Authority (NRA) to allow the use of its ducts on national roads, including motorways, for telecoms purposes. It also appoints the NRA as the authority responsible for processing road opening licences by network owners to install equipment in national roads. This represents a streamlining of the process where previously the local authority was the authority for national roads.

Local authorities remain the relevant authority for local and regional roads, in relation to issuing consents to install telecoms infrastructure and equipment in roads.

I am aware of challenges being encountered by network owners as they seek to comply with local authority requirements under the planning code on infrastructure roll out. My officials are engaging on this issue with officials in the Department of Environment, Heritage and Local Government and the local authorities to build awareness of the importance of facilitating broadband network roll out.

Question No. 74 answered with Question No. 64.

Proposed Legislation

75. **Deputy Jack Wall** asked the Minister for Communications, Energy and Natural Resources when the heads of a Bill for geothermal energy will be published; and if he will make a statement on the matter. [37780/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): In July 2010, the Government gave its approval for the submission of the draft general scheme for the Geothermal Energy Development Bill to the Office of the Attorney General for detailed drafting. It was also decided to publish both the general scheme together with the Regulatory Impact Assessment. Both these documents were subsequently made available on the Department's website.

The drafting process is currently under way and publication is expected in Quarter 1 2011.

Telecommunications Services

76. **Deputy Denis Naughten** asked the Minister for Communications, Energy and Natural Resources the steps he is taking to provide broadband coverage to areas not serviced by the national broadband service; and if he will make a statement on the matter. [37669/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The European Commission has set aside a portion of the European Economic Recovery Programme (EERP) funding for rural broadband initiatives. Using this funding, which will be augmented by an Exchequer contribution, I intend to formally launch a Rural Broadband Scheme before the end of this year. This scheme will provide a basic broadband service to individual un-served rural premises outside of the National Broadband Scheme areas.

The scheme will be available for applications on an individual basis. Information in relation to acceptance of applications and the process of qualification under the scheme will be made available when the scheme is launched.

Question No. 77 answered with Question No. 64.

Energy Efficiency

78. **Deputy Eamon Gilmore** asked the Minister for Communications, Energy and Natural Resources his views on claims that €130 million from the €250 million revenue gained from the carbon levy has been allocated to earmarked schemes; if he will outline the energy efficiency measures that will benefit from the carbon tax; the percentage of revenue gained from the carbon tax that will be spent on energy efficiency measures in 2010; and if he will make a statement on the matter. [37778/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): Budget 2010 allocated €40 million for Sustainable Energy Authority of Ireland's energy efficiency programmes in the domestic business and public sectors, with an additional €50 million, from carbon tax revenues, for the creation of the National Retrofit Programme. Under the 2010 Social Housing Retrofitting Programme, the Department of the Environment, Heritage and Local Government was allocated €40 million to support local authorities across the country in improving their stock of vacant social houses and occupied apartment complexes.

The utilisation of revenue from taxation receipts, including the carbon tax, is a matter for the Minister for Finance.

Electricity Generation

79. **Deputy Denis Naughten** asked the Minister for Communications, Energy and Natural Resources the steps he is taking to support research and investment in the storage of electrical energy; and if he will make a statement on the matter. [37668/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The Government's policy objective is to ensure that energy is consistently available with minimal risk of supply disruption and as competitively priced as possible to meet the needs of businesses and domestic consumers. EirGrid, as the national transmission system operator, is responsible for developing and upgrading the transmission system in order to meet ongoing and future electricity needs, and as part of that responsibility, EirGrid continuously assesses the type and mix of technologies required to meet Ireland's energy needs.

Electricity storage contributes to grid stability, emissions reductions and system security by providing reserve capacity and ancillary services. The extent of its contribution depends on the reliability, storage size, flexibility and grid integration of individual technologies.

EirGrid has reported on various storage technologies in the most recent Generation Adequacy Report covering the period 2010-2016, which in particular, examines the role of large pumped hydro storage stations of the order of 1GW and 100GWh in combination with high renewables. In addition, EirGrid recently commissioned Pöyry engineering consultants, to report on future low carbon generation options, including storage, for the All-Island market. Both reports are available on EirGrid's website at www.eirgrid.com.

Fisheries Protection

80. **Deputy Thomas P. Broughan** asked the Minister for Communications, Energy and Natural Resources if he will provide an update on whether the annual accounts for 2008 of the

[Deputy Thomas P. Broughan.]

Central Fisheries Board have been published and laid before Dáil Éireann; if not, the reason for the delay; the timeframe for publication; and if he will make a statement on the matter.

[37787/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The financial statements of the Central Fisheries Board for 2008 have been signed off by the Office of the Comptroller and Auditor General, approved by Government and arrangements are in train for these to be laid before the Houses of the Oireachtas. The financial statements will then be published on the website of Inland Fisheries Ireland.

Telecommunications Services

81. **Deputy Joanna Tuffy** asked the Minister for Communications, Energy and Natural Resources the progress of the Government's working group set up to ensure new buildings will have open-access fibre connections; and if he will make a statement on the matter. [37798/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The provision of high speed broadband connectivity as a critical element in the development of a competitive Smart Economy and inclusive Knowledge Society is a policy priority. My Department's policy in this area is set out in the paper "Next Generation Broadband — Gateway to a Knowledge Ireland", 2009. One of the actions in this Paper was the requirement for new premises to have open access fibre connections installed, where practicable.

A working group has been set up comprising officials from the Department of the Environment, Heritage and Local Government, the Commission for Communications Regulation (ComReg) and my own Department to examine a range of practical issues that needs to be addressed to progress this action.

As part of this process, officials from my Department have drafted technical recommendations and have held a pre-consultation with relevant stakeholders. A full consultation with the construction industry and relevant stakeholders will take place in November with a view to finalising a set of actions over the coming months.

82. **Deputy Ciarán Lynch** asked the Minister for Communications, Energy and Natural Resources the steps he will take to ensure that minimum contractual speeds within the national broadband scheme are achieved; if he is satisfied that minimum contractual speeds are being achieved at present; and if he will make a statement on the matter. [37794/10]

99. **Deputy Joanna Tuffy** asked the Minister for Communications, Energy and Natural Resources if he will provide an update on the national broadband scheme; the cost of the scheme to date and the overall expected cost; when the project is set for completion; the maximum and minimum speeds expected for this scheme; the way he is monitoring the speeds that are being achieved; and if he will make a statement on the matter. [37799/10]

104. **Deputy Thomas P. Broughan** asked the Minister for Communications, Energy and Natural Resources if he is confident that persons receiving broadband through the national broadband scheme are experiencing minimum speeds; the way the minimum speeds are monitored; and if he will make a statement on the matter. [37788/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I propose to take Questions Nos. 82, 99 and 104 together.

My Department entered into a contract with “3”, a Hutchison Whampoa company, for the delivery of the National Broadband Scheme (NBS) in late December 2008. Since then, 3 has progressed its network rollout and NBS broadband services are now available in all of the 1,028 designated Electoral Divisions (ED) to be covered under the Scheme. The NBS contract remains in place until August 2014.

The total current and capital cost of the full rollout of the NBS has been estimated by “3” at some €223m, of which a maximum of €79.8m will be contributed by the Government and the EU.

The contribution by the Government and the EU to date under the Scheme amounts to some €58m.

Under the contract, the NBS mobile wireless broadband service was upgraded to higher specifications (speeds, contention and data caps) in July 2010, without any increase in the monthly recurring charge. Currently, NBS subscribers can experience speeds ranging from a minimum download speed of 1.6Mbps to a maximum download speed of 6.8Mbps, a minimum upload speed of 1.2Mbps to a maximum upload speed of 4Mbps, with a maximum contention ratio of 22:1. The data cap has increased to 25GB.

The satellite product, deployed in a very limited number of cases, has contracted minimum speeds of 1Mbps download and 128kbps upload, with a maximum contention ratio of 48:1 and with a data cap of 11GB.

Following a further contract upgrade in October 2012, NBS subscribers will experience minimum download speeds of 2.3Mbps and maximum download speed of 10.4Mbps, minimum upload speeds of 1.4Mbps and maximum upload speed of 4.8Mbps, with a maximum contention ratio of 18:1. The data cap will increase to 40GB.

Similarly, following contracted upgrades to the satellite product in July 2012 and again in February 2014, minimum download speeds of 1.6Mbps and 2Mbps respectively, together with a minimum upload speed of 256Kbps and a maximum contention ratio of 48:1, will apply, with the data cap remaining at 11GB.

My Department has put in place robust monitoring arrangements to ensure that the NBS network delivers the minimum specified service or better to all users. Performance delivery data, which is submitted to my Department on a monthly basis or as required, is critically analysed by independent technical consultants, Analysys Mason Ltd.

The monitoring arrangements provide information on a wide range of key indicators including the broadband excess availability in each cell of the network, the number of customers resident in that cell and actual contention and latency values. Utilisation thresholds are set for each element of the network and upgrades of the network and its capacity are automatically triggered at contractually agreed levels of traffic to ensure that the quality of the broadband service is maintained.

In addition, a sample selection of customers is monitored for quality on a monthly basis. Download and upload speeds are sampled at a number of locations monthly to ensure that minimum speeds are met or exceeded.

The NBS contract guarantees service levels and imposes a service credit regime on “3” with significant financial consequences in the event that minimum specification service levels are not met. The contract also provides for independent monitoring and audit at any stage during the contract with a view to verifying that the services are being provided in accordance with the contract.

[Deputy Eamon Ryan.]

I can confirm that 3's I-HSPA network which is used to deliver the NBS is designed and dimensioned to ensure that the network delivers the minimum contracted service, or better to all NBS users. Performance monitoring reports, including customer experience data, confirms this to be the case.

Based on the analysis of monitoring reports for I-HSPA and satellite, I can confirm that the average user has been able to receive download and upload speeds in excess of the minimum requirements. This level of service delivery is supported by the sampling of customer experience and the speed sampling.

On the basis of the information provided to my Department, I am satisfied that the specified service levels required under the NBS contract are being met.

Electronic Vehicles

83. **Deputy Kathleen Lynch** asked the Minister for Communications, Energy and Natural Resources the progress on the rollout of electronic vehicles; if the infrastructure for electric vehicles will also support plug in hybrid vehicles; and if he will make a statement on the matter. [37791/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The Government has set a target of 10% of all vehicles to be powered by electricity by 2020, which equates to around 225,000 vehicles. Ireland aims to be at the forefront of electric vehicle technology developments and my Department is working with relevant Departments and Agencies to ensure that the necessary structures and initiatives are in place to meet this target.

Last April I signed an Agreement with the Renault Nissan Alliance and ESB which underpins Ireland as one of the European leaders in electric transport. The Agreement, building on the Memorandum of Understanding last year, includes the development of a nationwide electric car charging infrastructure, the continued sharing of technical and market data between the parties and the early supply of electric cars into the Irish market by Renault and Nissan from next year.

Progress has also been made in discussions with other major motor manufacturers to make early production vehicles available to the Irish market and I expect that other agreements will be developed in the foreseeable future.

The Electric Vehicle (EV) grant scheme, which is due to commence in January 2011, will provide for grants of up to €5,000 for full battery electric vehicles and up to €2,500 for plug in hybrid electric vehicles. This scheme, which is subject to the approval of the Minister for Finance, will provide grants for up to 6,000 vehicles over a two year period and will be administered by the Sustainable Energy Authority of Ireland. The scheme is being finalised with the Department of Finance.

In February 2011, Nissan will begin to supply its all-electric, LEAF hatchback to the car market in Ireland. A number of other car manufacturers have indicated that they will also be launching electric vehicles into the market later in 2011 and in 2012.

The ESB will roll out 1,500 charge points on a nationwide basis by December 2011. These charge points will support both battery electric vehicles (BEVs) and plug in hybrid electric vehicles (PHEVs). The rollout has already begun with 12 on street charge points, 15 domestic charge points and 13 industrial chargers already installed. The roll out of these charge points will accelerate towards year end, in anticipation of the first production EVs from major manufacturers coming to market in early 2011. It is anticipated that approximately 200 public charge

points will be in place by year end. ESB also plans to install up to 30 fast charge points across Ireland by the end of 2011, with nine expected to be set up by the end of this year.

Question No. 84 answered with Question No. 68.

Broadcasting Services

85. **Deputy Willie Penrose** asked the Minister for Communications, Energy and Natural Resources if he will provide an update regarding free to air rugby; when the consultants report will be completed; the full cost of that report; and if he will make a statement on the matter. [37807/10]

101. **Deputy Jim O’Keeffe** asked the Minister for Communications, Energy and Natural Resources the position regarding the report of the independent consultant to advise on the submissions received in relation to free to air broadcasting; and the cost of said consultancy and when decisions are likely to be made on the issue. [37670/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I propose to take Questions Nos. 85 and 101 together.

The Audiovisual Media Services Directive (AVMS) provides that Member States of the European Union may designate sporting and cultural events of major importance to society as free-to-air. The Broadcasting Act 2009, having transposed the AVMS Directive, sets down the statutory process for designating events free-to-air.

On 30th April last I set out proposals for a limited extension of the sporting events which are designated free-to-air and invited submissions on those proposals. I also decided that the final decision on this matter will be informed by an independent analysis of the financial and other impacts of listing each event. Indecon International Consultants have been commissioned to do this report and are currently finalising the report for me in this matter. I expect that this report will be delivered to me before the end of the month. The value of the contract is €73,387.

After consideration of the Indecon report and other submissions received I will revert to Government with definitive proposals. Subsequent to Government consideration of the matter I am required under the AVMS Directive to inform the EU Commission of any changes to the events to be designated. The Commission has a period of three months to verify that the list is compatible with Community Law, to notify other Member States and to seek the opinion of the Committee established pursuant to the Directive. Any designation will only be effective after the Commission has published the list in the Official Journal.

Electricity Generation

86. **Deputy David Stanton** asked the Minister for Communications, Energy and Natural Resources further to Parliamentary Questions Nos. 73 and 87 of 27 April 2010 the further progress made in improving participation in the micro-generation programme being operated by the Electricity Supply Board; the total number of customers who have signed up to date; the numbers signed up under each category; and if he will make a statement on the matter. [37892/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): There are currently 302 customers operating in the ESB Microgeneration scheme with a total connected capacity of 1709.17kW.

The categories of technology operating under the scheme are as follows:

[Deputy Eamon Ryan.]

- Wind Turbine installations = 261.
- PV installations = 39.
- Hydro Turbines installations = 2.
- Wind Turbine installations comprise approximately 93.5% of total microgeneration connected capacity.
- PV installations comprise approximately 6% of total microgeneration connected capacity.
- Hydro Turbine installations comprise approximately 0.5% of total microgeneration connected capacity.

A total of some 307,048kWh was 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.

ESB Customer Supply is currently processing an additional 15 microgeneration customer applications.

Telecommunications Services

87. **Deputy Pat Rabbitte** asked the Minister for Communications, Energy and Natural Resources if he has instigated an independent study of broadband speeds available to customers here; and if he will make a statement on the matter. [37793/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The regulation of telecommunications operators, including regulatory issues surrounding the quality of broadband services provided to customers, is the responsibility of the independent Commission for Communications Regulation (ComReg). In March 2008, the Advertising Standards Authority of Ireland, guided by ComReg and the National Consumer Agency, issued an Advice Note to Broadband Providers, which has had a positive impact in aligning speeds advertised with speeds experienced.

My Department, in collaboration with ComReg, has been considering how best to generate additional statistical analysis of broadband speeds experienced by end users over the competing platforms in Ireland. In the course of developing the various measurement and related requirements to be inserted in a proposed invitation to tender document, a number of issues have arisen and these issues are currently under consideration by ComReg. I have sought resolution of the issues as soon as possible, with a view to proceeding with an appropriate initiative.

While I look forward to gathering additional statistical information to inform the policy making process, it should be noted that surveys undertaken by ComReg during 2010 indicate high levels of satisfaction with residential and broadband speeds. Additionally, less than 2.4% of consumer complaints to ComReg in the year to July 2010 related to broadband speeds.

Postal Services

88. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources the extent to which he has anticipated, planned or prepared for the implementation of the EU postal directive; if an assessment has taken place to ensure the continuation of a high quality early postal delivery and office service in all areas throughout the country; and if he will make a statement on the matter. [37667/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The issues for Ireland arising from the implementation of the third Postal Services Directive by the 31st of December, 2010 have been widely and comprehensively consulted upon, and as with all legislative proposals, a regulatory impact analysis was conducted. In preparation for liberalisation the Department held an open and comprehensive public consultation in 2008, and an Options Paper examining the options and making recommendations was published in 2009. I hosted a forum in November 2009, which was attended by postal service providers, the wider business community, the postal regulator, staff representation groups, and users' interests groups, and in the main, there was broad support for the recommendations outlined in the Options Paper.

The postal market is already partially opened. Parcel post is fully competitive, and all mail in excess of 50 grams is currently open to all competitors. Legislation to transpose the Directive, and give effect to this final step in the gradual and controlled opening of this market to competition and ensuring the continuing provision of a universal service, is currently being drafted in conjunction with the Office of the Parliamentary Counsel. I hope to publish this legislation shortly with a view to having it enacted before the end of the year.

The Government's core policy goal for the postal sector is to ensure that Irish customers, both business and residential, enjoy competitively priced, high quality postal services.

Telecommunications Services

89. **Deputy Seymour Crawford** asked the Minister for Communications, Energy and Natural Resources his plans to ensure that broadband will be available in rural areas given that the scheme rolled out has totally failed to provide the necessary coverage; and if he will make a statement on the matter. [37665/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The provision of broadband services is in the first instance a matter for private sector service providers operating in Ireland's fully liberalised telecommunications market. Broadband services are provided by private service providers over various platforms including DSL (i.e. over telephone lines), fixed wireless, mobile, cable, fibre and satellite. Details of broadband services available in each county can be found on ComReg's website at www.callcosts.ie.

In cases of market failure the Government will intervene, where it is appropriate and possible to do so. The National Broadband Scheme (NBS) represents such an intervention.

In December 2008, my Department entered into a contract with "3", a Hutchison Whampoa company, for the delivery of the NBS. The company is required to provide services, using a mix of technologies, to all fixed residences and businesses that are located within the NBS Coverage Area and which seek a service.

Under the NBS contract, all Electoral Divisions (EDs) in the NBS Coverage Area are required to have broadband connectivity by the end of this month. I am happy to report that 3 is in line to meet that obligation.

[Deputy Eamon Ryan.]

It continues to be a priority of the Government that there will be broadband coverage across the entire country. I am aware that there continues to be a small percentage of premises throughout the country that will not be capable of receiving broadband services. This is primarily due to technical and other reasons (suitability of a telephone line, distance from an enabled exchange, no line of sight etc.).

The European Commission has set aside a portion of the European Economic Recovery Programme (EERP) funding for rural broadband initiatives. Using this funding, which will be augmented by an Exchequer contribution, I intend to formally launch a Rural Broadband Scheme before the end of this year. This scheme will aim to provide a basic broadband service to individual un-served rural premises outside of the NBS areas.

Information in relation to acceptance of applications and the process of qualification under the scheme will be made available in due course when the scheme is launched.

Question No. 90 answered with Question No. 64.

Postal Services

91. **Deputy Liz McManus** asked the Minister for Communications, Energy and Natural Resources the contact he has had with the Data Protection Commissioner regarding the introduction of a unique identifier postcode system; the safeguards that he will specify in relation to a unique identifier postcode model; and if he will make a statement on the matter. [37774/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): Ireland is the only country in the EU and OECD which does not have a national postcode system.

In the context of the National Postcode Project, this Department has established ongoing communications with the Data Protection Commissioner. These communications address the implementation, dissemination and commercialisation of postcodes in order to ensure that all pertinent Data Protection Legislation is adhered to. Details of these measures will be made available during the procurement process.

Energy Prices

92. **Deputy Jan O'Sullivan** asked the Minister for Communications, Energy and Natural Resources if he will direct the Commission for Energy Regulation to reconsider its requirement of rebranding for ESB and Bord Gáis and review the reconnection and disconnection fees for those struggling to pay utility bills; and if he will make a statement on the matter. [37802/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): As part of the electricity deregulation process, the Commission for Energy Regulation (CER) commissioned market research, which indicates that there is confusion among electricity consumers as to the separate identities and roles of ESB as owner and operator of the electricity network and ESB as an electricity supplier.

This is of concern because ESB Networks must provide, and be perceived to provide, the same level and quality of service to all customers irrespective of their electricity supplier.

It is vital for consumers to have full confidence that they can switch supplier without any impact on the quality of their network service. Therefore, as part of the deregulation process and the delivery of real competition, ESB is required by the CER to rebrand its electricity supply business.

ESB would also, in any case, be required to engage in some form of rebranding as part of the implementation of EU Internal Energy Market Third Directive. Member States are obliged under the Directive to ensure that there is absolute clarity for consumers as to the separate identities and functions of the energy network operator and a related energy supply company within a single utility. For this reason, rebranding needs to be addressed for both ESB and, in due course, BGE.

ESB has advised that rebranding will have an estimated cost of between €6 and €8 million. The CER has also confirmed that there is no plan to include the costs of rebranding in ESB's regulated revenues in the period 2010 to 2012.

ESB has made it clear that the company will introduce its new brand in a practical and cost effective way without causing inconvenience, expense or confusion to customers.

Once full electricity market deregulation has been introduced, expenditure on advertising and marketing, and whether these costs are met from electricity revenues, will be a commercial decision for all competing suppliers including ESB and BGE. The deregulated market will maintain constant pressure on all costs incurred by suppliers, who will be competing vigorously on price offerings to customers.

Turning to the gas market, there is no specific proposal or timescale or firm costings as yet for rebranding. However, with the successful development of competition in the retail gas market, the CER intends to publish for consultation, in the coming weeks, a roadmap for gas market deregulation. The question of rebranding is likely to be addressed in that context.

In the context of delivering full competition in the gas market and delivering on EU requirements, all concerned are committed to ensuring any rebranding of BGE is done in a fully cost effective and transparent way.

Like all Members of this House, I am deeply concerned at the number of electricity and gas disconnections that have taken place in 2010. The key message for people who are in genuine difficulty with their energy bills is to make immediate contact with their supplier. Suppliers will work with customers to agree a payment plan before the unpaid bills begin to accumulate and therefore well before it gets to the point of disconnection.

I believe that all options to address this issue need to be considered and I am gratified that the CER has agreed to review policy on disconnections. This review will specifically look at how the costs of disconnection are allocated across the industry and to the customer. I welcome this review and look forward to its publication.

93. **Deputy Pat Rabbitte** asked the Minister for Communications, Energy and Natural Resources the timeframe for the energy affordability strategy; if it will require legislation; the way he intends to address the problem of fuel poverty here; the number of homes that were part of the warmer homes schemes for 2008, 2009 and to date in 2010; and if he will make a statement on the matter. [37782/10]

107. **Deputy Olwyn Enright** asked the Minister for Communications, Energy and Natural Resources his plans to develop a national fuel poverty strategy; and if he will make a statement on the matter. [27926/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I propose to take Questions Nos. 93 and 107 together.

My Department is working closely with the Departments of Social Protection and Environment, Heritage and Local Government, in consultation with the inter-Departmental Steering

[Deputy Eamon Ryan.]

Group to finalise the affordable energy strategy. I expect the Strategy to be submitted to me shortly with a view to bringing it to Government in the coming weeks.

The affordable energy strategy will be the framework for building upon the many measures already in place to protect households at risk from the effects of energy poverty, which include the thermal efficiency-based measures such as the Warmer Homes Scheme (WHS), which provides significant energy efficiency improvements in low-income homes.

It is not envisaged that additional legislation will be required at this stage. The necessity for legislation to underpin aspects of the strategy in the future will be kept under review.

The number of homes that were upgraded under the WHS in 2008 were 5,343, 16,240 in 2009 and 15,764 to date in 2010.

Alternative Energy Projects

94. **Deputy Brian O'Shea** asked the Minister for Communications, Energy and Natural Resources his views on concerns expressed by the Irish Farmers' Association regarding the biofuel obligation scheme; if his attention has been drawn to fears that this new scheme will seriously damage indigenous biofuel production here; and if he will make a statement on the matter. [37801/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I am aware of the views expressed by the Irish Farmers Association, having met a delegation recently to discuss their concerns. The Biofuel Obligation Scheme, which came into effect on 1st July of this year, establishes a clear, stable and long term framework for the delivery of the national 2020 target for renewable energy in transport. The obligation delivers the best balance available in providing a stimulus to underpin the ongoing development of an indigenous biofuels industry, while keeping the cost to the consumer to an absolute minimum

The legislative basis for the scheme is provided for in the Energy (Biofuels Obligation and Miscellaneous Provisions) Act 2010. The legislation is designed to ensure that Irish consumers have access to appropriately priced, sustainable and reliable sources of biofuel over the coming years, and provides a guaranteed market that will require in excess of 220 million litres of biofuel in 2011. Domestic producers can access this market by a number of means, including by selling biofuel directly to obligated parties, or, more likely in the case of Pure Plant Oil, by selling into local markets and by selling certificates earned to Obligated Parties. This trading mechanism allows the scheme to provide a stable market, protecting consumers from structural rigidities in the fuel supply market, which could result in episodic periods of high fuel prices, while also ensuring delivery of targets.

The level of obligation set for 2011, at 4%, represents a virtual doubling of size of the existing biofuel market in Ireland. I am satisfied on the evidence available to me that the obligation will underpin the development of a sustainable indigenous biofuel industry in Ireland.

Electricity Generation

95. **Deputy David Stanton** asked the Minister for Communications, Energy and Natural Resources, further to Parliamentary Questions Nos. 73 and 87 of 27 April 2010, the contact between his Department and the Sustainable Energy Authority of Ireland regarding the development of technical and safety standards for micro-sale equipment and training standards for installers of microgeneration technologies; the progress to date with such standards; and if he will make a statement on the matter. [37893/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): My Department liaises regularly with the Sustainable Energy Authority of Ireland (SEAI) on developments in technical and safety standards for micro generation. The development of standards for micro-generation equipment is largely coordinated by the relevant international bodies such as the IEC [International Electro technical Commission] and CENELEC [Comité Européen de Normalisation Electrotechnique (European Committee for Electro technical Standardisation)]. The development of training standards is within the remit of FETAC (Further Education and Training Awards Council). FETAC and City & Guilds are the qualification awarding bodies for renewable energy installers. The enforcement of such standards is the responsibility of the Department of Enterprise, Trade and Innovation and the National Standards Authority of Ireland.

SEAI is active in promoting awareness of standards and ensuring they are adhered to in its own support schemes for renewable technologies. The SEAI has also supported FETAC by convening standards development groups to develop training standards for micro-generation installers.

Ireland's National Renewable Energy Action Plan, published in July and available on the Departments website, sets out in detail the current situation in relation to training of installers and certification of microgeneration equipment.

Under the current small-and micro-scale generation programme, SEAI has been working to enhance the provision of accredited microgeneration training courses in Ireland. In order to meet the need for training for micro-generator installers in the short to medium term, SEAI will build on the work carried out by itself and Action Renewables of Northern Ireland under the Renewable Energy Installers Academy to provide appropriate courses to fully meet the training needs of installers. Manufacturer's training for specific products is also an important component of installer training.

An ultimate objective is the development of a competency requirement within the National Framework of Qualifications (NFQ) for all installers in this field. SEAI has been working to this end in collaboration with FETAC, FAS, the Commission for Energy Regulation, the ETCI, Industry Groups and training providers through a Standards Development Group in accordance with FETAC's "Formation and Organisation of Standards Development Groups".

The introduction of a robust framework for the development of a sustainable microgeneration sector is an important component of building domestic and small scale enterprise participation in achieving Ireland's renewable energy targets. It is essential, in order to ensure safety and reliability and to develop confidence among domestic and small scale participants that installers are trained to proper standards and are adequately certified to carry out work.

Telecommunications Services

96. **Deputy Ruairí Quinn** asked the Minister for Communications, Energy and Natural Resources if the development of 4G in Ireland is dependent on the digital dividend which would arise through the successful roll out of digital terrestrial television; and if he will make a statement on the matter. [37785/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The development of fourth generation (4G) electronic communications services that use the radio spectrum is not dependant on the Digital Dividend that arises from the switching-off of analogue television broadcasting services. 4G services will be provided using multiple aggregated bands of the radio spectrum. The Digital Dividend will, however, release additional spectrum, some of which will be made available for innovative 4G services.

97. **Deputy Róisín Shortall** asked the Minister for Communications, Energy and Natural Resources his views on the discrepancy between the emergence of Google street view which allows any phone or Internet user to view any individual property when the postcode system proposed by him will not allow for the pinpointing of individual properties; and if he will make a statement on the matter. [37806/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): Ireland is the only country in the EU and OECD which does not have a national postcode system.

There is no correlation between Google street view and the National Postcode Project as they have fundamentally different applications. Google street view is a private sector proposition and I have no role in relation to its design and development.

The most recent set of discussions related to the implementation of postcodes in Ireland have been ongoing since 2003 and led to the appointment of the National Postcode Project Board (NPPB), who recommended in 2006 that Ireland should implement a postcode system.

Having evaluated a variety of options with regards to the technical specification of any National Postcode System (NPS), the NPPB also recommended that the optimum technical solution to be adopted in support of the realisation of these benefits was the “Postal Sector Model”. This uses an “ABC 123” structure to reference in the first instance the relevant Post Town, and secondly the “Block Face” (a grouping of approximately 40 to 50 dwellings).

In October 2009, I announced my intention to implement such a postcode system with a target implementation date of December 2011. This NPS will be based on the baseline design recommendation of the NPPB with the added capability of being further refined into a location-based code. It will be developed, implemented and maintained by a supplier procured by my Department which will fulfil the role of the Postcode Management Licence Holder (PMLH).

Question No. 98 answered with Question No. 67.

Question No. 99 answered with Question No. 82.

Question No. 100 answered with Question No. 64.

Question No. 101 answered with Question No. 85.

102. **Deputy Jack Wall** asked the Minister for Communications, Energy and Natural Resources if his attention has been drawn to the fact that a mobile communications company (details supplied) has imposed electronic billing on its customers with additional charges for posted bills; the steps he will take to ensure the customer is protected; if he has spoken to the regulator on this matter; and if he will make a statement on the matter. [37781/10]

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, as amended.

I understand that ComReg advised O₂ that it has serious reservations about the decision by O₂ to switch consumers to this new online billing service. Discussions between ComReg and O₂ are continuing. I understand from ComReg that O₂ customers are entitled to receive a paper bill as standard and that they may do so by simply contacting O₂ on 1909 to request this service.

Electricity Transmission Network

103. **Deputy Jan O’Sullivan** asked the Minister for Communications, Energy and Natural Resources his views on the deadline to deal with the unbundling of the electricity transmission system assets; the way he intends to proceed with this legislation; if he will outline the options for the State on this issue and his preferred option; and if he will make a statement on the matter. [37803/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): Directive 2009/72/EC, which provides, inter alia, for the unbundling of transmission systems, entered into force in 2009. Member States are obliged to transpose the Directive into national law by 3 March 2011. My Department is working to deliver transposition of the Directive by the deadline.

The Directive requires Member States to ensure from 3 March 2012 that the ownership and operation of the electricity transmission system is separated from any undertaking engaged in generation or supply. As alternatives to full ownership unbundling, the Directive allows Member States to opt for establishment of an independent system operator or an independent transmission operator subject to detailed rules. The Directive also provides for a derogation whereby if a Member State considers that there are current arrangements in place which guarantee a more effective independence of the transmission systems operator than the independent transmission operator regime, a case may be made to the European Commission for verification and approval.

The Government’s policy in relation to the ownership of the electricity transmission network is to transfer the assets to EirGrid the transmission system operator as stated in the Energy Policy White Paper 2007 and reaffirmed in the Programme for Government.

The Independent analysis currently underway in relation to the electricity transmission assets, includes an assessment of the costs, benefits and regulatory impact of the legal options for unbundling under the Directive set in the context of overall EU energy policy developments and the All Island single electricity market. The analysis which is being carried out by Frontier Economics Limited will be finalised shortly and will inform decisions on the substance of the required legislation required to transpose the Directive.

Question No. 104 answered with Question No. 82.

State Agencies

105. **Deputy Mary Upton** asked the Minister for Communications, Energy and Natural Resources his views on the Forfás report on State owned enterprises; his further views regarding semi-State major utilities; if he will ensure that these assets will not be sold off; and if he will make a statement on the matter. [37775/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I welcome the publication of the Forfás report which highlights among other things the importance of the role played by State owned enterprises in the provision of critical national infrastructure, and as a significant sector in terms of employment. The report is a very useful input into the work of the Review Group on State Assets and Liabilities and to Government thinking generally about the role and contribution of State owned Enterprises.

My Department has responsibility for a range of commercial semi-State bodies. It is my view that these organisations play an important role in the Irish economy, by providing essential

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infrastructure and services to Irish enterprises and consumers. They also contribute significant dividends to the Exchequer and provide secure employment. The major utility companies in the energy sector (ESB, BGE, Bord na Móna and EirGrid) are key contributors to the achievement of Government energy policy objectives through long term investment commitments in renewable energy, by ensuring security of supply through investment in the networks as well as generation and supply and in maintaining the competitiveness of the Irish economy.

As the Deputy is aware, the Review Group on State Assets and Liabilities is expected to report to Government before the end of the year. I look forward to considering the report of the Group including against the background, as stated above, of the positive contribution, which the commercial State companies make to the economy and the implementation of policy.

Grant Payments

106. **Deputy Joan Burton** asked the Minister for Communications, Energy and Natural Resources if he will provide figures for the numbers on waiting lists for the home energy saving scheme and the warmer homes scheme; if he will provide numbers for homes in both schemes in 2008, 2009 and to date in 2010; and if he will make a statement on the matter. [37805/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The Home Energy Saving scheme (HES) and Warmer Homes Scheme (WHS) are both administered by the Sustainable Energy Authority of Ireland (SEAI) on behalf on my Department.

The WHS was established to address poor thermal efficiency performance in low-income housing. The scheme is delivered at no cost to homeowners through a combination of community based organisations (CBOs) alongside a panel of private contractors. The SEAI and the CBOs identify and address vulnerable homes, in partnership with local networks of community support and poverty organisations, which include public health nurses, MABS and the Society of St. Vincent De Paul. Each CBO is responsible for managing applications in their operational areas and the SEAI is not directly involved in the application process in these areas.

The waiting time for the WHS varies, and is generally between 3 and 6 months. The SEAI, with the combined use of CBOs and contractors is actively working towards reducing waiting time for the scheme, making it as accessible as possible to those in most need and providing a consistent delivery of the scheme nationwide.

5,343 homes were upgraded under the Scheme in 2008, 16,240 homes were upgraded in 2009, and 15,764 homes have been upgraded to date in 2010.

The HES scheme provides grant assistance to homeowners for energy efficiency measures. Homeowners can apply online and receive same day grant approval, once key eligibility criteria are met. All payments are made by Electronic Funds Transfer and all notifications are by email (for online applicants) with the exception of Declarations of Work, which require the signatures of both homeowner and contractor to draw down approved funds.

There is a parallel postal system for homeowners applying under HES without access to the online system. The commitment that the SEAI gives is that postal applications will be processed within 21 days. I am advised by the SEAI that in practice the typical turnaround for such applications is one week. The average turnaround time for all requests for payment is four to five weeks.

18,155 homeowners received grants under HES since its inception in 2009, while to date in 2010 a further 34,342 homeowners have received grants from the SEAI.

The SEAI continuously reviews the operations of all its grant schemes with a view to ensuring optimum efficiency and effectiveness and any opportunities to reduce the grant payment times are pursued in full.

Question No. 107 answered with Question No. 93.

Department Staff

108. **Deputy John O'Mahony** asked the Taoiseach the number of persons employed on temporary contract and cost to his Department and any agency under his Department for same in tabular form for 2008 and 2009; and if he will make a statement on the matter. [38136/10]

The Taoiseach: The National Economic and Social Development Office (NESDO) is the only agency under the aegis of my Department. The information requested by the Deputy in relation to my Department and NESDO is set out in the table beneath:

Organisation		2008	2009
Department of the Taoiseach	Number of temporary contract staff employed	40*	25
	Cost	€2,343,281	€2,048,655
NESDO	Number of temporary contract staff employed	10	6
	Cost	€434,655	€271,433

*This number includes:

- (i) Special Advisers/political appointees for both the outgoing and incoming Taoisigh and Government Chief Whips,
- (ii) seven interns and
- (iii) two temporary Clerical Officers recruited to provide cover under the Term Time Scheme.

Commemorative Events

109. **Deputy Aengus Ó Snodaigh** asked the Taoiseach the commemorative events he intends to sponsor this year [38170/10]

The Taoiseach: My Department was involved as usual in the annual commemoration of the Easter Rising at the GPO on 4 April, 2010 and at the National Day of Commemoration at the Royal Hospital, Kilmainham on 11 July, 2010.

In addition, my Department has an allocation of €100,000 under the Commemoration Initiatives Fund within its 2010 Vote, to support individuals or groups in organising the commemoration of individuals or events of historic importance. An amount of €90,885 has been committed from this allocation to date. The projects assisted from the Fund in 2010 cover a wide range of commemorative initiatives and are listed in the schedule.

Ireland marked the bicentenary of the independence of Mexico, Argentina, Uruguay and Chile and the significant role that Irish born or Irish descendents such as Admiral William Brown played in their transition to independence.

The Government was represented in Argentina by Minister of State Dick Roche. Additionally, the LÉ Niamh made the first circumnavigation of South America and the first transit through the Panama Canal in a representative mission.

During the voyage, the LÉ Niamh visited Brazil, Argentina, Chile, Mexico and the United States. In addition to participating fully in bicentenary celebrations, the ship hosted a number of activities in conjunction with the Department of Foreign Affairs and Enterprise Ireland, designed to strengthen links with the region, and to encourage trade and marketing oppor-

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tunities. In excess of 12,000 people visited the ship, including Ambassadors, Politicians, business leaders and senior Army and Naval officers.

Schedule accompanying PQ Reference 38170/10

Commemoration Initiatives Fund 2010: Projects / bodies allocated grant funding of:

1. €1,135 towards the restoration of the grave of John Moyney VC,
2. €2,000 to the Northern Ireland Building Communities Trust towards the publication of a book on the Famine, covering the Act of Union,
3. €2,000 to O'Brien Press towards the publication of a book on the experiences of Irish soldiers during World War 1,
4. €1,500 to UCC towards research work into the history of Ulster,
5. €1,000 to the Suffolk Historical Society for the 150th anniversary of the consecration of its local Church of Ireland,
6. €5,000 to the National Folklore Collection towards a publication to commemorate the 75th anniversary of the Irish Folklore Collection in 2011,
7. €23,000 to the Somme Association for a commemoration event held earlier this year in Gallipoli in recognition of the Irish men who fought and died there in World War 1,
8. €35,000 to the Institute for British-Irish Studies (IBIS) conference on "A Decade of Centenaries, Commemorating Shared History" — held in June 2010,
9. €3,000 to UCD to publish the proceedings of a joint conference held last year in St. Deniels Library for the bicentenary of the birth of William Gladstone,
10. €3,000 to the Campile Memorial Society towards a memorial garden and monument in memory of Irish victims killed there in 1940,
11. €2,000 to Marino College for a memorial garden and information wall in memory of those who died in the North Strand bombings in 1941,
12. €10,000 towards the Thomas Davis project in Mallow for the commemoration of the bicentenary of his birth in 2014,
13. €1,550 towards the Kennedy Memorial lecture series in Queen's University Belfast and
14. €700 to the Killure World War 1 Committee towards the erection of a memorial in Killure, Co. Galway.

Community Employment Schemes

110. **Deputy Mattie McGrath** asked the Tánaiste and Minister for Education and Skills her plans regarding access to community employment schemes of persons in receipt of one-parent family allowance or disability allowance payment; the conditions that will apply both financially and regarding length of time available to partake on a community employment scheme for persons in receipt of the one-parent family allowance or disability allowance [37980/10]

111. **Deputy Mattie McGrath** asked the Tánaiste and Minister for Education and Skills her plans regarding access to community employment schemes of persons in receipt of one-parent family allowance or disability allowance payment; the conditions that will apply both financially and regarding length of time available to partake on a community employment scheme for persons in receipt of the one-parent family allowance or disability allowance [37981/10]

Minister of State at the Department of Education and Skills (Deputy Seán Haughey): I propose to take Questions Nos. 110 and 111 together.

Persons aged 25 years or over and who are currently in receipt of One Parent Family Payment for 12 months or more continue to be eligible to participate in the Community Employment Programme. Persons aged 18 years or over who are currently in receipt of Illness Benefit for 6 months or more are also eligible for participation in the programme and subject to approval from the Department of Social Protection to engage in employment of a rehabilitative nature. I have no plans under consideration at present to change the current eligibility requirements for entry to the programme.

Persons can remain on a CE scheme for longer than the standard three years if they are aged 55 years or over, subject to meeting the eligibility criteria and the availability of places. In addition persons in receipt of the following disability linked Social Welfare payments may be eligible for an additional 1 year's participation:

- Disability Allowance;
- Blind Pension;
- Invalidity Pension;
- Illness Benefit for 6 months or more.

All lone parents and persons with disabilities participating on CE retain all or part of their Social Welfare payment simultaneously to their CE payment, the minimum weekly payment currently being €216.

Skills Development

112. **Deputy Mary Upton** asked the Tánaiste and Minister for Education and Skills his plans to introduce a comprehensive graduate internship programme as advocated by the Union of Students in Ireland; and if she will make a statement on the matter. [38183/10]

Minister of State at the Department of Education and Skills (Deputy Seán Haughey): Both my colleague, Tánaiste Mary Coughlan and I have recently met with the Union of Students in Ireland and discussed a number of issues including their proposal for a Graduate Internship Programme.

The Union of Students in Ireland's proposal is very similar in some aspects to the Work Placement Programme, which was introduced by the Government in 2009. The WPP is operated by the Department of Education and Skills, through FÁS and provides up to 9 months work experience to unemployed individuals, including graduates. The WPP is open to all sectors of the economy, including the private and public sectors, as well as the community and voluntary sectors.

Participants on the programme may retain their existing social welfare entitlements for the duration of their placements, subject to the rules of the Department of Social Protection. Although, should a provider decide to provide a financial incentive to a participant, this could

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have implications for that individual's social welfare entitlements and it may be an issue for the Department of Social Protection.

A provider of a placement under the WPP can avail of the PRSI Exemption Scheme if they employ a person who has completed 3 months on the WPP. This will give employers an 8%-10% saving on employment costs for each new job created.

At the start of October 2010, 2,022 individuals had commenced their placements under the WPP. Of these 996 individuals have commenced on the graduate stream and 1,026 individuals have commenced on the non-graduate stream.

The Government through the Cabinet Committee on Economic Renewal are currently considering proposals to assist the unemployed, including graduates in advance of Budget 2011. The proposal from the Unions of Students in Ireland for a Graduate Internship Programme will be considered in that context.

113. **Deputy Mary Upton** asked the Tánaiste and Minister for Education and Skills her plans to introduce a national third level skills initiative as proposed by the Union of Students in Ireland to cover essential skills for graduates to improve their employment prospects; and if she will make a statement on the matter. [38184/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): A high quality higher education system that is well regarded and trusted both nationally and internationally is essential for Ireland's economic and social wellbeing and it is important that graduates emerge from the system with the appropriate breadth and depth of knowledge and range of skills that will allow them to flourish in the workplace. There are a range of specific courses and modules in entrepreneurship available across the higher education sector and institutions also offer courses and short programmes that support potential entrepreneurs in bringing business ideas through to successful trading. In addition, the Strategic Innovation Fund (SIF), has provided significant support to promote teaching and learning of entrepreneurial culture in higher education institutions as well as a range of projects to support greater engagement by institutions with enterprise and to be more responsive to their needs for example by encouraging work-based learning as well as the incorporation of generic competencies into the undergraduate curriculum and in the development of guidelines for work placements in undergraduate programmes.

As the Deputy may be aware, a new national strategy for higher education has been under development by a high level group chaired by Dr. Colin Hunt. In developing its report the Group engaged in a wide process of consultation, which included discussion forums with both students and representatives of the enterprise sector. Issues around the quality of teaching and learning and graduate skills as well as the responsiveness of the higher education sector to broader economic and social needs featured significantly as part of this process. The Group has now completed its work and I will be consulting with my Government colleagues in relation to the Group's report in the coming weeks.

Higher Education Grants

114. **Deputy James Bannon** asked the Tánaiste and Minister for Education and Skills when person (details supplied) in County Longford will be awarded a third level grant; and if she will make a statement on the matter. [37922/10]

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.

Where a grant application is refused, the reason for the refusal is given by the grant awarding authority.

An applicant may appeal the decision to the relevant local authority or VEC.

Where the grant awarding authority decides to reject the appeal, the applicant may appeal this decision to my Department by submitting an appeal form outlining clearly the grounds for the appeal.

No appeal has been received by my Department to date from the candidate referred to by the Deputy.

FÁS Training Programmes

115. **Deputy Terence Flanagan** asked the Tánaiste and Minister for Education and Skills to deal with a matter (details supplied); and if she will make a statement on the matter. [37948/10]

Minister of State at the Department of Education and Skills (Deputy Seán Haughey): The Minister does not have a role in the administration of individual cases. The administration of individual cases is a day-to-day matter for FÁS as part of its responsibility under the Labour Services Act 1987.

Psychological Service

116. **Deputy Ciarán Lynch** asked the Tánaiste and Minister for Education and Skills the position regarding the case of a person (details supplied) in County Cork; and if she will make a statement on the matter. [37957/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): As the Deputy will be aware all primary and post-primary schools have access to psychological assessments either directly through the National Educational Psychological Service (NEPS) or through the Scheme for Commissioning Psychological Assessments (SCPA). Schools that do not currently have NEPS psychologists assigned to them may avail of the SCPA, whereby the school can have an assessment carried out by a member of the panel of private psychologists approved and paid for by NEPS.

In common with many other psychological services and best international practice, NEPS encourages a staged assessment process, whereby each school takes responsibility for initial assessment, educational planning and remedial intervention, in consultation with their assigned NEPS psychologist. Only if there is a failure to make reasonable progress in spite of the school's best efforts, will a child be referred for individual psychological assessment. This system allows the psychologists to give early attention to urgent cases and also to help many more children indirectly than could be seen individually. It also ensures that children are not referred unnecessarily for psychological intervention.

I have made enquiries with my Department's National Educational Psychological Service in relation to the pupil referred to in the Deputy's question and can confirm that no approach has been made by school authorities in relation to the current assessment or review of the child. The NEPS service is available to provide any relevant assistance requested by school authorities in this instance and I would suggest that the child's parents raise the matter with the school principal.

Health Services

117. **Deputy Ulick Burke** asked the Tánaiste and Minister for Education and Skills her plans for the transfer of speech and language personnel from her Department and their respective

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children to the Health Service Executive; the numbers involved and the number of children currently receiving support in this area in her Department in view of her proposal in the current Education (Amendment) Bill 2010; and if she will make a statement on the matter. [37962/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): Speech and language support therapy is provided by the Health Service Executive (HSE) to school children who have been assessed as having communication difficulties. The Education (Amendment) Bill 2010 provides for an amendment to the Education Act 1998 to clarify the position in relation to the delivery of speech therapy and other health and personal services to students of school-going age. The amendment acknowledges the role of the HSE in the delivery of health and personal social services under the Health Act 2004. It will not involve a transfer of speech and language personnel from my Department, as such services are presently provided for by the HSE. The legislative amendment is designed to clarify and reflect this position.

The proposed provisions will not impact on the availability of speech therapy services for children with special educational needs through the HSE. The Department of Education and Skills commitment to support the co-ordinated delivery of services to families of children with special educational needs is not diminished and the Department will continue to work with service providing partners in the health and disability sectors.

Additional funding of €7.2 million for disability was provided to the HSE in Budget 2009 for the provision of 90 additional therapy posts. These posts are targeted to support children with disabilities of school-going age and include speech and language therapists, occupational therapists, physiotherapists and psychologists. Recruitment for these posts is ongoing.

The HSE will continue to work with funded specialist providers and in co-operation with the education sector to address the health related needs of children with special educational needs in the context of the resources available.

Departmental Funding

118. **Deputy Noel J. Coonan** asked the Tánaiste and Minister for Education and Skills the amount of the €578 million allocated in this years schools capital budget that has been spent up until the end of September 2010; if she anticipates all the money allocated will be spent; if not, will unspent money be returned to the Department of Finance; and if she will make a statement on the matter. [37964/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): The amount of money expended on capital works to Primary and Post-Primary schools at the end of September was €299.45m. It is anticipated that the full capital allocation will be spent before the end of the year.

Schools Refurbishment

119. **Deputy Mary Wallace** asked the Tánaiste and Minister for Education and Skills the list of works that can be applied for under the summer work scheme; if funding will be available under this scheme to provide for seomra type dressing rooms to facilitate football, basketball and other teams for matches on health and safety grounds, where it is not possible to use the interior changing facilities in a post-primary school where the existing facilities are fully utilised with various P.E. classes; if it is possible for any aspect of the project to be funded under the scheme and if not if there is any other funding mechanism to cover this; and if she will make a statement on the matter. [37977/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): The Summer Works Scheme (SWS) covers projects in school buildings such as gas, electrical and mechanical works, roof replacements and repairs, window replacement, toilet upgrades, structural improvements and access works that, ideally, can be delivered during the summer months.

Projects that involve a new build with the exception of toilet facilities are considered outside the scope of the SWS.

It is open to a school authority to submit an application for capital funding for grant aid to provide additional accommodation in schools which require it. Any application received for the provision of additional dressing room facilities will be considered in the context of the capital budget available to my Department for school buildings generally and the published criteria for prioritising school building projects.

Teaching Qualifications

120. **Deputy Olivia Mitchell** asked the Tánaiste and Minister for Education and Skills the reasoning behind circular 58/2010 which requires the three-year period required to complete probation for primary school teachers to commence from the date of registration rather than from the date of employment; the reason the satisfaction of this condition is being made more onerous at a time when there are many teachers unable to find employment; the reason the Department is involving itself in the need to deal with applications for exemption from the three-year time frame on a case by case basis when there is no clear benefit from the rule change; and if she will make a statement on the matter. [37978/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): As the Deputy is aware, under Section 7 of the Teaching Council Act 2001, it is a function of the Teaching Council to establish procedures and criteria for the probation of teachers, including periods of probation. While this aspect of the Teaching Council Act has not yet been commenced, the Department has been working with the Council to facilitate a smooth transition of responsibilities with regard to probation and I have indicated my intention to commence the relevant section of the Act in 2012. During the transition period, a number of changes have been introduced to the probationary process for all newly qualified teachers who are registering with the Council for the first time, with a view to being employed in primary schools in the 2010/2011 school year. Teachers who were employed in posts recognised for probationary purposes prior to September 1 2010, and whose period of probation has not expired by that date, have until 31 August 2015 to satisfy the probationary requirement.

The registration of teachers in Ireland is the responsibility of the Teaching Council which is empowered, under legislation, to set down the conditions for admission to the register. The three year time frame within which the probationary requirement must now be met by teachers registering for the first time is considered to be a reasonable time period for a teacher to complete the probationary process. This timeframe brings the probationary requirement into line with the timeframe allowed under the terms of EU Directive 2005/36/EC for making good qualifications shortfalls which may arise in the case of teachers who qualified out of State. As the probationary period can only commence when qualifications shortfalls have been met, the maximum period now allowed for teachers who qualified out of State to become fully registered is six years.

There are two requirements for the satisfactory completion of probation: the professional competence requirement and the service requirement. With regard to the service requirement, the stipulated period has been reduced. Whereas in the past, a teacher was required to give service of 178 days, in the case of unbroken service, and 300 paid days in the case of broken

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service, the requirement is now 170 days. With regard to the period during which a teacher was required to be employed in a post recognised for probationary purposes in order to have his/her work assessed, this has now been reduced from two period of sixty days to two periods of fifty days. It is advisable that teachers continue to avail of any teaching opportunities that become available, including those of short duration, so that they can accumulate the number of days required to complete their service requirement for probation.

Applications for exemption from the three-year timeframe will not arise until 2013. By that time, all matters to do with the probation of teachers will have become the responsibility of the Teaching Council, which operates within the terms of the Teaching Council Act 2001. The Department, therefore, has no role to play in considering applications for exemption.

I wish to inform the Deputy that my Department is monitoring the implementation of Circular 58/2010 on an ongoing basis.

Departmental Staff

121. **Deputy Richard Bruton** asked the Tánaiste and Minister for Education and Skills the number of staff in her Department primarily employed in one of a number of areas (details supplied) in tabular form; and if she will make a statement on the matter. [38067/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): The information requested by the Deputy is set out in the accompanying table.

While identifying the numbers of staff employed in Inspections, IT, HR and Legal Services is relatively straightforward there are staff across a number of sections who spend a percentage of their time on processing of benefits/entitlements/grants. In addition, while there is one person in Corporate Services Division with responsibility for developing the Department's corporate procurement plan and policy, the Department does not have a dedicated centralised procurement section and accordingly, responsibility for procurement rests with the relevant section procuring the goods or services. Therefore in respect of these areas I am providing the Deputy with the best estimate of the staff resource associated with these tasks. Staff associated with certain functions of the Department of Education and Skills.

Function	Number of Staff	Whole Time Equivalent
Entitlement Processing	63	48.15
Inspections	132	131.40
IT	50	48.46
Human Resources	26	24.70
Procurement	1	1.00
Legal Services	3	3.00

School Staffing

122. **Deputy Brian O'Shea** asked the Tánaiste and Minister for Education and Skills the action she will take regarding a matter (details supplied) [38122/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): The key factor for determining the level of staffing resources provided at individual school level is the staffing schedule for the relevant school year and pupil enrolments on the previous 30 September. The staffing schedule for the 2011-2012 school year will be published on my Department's website in early 2011.

The staffing schedule also includes an appeals mechanism for schools who are dissatisfied with their staffing allocation and the appeals criteria are outlined in the staffing schedule (Primary Circular 0021/2010) for the current school year.

The final staffing position for all schools for the 2011-2012 school year will ultimately not be known until the Autumn of 2011. At that stage the allocation process will be fully completed for mainstream classroom teachers and any appeals to the Staffing Appeals Board will have been considered.

Departmental Staff

123. **Deputy John O'Mahony** asked the Tánaiste and Minister for Education and Skills the number of persons employed on temporary contract and cost to her Department and any agencies under her Department for same in tabular form for 2008 and 2009; and if she will make a statement on the matter. [38129/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): My Department recruits all new permanent staff through the Commission for Public Appointments Service (PAS), by Inter-Departmental competitions or transfers between other Government Departments.

In instances where the Department advertises and recruits temporary clerical staff directly it does not utilise the services of recruitment agencies. Any direct temporary recruitment competitions are conducted in accordance with the PAS Code of Practice for External Recruitment for Appointments to Positions in the Civil Service.

Issues in relation to the appointment of staff through recruitment agencies for bodies under the aegis of my Department are a matter for each agency and the information is not collated centrally.

School Curriculum

124. **Deputy Arthur Morgan** asked the Tánaiste and Minister for Education and Skills the reason she did not issue the new syllabus for leaving certificate applied Gaeilge and leaving certificate foundation Gaeilge before this school year started; if her attention has been drawn to the fact that this delay left teachers without a current syllabus to teach, without materials and without the facility to compose teaching and learning plans; and if she will make a statement on the matter. [38142/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): The syllabuses were issued as soon as was feasible following receipt of print ready versions. They were issued in September to all schools, and the inconvenience caused by the delay is regretted.

The revised syllabuses build heavily on the existing programmes which will be examined for the last time in 2011. The updated syllabuses make fuller reference to the potential of the print and broadcast media and of information and communications technology (ICT) generally both as authentic materials and as resources that are routine in student's lives. They also provide for an increase in the marks available for oral assessment to 40%, an arrangement which was notified to all schools in 2007 through Circular 042/2007.

School Staffing

125. **Deputy Arthur Morgan** asked the Tánaiste and Minister for Education and Skills the number of posts of responsibility that have not been filled in second level schools as a result

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of the moratorium; the number of posts of responsibility that were filled in second level schools as a result of circular 0042/2010; and if she will make a statement on the matter. [38143/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): When the moratorium was introduced the Government exempted Principal and Deputy Principal posts in all primary and post-primary schools and these continue to be replaced in the normal manner. The impact of the moratorium is therefore limited to the Assistant Principal and Special Duties allowances payable to teachers on promotion. Vacancies at Assistant Principal and Special Duties level arise due to retirements in these specific grades and typically also from the knock on effect of filling Principal and Deputy Principal posts. What the school loses is the capacity to make a promotion by awarding the extra pay allowance to another teacher. The position whereby just over 50% of all teachers have promotion allowances is simply not sustainable.

Retirements at post primary level since the introduction of the moratorium in March 2009 were approximately 157 Principals, 128 Deputy Principals, 1144 Assistant Principals and 290 teachers with special duties posts of responsibility. This is based on Department held data with a pro-rata adjustment to include VEC schools.

The alleviation arrangements set out in the published Department Circular 42/2010 provides some delegated sanction for post-primary schools to fill Assistant Principal vacancies if they fall below certain minimum thresholds. At this stage, the Department has been notified in respect of the filling of 39 Assistant Principal posts. Applications for alleviation in respect of 44 Programme Co-ordinator posts and 12 Director of Adult Education posts have resulted in 25 of these posts being filled.

Special Educational Needs

126. **Deputy Finian McGrath** asked the Tánaiste and Minister for Education and Skills if she will support a matter (details supplied) [38152/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): The Deputy will be aware that the 2007 Programme for Government committed to the long-term funding for the centres in the ABA pilot scheme subject to agreement with my Department on standards that will enable them to be supported as primary schools for children with autism.

Agreement on transitional arrangements for the pilot centres was reached following a long process of discussions and engagement with the representative body of the pilot centres. Each of the centres has now applied for special school status. I am pleased to advise you that I have been able to respond positively to applications and all, but one, of the centres have now been granted recognition as special schools for children with autism. The application from the remaining centre is currently being processed.

The Department is committed to ensuring that all children with autism can have access to an education appropriate to their needs preferably in school settings through the primary and post primary school network. This facilitates access to individualised education programmes, fully qualified professional teachers who may draw from a range of autism-specific interventions, including ABA, special needs assistants, and the appropriate school curriculum.

Managers have been appointed by the Patrons to manage the transitional process from centre to special school which has facilitated the commencement of the Principal Teacher recruitment campaign. As part of the transition process, my Department is arranging for training in a range of autism-specific interventions for the new Principals and Teachers once they have been appointed. In addition, training is being provided for the Managers and the new Boards of Management. It is my intention to continue to support the transitional process.

School Accommodation

127. **Deputy Shane McEntee** asked the Tánaiste and Minister for Education and Skills the position regarding a school (details supplied) in County Meath [38159/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): Forward Planning Section of my Department has carried out a study of the country to identify the areas where, due to demographic changes, there may be a requirement for significant additional accommodation in future years. Following this detailed analysis it appeared prudent to plan for the establishment of new schools to commence operation in September 2010 to meet increasing demand in certain identified areas. There was detailed consultation during 2009 with all patrons in relation to the areas under consideration.

There was a specific application for the establishment of a new gaelscoil in the area referred to by the Deputy. However, after detailed analysis of the increase in pupil numbers for September this year and of the capacity in existing schools it was not necessary to establish a new school to cater for the demographic increase. My Department was satisfied that the existing schools could cater for the projected increase in demographics in September 2010.

This situation in relation to the requirement for the additional school provision in the area will be reviewed for September 2011 in light of needs and consultation with the patron bodies.

Residential Institutions Redress Scheme

128. **Deputy Joe Costello** asked the Tánaiste and Minister for Education and Skills further to Parliamentary Question No. 281 of 29 September 2010 if she will now include Bethany House in the residential institutions redress scheme; and if she will make a statement on the matter. [38175/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): The Government considered a range of demands for the Residential Institutions Redress Scheme to be extended, including that to include Bethany House, and decided not to extend the scheme.

Bethany House was certified as a place of detention for offending female, non-Catholic children and young persons, under 17 years of age, by the Minister for Justice in 1945, under section 108 of the Children Act 1908. As outlined in my earlier reply, the Department of Justice and Law Reform has advised that it has not received any allegations of abuse from any female committed to Bethany House pursuant to the Children Act 1908 and that it would be happy to deal with any such cases on an individual basis. No male children or young persons were committed to Bethany House through the Criminal Justice system.

School Accommodation

129. **Deputy Mary Upton** asked the Tánaiste and Minister for Education and Skills the progress that has been made regarding the proposal for a multi-denominational school, in response to the campaign by an organisation (details supplied); and if she will make a statement on the matter. [38180/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): A review of the procedures for the establishment of new primary schools is currently being carried out under the Commission on School Accommodation. In the interim it is not proposed to recognise any new primary schools, except in areas where the increases in pupil numbers cannot be catered for in existing schools and which require the provision of new schools. The Commission is due to report to me shortly at which time I will have to consider the policy matters and necessary arrangements and revised procedures that will need to be put in place.

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The Forward Planning Section of my Department has carried out a study of the country to identify the areas where, due to demographic changes, there may be a requirement for significant additional school provision at both primary and post-primary levels over the coming years. This study has been conducted using data from the Central Statistics Office, the General Register Office and the Department of Social Protection and with reference to recent schools' enrolment data.

The most recent projections used by my Department would see the projected enrolments at primary level increase from the current total enrolment of circa 505,600 pupils to an expected enrolment circa 563,300 pupils by the year 2016. It is within this context that the Forward Planning Section of my Department will continue to analyse demographic trends to determine the level of additional provision which will be required into the future. Overall requirements in the area referred to by the Deputy will be considered in this context.

The progression of all large scale building projects arising from Forward Planning Section's analysis will be considered in the context of my Department's School Building and Modernisation Programme.

Teaching Qualifications

130. **Deputy Mary Upton** asked the Tánaiste and Minister for Education and Skills in view of the scale of the unemployment crisis among teaching graduates and their inability to gain relevant work experience, the reason she is proposing to continue allowing unqualified teachers to work in schools (details supplied); and if she will make a statement on the matter. [38186/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): It is the policy of my Department that only qualified personnel should be employed by schools. Unqualified personnel should not be appointed except in exceptional circumstances and then only when all avenues for recruiting qualified personnel have been exhausted and only for quite limited time periods.

This policy is reflected in Circular 40/2010 which my Department issued earlier this year. Under its terms, schools are directed to ensure that teachers proposed for appointment to publicly paid teaching posts are registered with the Teaching Council and have qualifications appropriate to the sector and suitable to the post for which they are proposed. Where an employer can satisfactorily demonstrate that every reasonable effort has been made to recruit an appropriately qualified and registered teacher, an unqualified and/or unregistered person may be recruited pending the recruitment of an appropriately qualified and registered teacher and this provision must be inserted in the employment contract. The employer must repeat the process to recruit an appropriately qualified and registered teacher within the period of any such contract and in any event within the school year.

The amendment to section 30 of the Teaching Council Act, which is contained in the recently published Education (Amendment) Bill, provides for the regulation of exceptional and limited situations in which unregistered people will be permitted to be paid from public moneys.

Budget Submissions

131. **Deputy Charlie O'Connor** asked the Tánaiste and Minister for Education and Skills if she has considered the pre-budget submission of the Union of Students in Ireland which was presented to Oireachtas Members last week; and if she will make a statement on the matter. [38189/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): The Deputy will appreciate that the preparation of the Estimates is carried out on a strictly confidential basis and it would not be appropriate for me to comment on specific issues or proposals including that from the Union of Students in Ireland at this stage. However, all proposals made in relation to education expenditure will be considered in the context of the Budget.

Tax Collection

132. **Deputy Edward O’Keeffe** asked the Minister for Finance if he will investigate the delay in issuing a document to a person (details supplied) in County Cork [37955/10]

Minister for Finance (Deputy Brian Lenihan): I have been informed by the Revenue Commissioners that no contact has been made by the taxpayer with Revenue in relation to this issue. To pursue the matter the person in question should contact Pearse Penney, Revenue House, Cork. Telephone Number 021-6027266.

Disabled Drivers

133. **Deputy Olivia Mitchell** asked the Minister for Finance if he will explain the delays in registering vehicles under the disabled drivers and disabled passengers scheme since the scheme has come under the administrative control of the National Car Testing Service; if he will intervene directly to restore appropriate processing times; and if he will make a statement on the matter. [37960/10]

Minister for Finance (Deputy Brian Lenihan): I am advised by the Revenue Commissioners that under the revised registration procedures (operated by the National Car Testing Service (NCTS) since 1 September 2010), the Revenue Commissioners continue to manage and administer the scheme of relief from vehicle registration tax (VRT) for Disabled Drivers and Disabled Passengers. In this regard, where Revenue approves an application for relief under the scheme, a letter confirming the appropriate relief from VRT is issued to the applicant, which must then be presented at an NCTS centre in order that the relevant vehicle may be registered. The Deputy may wish to note that the content and format of this notification were updated as part of the revised registration process. Unfortunately, this led to some difficulties as, in a limited number of cases, the applicant had possession of the old style notification letter produced prior to 1 September 2010, and this was rejected at the time of registration at NCTS centres, thus leading to delays in the registration of some vehicles. Revenue has since identified the customers who were issued with an old style letter of approval in order to issue them with the updated notification and so eliminate this cause of delay in registration.

Since the introduction of VRT on 1 January 1993, there has been a requirement that all new vehicles modified for use under the Disabled Drivers and Disabled Passengers relief provisions must be examined before the relief is granted and the vehicle is registered under the scheme. Under the revised arrangements, this pre-registration examination is now carried out by the NCTS rather than Revenue, and at present delays are being experienced in booking pre-registration examinations in some NCT Centres. With the exception of one centre, these delays are a matter of days and the Deputy may wish to note that under the new arrangements, a person importing a vehicle has up to 30 days to complete the process. In the past, the law required a vehicle to be registered within 24 hours and in practice Revenue allowed 7 days.

The introduction of the revised registration procedures has presented a considerable challenge for all stakeholders involved in the process. Revenue, in consultation with the major stakeholders, including the NCTS, the Society of the Irish Motor Industry and individual motor dealers bringing vehicles into the State, have identified the major challenges, and are now

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putting procedures and processes in place to address these challenges. Significant progress has been made to date and, with the implementation of these procedures and processes, Revenue is confident that an efficient user-friendly service will again be available to all persons requiring vehicle registration, notwithstanding the fact that the vehicle will in all cases, as required by law, have to be presented for examination.

Vehicle Testing Centres

134. **Deputy Arthur Morgan** asked the Minister for Finance if his attention has been drawn to the fact that there are only 22 centres in the country, within the National Car Test centre framework, allowed to re-register vehicles and a large area of the country is not serviced by any local centres; if his further attention has been drawn to the fact that as of 1 September 2010 there is a requirement for all vehicles to be presented at these centres for registration purposes thereby changing changes the situation in which tractor owners who wished to re-register their tractors were only required to present their documents at the centre; his views on the fact that in view of the scarcity of these designated centres in rural areas, persons will be forced to bring their tractors long distances for re-registration; and if he will make a statement on the matter. [37927/10]

Minister for Finance (Deputy Brian Lenihan): I am advised by the Revenue Commissioners that under the revised registration procedures (operated by the National Car Testing Service (NCTS) since 1 September 2010) a total of 22 NCT Centres were initially configured for registration purposes to replace the 22 Revenue Vehicle Registration Offices (VROs) that previously performed the registration function. These NCT Centres are, for the most part, close to the locations where the VROs were sited and are set up in facilities custom built for the examination of vehicles, with ample parking for the convenience of customers, especially those with larger vehicles such as tractors. In general, tractors pose an increased risk to other road users because, among other things, a 16-year old may be licensed to carry a heavy load on, for example, a 10-year old tractor that has never been examined by a State agency, whereas if the same load were carried in a heavy goods vehicle, that vehicle could be legally driven only by an individual with a heavy goods licence, in a vehicle equipped with a tachograph and other safety features, that would be subject to an annual roadworthiness test. Accordingly, the Deputy will appreciate that any measure relating to the pre-registration checking of tractors that reduces the overall risk to other road users is a worthwhile initiative.

I am sure the Deputy will agree that it is essential for road traffic management and road safety that all vehicles are registered and have a registration number so that the owner can be identified. In this context, the Revenue Commissioners have confirmed that tractors must, in the normal course of events, be presented at an NCT Centre for a pre-registration inspection (as is the requirement for all vehicle types). For the majority of tractors being imported into the country, this should not pose serious difficulty as a pre-registration examination can be booked in advance and the vehicle transported to the relevant centre, at the appointed time, as it is being transported or driven into the State, thus eliminating extra unnecessary journeys on the public road.

However, it appears that there are a number of tractors already in the State that, for whatever reason, were not registered by their owners in accordance with the legislation in place before 1 September 2010. It is recognised that the new legislation may place a particular burden on the owners of those vehicles to fulfil their registration obligations. Additionally, there may be a number of people who, because they were not aware of the impending change, despite the extensive advertising campaign run by the Revenue Commissioners, may not be in a position to register their tractor immediately after import.

For these reasons, on 15 September last, the Revenue Commissioners, as an interim measure until the end of 2010, waived the requirement for a tractor to be presented for examination. However, a pre-registration appointment must still be booked and the relevant documentation relating to the tractor and the registered owner must be presented for examination at an NCT Centre. This waiver will cease in 2011 and from then on tractors, like all other mechanically propelled vehicles, will be obliged to undergo a pre-registration inspection before they are registered for use in the State.

The requirement to have all used vehicles presented for pre-registration examination has presented some new challenges for both Revenue and the competent person appointed to carry out these functions, namely, the NCTS. In consultation with other stakeholders, e.g. the Society of the Irish Motor Industry (SIMI), the Farm Tractor & Machinery Trade Association Ltd. (FTMTA), Revenue and the NCTS are facing these challenges and have implemented some revised procedures to speed up the registration process. For example, the NCTS have recently put procedures in place to provide additional capacity in their centres, including extending the opening times in some centres and the configuration of two additional centres for registration purposes in order to address current delays. Revenue are also examining the possibility of providing electronic facilities for the registration of used vehicles that have been subjected to a pre-registration examination.

Finally, Revenue is confident that with the implementation of these and other similar initiatives, an efficient user-friendly service will be available to all persons requiring vehicle registration, notwithstanding the fact that the vehicle will, in all cases as provided for in legislation, have to be presented for examination prior to registration.

National Asset Management Agency

135. **Deputy Lucinda Creighton** asked the Minister for Finance if he will outline the National Asset Management Agency's ongoing efforts in pursuing developers who owe money to the agency; when the agency will begin foreclosing on bankrupt developers; and if he will make a statement on the matter. [37929/10]

Minister for Finance (Deputy Brian Lenihan): The first tranche of loans owed by the largest property developers transferred to the National Asset Management Agency in May 2010 and a second tranche was transferred in July and August. I am advised by NAMA that following the transfer of an individual's loans to NAMA, each borrower is requested to complete a realistic and concise business plan. The viability of the business plan of each major borrower is assessed by NAMA. Where viability cannot be demonstrated or where a borrower is not co-operating with the process NAMA will take enforcement action against the borrower concerned.

The NAMA Board has stated clearly in its recent Business Plan that it will enforce personal guarantees to the greatest extent feasible, that it will secure all unencumbered assets and that it will pursue any assets transferred to third parties. Where NAMA does engage in any type of enforcement, it will have to go through the courts in the normal way and information on such cases will be in the public domain. I am informed that NAMA has already commenced proceedings in the Commercial Court and that further actions can be expected. NAMA has also authorised participating institutions to initiate enforcement proceedings against a number of other debtors whose loans have not yet transferred to the Agency.

Tax Code

136. **Deputy Jim O'Keeffe** asked the Minister for Finance the benefits to the economy of the business expansion scheme and the cost to the Exchequer annually since its inception. [37930/10]

Minister for Finance (Deputy Brian Lenihan): The Business Expansion Scheme was introduced in 1984, to incentivise private investment in long-term equity capital in companies.

The scheme assists in the creation and retention of jobs in certain small and medium-sized companies located in Ireland, through the provision of capital investment, which companies would otherwise find difficult to raise.

The scheme was reviewed in 2006 and subsequently extended until 2013. The reasons for this extension included the clear market failure in providing equity capital for small firms in their start up and early development phases, the evidence of how vital the scheme has been in the past for such firms and continuing needs in this regard, as well as the potential return to the economy from indigenous Irish companies.

The estimated cost of the Business Expansion Scheme since it was created, for all tax years up to and including 2009, the latest year for which figures are available, is set out in the following table:

Business Expansion Scheme

Year	Cost to Exchequer
	€m
1984/85	0.6
1985/86	3.0
1986/87	4.7
1987/88	6.9
1988/89	17.3
1989/90	53.2
1990/91	39.5
1991/92	39.9
1992/93	13.3
1993/94	15.4
1994/95	31.9
1995/96	47.2
1996/97	52.2
1997/98	57.3
1998/99	31.5
1999/00	30.2
2000/01	16.7
2001 (short tax year)	15.1
2002	20.2
2003	16.6
2004	21.1
2005	16.0
2006	21.4
2007	17.5
2008	55.7
2009	25.6
Total	670.1

Tax Yield

137. **Deputy Jim O’Keeffe** asked the Minister for Finance the benefits to the economy of the seed capital scheme and the cost to the Exchequer annually since its inception. [37931/10]

Minister for Finance (Deputy Brian Lenihan): The Seed Capital Scheme was introduced in 1993 to incentivise PAYE workers to consider starting up their own businesses.

The scheme assists in the creation of jobs through the refund of tax previously paid by the entrepreneur concerned. The scheme can be utilised in tandem with the associated Business Expansion Scheme to facilitate the further raising of capital, from other investors, for the business concerned.

The estimated cost of the Seed Capital Scheme since it was created for all tax years up to and including 2009, the latest year for which figures are available, is set out in the following table:

Seed Capital Scheme

Year	Cost to Exchequer
	€m
1993/94	0.2
1994/95	0.9
1995/96	0.8
1996/97	2.1
1997/98	1.4
1998/99	2.0
1999/00	1.1
2000/01	1.0
2001 (short tax year)	1.2
2002	1.4
2003	2.3
2004	2.6
2005	1.3
2006	1.2
2007	2.3
2008	1.7
2009 (provisional)	2.9

Tax Code

138. **Deputy Thomas Byrne** asked the Minister for Finance if he has given consideration to a scheme whereby family members could provide loans to other family members for small business purposes on a full commercial basis but which would attract some type of tax relief to the benefit of the lending family member. [37966/10]

Minister for Finance (Deputy Brian Lenihan): The scheme mentioned by the Deputy has not been considered. However, in my view, it would not be appropriate to offer a tax incentive to lenders where loans are provided to family members on a commercial basis. The interest repayable on such loans should act as a sufficient incentive in itself.

The Business Expansion scheme is already available to encourage investments in certain small and medium-sized businesses. Family members can provide investments under this scheme provided they are not considered “connected” for the purposes of the scheme.

Budget Submissions

139. **Deputy James Bannon** asked the Minister for Finance the reason an unelected person is permitted to examine documentation relating to the budget deficit when elected opposition politicians are not permitted to do so; and if he will make a statement on the matter. [38005/10]

Minister for Finance (Deputy Brian Lenihan): There are many documents related to the budget deficit that are not confidential. My Department has not provided any confidential documentation in relation to the budget deficit to the person referred to in the Deputy's question. As is well known, I have always consulted widely, and confidentially, on matters related to my brief which helps ensure that I have as broad a perspective as possible.

As the Deputy will be aware, the Finance spokespersons from the Main Opposition political parties met with officials from my Department on Monday last, 18th October, to receive a confidential briefing on the macroeconomic and fiscal context in which the four-year budgetary plan, to be published in the first half of November, is being prepared.

National Asset Management Agency

140. **Deputy Michael McGrath** asked the Minister for Finance the overall amount of money currently managed by the National Treasury Management Agency through the various State savings products; if he will provide a breakdown of the overall amount by the type of product savings bonds, savings certificates, national solidarity bond and so on; the way the money is managed; and if he will make a statement on the matter. [38033/10]

Minister for Finance (Deputy Brian Lenihan): The Government's State Savings products consist of the National Solidarity Bond, Savings Certificates, Savings Bonds, Prize Bonds, Instalment Savings and Deposit Accounts (POSB).

The total amount invested in the State Savings products on Monday, 18 October 2010 was €12.029 billion, made up of €265 million in the National Solidarity Bond, €3.808 billion in Savings Certificates, €3.972 billion in Savings Bonds, €469 million in Instalment Savings, €1.29 billion in Prize Bonds, and €2.225 billion in deposit accounts (POSB).

The State Savings schemes, which are managed by the National Treasury Management Agency, are used to fund the Exchequer and form part of the National Debt.

Departmental Agencies

141. **Deputy Michael McGrath** asked the Minister for Finance the position regarding the review of the remuneration packages of the chief executives of semi-State companies. [38034/10]

Minister for Finance (Deputy Brian Lenihan): I brought proposals to Government regarding the establishment of a Review Group to examine and advise the Government on the extent to which the current arrangements governing the remuneration of chief executives of commercial State-sponsored bodies remains appropriate having regard to changes in economic circumstances, the commercial environment in which the companies operate and labour market conditions.

The Government has agreed that such a review should be undertaken and I will shortly announce further information on the composition of the Review Group.

Public Service Pay

142. **Deputy Michael McGrath** asked the Minister for Finance the position regarding the

implementation of the Croke Park deal on pay and reform in the public service and, in particular, to provide details of the progress made to date on securing efficiencies and savings across the public service. [38035/10]

Minister for Finance (Deputy Brian Lenihan): The Public Service Agreement 2010-2014, or Croke Park Agreement, provided for the establishment of an Implementation Body to oversee progress on the implementation of the agreed transformation measures across the Public Service. Mr. P.J. Fitzpatrick, was appointed in July as independent chairman of the Implementation Body with 3 nominees each from Public Service Management and the Public Services Committee of the Irish Congress of Trade Unions respectively.

The Implementation Body in its regular meetings has concentrated on establishing the sectoral implementation bodies provided for under the Agreement and on reviewing the sectoral Action Plans which have been submitted by each Government Department. These plans inform the Implementation Body on the significant changes proposed by public service management to achieve the reforms, efficiencies and savings needed in each sector.

The Government is determined that public service management will be proactive and ambitious in delivering on the full range of productivity and change measures envisaged in the Agreement, and accepted as necessary by all parties to it. Strong oversight by the Implementation Body will be an important factor in this.

The Agreement provides a sustainable framework to manage the provision and delivery of our essential public services in a period of unprecedented pressure on public resources. In this regard, the Exchequer Pay Bill is estimated to reduce by 8% in 2010 over 2009 while the number of public servants has reduced by almost 11,000 since March 09, resulting in significant savings in the public service paybill.

National Asset Management Agency

143. **Deputy Michael McGrath** asked the Minister for Finance if he will provide details of the anticipated timing of reports from National Asset Management Agency being laid before the Oireachtas. [38036/10]

Minister for Finance (Deputy Brian Lenihan): Section 53 of the National Asset Management Agency Act 2009 requires NAMA to submit an annual statement to the Minister for Finance 3 months before the commencement of the year to which it relates, with the exception of the financial year 2010 which had to be submitted before 1 July 2010.

Section 55 of the Act requires NAMA to make a quarterly report to the Minister for Finance within 3 months of the end of the quarter to which the report refers.

The annual statement for the financial year 2010 and the first quarterly report for the period ending 31 March 2010 were submitted to me within the required timeframe and I laid them before each House of the Oireachtas, as required by the Act.

The annual statement for the financial year 2011 and the second quarterly report for the period ending 30 June 2010 were submitted to me within the required timeframe and I expect to lay them before each House of the Oireachtas shortly.

Financial Institutions Support Scheme

144. **Deputy Michael McGrath** asked the Minister for Finance the way he is ensuring that Allied Irish Bank and Bank of Ireland meet the lending commitments to the small and medium enterprise sector under the bank recapitalisation scheme. [38037/10]

Minister for Finance (Deputy Brian Lenihan): The Deputy will be aware that my Department and Mr. Trethowan of the Credit Review Office receive monthly progress reports from the two banks which allow us to monitor their lending to viable businesses in all sectors of the economy and in every area of the country. This information is commercially sensitive. The banks have 12 months to reach their targets and the overall results of their activities will be published in due course.

In addition to the monitoring, the Credit Review Office reviews decisions of banks to refuse credit on application from the customer to ensure that the banks are not refusing to lend to viable businesses.

Mr. Trethowan's first quarterly report was of course published and I intend publishing his next report when it is received.

Flood Relief

145. **Deputy Michael McGrath** asked the Minister for Finance the position regarding the finalisation of the draft Lee catchment flood risk assessment and management study; and if he will make a statement on the matter. [38038/10]

Minister of State at the Department of Finance (Deputy Martin Mansergh): At the beginning of February, 2010, I launched the draft River Lee catchment flood risk assessment and management study, (CFRAM) as the primary pilot project for the national CFRAM programme. This commenced a period of public consultation which extended to 30 April, 2010. At present, the recommendations set out in the draft are being re-assessed in the light of the feedbacks and submissions received during the consultation period. It is expected that the finalised version of the Catchment Flood Risk Management Plan will be completed and published in early 2011.

The Plan will set out clearly a proposed phasing framework for the Lee catchment. In this context, consultants are being commissioned to examine and develop the technical aspects of the Plan in detail, and undertake the design of the structural flood-defence components of a flood risk management scheme for Cork City. The first stage of the procurement for this work commenced in September, and consultants are scheduled to be appointed early in 2011.

At this early stage, OPW anticipates that non-structural options, are likely to be the first to be taken forward, followed by structural options over a longer timescale. All structural options will have a lead-in time for full scheme development and detailed design. However, if interim works are identified during the design process these can be progressed in partnership with the Local Authorities.

In addition, a number of priority actions are being undertaken, including detailed topographical and structural surveys of the existing defences within, and upstream of, Cork City in order to identify requirements for additional defences. OPW have agreed also to put Cork City Council in funds to carry out urgent repairs to the quay walls.

Departmental Staff

146. **Deputy John O'Mahony** asked the Minister for Finance the number of persons employed on temporary contract and cost to his Department and any agencies under his Department for same in tabular form for 2008 and 2009; and if he will make a statement on the matter. [38132/10]

Minister for Finance (Deputy Brian Lenihan): In relation to my Department, the details of persons employed on fixed term or fixed purpose temporary contracts are as follows:

Year	No. of persons on temporary contract	Annual cost
		€
2008	5	343,261
2009	8	688,655

Some people were employed on contracts for a duration exceeding one year and are therefore included for both years. While some people may have been recruited during the year, the annual cost given relates to a full year cost.

With regard to agencies under the aegis of my Department I am advised as follows:

Revenue Commissioners

Year	Number of Temporary Contracts	Total number of weeks	Annualised full time equivalents	Total Cost
				€
2008	619	9,182	175 approx.	4,529,000
2009	321	3,493	65 approx.	1,920,000

Temporary clerical officers are engaged from time to time to cope with seasonal peaks and to provide cover for absences such as maternity leave and term time.

	Year	No. of Temporary Contract	Total Cost
			€
Valuation Office	2008	32	1,215,000.00
	2009	26	1,015,120.00
State Laboratory	2008	3	70,620.00
	2009	2	14,941.00
PAS	2008	6	40,260.85
	2009	0	—
CPSA	2008	0	—
	2009	0	—
C&AG	2008	0	—
	2009	0	—
Appeal Commissioners	2008	0	—
	2009	0	—
Ombudsman	2008	0	—
	2009	0	—

[Deputy Brian Lenihan.]

Institute of Public Administration

Year	No. of persons on temporary contract	Annual cost
2008	6	€150,000
2009	0	—

National Treasury Management Agency*

Year	No. of persons on temporary contract	Annual cost
		€
2008	9	159,249
2009	11	227,768

*(Which covers NTMA, State Claims Agency, National Pensions Reserve Fund Commission, National Development Finance Agency and NAMA).

Special EU Programmes Body

Year	No. of persons on temporary contract	Annual cost	Costs attributable to the Department of Finance
		€	€
2008	24	788,890	93,153
2008	29	788,380	126,758

During 2009 a total of 7 staff resigned from fixed-term posts and were subsequently replaced by new appointments. In addition, a further 2 staff were also appointed into fixed-term posts.

Vehicle Registration

147. **Deputy Michael Creed** asked the Minister for Finance if he will review the revised arrangements for the registration of imported farm machinery (details supplied); and if he will make a statement on the matter. [38158/10]

Minister for Finance (Deputy Brian Lenihan): I am advised by the Revenue Commissioners that under the revised registration procedures (operated by the National Car Testing Service (NCTS) since 1 September 2010) a total of 22 NCT Centres were initially configured for registration purposes to replace the 22 Revenue Vehicle Registration Offices (VROs) that previously performed the registration function. These NCT Centres are, for the most part, close to the locations where the VROs were sited and are set up in facilities custom built for the examination of vehicles, with ample parking for the convenience of customers, especially those with larger vehicles such as tractors.

In general, tractors pose an increased risk to other road users because, among other things, a 16-year old may be licensed to carry a heavy load on, for example, a 10-year old tractor that has never been examined by a State agency, whereas if the same load were carried in a heavy goods vehicle, that vehicle could be legally driven only by an individual with a heavy goods licence, in a vehicle equipped with a tachograph and other safety features, that would be subject to an annual roadworthiness test. Accordingly, the Deputy will appreciate that any measure

relating to the pre-registration checking of tractors that reduces the overall risk to other road users is a worthwhile initiative.

I am sure the Deputy will agree that it is essential for road traffic management and road safety that all vehicles are registered and have a registration number so that the owner can be identified. In this context, the Revenue Commissioners have confirmed that tractors must, in the normal course of events, be presented at an NCT Centre for a pre-registration inspection (as is the requirement for all vehicle types). For the majority of tractors being imported into the country, this should not pose serious difficulty as a pre-registration examination can be booked in advance and the vehicle transported to the relevant centre, at the appointed time, as it is being transported or driven into the State, thus eliminating extra unnecessary journeys on the public road.

However, it appears that there are a number of tractors already in the State that, for whatever reason, were not registered by their owners in accordance with the legislation in place before 1 September 2010. It is recognised that the new legislation may place a particular burden on the owners of those vehicles to fulfil their registration obligations. Additionally, there may be a number of people who, because they were not aware of the impending change, despite the extensive advertising campaign run by the Revenue Commissioners, may not be in a position to register their tractor immediately after import.

For these reasons, on 15 September last, the Revenue Commissioners, as an interim measure until the end of 2010, waived the requirement for a tractor to be presented for examination. However, a pre-registration appointment must still be booked and the relevant documentation relating to the tractor and the registered owner must be presented for examination at an NCT Centre. This waiver will cease in 2011 and from then on tractors, like all other mechanically propelled vehicles, will be obliged to undergo a pre-registration inspection before they are registered for use in the State.

The requirement to have all used vehicles presented for pre-registration examination has presented some new challenges for both Revenue and the competent person appointed to carry out these functions, namely, the NCTS. In consultation with other stakeholders, e.g. the Society of the Irish Motor Industry (SIMI), the Farm Tractor & Machinery Trade Association Ltd. (FTMTA), Revenue and the NCTS are facing these challenges and have implemented some revised procedures to speed up the registration process. For example, the NCTS have recently put procedures in place to provide additional capacity in their centres, including extending the opening times in some centres and the configuration of two additional centres for registration purposes in order to address current delays. Revenue are also examining the possibility of providing electronic facilities for the registration of used vehicles that have been subjected to a pre-registration examination.

Finally, Revenue is confident that with the implementation of these and other similar initiatives, an efficient user-friendly service will be available to all persons requiring vehicle registration, notwithstanding the fact that the vehicle will, in all cases as provided for in legislation, have to be presented for examination prior to registration.

Tax Code

148. **Deputy Mary Upton** asked the Minister for Finance the estimated cost of extending the section 481 tax relief scheme to the computer game industry based on the size of the industry at present and based on a number of growth scenarios of uptake by investors and the amount invested; and if he will make a statement on the matter. [38188/10]

Minister for Finance (Deputy Brian Lenihan): The cost of extending to the computer game industry a tax relief similar to the scheme for film relief operating under section 481 would depend on the level of uptake by investors and the amounts invested. I am not therefore in a position to provide such an estimate. I have no plans to extend Section 481 to the video game industry.

Home Help Services

149. **Deputy John Deasy** asked the Minister for Health and Children the number of vacancies for home care workers in Waterford; when these vacancies will be filled; the way she will ensure that home care services in Waterford are maintained; and if she will make a statement on the matter. [37923/10]

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

150. **Deputy Pat Breen** asked the Minister for Health and Children if a person (details supplied) will be facilitated; and if she will make a statement on the matter. [37925/10]

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

151. **Deputy Joan Burton** asked the Minister for Health and Children if and when an application will be approved in respect of a person (details supplied) in County Dublin; and if she will make a statement on the matter. [37926/10]

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.

Hospital Services

152. **Deputy Dinny McGinley** asked the Minister for Health and Children if her attention has been drawn to the fact that the regular rheumatology clinic in Letterkenny General Hospital has been cancelled, which necessitates travel by Donegal patients to Manorhamilton hospital or Sligo General Hospital; her plans to restore this service for Donegal patients; and if she will make a statement on the matter. [37936/10]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter, it has been referred to the HSE for direct reply.

Children in Care

153. **Deputy Aengus Ó Snodaigh** asked the Minister for Health and Children, further to Parliamentary Question No. 200 of 6 October 2010, the number of foster carers and relative carers, respectively, with regard to whom a Health Service Executive assessment of suitability has not been conducted as required by the regulations. [37937/10]

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.

Hospital Services

154. **Deputy Dinny McGinley** asked the Minister for Health and Children when a person (details supplied) in County Donegal will be admitted to hospital. [37938/10]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter, it has been referred to the HSE for direct reply.

155. **Deputy Edward O’Keeffe** asked the Minister for Health and Children the position regarding a hospital appointment in respect of a person (details supplied) in County Cork; and if she will make a statement on the matter. [37939/10]

Minister for Health and Children (Deputy Mary Harney): The scheduling of patients for hospital treatment is a matter for the consultant concerned in each case and is determined on the basis of clinical need. Should the patient’s general practitioner consider that the patient’s condition warrants an earlier appointment, he/she would be in the best position to take the matter up with the consultant involved. As this is a service matter, it has been referred to the HSE for direct reply.

Medical Cards

156. **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. [37943/10]

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.

Youth Services

157. **Deputy Tom Hayes** asked the Minister for Health and Children the position regarding an application for funding in 2009 by an organisation (details supplied) in County Tipperary. [37944/10]

Minister of State at the Department of Health and Children (Deputy Barry Andrews): The Children’s and Youth Services Development Unit of my Office received an application on behalf of the Youth Project referred to by the Deputy, to be considered for funding in 2008 under the Special Projects for Youth Scheme. Due to the large number of applications received and the limited funding available it was not possible to provide the funding requested.

In light of budgetary constraints, the emphasis in the 2009 youth affairs budget was on supporting existing youth programmes and services for young people including those with fewer opportunities. Similarly in 2010, the focus is on consolidating and maintaining, insofar as possible, the level of existing programmes and services for young people. In this context, the Children’s and Youth Services Development Unit is not in a position to consider any new applications for admission to its Schemes in 2010.

Departmental Funding

158. **Deputy Denis Naughten** asked the Minister for Health and Children if she will provide a complete list of the disability organisations in receipt of funding from her Department in tabular form, including the value to each organisation; and if she will make a statement on the matter. [37946/10]

Minister for Health and Children (Deputy Mary Harney): The funding made available to disability organisations through Vote 39 from the National Lottery in the most recent year, 2009, is set out in the table below. The table details the names of the organisations to whom the grant was paid and the amount of the grant.

[Deputy Mary Harney.]

National Lottery Funding 2009

Organisation	Amount Paid
	€
Brothers of Charity	3,500
Cashel na Cor Learning Disability Association Ltd.	300
Central Remedial Clinic	8,000
Disabled People of Clare Ltd.	8,000
Introart	19,000
Irish Association of Supported Employment (IASE)	5,000
Irish Progressive Association for Autism Company Ltd.	20,000
Irish Thalidomide Association (ITA)	2,000
Irish Wheelchair Association	50,000
North Fingal Rural Transport Company Ltd.	40,000
St. Joseph's Association For The Mentally Handicapped Portrane	8,000
Our Lady of Good Counsel Special School	30,000
St. Joseph's Centre for the Visually Impaired	12,000
Myasthenia Gravis Association	10,000
The WOW Group — Winners on Wheels	4,000
L'Arche Ireland	10,000
Irish Dogs for the Disabled	75,000
Co. Wexford Community Workshop (Enniscorthy) Limited	25,000
Total	329,800

The Deputy will be aware that the Health Service Executive funds a wide range of disability organisations through Vote 40. Therefore, my Department has requested the Parliamentary Affairs Division of the Executive to provide details of the funding provided by the HSE and to have a reply issued directly to the Deputy.

159. **Deputy Denis Naughten** asked the Minister for Health and Children if she will provide a complete list of the disability organisations in receipt of funding from the Health Service Executive in tabular form, including the value to each organisation; and if she will make a statement on the matter. [37947/10]

Minister of State at the Department of Health and Children (Deputy John Moloney): As the Deputy's question relates to service matters, I have referred the question to the Health Service Executive for direct reply to the Deputy.

Health Services

160. **Deputy Emmet Stagg** asked the Minister for Health and Children if a public health nurse will be available at Leixlip health centre to carry out developmental checkups on newborn children, in view of the circumstances outlined (details supplied). [37949/10]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the HSE for direct reply.

161. **Deputy Joe Costello** asked the Minister for Health and Children the extent of diabetic foot disease in each community here; the annual cost to the Exchequer of treating the disease;

her plans to introduce a national foot screening programme; and if she will make a statement on the matter. [37959/10]

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.

162. **Deputy Ulick Burke** asked the Minister for Health and Children her plans for the provision of speech and language services after their transfer from the Department of Education and Skills to her Department; the structure that will be put in place based on the proposals in the Education (Amendment) Bill 2010; the number of speech therapists within her Department dealing with children; the waiting time for access to such services; and if she will make a statement on the matter. [37961/10]

Minister of State at the Department of Health and Children (Deputy John Moloney): The Education (Amendment) Bill 2010 provides for an amendment to the Education Act 1998 to clarify the position in relation to the delivery of speech therapy and other health and personal social services to children of school-going age. It acknowledges the role of the HSE in the delivery of these services under the Health Act 2004. It will not involve a transfer of speech and language therapists from the Department of Education and Skills to the Department of Health and Children as such services are provided by the HSE. The legislative amendment is designed to clarify and reflect this position.

Additional funding of €7.2 million for disability was provided to the HSE in Budget 2009 for the provision of 90 additional therapy posts. These posts are targeted to support children with disabilities of school-going age and include speech and language therapists, occupational therapists, physiotherapists and psychologists. Recruitment for these posts is ongoing. The issue of waiting times for access to speech and language services is a service matter and, accordingly, has been referred to the HSE for direct reply.

Departmental Expenditure

163. **Deputy Denis Naughten** asked the Minister for Health and Children the total budget allocation for disabilities in each of the years 2005, 2006, 2007, 2008, 2009 and 2010, in tabular form; and if she will make a statement on the matter. [37965/10]

Minister for Health and Children (Deputy Mary Harney): Expenditure on disabilities for the years 2005 to 2010 as set out in the Revised Estimates Volumes for the relevant years is set out in the table below. The outturn figure has been used in relation to the years 2005 to 2009 and the 2010 amount is that provided for in the REV.

Disability Expenditure

Year	€m
2005	1.143
2006	1.198
2007	1.506
2008	1.549
2009	1.520
2010	1.475

[Deputy Mary Harney.]

As the Deputy may be aware, the definition of disability as set out in the Disability Act 2005 also includes mental health. The corresponding figures for mental health expenditure are therefore also set out in the table below.

Mental Health Expenditure

Year	€m
2005	0.775
2006	0.984
2007	1.042
2008	1.044
2009	1.007
2010	0.977

Departmental Bodies

164. **Deputy Thomas P. Broughan** asked the Minister for Health and Children the appointments she has made to boards and agencies under the remit of her Department in 2007, 2008, 2009 and to date in 2010; and if she will make a statement on the matter. [37970/10]

Minister for Health and Children (Deputy Mary Harney): The appointments made were as follows:

2010

Bord Na Radharcmhastóirí/Opticians Board

Name	Date
Amanda Collum	01/01/2010
Abdul Bulbulia	01/01/2010
Conor Murphy	01/01/2010
Kevin Tempany	01/01/2010
Mairead Shields	01/01/2010
Patrick J. Brady	01/01/2010
Triona Culliton	01/01/2010
Peter Davison	01/01/2010
Derville Pitcher	01/01/2010
Ian Tighe	01/01/2010
John Elliot	01/01/2010

Food Safety Authority Of Ireland

Name	Date
Pat O'Mahony	03/02/2010
Eamon Corcoran	03/02/2010

Food Safety Consultative Council

Name	Date
Bernard Murphy	29/04/2010

Health Information and Quality Authority

Name	Date
Samuel J. McConkey	15/05/2010
Damien McLoughlin	15/05/2010
Cillian Twomey	15/05/2010
Grainne Tuke	15/05/2010
Richard Hannaford	15/05/2010
Philip Caffrey	15/05/2010

Health Insurance Authority

Name	Date
Sheelagh Malin	06/05/2010

Health Research Board

Name	Date
Conor Burke	12/06/2010
John McCormack	12/06/2010
Colin Doherty	12/06/2010
Prem Puri	12/06/2010
Marion Rowland	12/06/2010

Health Service Executive

Name	Date
Niamh Brennan	08/02/2010
Dermot Power	08/02/2010
Sylda Langford	08/02/2010
Joe Lavelle	08/02/2010
John Fitzgerald	08/02/2010
Frank Dolphin	15/08/2010
Nuala Hunt	11/10/2010

Hepatitis C and HIV Compensation Tribunal

Name	Date
Diane Duggan	18/02/2010

[Deputy Mary Harney.]

Irish Blood Transfusion Service

Name	Date
Sean Wyse	07/01/2010
Paolo Rebullia	03/06/2010

Leopardstown Park Hospital Board

Name	Date
Jane Smith	05/09/2010
Eugene Magee	05/09/2010
Diane Duggan	05/09/2010
Christine Long	05/09/2010
Frank Turvey	05/09/2010
Elizabeth Cogan	05/09/2010

National Cancer Screening Service

Name	Date
Grainne Flannelly	01/01/2010
Marie Laffoy	01/01/2010
Edel Moloney	01/01/2010
Jack Murray	01/01/2010
Ailís Ní Ríain	01/01/2010
Ann O'Doherty	01/01/2010
Martin O'Donoghue	01/01/2010
Donal Ormonde	01/01/2010
Sheelagh Ryan	01/01/2010
Eamonn Ryan	01/01/2010
Frank Sullivan	01/01/2010
Jane Wilde	01/01/2010

National Haemophilia Council

Name	Date
John Bonnar	22/07/2010
Michael Davenport	22/07/2010
Brian O'Mahony	21/07/2010
Eilish Hardiman	22/07/2010
Barry White	22/07/2010
Susan O'Shea	22/07/2010

National Paediatric Hospital Development Board

Name	Date
Brendan Drumm	16/08/2010
John Gallagher	07/10/2010

National Treatment Purchase Fund Board

Name	Date
John Horan	03/06/2010
Tom Murphy	03/06/2010

Pharmaceutical Society of Ireland Council

Name	Date
Leonie Clarke	29/04/2010

Scientific Committee of the Food Safety Authority of Ireland (FSAI)

Name	Date
Catherine Adley	28/01/2010
Paula Barry Walsh	28/01/2010
Colette Bonner	28/01/2010
Dan Collins	28/01/2010
Martin Cormican	28/01/2010
Albert Flynn	28/01/2010
Colin Hill	28/01/2010
Brian McKenna	28/01/2010
Paul McKeown	28/01/2010
Terry McMahon	28/01/2010
Dan O'Sullivan	28/01/2010
Ray Parle	28/01/2010
Iona Pratt	28/01/2010
Michael P. Ryan	28/01/2010
Michael O'Keefe	28/01/2010

Social Worker's Registration Board

Name	Date
Fiona Geraghty	05/08/2010
Cormac Quinlan	05/08/2010
Ursula Fernée	05/08/2010
Mary Hargaden	05/08/2010
Suzanne Quin	05/08/2010
Pat Dunne	05/08/2010

[Deputy Mary Harney.]

Name	Date
Chris Curtin	05/08/2010
Val Collier	05/08/2010
Valentine O'Kelly	05/08/2010
Damien Courtney	05/08/2010
Monica Egan	05/08/2010
Denis Gallagher	05/08/2010
Ned Kelly	05/08/2010

St. James's Hospital Board

Name	Date
Maureen Lynott	01/09/2010

St. Luke's Hospital Board

Name	Date
Arnie Hill	01/07/2010
John Kennedy	01/07/2010
Eugene Murray	01/07/2010
Padraic A White	01/07/2010
Claire McNicholas	03/02/2010
Tony O'Brien	01/07/2010
Gabriel Burke	01/07/2010
Dermot Kelleher	01/07/2010
John McCormack	01/07/2010
Claire McNicholas	01/07/2010
Risteard O'Laoide	01/07/2010

Voluntary Health Insurance Board

Name	Date
Seamus Creedon	22/02/2010
Celine Fitzgerald	22/02/2010

2009

Beaumont Hospital Board

Name	Date
Donal O'Shea	01/01/2009
Maurice Ahern	15/06/2009
Catherine Duffy	15/06/2009
Patrick Mercer	15/06/2009
Gerard Barry	14/06/2009

Name	Date
Mary Horgan	14/06/2009
Patricia McCann	15/06/2009
Jennifer Cullinane	15/06/2009
Raphaella Kane	15/06/2009
Sean O'Brien	15/06/2009
Alan Eustace	15/06/2009
Ursula O'Brien	15/06/2009

Children Acts Advisory Board

Name	Date
Denis O'Sullivan	06/08/2009

Consultative Council on Hepatitis C

Name	Date
John Murphy	09/10/2009
Ian Carter	09/10/2009
Mary Rowe	09/10/2009
Margaret Scarry	09/10/2009
Michele Tait	09/10/2009
Mike Kelly	09/10/2009
Mary Rowe	09/10/2009
Michael Madigan	09/10/2009
Kate Frazer	09/10/2009
Shay Keating	09/10/2009
Anne Duffy	09/10/2009
Noeleen White	09/10/2009
Gary Courtney	09/10/2009
Antoinette Fitzgerald	09/10/2009
Elizabeth Kenny	09/10/2009

Food Safety Authority Of Ireland

Name	Date
John Daniel Collins	26/02/2009
Anne Nolan	28/05/2009
Charles Daly	26/02/2009
Eimear Killian	20/04/2009
Mary Falvey	26/11/2009

[Deputy Mary Harney.]

Health and Social Care Professionals Council

Name	Date
Fionnuala Cook	17/07/2009
Tom Jordan	17/07/2009
Patricia O'Connor	17/07/2009
Jackie Reed	17/07/2009
Ann Taylor	17/07/2009
Julie Ling	15/10/2009
Stephen McMahon	28/09/2009
Sharon Foley	28/09/2009
Bernie Eustace	28/09/2009
Michael Ronayne	28/09/2009

Health Information and Quality Authority

Name	Date
Grainne Tuke	11/05/2009

Health Service Executive

Name	Date
Dermot Power	05/05/2009

Hepatitis C and HIV Compensation Tribunal

Name	Date
Anthony G. Murphy	10/03/2009
James Devlin B.L.	11/10/2009
Karen Fergus B.L.	11/10/2009
Dara Hayes, B.L.	11/10/2009
Rachel Murphy	11/10/2009
Leonie Reynolds B.L.	11/10/2009
Anne Rowland	11/10/2009
Patricia McNamara	09/09/2009
Úna McGurk B.L.	09/09/2009
David Martin	09/09/2009
Anne O'Neill	09/09/2009
Bridget Barry B.L.	09/09/2009
Deirdre Hegarty	09/09/2009

Irish Blood Transfusion Service

Name	Date
Cees Van Der Poel	15/06/2009
Marie Keane	22/06/2009
David Keenan	09/10/2009
Ann Horan	18/12/2009
David Lowe	10/12/2009
Katharine Bulbulia	27/10/2009
Paul Browne	09/09/2009
Sinead Ní Mhaille	09/09/2009

Leopardstown Park Hospital Board

Name	Date
Eugene Magee	13/03/2009
Dermot Magan	13/03/2009
Diane Duggan	13/03/2009

National Cancer Registry Board

Name	Date
Elizabeth Keane	01/01/2009
David Fennelly	01/01/2009
Gordon Watson	01/01/2009
Tom Crotty	01/01/2009
Patricia Fitzpatrick	01/01/2009
Joseph Moran	01/01/2009
Ivan Perry	01/01/2009
Anna Gavin	01/01/2009
Mary Hynes	01/01/2009
Tony Holohan	01/01/2009
Patricia Fitzpatrick	06/08/2009
Anna Gavin	06/08/2009
Tony O'Brien	06/08/2009
Donal Hollywood	06/08/2009
Deirdre Murray	06/08/2009
John Devlin	06/08/2009
John McCormack	06/08/2009

National Council On Ageing And Older People

Name	Date
Matthew Collins	09/01/2009

[Deputy Mary Harney.]

National Haemophilia Council

Name	Date
Ann Grogan	09/01/2009
Matthew Collins	09/01/2009
Beatrice Nolan	20/01/2009
Fionnuala Duffy	09/09/2009

National Paediatric Hospital Development Board

Name	Date
Pat Doherty	26/11/2009
Lorcan Birthistle	26/11/2009
Edna Roche	24/08/2009

National Social Work Qualifications Board

Name	Date
Mary Hargaden	17/05/2009
Margaret Groake	17/05/2009
Anne Coffey	17/05/2009
Alaister Christie	17/05/2009
Mary Allen	17/05/2009
Máirtín O'Fataigh	17/05/2009
Monica Egan	17/05/2009
Marie Therese Mulholland	17/05/2009
Helen Hanlon	17/05/2009
Anthony Cotter	17/05/2009
Mary O'Connell	17/05/2009
Patricia Ann Walsh	17/05/2009
Anna Gibney	17/05/2009
Chris Curtin	17/05/2009
Vicki Somers	17/05/2009
John Lamont	17/05/2009

Nat. Co. For Prof. Dev. Of Nursing/Midwifery

Name	Date
Valerie Small	30/11/2009
Maura Nash	30/11/2009
Brendan Byrne	30/11/2009
Antoinette Doocey	30/11/2009
Aveen Murray	30/11/2009
Paddy Hume	30/11/2009
Jacqueline Burke	30/11/2009

Name	Date
Mary Brosnan	30/11/2009
Anne Carrigy	30/11/2009
Marie Keane	30/11/2009
Siobhan O'Halloran	30/11/2009
Laraine Joyce	30/11/2009
Tony Morris	30/11/2009
Sheila O'Malley	30/11/2009
M. Pearl Treacy	30/11/2009
Bernie Quillinan	30/11/2009
Maureen Kington	30/11/2009
Gary Brown	30/11/2009
Ailís Ní Ríain	30/11/2009
Marie Tighe	30/11/2009

Office of Tobacco Control

Name	Date
Eimear Killian	08/04/2009
Paddy Donnelly	20/04/2009

Pharmaceutical Society of Ireland Council

Name	Date
Paul Fahey, MPSI	05/05/2009
Rita Purcell	20/05/2009
Michelle Ni Longáin	05/05/2009
Noirin O'Sullivan	05/05/2009
Ita Kelleher	05/05/2009
Deirdre Larkin	05/05/2009
Kate Mulvenna	05/03/2009
Margaret Ann Doherty	22/05/2009
John Collins	22/05/2009
Eoghan Hanly	22/05/2009
Georgina Ann Frankish	22/05/2009
Aidan Horan	22/05/2009
Stephen Boyle	21/05/2009
Sean Hurley	26/05/2009
John Hillery	06/02/2009

St. James's Hospital Board

Name	Date
Carmel Naughton	01/06/2009
Kitty O'Neill	11/09/2009
Charles Normand	13/02/2009

[Deputy Mary Harney.]

Name	Date
Patrick O'Reilly	17/11/2009
Paul McAuliffe	14/09/2009
Julia Carmichael	14/09/2009

St. Luke's Hospital Board

Name	Date
Gabriel Burke	24/12/2009
Dermot Kelleher	24/12/2009
John McCormack	24/12/2009
Risteard O'Laoide	24/12/2009

Voluntary Health Insurance Board

Name	Date
Christopher Cooney	24/02/2009

Women's Health Council

Name	Date
Cecily Kelleher	19/01/2009
Inez Bailey	19/01/2009
Rita Bergin	19/01/2009
Patricia Fitzpatrick	19/01/2009
Catherine Murphy	19/01/2009
Kathleen Lynch	19/01/2009
Marie Hainsworth	19/01/2009
Ailís Ní Ríain	19/01/2009
Lorraine Dorgan	19/01/2009
Alice O'Flynn	19/01/2009
Jackie Benbow	19/01/2009
Philip Watt	19/01/2009
Michael Geary	19/01/2009
Siobhan Jennings	19/01/2009
Patricia Lee	19/01/2009

2008

An Board Altranais

Name	Date
Sheila Sugrue	22/01/2008
Ann Sheehan	22/07/2008

An Board Uchtala

Name	Date
Geoffrey Shannon	10/02/2008
Orlaith Traynor	10/02/2008
Margaret Dromey	10/02/2008
Assumpta Hogan	10/02/2008
Siobhán Keogh	10/02/2008
Terry Lynam Loane	10/02/2008
Valerie O'Brien	10/02/2008
Fachtna Whittle	10/02/2008

Beaumont Hospital Board

Name	Date
Liam Grogan	01/01/2008
Gerry McElvaney	01/01/2008
Detta Fanning	20/02/2008
Raphaella Kane	04/12/2008

Board Of The Adelaide And Meath Hospitals

Name	Date
Gordon Linney	01/08/2008
Lyndon Mac Cann	01/08/2008
Alan Gillis	01/08/2008
Joan Bruton	01/08/2008
Trevor Matthews	01/08/2008
Ian Graham	01/08/2008
Fergus O'Ferrall	01/08/2008
Kevin Conlon	01/08/2008
Joe Barry	01/08/2008
John Barragry	01/08/2008
Gerry Hurley	01/08/2008
Colm O'Morain	01/08/2008
Mairead Shields	01/08/2008
Estelle Feldman	01/08/2008
David Pierpoint	01/08/2008
Roisin Boland	01/08/2008
Stephen Lane	01/08/2008
Cyril Kelly	01/08/2008
David Coughlan	01/08/2008
Gillian Ruffli	01/08/2008
David Moore	01/08/2008
Dermot Kelleher	01/08/2008

[Deputy Mary Harney.]

Comhairle na Nimheanna

Name	Date
Anne Bruzzi	13/07/2008
Tom McGuinn	13/07/2008
Joesph Tracey	13/07/2008
Yvonne O'Meara	13/07/2008
John Feely	13/07/2008
Noeleen Harvey	13/07/2008
Leonie Clarke	13/07/2008
Brendan Hayes	13/07/2008
Catriona O'Driscoll	13/07/2008
Julie O'Neill	13/07/2008
Bernard McCartan	13/07/2008
Ingrid Hook	13/07/2008
Gerry Leckey	13/07/2008
Patrick M. Brangan	13/07/2008
Gabriel Beechinor	13/07/2008
Dan O'Sullivan	13/07/2008
Rory Kiely	13/07/2008
Paddy Hever	13/07/2008

Crisis Pregnancy Agency

Name	Date
Jimmy Duggan	29/05/2008

Drug Treatment Center Board

Name	Date
Denis McCarthy	15/04/2008
Daniel McGing	15/04/2008
Ciaran Taaffe	15/04/2008
John O'Connor	15/04/2008
Siobhán Rooney	15/04/2008
Liam O'Brien	15/04/2008
Ide Delargy	15/04/2008
Frank Fagan	15/04/2008
Joe Barry	15/04/2008
Alice O'Flynn	15/04/2008
Siobhán Rooney	15/05/2008

Food Safety Authority Of Ireland

Name	Date
Tom Collins	08/12/2008

Health and Social Care Professionals Council

Name	Date
Mary O'Donnell	17/01/2008
Pat Quinlan	05/06/2008

Health Service Executive

Name	Date
P.J. Fitzpatrick	19/02/2008
Eugene McCague	19/02/2008
Anne Scott	19/02/2008
Pat Farrell	19/02/2008
Joe Mooney	19/02/2008
Willie O'Reilly	24/07/2008

Hepatitis C and HIV Compensation Tribunal

Name	Date
Mark O'Connell	01/08/2008

Irish Blood Transfusion Service

Name	Date
Mark Moran	01/10/2008

Medical Council

Name	Date
Diarmuid O'Donoghue	03/07/2008
Frank McManus	03/07/2008
Richard Brennan	03/07/2008
Kieran Murphy	03/07/2008
John Peter J. Monaghan	03/07/2008
Anthony A. Cunningham	03/07/2008
Anna Teresa Clarke	03/07/2008
Eamann Breatnach	03/07/2008
Pauline Kane	03/07/2008
Gerard Patrick Bury	03/07/2008

[Deputy Mary Harney.]

Name	Date
Brendan Broderick	03/07/2008
Mary Culliton	03/07/2008
Ann Carrigy	03/07/2008
John O'Mullane	03/07/2008
Jon Billings	03/07/2008
Daniel O'Hare	03/07/2008
Marie Murray	03/07/2008
Deirdre Madden	03/07/2008
Katharine Bulbulia	03/07/2008
Margaret Murphy	03/07/2008
Regina Connolly	03/07/2008
Damien McLoughlin	03/07/2008
William Powderly	03/07/2008
Paul Finucane	03/07/2008
James A. Slevin	03/07/2008

National Cancer Registry Board

Name	Date
Anna Gavin	01/01/2008
Elizabeth Keane	01/01/2008
Tom Crotty	01/01/2008
Patricia Fitzpatrick	01/01/2008
Joseph Moran	01/01/2008
Ivan Perry	01/01/2008
Tony Holohan	01/01/2008
Mary Hynes	01/01/2008
David Fennelly	01/01/2008
Gordon Watson	01/01/2008

National Cancer Screening Service

Name	Date
Ann O'Doherty	02/07/2008

National Council On Ageing And Older People

Name	Date
John Brady	01/10/2008
Noel Byrne	01/10/2008
Oliver R. Clery	01/10/2008
Daivda de la Harpe	20/01/2008
John Grant	01/10/2008
Ruth Loane	01/10/2008

Name	Date
Sylvia Meehan	01/10/2008
Paddy O'Brien	01/10/2008
Paul O'Donoghue	01/10/2008
Bernard Thompson	01/10/2008

National Haemophilia Council

Name	Date
Angela Fitzgerald	23/05/2008
Dympna Butler	20/05/2008

National Paediatric Hospital Development Board

Name	Date
David Coghlan	19/12/2008

Nat. Co. For Prof. Dev. Of Nursing/Midwifery

Name	Date
Sheila O'Malley	21/04/2008

Office of Tobacco Control

Name	Date
Stephanie Kelly	26/03/2008
Pat Doorley	26/03/2008
Dennis Drought	26/03/2008
Norma Cronin	26/03/2008
Shane P.A. Allwright	26/03/2008
Farrel Corcoran	26/03/2008
Nessa Childers	26/03/2008
Mary Cunningham	26/03/2008
Owen Nulty	26/03/2008
Annette Fitzgerald	26/03/2008
Rosaleen O'Grady	26/03/2008
Ken O'Byrne	26/03/2008

Poisons Council

Name	Date
Tom McGuinn	13/07/2008
Joesph Tracey	13/07/2008
Yvonne O'Meara	13/07/2008

[Deputy Mary Harney.]

Name	Date
John Feely	13/07/2008
Noeleen Harvey	13/07/2008
Leonie Clarke	13/07/2008
Brendan Hayes	13/07/2008
Catriona O'Driscoll	13/07/2008
Julie O'Neill	13/07/2008
Bernard McCartan	13/07/2008
Anne Bruzzi	13/07/2008
Ingrid Hook	13/07/2008
Gerry Leckey	13/07/2008
Patrick M. Brangan	13/07/2008
Gabriel Beechinor	13/07/2008
Dan O'Sullivan	13/07/2008
Rory Kiely	13/07/2008
Paddy Hever	13/07/2008

Pre-Hospital Emergency Care Council

Name	Date
Frank O'Malley	30/06/2008
Michael Garry	30/06/2008
Macartan Hughes	30/06/2008
Michael Dineen	30/06/2008
Tom Tinnelly	30/06/2008
Gerry Touhy	30/06/2008
Patricia Fitzpatrick	30/06/2008
Karen Healy	30/06/2008
Frank McClintock	30/06/2008
Barry O'Brien	30/06/2008
Conor Egleston	30/06/2008
Cathal O'Donnell	30/06/2008
Zelie Gaffney	30/06/2008
Valerie Small	30/06/2008
Michael Brennan	30/06/2008
Tom Mooney	30/06/2008
Mary McClelland	30/06/2008

Scientific Committee of the Food Safety Authority of Ireland. (FSAI)

Name	Date
Dan O'Sullivan	19/02/2008
Colette Bonner	28/04/2008
Ray Parle	28/07/2008
Terry McMahan	11/09/2008

St. James's Hospital Board

Name	Date
Thomas Mitchell	01/05/2008
Margaret MacGuinness	28/07/2008
Jack Kelly	28/07/2008
Jeanne Moriarty	28/07/2008
Louise Barnes	28/07/2008

Voluntary Health Insurance Board

Name	Date
Bernard Collins	24/09/2008
Declan Moran	01/05/2008
Jimmy Tolan	01/05/2008

2007

Advisory Committee For Veterinary Medicines (IMB)

Name	Date
Raymond Muldoon	28/02/2007

An Board Altranais

Name	Date
Declan Sugrue	04/10/2007
Robert Burns	04/10/2007
Peter McKenna	04/10/2007
Richard Dooley	04/10/2007
Tim Kennelly	04/10/2007
Tony Morris	04/10/2007
Eimear McAuliffe	04/10/2007
Aine McHugh	04/10/2007
Cathriona Molloy	04/10/2007
Breda O'Hanrahan	04/10/2007
Jacinta Mulherre	04/10/2007
Jacqueline Burke	04/10/2007
Mary Godfrey	04/10/2007
Gerard Maguire	04/10/2007
Orla O Reilly	04/10/2007
Louise Gallagher	04/10/2007
Ann Carrigy	04/10/2007
Virginia Pye	04/10/2007
John McCardle	04/10/2007
Maire Gilligan	04/10/2007
Pauline Treanor	04/10/2007

[Deputy Mary Harney.]

Name	Date
Catheryn M. Lee	04/10/2007
Siobhan Quirke	04/10/2007
John Murray	04/10/2007
Mary Kenneally	04/10/2007
Maureen Kington	04/10/2007
Aine Enright	04/10/2007
Deirdre Duffy	04/10/2007

Dublin Dental Hospital Board

Name	Date
Emer Daly	31/05/2007
Colm O'Morain	31/05/2007
Noel Claffey	31/05/2007
Grace Dempsey	31/05/2007
Terry Wade	31/05/2007
Ann Murphy	31/05/2007
Alex Creavin	31/05/2007
Edward Cotter	31/05/2007
Marielle Blake	31/05/2007
Deirdre Sadlier	31/05/2007
Colette Morrissey	31/05/2007
John Hogan	31/05/2007
Noel Pocock	31/05/2007
Gabriel Burke	31/05/2007

Food Safety Authority Of Ireland

Name	Date
Patrick O'Mahony	03/02/2007
Eamonn Ryan	14/03/2007

Health and Social Care Professionals Council

Name	Date
Tony Darmody	21/03/2007
Denis A Cusack	21/03/2007
Michael O'Halloran	21/03/2007
Kevin F Jones	21/03/2007
Joan Freeman	21/03/2007
Bernie McNally	21/03/2007
Margaret Doyle	21/03/2007
Jacqui O'Crowley	21/03/2007
Patricia Godwin	21/03/2007
Michael Fleming	21/03/2007

Name	Date
Mark McEntee	21/03/2007
Monica Egan	21/03/2007
Elva Gannon	21/03/2007
James Browne	21/03/2007
Vincent McCabe	21/03/2007
Caroline Casey	21/03/2007
Joan Johnson	21/03/2007
Tom Jordan	21/03/2007
John O'Mullane	21/03/2007
Elizabeth Ann McKay	21/03/2007
Nanno Fitzsimons	21/03/2007
Jill Long	21/03/2007
David Power	21/03/2007
Una O'Shiel	21/03/2007
Finbarr Flood	21/03/2007
Caroline Casey	21/03/2007
Margaret Hayes	01/11/2007

Health Information and Quality Authority

Name	Date
Pat McGrath	15/05/2007
Michael Barry	15/05/2007
Dan Byrne	15/05/2007
Ian Callanan	15/05/2007
Brian Meade	15/05/2007
David O'Hora	15/05/2007
Dolores Quinn	15/05/2007
Geraldine McCarthy	15/05/2007
Angela Kerins	15/05/2007
Sheila O'Connor	15/05/2007
Bryan Barry	15/05/2007
Dermot Power	15/05/2007

Health Research Board

Name	Date
Reg Shaw	12/06/2007
Michael Kerin	12/06/2007
Brian Sweeney	12/06/2007
Ena Prosser	12/06/2007
Brian Kearney	12/06/2007
Frances Ruane	12/06/2007
Conor Burke	12/06/2007
Catherine Godson	12/06/2007
Michael Griffith	12/06/2007
Tony Holohan	12/06/2007

[Deputy Mary Harney.]

Irish Blood Transfusion Service

Name	Date
Sean Wyse	07/01/2007
Mary Cahill	01/11/2007
Jane O'Brien	01/11/2007

Mental Health Commission

Name	Date
Brendan Byrne	05/04/2007
Emile Daly	05/04/2007
Marie Devine	05/04/2007
Brendan Doody	05/04/2007
Padraig Heverin	05/04/2007
Martina Kelly	05/04/2007
Mary Keys	05/04/2007
Eamonn Moloney	05/04/2007
John Redican	05/04/2007
Martin Rogan	05/04/2007
John Saunders	05/04/2007
Vicki Somers	05/04/2007
Edmond O'Dea	05/04/2007

National Cancer Screening Service

Name	Date
Sheelagh Ryan	01/01/2007
Grainne Flannelly	01/01/2007
Niall O'Higgins	01/01/2007
Ailís Ní Ríain	01/01/2007
Edel Moloney	01/01/2007
Marie Laffoy	31/01/2007
Jack Murray	31/01/2007
Martin O'Donoghue	31/01/2007
Donal Ormonde	31/01/2007
Eamonn Ryan	31/01/2007
Frank Sullivan	31/01/2007
Jane Wilde	31/01/2007

National Council On Ageing And Older People

Name	Date
Dearbháil Nic Giolla Mhichíl	29/03/2007
Pat Healy	20/06/2007

National Haemophilia Council

Name	Date
Oonagh Gilligan	22/07/2007
Jude Smith	10/12/2007

National Paediatric Hospital Development Board

Name	Date
Philip Lynch	07/06/2007
John O'Brien	07/06/2007
Brian Gilroy	07/06/2007
Owen Hensey	07/06/2007
Kathryn Raleigh	07/06/2007
Linda Dillon	07/06/2007
Vera Wegner	07/06/2007
Michael Flaherty	07/06/2007
Harry Crosbie	07/06/2007
Norah Casey	07/06/2007
Alan Finan	07/06/2007
Emma Curtis	27/08/2007

National Social Work Qualifications Board

Name	Date
Helen Hanlon	17/05/2007
Anthony Cotter	17/05/2007
Chris Curtin	17/05/2007
Patricia Ann Walsh	17/05/2007
Mary Allen	17/05/2007
Máirtín O'Fataigh	17/05/2007
Alaister Christie	17/05/2007
Anna Gibney	17/05/2007
Monica Egan	17/05/2007
Marie Mulholland	17/05/2007
Vicki Somers	17/05/2007
Mary O'Connell	17/05/2007
John Lamont	17/05/2007

National Treatment Purchase Fund Board

Name	Date
John O'Dwyer	01/05/2007
John Horan	15/05/2007
John Stephens	09/11/2007

[Deputy Mary Harney.]

Name	Date
Seán McCarthy	09/11/2007
Mary Brazil	09/11/2007
Victor Boyhan	09/11/2007
Dermot Mullane	09/11/2007
Rita Hayes	09/11/2007
Tony O'Sullivan	09/11/2007

Pharmaceutical Society of Ireland Council

Name	Date
William Boles, FPSI	22/05/2007
Cormac Deasy	22/05/2007
Noeleen Harvey	22/05/2007
Brendan Hayes	22/05/2007
Bernard Leddy	22/05/2007
Darragh O'Loughlin	22/05/2007
Ronan Quirke	22/05/2007
Peter Weedle	22/05/2007
John Feely	22/05/2007
Paul Gallagher	22/05/2007
June Nunn	22/05/2007
Cathriona Hallihan	22/05/2007
Phil O'Neill	22/05/2007
Colm Fagan	22/05/2007
Richard Durkin	22/05/2007

Postgraduate Medical And Dental Board

Name	Date
Anthony Cunningham	20/09/2007

Scientific Committee of the Food Safety Authority of Ireland. (FSAI)

Name	Date
Iona Pratt	30/01/2007

St. Luke's Hospital Board

Name	Date
Dermot Kelleher	08/05/2007
Gabriel Burke	08/05/2007
Tom Keane	24/12/2007
John McCormack	24/12/2007

Name	Date
Claire McNicholas	24/12/2007
Eugene Murray	24/12/2007
Risteard O'Laoide	24/12/2007
Arnie Hill	24/12/2007
John Kennedy	24/12/2007
Gabriel Burke	24/12/2007
Dermot Kelleher	24/12/2007
Padraic A White	24/12/2007

Voluntary Health Insurance Board

Name	Date
David Went	11/03/2007

Health Services

165. **Deputy James Reilly** asked the Minister for Health and Children if she will examine a request for transport in respect of a person (details supplied) in Dublin 13; and if she will make a statement on the matter. [37975/10]

Minister of State at the Department of Health and Children (Deputy John Moloney): As the Deputy's question relates to service matters, I have referred to the question to the Health Service Executive for direct reply to the Deputy.

Public Relations Contracts

166. **Deputy Seán Sherlock** asked the Minister for Health and Children the total annual spend for the years 2007, 2008 and 2009 on public relations, communications and media training in the Health Service Executive south region; and if she will make a statement on the matter. [38008/10]

Minister for Health and Children (Deputy Mary Harney): This is a service delivery matter and it has therefore been referred to the Health Service Executive for direct reply.

Medical Cards

167. **Deputy Paul Kehoe** asked the Minister for Health and Children the position regarding a medical card application in respect of a person (details supplied) [38012/10]

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 Services

168. **Deputy Finian McGrath** asked the Minister for Health and Children if she will support the case of a person (details supplied) [38015/10]

Minister of State at the Department of the Health and Children (Deputy Áine Brady): As this is a service matter it has been referred to the Health Service Executive for direct reply.

Departmental Investigations

169. **Deputy Jan O’Sullivan** asked the Minister for Health and Children if she will facilitate the publication of a redacted version of the review into allegations of abuse by a person (details supplied), which would black out any elements that might prejudice any pending legal actions; and if she will make a statement on the matter. [38025/10]

Minister for Health and Children (Deputy Mary Harney): I appointed the former High Court Judge, Mr. TC Smyth SC, to examine whether a further investigation into the case of Michael Shine, former Consultant at Our Lady of Lourdes Hospital, Drogheda would be of benefit.

In line with the advice of both Judge Smyth and the Attorney General I regret that, in order to avoid any danger of prejudicing legal cases, it is not possible to publish the Judge’s report or a redacted version of his report at this time.

However, I have said that I promise to examine whether it may be possible to publish a summary of the report as soon as possible.

Medical Cards

170. **Deputy Jan O’Sullivan** asked the Minister for Health and Children if all of the €230 million, which was set aside to deal with the needs of the extra number of persons who qualify for a medical card this year, will be spent; the amount of it that has been spent to date; the amount used to address the dental needs of medical card patients; and if she will make a statement on the matter. [38026/10]

Minister for Health and Children (Deputy Mary Harney): The gross current Voted allocation to the Health Service Executive is €14.139 billion. The HSE is required under the Health Act, 2004 to deliver the total quantum of health and personal services set out in the approved National Service Plan within this allocation.

A sum of €230m was included in the National Service Plan for 2010 to meet costs associated with the full year cost of the growth in medical cards during 2009 and the expected growth in the number of people qualifying for medical cards and GP visit cards in 2010.

The net increase in medical cards in 2009 was 126,440 while the number of GP visit cards increased by 12,779. The HSE Plan for 2010 projected that the number of people qualifying for medical cards and GP visit cards would increase by 144,000 and 16,111 by the end of 2010. As of 1st September 2010, there has been a net increase of 100,053 medical cards and 11,972 GP visit cards in the year to date. It is anticipated that the total net increase by year end will be in the region of 142,885 medical cards and 17,530 GP visit cards.

While the HSE has introduced measures to contain Dental Treatment Services Scheme (DTSS) expenditure at the 2008 level of approximately €63 million, it is projected that expenditure on the DTSS will reach €79 million by the end of the year.

The €230m referred to above is included in Subhead B6 of the HSE Vote which includes funding for all community schemes, including the medical card services scheme. Although voted expenditure to end-September on this subhead is below profile the latest financial projections show that overall the HSE would have a significant expenditure overrun in the absence of taking appropriate corrective action and that there will be very substantial shortfall in health contribution receipts. It is essential that the HSE, in consultation with my Department and the Department of Finance, manages the delivery of its Service Plan and associated expenditure in order to live within its overall allocation for this year.

Hospitals Building Programme

171. **Deputy Jan O’Sullivan** asked the Minister for Health and Children the amount of money

ring-fenced for the development of a national children's hospital; if the money to fit-out the hospital is included in the overall capital budget; the amount of the shortfall; and if she will make a statement on the matter. [38027/10]

Minister for Health and Children (Deputy Mary Harney): The total estimated cost for the development of the new national paediatric hospital is €650 million. €400m is committed by the Exchequer and €50 million committed by the HSE. The balance will be met from commercial and other sources (e.g. carpark, commercial units, research funding, private clinics, Universities and Medical Schools) and from philanthropic initiatives. It is a function of the Development Board to pursue philanthropic sources of funding and it is working on this issue.

The Deputy's questions regarding the actual breakdown of costs have been referred to the HSE for direct reply.

Hospital Services

172. **Deputy Jan O'Sullivan** asked the Minister for Health and Children if the extra costs to hospitals associated with the cold spell at the start of 2010 had to be paid for under the overall yearly allocation or if extra funding was provided for overtime and extra staff costs; if she will provide breakdown by hospital of such costs; and if she will make a statement on the matter. [38028/10]

Minister for Health and Children (Deputy Mary Harney): In approving the HSE National Service Plan 2010 earlier this year, I highlighted to the Executive the need to deliver, at a minimum, the levels of service set out in the Plan as well as operating within the limits of its allocation of €14.140bn, as set out in the Revised Estimates Volume. These requirements include operating within budget during times of critical pressure.

With regard to the Deputy's request for a breakdown by hospital of any extra costs associated with the cold spell, my Department has requested the Parliamentary Division of the Executive to provide any such information as may exist and to have a reply issued directly to the Deputy.

Health Services

173. **Deputy Jan O'Sullivan** asked the Minister for Health and Children when the post of Chief Executive Officer of a hospital (details supplied) will be advertised; and if she will make a statement on the matter. [38029/10]

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 Services

174. **Deputy Bernard J. Durkan** asked the Minister for Health and Children when a person (details supplied) in County Kildare will undergo a surgical procedure; and if she will make a statement on the matter. [38060/10]

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

175. **Deputy Bernard J. Durkan** asked the Minister for Health and Children when a medical card will issue in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [38061/10]

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.

176. **Deputy Bernard J. Durkan** asked the Minister for Health and Children when a medical card review will be undertaken in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [38062/10]

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.

Departmental Staff

177. **Deputy Richard Bruton** asked the Minister for Health and Children the number of staff in her Department primarily employed in one of a number of areas (details supplied) in tabular form; and if she will make a statement on the matter. [38066/10]

Minister for Health and Children (Deputy Mary Harney): The number of staff in my Department primarily employed in the areas specified are set out below:

Area	WTE	Note
Entitlement Processing	14.00	These staff are primarily involved in the processing and maintenance of files related to entitlements under the Early Childhood Care & Education (ECCE) Scheme and the Community Childcare Subvention (CCS) Scheme.
Inspections	0.00	There are no staff at the Department directly employed in carrying out inspections. This type of activity is the responsibility of the Health Service Executive and Health Information & Quality Authority. The Department sets policy, makes regulations and approves standards to assist and inform the inspection process.
ICT	8.50	The ICT Unit's primary role is to provide a range of IT services to the Department, the Adoption Board, the Office of the Disability Appeals Officer and the Office of the Ombudsman for Children. In addition the unit has a role in the development of ICT policy for the Health Service Executive and other agencies under the remit of the Department.
HR (Internal)	12.90	This unit deals with managing the Department's internal human resource function i.e. staff employed directly in the Department.
National HR & Manpower Planning	39.60	This Division of the Department deals with HR policy in the public health service including: workforce planning; monitoring numbers; pension policy; rationalisation of health agencies, medical indemnity and providing advice and support on industrial relations matters to agencies under the remit of the Department.
Procurement	0.00	The Department has one Procurement Officer who provides policy advice to Units across the Department. Line units carry out procurements as and when the need arises, subject to procurement rules and procedures. Both the Procurement Officer and staff in other Units combine procurement with a range of other duties.
Legal Services	4.73	This unit provides legal advice to the Minister and the Department.

Health Services

178. **Deputy Noel Ahern** asked the Minister for Health and Children the service levels available to applicants for over 70 years medical card; if there is a maximum period for processing and if compensation for medical expenses during the delay period can be made in respect of persons (details supplied) [38073/10]

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.

Medical Cards

179. **Deputy Jack Wall** asked the Minister for Health and Children the position regarding the refusal of an application for a full medical card on medical grounds in respect of persons (details supplied) in County Kildare; and if she will make a statement on the matter. [38124/10]

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 Services

180. **Deputy Finian McGrath** asked the Minister for Health and Children if she will support the case of a person (details supplied) in Dublin 5 [38150/10]

Minister of State at the Department of the Health and Children (Deputy Áine Brady): As this is a service matter it has been referred to the Health Service Executive for direct reply.

181. **Deputy Billy Timmins** asked the Minister for Health and Children the position regarding a matter (details supplied); and if she will make a statement on the matter. [38155/10]

Minister of State at the Department of the Health and Children (Deputy Áine Brady): As this is a service matter it has been referred to the Health Service Executive for direct reply.

Mental Health Services

182. **Deputy Joan Burton** asked the Minister for Health and Children if her attention has been drawn to the fact that under recent procedural changes, introduced on the grounds of economy, persons availing of the psychiatric service are required to present prescriptions for medication, provided by that service, to their local general practitioner prior to presentation to a pharmacist in contrast to the previous practice of presenting those prescriptions directly to the pharmacist; the amount of savings to the Exchequer that will accrue from the arbitrary duplication of services; and if she will make a statement on the matter. [38164/10]

Minister for Health and Children (Deputy Mary Harney): The HSE has recently brought the arrangements for the supply of medicines to medical card holders attending mental health outpatient clinics in the area of the former Eastern Regional Health Authority into line with those operating in the rest of the country.

In line with clinical best practice it is considered worthwhile that patients have contact with their GP, establishing a valuable link between primary and secondary care services that might otherwise be less frequent. As GPs receive an annual capitation fee per GMS patient there are no extra costs incurred.

Children in Care

183. **Deputy Seán Ó Fearghaíl** asked the Minister for Health and Children her views on correspondence (details supplied); and if she will make a statement on the matter. [38169/10]

Minister of State at the Department of Health and Children (Deputy Barry Andrews): After-care is recognised as a key element to achieving positive outcomes for young people leaving care, aiming to assist young people in care in bridging the transition from care to independent adult life in the community.

Aftercare is provided for under Section 45 of the Child Care Act, 1991, which states:

“45.—(1) (a) Where a child leaves the care of a health board, the board may, in accordance with subsection (2), assist him for so long as the board is satisfied as to his need for assistance and, subject to paragraph (b), he has not attained the age of 21 years.

(b) Where a health board is assisting a person in accordance with subsection (2)(b), and that person attains the age of 21 years, the board may continue to provide such assistance until the completion of the course of education in which he is engaged.

Consideration has been given to the legal position with regard to the provisions of aftercare services, having regard to the existing legislative provisions of the Child Care Act 1991. In relation to calls from agencies to place Aftercare on a statutory footing, i.e. to amend Section 45 of the Child Care Act, 1991 from a “may” to a “shall”, the legal advice is that the Act creates a statutory power, and the HSE, as recipient of this power, must put itself in a position where it can exercise the power should the need arise. There is therefore no need to amend the Act as has been suggested.

In order to ensure that there was no doubt about the matter and to emphasise the importance of aftercare services, in accordance with Section 45(4) of the Child Care Act, I wrote to the HSE in June clarifying the issue and directing the HSE to formulate and implement aftercare policies.

In accordance with the findings of the Report of the Commission to Inquire into Child Abuse, 2009 the Government prepared an Implementation Plan in July 2009 and funding of €1.0m was set aside by the HSE in its 2010 Service Plan, for the development of aftercare services in 2010. The HSE are in the process of recruiting ten additional Aftercare workers effective from 1st November, 2010 and have provided funding to the Irish Association of Young People in Care (IAYPIC) to develop a national advocacy and support service for young people in care, leaving care and aftercare.

My Office has developed proposals to ensure the implementation of Recommendation No. 16 of the Implementation Plan and a National Aftercare Policy is currently being developed to be made widely available to the relevant care staff, service providers and will be made available on the Office of the Minister for Children and Youth Affairs website.

Road Traffic Offences

184. **Deputy Tom Hayes** asked the Minister for Transport the changes in the future relating to the impairment test for drug drivers; the way this test is currently implemented and his plans to improve this system. [38021/10]

186. **Deputy Tom Hayes** asked the Minister for Transport his plans to tackle the issue of drug driving; the measures he will take to reduce this road safety hazard; and if he will make a statement on the matter. [38020/10]

Minister for Transport (Deputy Noel Dempsey): I propose to take Questions Nos. 184 and 186 together.

It is illegal under the current legislation to drive under the influence of drugs in Ireland. Enforcement of the law on driving under the influence of drugs is a matter for An Garda Síochána. When a member of the Garda suspects that a motorist is driving under the influence of any intoxicant, the Garda may arrest the driver under Section 49 of the Road Traffic Act 1961 (as amended by the 2004 Road Traffic Act).

However, identifying the presence of drugs is more complex than for alcohol. Roadside drug testing would be key to tackling this issue but 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.

In the interim and 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 Garda 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.

Public Transport

185. **Deputy Thomas P. Broughan** asked the Minister for Transport the number of buses in the Bus Éireann and Dublin Bus fleets in 2008, 2009 and 2010; and if he will make a statement on the matter. [37969/10]

Minister for Transport (Deputy Noel Dempsey): This is an operational matter for Bus Éireann and Dublin Bus and the information requested by the Deputy is available from the companies directly.

Question No. 186 answered with Question No. 184.

Departmental Staff

187. **Deputy Richard Bruton** asked the Minister for Transport the number of staff in his Department primarily employed in one of a number of areas (details supplied) in tabular form; and if he will make a statement on the matter. [38069/10]

Minister for Transport (Deputy Noel Dempsey): The information requested by the Deputy is set out in the following table. Number of Staff employed by area:

Name of area	Entitlement Processing	Inspections	IT	HR	Procurement	Legal Services
Number of staff	0	39.6	32	16.23	6	2

Staff employed on inspections covers aviation security, marine survey, ship and port safety and security inspections. Staff in the IT area includes essential IT technical support for the Driver and Vehicle Computer Services Division in Shannon.

My Department is active on the Working Group for the Human Resources Shared Services Committee (HRSSC) and is working towards the timeframe set out for the implementation of

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HR Shared Services in the Civil Service, which will ultimately reduce the number working in the HR area in my Department.

188. **Deputy John O'Mahony** asked the Minister for Transport the number of persons employed on temporary contract and cost to his Department and any agencies under his Department for same in tabular form for 2008 and 2009; and if he will make a statement on the matter. [38137/10]

Minister for Transport (Deputy Noel Dempsey): Details as requested by the Deputy for 2008 and 2009 are contained in the following table.

Temporary Contracts and costs

Department/Agency	2008 FTE Number	2008 Cost	2009 FTE Number	2009 Cost
		€		€
Department of Transport	33	198,530	8.0	59,683
Railway Safety Commission (RSC)	1	25,000	1.0	25,000
Medical Bureau of Road Safety(MBRS)	1	15,000	0.0	0
Road Safety Authority (RSA)	47	593,952	17.0	306,782
National Roads Authority (NRA)	12	1,109,801	9.5	1,078,579
Commission for Aviation Regulation (CAR)	4	0	7.0	0
Commission for Taxi Regulation (CTR)	11.5	0	15.5	0
National Transport Authority (NTA)	8	252,774	8.0	374,369

With the exception of two of the Department's agencies the trend has been to reduce reliance on temporary contracts over the period in question. The full time equivalent (FTE) staff number is based on a full year with some staff commencing and ending employment throughout 2008 and 2009. The cost of temporary contract staff are industry funded in two of the agencies with no net impact to the exchequer.

Road Traffic Accidents

189. **Deputy Seán Ó Fearghail** asked the Minister for Transport his views on correspondence (details supplied); and if he will make a statement on the matter. [38167/10]

Minister for Transport (Deputy Noel Dempsey): It is an unfortunate fact that younger drivers are disproportionately represented in traffic accidents, in this jurisdiction and others. Actions 72, 73 and 74 of the Road Safety Strategy 2007–2012 relate to the introduction of a Graduated Driver Licensing System (GDLS), and the Strategy outlines a range of measures to be considered in relation to the GDLS. The aim of a GDLS is to improve driver learning and reduce accidents involving learner drivers. Following a lengthy consultation process, the Road Safety Authority (RSA) produced a series of proposals which I have approved in principle, and these were published by the RSA in early September of this year. Work is now underway on the implementation of these proposals.

I am satisfied that the proposals made by the RSA will significantly improve driver training and make a real contribution to safety on our roads. I do not propose to include the measures suggested in the correspondence referred to by the Deputy in the GDLS.

Public Transport

190. **Deputy Joe Costello** asked the Minister for Transport the public service obligations

paid to the Railway Procurement Agency for 2009 and to date in 2010; and if he will make a statement on the matter. [38172/10]

Minister for Transport (Deputy Noel Dempsey): Exchequer subvention for public services obligation services (PSO) was paid to the Railway Procurement Agency (RPA) in 2009. Since December 2009 payment of subvention in respect of PSO services is a matter for the National Transport Authority. I understand no subvention has been paid to the RPA in 2010.

Tribunals of Inquiry

191. **Deputy Thomas P. Broughan** asked the Minister for Justice and Law Reform his plans to make a public apology on behalf of the State to the survivors and relatives of the 1981 Stardust tragedy in view of the findings of the landmark 2009 Coffey report and the rebuttal of the arson finding of the earlier, now discredited Keane report; and if he will make a statement on the matter. [37984/10]

192. **Deputy Thomas P. Broughan** asked the Minister for Justice and Law Reform if he will meet a delegation of the Stardust Victims and Relatives Committee in the context of the 2009 Coffey report and address all outstanding issues from the 1981 inferno at the Stardust nightclub; and if he will make a statement on the matter. [38161/10]

197. **Deputy Thomas P. Broughan** asked the Minister for Justice and Law Reform the reason the victims of the Stardust Fire disaster in 1981 have not had verdicts recorded on their deaths as stipulated under the 1962 Coroners' Act; and if he will make a statement on the matter. [37982/10]

203. **Deputy Thomas P. Broughan** asked the Minister for Justice and Law Reform his plans to make a public apology on behalf of the State to the survivors and relatives of the 1981 Stardust tragedy in view of the findings of the 2009 Coffey report of the arson findings of the earlier, now discredited Keane report; and if he will make a statement on the matter. [38160/10]

204. **Deputy Thomas P. Broughan** asked the Minister for Justice and Law Reform if he will meet a delegation of the Stardust Victims and Relatives Committee in the context of the 2009 Coffey report and address all outstanding issues from the 1981 inferno at the Stardust nightclub; and if he will make a statement on the matter. [38162/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): I propose to take Questions Nos. 191, 192, 197, 203 and 204 together.

As the Deputy will recall, on 3 February 2009 I moved a motion in this House which noted the report of Mr. Paul Coffey SC into the investigation of the Stardust tragedy and acknowledged that the cause of the fire is unknown, that the original finding of arson is a mere hypothetical explanation not demonstrated by any evidence and that none of the persons present on the night of the fire can be held responsible for it. The motion went on to express continuing and deep sympathy with all of the victims and bereaved of the tragedy. I am pleased that the motion had the unanimous support of Dáil Éireann and that a similar motion was subsequently unanimously supported in Seanad Éireann. It was also important that members of the Stardust Victims Committee were able to be present at both significant events. At the time I myself expressed the hope that this very formal and public acknowledgement by the Oireachtas might provide some small amount of resolution or closure to the families.

In moving these motions, and acknowledging that the cause of the fire is unknown, the Government implemented in full Mr. Coffey's primary recommendation, fulfilling the commitment inherent in the decision to establish an independent examination of the Committee's case,

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in accordance with terms of reference agreed with the Committee. Insofar as his discretionary recommendation concerning outstanding medical and counselling needs is concerned, arrangements have been put in place to provide services to those victims or bereaved who wish to access such services through this channel and a number have chosen to do so.

I can also inform the Deputy that there are ongoing discussions with the Stardust Victims Committee concerning the forthcoming 30th anniversary of the tragedy and related matters and am pleased to note that arrangements have been made for officials to brief local Deputies on how this event might be approached.

Finally, insofar as the coroner's verdicts in these cases is concerned, under the Coroners Act 1962, a Coroner is a statutory officer exercising quasi-judicial functions in relation to which he/she is independent and neither I nor my Department has any role in individual cases or in reviewing the verdict in any particular case.

Residency Permits

193. **Deputy Dinny McGinley** asked the Minister for Justice and Law Reform if a stamp 4 residency permit will be granted to a person (details supplied) in County Donegal [37945/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): I have been informed by the Irish Naturalisation and Immigration Service that the administrative scheme mentioned by the Deputy is administered by the Garda National Immigration Bureau. The person referred to should be advised to apply to his local immigration officer who will determine whether the qualifying criteria are met.

Liquor Licensing laws

194. **Deputy Thomas P. Broughan** asked the Minister for Justice and Law Reform the number of licensed premises in the Dublin region closed down for serving alcohol to persons aged under 18 years and to intoxicated persons for the years 2007, 2008, 2009 and to date in 2010; and if he will make a statement on the matter. [37967/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): The Garda Síochána Act 2005 makes provision for the compilation and publication of crime statistics by the Central Statistics Office, as the national statistical agency, and the CSO has established a dedicated unit for this purpose.

I have requested the CSO to provide statistics directly to the Deputy.

Criminal Injuries Compensation Tribunal

195. **Deputy Thomas P. Broughan** asked the Minister for Justice and Law Reform the persons eligible to apply to the Criminal Injuries Compensation Tribunal; the mechanism for applying to the tribunal; the number of applications dealt with at each sitting of the tribunal; the scale of compensatory awards available to the tribunal; the number of times the tribunal has sat in 2005, 2006, 2007, 2008, 2009 and to date in 2010; the number of awards that were allocated in the same time period; and if he will make a statement on the matter. [37971/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): I can inform the Deputy that under the terms of the Scheme of Compensation for Personal Injuries Criminally Inflicted, any person who suffers personal injury where the injury is directly attributable to a crime of violence within the jurisdiction of the Irish State or aboard an Irish ship or aircraft may apply for compensation to the Criminal Injuries Compensation Tribunal. A copy of the aforesaid Scheme, or an application pursuant to said Scheme, can be made available on request by the

Tribunal, or by printing a copy of the Scheme, or an application form from the Department's website. (Website link:

http://www.justice.ie/en/JELR/Pages/Criminal__Injuries__Compensation__Scheme).

As the Deputy is aware, the Criminal Injuries Compensation Tribunal is an independent body and I have no role in its examination of individual applications. However, in order to be of assistance in the matter, I have had enquiries made with the Tribunal and understand that Article 25 of the Scheme provides that applications are considered in the first instance by an individual Tribunal Member who makes a decision based on the file papers. If an applicant is not satisfied with the decision of the Tribunal Member she/he may lodge an appeal with the Tribunal. At appeal, the Tribunal considers the application de novo by means of an oral hearing before three Tribunal Members, excluding the Member who made the decision under appeal. Also at appeal, an award may be confirmed, increased or reduced, or no award made.

I am informed that the scale of compensation available to an applicant is determined on the basis of the out of pocket expenses incurred by the applicant as a result of his/her injuries. I am also informed that the number of awards paid by the Tribunal during the years concerned are as follows:

Year	Number
2005	26
2006	121
2007	52
2008	122
2009	111
2010 to date	109

Garda Strength

196. **Deputy Mary Wallace** asked the Minister for Justice and Law Reform the number of gardaí assigned to County Meath in 2010; if he will provide the comparative figures for the previous ten years; if the increase in numbers is reflects the increase in population in that period; and if he will make a statement on the matter. [37979/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): I have been informed by the Garda Commissioner that the personnel strength of each Garda Station in the Meath Garda Division on 31 December 2000 to 2009 and also on the latest date for which figures are readily available, is as set out in the following table:

Station	'00	'01	'02	'03	'04	'05	'06	'07	'08	'09	'10
Ashbourne	38	36	37	37	40	37	49	44	49	48	50
Dunboyne	16	16	15	13	12	14	14	16	14	18	15
Dunshaughlin	11	11	11	11	10	9	9	21	22	27	25
Athboy	5	5	6	6	6	6	6	6	6	6	6
Crossakeel	2	1	1	0	0	0	0	0	1	0	1
Kells	32	33	31	34	31	32	37	45	48	51	50
Oldcastle	4	4	4	4	4	3	4	4	4	3	4
Duleek	4	4	3	4	4	3	3	3	3	2	4
Laytown	7	8	7	7	8	8	10	12	19	26	26
Navan	45	44	47	49	46	45	48	57	75	79	77

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Station	'00	'01	'02	'03	'04	'05	'06	'07	'08	'09	'10
Nobber	3	3	3	3	3	3	3	3	3	3	3
Slane	4	4	4	4	4	4	3	4	3	3	4
Ballivor	2	2	2	2	3	2	2	3	3	3	3
Enfield	19	19	16	17	16	13	14	12	11	8	7
Kilmessan	1	1	1	0	0	0	0	1	1	1	1
Longwood	0	0	0	0	0	1	1	1	2	3	2
Summerhill	2	2	2	2	2	2	2	2	2	3	3
Trim	24	25	24	25	25	23	25	30	33	31	34

The detailed allocation of Garda resources, including the allocation of personnel to various Divisions, is a matter for the Garda Commissioner in consultation with senior management. The deployment of Garda personnel throughout the country, together with overall policing arrangements and operational strategy, is continually monitored and reviewed. Such monitoring ensures that optimum use is made of Garda resources, and the best possible Garda service is provided to the public.

Question No. 197 answered with Question No. 191.

Garda Investigations

198. **Deputy Thomas P. Broughan** asked the Minister for Justice and Law Reform the reason no full criminal investigation has ever taken place into the Stardust fire disaster of 1981; and if he will make a statement on the matter. [37983/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): I can inform the Deputy that An Garda Síochána commenced an investigation into the incident referred to which occurred on 14 February, 1981, resulting in the deaths of forty-eight (48) people, during which over 1,600 statements were taken. Following extensive enquiries during which a large number of persons were interviewed an Investigation File was submitted to the Law Officers and directions were received on 25 August, 1982 directing no criminal prosecution.

In February 2004 further materials were received from the (then) Department of Justice, Equality and Law Reform and an Investigation Team was appointed by the Commissioner to review this material and the original investigation conducted in 1981. This Review concluded that the additional materials provided did not result in any new evidence coming to light that was not already in the possession of An Garda Síochána and available to the original Investigation Team, which remains the position.

Any new matters coming to the attention of An Garda Síochána will be examined and fully investigated.

Citizenship Applications

199. **Deputy Jack Wall** asked the Minister for Justice and Law Reform the position regarding the case of a person (details supplied); the actions the person must take; and if he will make a statement on the matter. [38041/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): A valid application for a certificate of naturalisation from the person referred to in the Deputy's Question were received in the Citizenship Division of my Department in June 2007. I decided in my absolute discretion

not to grant a certificate of naturalisation and the reasons for refusal was disclosed to the applicant in a letter issued to him on 1 April, 2010.

There is no appeals process under the Irish Nationality and Citizenship Act, 1956, as amended.

It is open to the person in question to lodge a new application for a certificate of naturalisation with the Citizenship Division of my Department at any time. However, in doing so he should bear in mind the reasons for refusal of the previous application.

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.

Garda Vetting Services

200. **Deputy Willie Penrose** asked the Minister for Justice and Law Reform if he will confirm that in the event of the Garda Vetting Unit issuing the appropriate clearance certificate, that the certificate is adequate for all purposes and organisations, irrespective of the fact that same had been issued to a particular organisation; if directions can be issued to clarify same; and if he will make a statement on the matter. [38072/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): The Garda Central Vetting Unit (GCVU) provides employment vetting for a large number of organisations in Ireland registered with the Gardaí for this purpose and which employ persons in a full-time, part-time, voluntary or training capacity to positions where they would have substantial, unsupervised access to children and/or vulnerable adults.

Garda vetting certificates are issued to registered organisations in response to a written request and with the permission of the person who is the subject of that request. These applications are made by registered organisations in respect of a particular post or employment. Decisions on the suitability for the recruitment/engagement of the person concerned rest at all times with the recruiting organisation.

Garda vetting certificates are issued solely to the registered organisation's authorised signatory. The certificate is non-transferable and cannot be disclosed to any other organisation outside that which sought the Garda vetting.

Departmental Staff

201. **Deputy John O'Mahony** asked the Minister for Justice and Law Reform the number of persons employed on temporary contract and cost to his Department and any agencies under his Department for same in tabular form for 2008 and 2009; and if he will make a statement on the matter. [38134/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): It has not been possible to collate all the information the Deputy has requested, in the time available. I will revert to the Deputy when the information is to hand.

Garda Vetting Services

202. **Deputy Noel Ahern** asked the Minister for Justice and Law Reform the average waiting period for Garda clearance; the measures being taken to speed up the Garda vetting process and reduce the backlog; when an person (details supplied) will receive clearance [38157/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): The Garda Central Vetting Unit (GCVU) provides employment vetting for a large number of organisations in Ireland registered with the Gardaí for this purpose and which employ persons in a full-time, part-time, voluntary or training capacity to positions where they would have substantial, unsupervised access to children and/or vulnerable adults.

The processing time for vetting applications fluctuates in line with periods of increased demand. Furthermore, additional time may be required to process an individual vetting application in cases where clarification is required as to the details provided or where other inquiries need to be made, for example, when the person in question has lived and worked abroad. There will always be a reasonably significant time period required to process a vetting application. Registered organisations have been advised to take account of this in their recruitment and selection process. However, the Gardaí make every effort to reduce this to the minimum possible consistent with carrying out the necessary checks. I am informed by the Garda Authorities that the current average processing time for vetting applications received at the GCVU is approximately 12 weeks.

The allocation of Garda resources, including personnel, is a matter for the Garda Commissioner. Due to the high volume of applications, an additional ten persons have recently been recruited to the Vetting Unit on a temporary basis. In addition, overall staffing arrangements at the Unit are kept under review.

I am informed by the Garda authorities that a vetting application was received by the Garda Central Vetting Unit in respect of the person to whom the Deputy refers. A response to the application was returned to the registered organisation involved on 8 October 2010.

Questions Nos. 203 and 204 answered with Question No. 191.

Human Rights Issues

205. **Deputy Michael Creed** asked the Minister for Foreign Affairs if he will confirm that he has received correspondence from an Irish citizen (details supplied) in Thailand; and if he will make a statement on the matter. [37933/10]

Minister for Foreign Affairs (Deputy Micheál Martin): My Department became aware of the alleged abduction of the child mentioned by the Deputy, an Irish citizen, on 4 June when his father contacted our Honorary Consul in Phuket to express his concern about his whereabouts. On 5 June, our Honorary Consul accompanied the father to the police in Phuket where he reported his son as having been abducted by his mother. On 9 June, the father appointed a lawyer, with the assistance of our Honorary Consul, who would represent in Thailand. I understand that this matter is now under investigation by the Thai police and, to date, the child has not been located. Our Honorary Consul has no role in the investigation of this alleged abduction and the father has been advised to liaise on the details of the investigation with the Thai police using the services of his lawyer.

My Office has written to the father concerned on two occasions, once in early July and more recently last week emphasising the need for him to stay in close contact with the Thai police on this matter using the services of his lawyer. As the Deputy will appreciate, the operational responsibility for this matter is for the Thai Police Authorities. Our Honorary Consul in Phuket and our Embassy in Kuala Lumpur have been following this case closely and have remained in contact with the father. I can assure you that they will continue to provide all possible consular assistance to the father in relation to this case.

Departmental Staff

206. **Deputy John O'Mahony** asked the Minister for Foreign Affairs the number of persons employed on temporary contract and cost to his Department and any agencies under his Department for same in tabular form for 2008 and 2009; and if he will make a statement on the matter. [38133/10]

Minister for Foreign Affairs (Deputy Micheál Martin): The information requested by the Deputy in respect of my Department is set out in the table below. There are no agencies under the aegis of the Department.

Post	Numbers employed in 2008	Salary Scales	Number employed in 2009	Salary Scales
Temporary Clerical Officers	111	Clerical Officer Standard Scale €23,175 – €37,584 per annum	53	Clerical Officer Standard Scale €23,175 – €37,584 per annum
Interns	15	Executive Officer Standard Scale €30,566 – €48,504 per annum	8	Executive Officer Standard Scale €30,566 – €48,504 per annum
Junior Professional Interns Irish Aid	0		20	Executive Officer Standard Scale €30,566 – €48,504 per annum
Press Officer Irish Aid	1	Assistant Principal Higher Scale €72,681 – €90,884 per annum	1	Assistant Principal Higher Scale €72,681 – €90,884 per annum
Field Information Officer Irish Aid	1	Assistant Principal Standard Scale €66,179 – €82,520 per annum	1	Assistant Principal Standard Scale €66,179 – €82,520 per annum
Special Advisers to the Ministers	4	Principal Officer Standard Scale €86,168 – €106,582 per annum (1 officer also receives a 10% attraction allowance)	4	Principal Officer Standard Scale €86,168 – €106,582 per annum (1 officer also receives a 10% attraction allowance)
Other Ministerial Staff	May 08 – December 3 1 1 1 January 08 – May 08 2 1 1	Secretarial Assistant Scale €23,182 – €44,727 plus a 10% Attraction Allowance Higher Executive Officer Standard Scale €46,558 – €59,097 per annum Parliamentary Assistant Scale €41,092 – €52,200 per annum (plus 10% attraction allowance) Executive Officer Standard Scale €30,566 – €48,504 per annum Higher Executive Officer Standard Scale €45,422 – €57,656 per annum Parliamentary Assistant Scale €40,090 – €50,927 per annum (plus 10% attraction allowance) Executive Officer Higher Scale €29,820 – €49,180 per annum	3 1 1 1 1 1	Secretarial Assistant Scale €23,182 – €44,727 plus a 10% Attraction Allowance Higher Executive Officer Standard Scale €46,558 – €59,097 per annum Parliamentary Assistant Scale €41,092 – €52,200 per annum (plus 10% attraction allowance) Executive Officer Standard Scale €30,566 – €48,504 per annum Higher Executive Officer Standard Scale €45,422 – €57,656 per annum Parliamentary Assistant Scale €40,090 – €50,927 per annum (plus 10% attraction allowance) Executive Officer Higher Scale €29,820 – €49,180 per annum

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Post	Numbers employed in 2008	Salary Scales	Number employed in 2009	Salary Scales
	1	Secretarial Assistant Scale €22,616 – €43,636 plus a 10% Attraction Allowance		
Temporary Civilian Drivers	May 08 – December 08 4 January 08 – May 084 4	Temporary Civilian Driver €33,977 per annum Temporary Civilian Driver €33,135 per annum	4	Temporary Civilian Driver €33,977 per annum
Temporary Cleaners	2	Cleaners Standard Scale €20,914 – €23,690 per annum	1	Cleaners Standard Scale €20,914 – €23,690 per annum

In some of the above cases the staff were employed for only a part of the year in question. In the time available it has not been possible to establish the total annual cost in respect of each post.

The above figures exclude persons on temporary contacts in missions abroad.

Overtime, travel and subsistence expenses are paid in accordance with normal civil service regulations.

Overseas Development Aid

207. **Deputy Joe Costello** asked the Minister for Foreign Affairs the main new EU proposals in the Lisbon treaty in relation to humanitarian aid, natural disasters and conflict resolution; the role he envisages for Ireland in these matters; and if he will make a statement on the matter. [38174/10]

Minister of State at the Department of Foreign Affairs (Deputy Peter Power): The European Union and its Member States are collectively the largest donor of development assistance in the world. Working together we have an impact and an influence far beyond that of any single Member State.

The Lisbon Treaty has promoted a more sharply focused response to humanitarian crises. For the first time, the EU has a specific legal basis for humanitarian aid, which underlines the principles of international law, impartiality and non-discrimination. The EU and its Member States are also legally obliged by the Treaty to work much more closely together. This has enabled Ireland to generate a stronger international consensus on the priorities we have identified in the fight against hunger and poverty—hunger and nutrition, the poorest countries and communities in Africa, and making aid more effective.

A very early test of the new arrangements under Lisbon was the response to the earthquake in Haiti which took place less than a fortnight after the treaty entered into force. An emergency meeting of Ministers agreed a common EU response which was co-ordinated through the new Lisbon foreign policy structures.

Ireland played its part in this Haiti operation, carrying out two major airlifts of emergency shelter, water and sanitation equipment from our emergency stockpiles.

At the International Conference on the Reconstruction of Haiti, the EU spoke as one through the High Representative Catherine Ashton, who pledged over €1.2 billion for the

reconstruction of Haiti. That figure is the combination of all funding from EU Member States and the Commission, including the €13 million pledged by Ireland.

Ireland is actively involved in an EU process aimed at further improving our combined response when a crisis strikes. Like a number of Member States, Ireland has a rapid response corps — a roster of high trained and highly skilled individuals who can be deployed in an emergency.

We are working with the Commission and other Member States to determine how these national initiatives can work more closely together and under an EU umbrella. The priority is to ensure that the combined EU response is quick, coherent and effective.

The Treaty of Lisbon makes specific reference to the need to use its common policies and actions to work towards the prevention of conflict. The values enshrined in the Treaty — the rule of law, the protection and promotion of human rights and support for the principles of the UN Charter — are those that underpin the Union's commitment to the peaceful settlement of disputes. The Treaty gives the Union the tools it needs to speak with a clear voice on the international stage and to engage in more effective conflict prevention and peacekeeping.

Pension Provisions

208. **Deputy Billy Timmins** asked the Minister for Social Protection the position regarding a matter (details supplied); and if he will make a statement on the matter. [38018/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): Under the Pensions Act, defined benefit pension schemes must meet a minimum Funding Standard which requires that schemes maintain sufficient assets to enable them discharge their accrued liabilities in the event of the scheme winding up.

The Government is fully aware of the pressures being faced by all defined benefit schemes due to the recent market downturn. Over the last two years, the Government has introduced a range of measures to assist pension funds. These included the granting of extra time for schemes to submit funding proposals.

Other measures introduced in last year's Social Welfare and Pensions Act allowed for the restructuring of underfunded schemes and for a more equitable distribution of assets in the event of the wind-up of an underfunded defined benefit scheme.

In recognition of the ongoing funding difficulties experienced by defined benefit pension schemes, last week I announced that the new defined benefit model as outlined in the National Pensions Framework would be fast-tracked with a view to its introduction, following legislative change, by July 2011. It is envisaged that the new DB model will consist of a core benefit element which would have to be guaranteed and a non-core element, which would be payable depending on economic conditions and which should be secured in years of good scheme performance.

On the basis of this decision, the Deputy will be aware that the Pensions Regulator announced that the November deadline for receipt of funding proposals has been further extended. The Regulator will announce shortly the new extended timeframe for such proposals.

The proposal for a sovereign annuity mentioned by the Deputy is also being given serious consideration. It must be stressed that the issue is by no means straightforward and the benefits and risks involved for all stakeholders are being fully assessed.

Social Welfare Appeals

209. **Deputy Finian McGrath** asked the Minister for Social Protection if he will support a matter (details supplied) [37972/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): I am advised by the Social Welfare Appeals Office that in appeals for Family Income Supplement, where it appears that the reason for the decision may not have been fully understood, the letter of appeal is referred to Family Income Supplement section requesting that the decision be clarified to the appellant. The person is advised that if s/he is still not satisfied following receipt of this clarification that the appeal will be formally registered and processed.

In the case of the person concerned his/her letter of appeal was forwarded to Family Income Supplement section for clarification on 16 July 2010. Section 247 2 (6) of the Social Welfare Consolidation Act 2005 provides that where Family Income Supplement and Jobseekers Allowance would be payable to, or in respect of a person, in respect of the same period, only one shall be paid. At the time of application, the person concerned was included as an Adult Dependant on their partner's Jobseekers Allowance claim. If FIS was awarded to the person concerned, the partner's Jobseekers Allowance would be adjusted to the weekly rate of €176.30 giving a weekly rate of Family Income Supplement of €98.00. This would result in a reduction of the total household income. The claim for Family Income Supplement was therefore refused on the basis that it was financially more beneficial for the person concerned to remain as a Qualified Adult on their partner's Jobseekers Allowance Claim.

If the person concerned is still not satisfied with this explanation, they should write to the Appeals Office stating clearly the grounds of the appeal.

Social Welfare Benefits

210. **Deputy Finian McGrath** asked the Minister for Social Protection if he will support a matter (details supplied) [37973/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): The Health Service Executive (HSE) has advised that according to its records, it has not received an application for mortgage interest supplement from the person concerned.

Social Welfare Appeals

211. **Deputy Billy Timmins** asked the Minister for Social Protection the position regarding a matter (details supplied); and if he will make a statement on the matter. [37999/10]

212. **Deputy Billy Timmins** asked the Minister for Social Protection the position regarding a matter (details supplied); and if he will make a statement on the matter. [38000/10]

216. **Deputy Emmet Stagg** asked the Minister for Social Protection if his attention has been drawn to the fact that appeals requiring an oral hearing in the social welfare appeals office are being delayed with the office dealing only with appeals lodged in August 2009 at present; if he will investigate this matter with a view to sanctioning additional staff to clear the backlog; and if he will make a statement on the matter. [38165/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): I propose to take Questions Nos. 211, 212 and 216 together.

I am informed by the Social Welfare Appeals Office that the average time to process all appeals is at present 28 weeks. Carers allowance appeals take 29 weeks on average and Disability Allowance appeals take 35 weeks.

There was a 46% increase in the overall number of appeals received by that Office in 2009 when compared to 2008, which in itself was 27% greater than the numbers received in 2007.

There was an increase of a further 44% in the number of appeals received in the first eight months of 2010.

While this growth is clearly impacting on processing times, it must also be remembered that they cover all phases of the appeal process including the submission by the Department of its comments on the grounds for the appeal and, in the case of Disability Allowance and in some Carer's Allowance cases, a second assessment must be carried out by the Department's Medical Assessors.

On the return of the Deciding Officer's submission and case papers to the Social Welfare Appeals Office the case is referred to an Appeals Officer who will either make a summary decision based on the documentary evidence or, if s/he considers it necessary, list the case for oral hearing.

Given the logistics involved in organising an oral hearing, a considerable period of time is added to the process. During 2009, 59% of all appeal cases were dealt with by way of oral hearing but, due to some of the initiatives outlined below, this has been reduced to 31% in 2010 to date. In order to be fair to all appellants, the vetting of appeals and the arranging of oral hearings are being dealt with in chronological order.

A number of initiatives have been put in place to enhance the capacity of the office to deal with the current caseload and inflows.

In that regard:

- 2 additional Appeals Officers were assigned to the Office in 2009,
- A number of additional staff were assigned to the administration area of the Office,
- The organisation of the Appeals Officer's work has been changed so as to increase productivity,
- A project to improve the business processes in the office was undertaken which has resulted in a number of improvements being implemented, and
- Significant enhancements have been made to the office's IT and phone systems.

In addition, it was decided to use experienced retired staff strictly on a short-term basis to supplement the current resources and the services of eight retired officers have now been secured on a part-time basis and have been operating since July.

I am assured by the Chief Appeals Officer that she is keeping current processes under continuous review with a view to achieving a more effective throughput of appeals, while ensuring that any progress does not conflict with due process in terms of the rights of appellants and adherence to the requirements of natural justice. The need for additional staff is also kept under review but any decision on the assignment of new staff must be taken in the context of the present embargo on recruitment in the public sector.

Departmental Staff

213. **Deputy Richard Bruton** asked the Minister for Social Protection the number of staff in his Department primarily employed in one of a number of areas (details supplied) in tabular form; and if he will make a statement on the matter. [38071/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): The table below details the number of posts in the Department at 1st October 2010, that are primarily occupied in the functions concerned.

[Deputy Éamon Ó Cuív.]

Primary Function	No. of Posts
Entitlement Processing	2,778*
Inspections	403
IT (including Procurement)	223
HR	80
Legal Services	1

The 2,778 posts are primarily occupied in processing claims made under the various schemes administered by the Department. The main scheme areas are Unemployment Schemes, Illness Schemes, Pensions Schemes and Family Support Schemes.

214. **Deputy John O'Mahony** asked the Minister for Social Protection the number of persons employed on temporary contract and cost to his Department and any agencies under his Department for same in tabular form for 2008 and 2009; and if he will make a statement on the matter. [38135/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): Temporary contract clerical staff are recruited by this Department to cover absences of permanent staff on maternity leave, long-term sick leave, other statutory leave and also to provide cover for some staff availing of the shorter working year scheme.

Temporary contracts are offered for a fixed purpose and the term can vary according to the purpose for the contract. The majority of temporary clerical officers are paid at the first point of the relevant pay scale.

Temporary contract staff were recruited by the Pensions Board and Citizens Information Board mainly to cover absences of permanent staff members on maternity leave, long-term sick leave and other special leave. Temporary contracts were issued for a specific purpose and term related to that purpose. Temporary staff were recruited at the same grade as those availing of leave and were placed on the first point of the appropriate scale, on commencement of employment.

Table A: details numbers employed on temporary contract, and the cost to the Department for 2008

Office	Number Employed on Temporary contracts in 2008	Cost to the Department
		€
Department of Social Protection	562	5,478,137
Citizens Information Board	11	200,719
Pensions Board	6	298,311
Office of the Pensions Ombudsman	0	0

The above totals are gross costs. The cost of the recruitment of temporary staff can be offset by the fact that permanent staff on certain statutory leave and those availing of the shorter working year scheme are on unpaid leave.

Table B: details numbers employed on temporary contract, and the cost to the Department for 2009

Office	Number Employed on Temporary contracts in 2009	Cost to the Department
		€
Department of Social Protection	582	5,745,388
Citizens Information Board	6	157,797
Pensions Board	8	369,736
Office of the Pensions Ombudsman	0	0

The above totals are gross costs. The cost of the recruitment of temporary staff can be offset by the fact that permanent staff on certain statutory leave and those availing of the shorter working year scheme are on unpaid leave.

Social Welfare Benefits

215. **Deputy Michael Ring** asked the Minister for Social Protection when a person (details supplied) in County Mayo who is receiving the back to work enterprise allowance will be paid a grant under the technical assistance and training fund. [38154/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): The technical assistance and training scheme allows the Department to provide support to back to work enterprise allowance recipients, who are engaging in self employment projects, to enhance their chances of success and become independent of the social welfare system. This is a discretionary scheme and there is not an entitlement to the assistance as of right. Take up of the scheme has been very positive in 2010. The revised budget for 2010 has now been committed.

Question No 216 answered with Question No. 211.

Sports Capital Programme

217. **Deputy Michael McGrath** asked the Minister for Tourism, Culture and Sport her plans regarding the future of the sports capital grant scheme [38039/10]

Minister for Tourism, Culture and Sport (Deputy Mary Hanafin): Under the Sports Capital Programme, funding is allocated to sporting and to voluntary and community organisations at local, regional and national level throughout the country. Given the current budgetary situation and the high level of outstanding commitments it was considered prudent to pause prior to announcing the next round of the Programme and accordingly no date has been set for the next round of the Programme.

In the interim, the Department has been managing the drawdown of funds allocated under earlier rounds of the programme. The current position is that €48 million has been provided in the Department's vote in the 2010 Estimates to cover payments to be made from the C1 subhead, out of which grants are paid for the provision of sports and recreation facilities.

Around 1,000 payments will be made to projects being undertaken this year across the country. These projects will allow clubs to drain pitches, erect floodlighting, build changing rooms and sports halls and generally increase the opportunities for people to engage in sports at all levels. The Deputy will be aware that since 1998, €730m has been allocated to 7,400 projects nationwide which has transformed the level of sports facilities throughout the country.

Departmental Staff

218. **Deputy Richard Bruton** asked the Minister for Tourism, Culture and Sport the number of staff in her Department primarily employed in one of a number of areas (details supplied) in tabular form; and if she will make a statement on the matter. [38070/10]

Minister for Tourism, Culture and Sport (Deputy Mary Hanafin): The number of staff in my Department primarily employed in the areas referred to by the Deputy are set out in tabular form below:

Area	Number of Staff Primarily Employed
Entitlement Processing	0.0
Inspections	0.0
Information Technology	5.5
Human Resources Unit	5.7
Procurement	0.0
Legal Services	0.0

In respect of Inspections and Procurement, these functions are carried out by officers in various units in my Department in addition to other duties but these would not be their primary function. In general when legal services are required by my Department, such services are obtained from the Office of the Attorney General and/or the Office of the Chief State Solicitor.

219. **Deputy John O'Mahony** asked the Minister for Tourism, Culture and Sport the number of persons employed on temporary contract and cost to her Department and any agencies under her Department for same in tabular form for 2008 and 2009; and if she will make a statement on the matter. [38138/10]

Minister for Tourism, Culture and Sport (Deputy Mary Hanafin): The information requested by the Deputy in respect of my Department including the National Archives is set out hereunder:

Number on temporary contract in 2008	Cost of salaries in 2008	Number on temporary contract in 2009	Cost of salaries in 2009
11	€247,267	5	€215,958

These numbers do not include Ministerial staff appointed in my Department over the period in question.

It is not possible in the time available to compile the data in respect of the numbers of staff on temporary contracts in the agencies under the aegis of my Department. However, this information will be provided to the Deputy shortly.

Tourism Promotion

220. **Deputy Mary Upton** asked the Minister for Tourism, Culture and Sport if her attention has been drawn to the protocol agreement on tourism signed by Italy, France and Spain to jointly promote their cultural heritage to emerging tourism markets; if she will examine a similar initiative with the UK; and if she will make a statement on the matter. [38181/10]

Minister for Tourism, Culture and Sport (Deputy Mary Hanafin): I am aware of the document referred to by the Deputy, which I understand is, at this stage, a protocol for an agreement and relates to the possibility of Italy, France and Spain undertaking joint marketing initiatives

in some new and developing markets. I understand that the initiative is still at a pilot stage with a Working Group established to look at practical arrangements.

With regard to cooperation on tourism marketing with the United Kingdom, as the Deputy will be aware, Tourism Ireland is the North/South body with responsibility for the overseas promotion of the Island of Ireland as a tourist destination and our cultural heritage is obviously a key component in the overall tourism offering. Tourism Ireland receives funding from my Department and from the Department of Enterprise, Trade and Investment in Northern Ireland. In addition to the all-island approach that is central to the mission of Tourism Ireland, I understand there is already considerable cooperation between Tourism Ireland and Visit Britain, the agency responsible for promoting Great Britain overseas as a holiday destination. This cooperation with VisitBritain exploits any joint opportunities in Developing Markets such as China and India when feasible. Some recent examples of the cooperation between the two tourism agencies include the hosting of the annual Asia-Pacific region travel workshop — *Destination Britain & Ireland* in Dubai earlier this year and a joint China Travel Trade Mission in January. Tourism Ireland also works closely with VisitBritain at the Best of Britain & Ireland show, a major trade and consumer fair which takes place annually. This cooperation reflects the reality that visitors from longhaul markets, such as India and China, are likely to visit Ireland as part of a more extensive journey.

The announcement referred to by the Deputy was made on the margins of events marking European Tourism Day 2010 and takes place against the backdrop of a range of developments at EU level. Ireland is continuing to play an active part in European initiatives in the field of tourism, including our participation in EDEN initiative, which has already recognised destinations such as Clonakilty and district, Carlingford and the Cooley peninsula, Sheep's Head and Loop Head as ranking among the European Destinations of Excellence.

In terms of future cooperation, as the Deputy will be aware, the Lisbon Treaty identifies tourism as a formal area of EU competence and a European Commission Communication entitled "Europe the world's No. 1 tourist destination — a new political framework for tourism in Europe" was published on 30 June 2010. The Communication sets out a number of priorities and actions for the development of tourism within a European context in the coming years including the promotion and development of sustainable tourism within Europe and the consolidation of Europe's image as a collection of sustainable and high-quality destinations. Obviously developments are at a very early stage in terms of concrete measures to achieve these objectives but Ireland will be actively involved in any initiatives arising from the Communication which could benefit Irish tourism.

Abbey Theatre

221. **Deputy Mary Upton** asked the Minister for Tourism, Culture and Sport the amount spent to date by the feasibility group charged with producing a report on the feasibility of relocating the Abbey Theatre to the GPO; and if she will make a statement on the matter. [38187/10]

Minister for Tourism, Culture and Sport (Deputy Mary Hanafin): The amount expended to date by my Department on the feasibility study on relocating the Abbey Theatre to the GPO complex is €16,694.14.

National Monuments

222. **Deputy Charlie O'Connor** asked the Minister for the Environment, Heritage and Local Government if he will provide an update in respect of protecting and preserving the historical 1916 site at Moore Street behind the GPO in Dublin; and if he will make a statement on the matter. [38284/10]

227. **Deputy Aengus Ó Snodaigh** asked the Minister for the Environment, Heritage and Local Government his plans to extend the national monument which covers 14 to 17 Moore Street, Dublin to include from number 10 Moore Street to 24 Moore Street to take account of the full historical and heritage importance of those buildings; and if he will make a statement on the matter. [38030/10]

228. **Deputy Aengus Ó Snodaigh** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the works are being carried out on the national monument site 14 to 17 Moore Street, Dublin, without state supervision; and if he will make a statement on the matter. [38031/10]

229. **Deputy Aengus Ó Snodaigh** asked the Minister for the Environment, Heritage and Local Government if he will confirm that he will not assent to the development of the national monument 14 to 17 Moore Street, Dublin; and if he will make a statement on the matter. [38032/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I propose to take Questions Nos. 222 and 227 to 229, inclusive together.

In January 2007, my predecessor as Minister for the Environment, Heritage and Local Government placed a Preservation Order on nos. 14 to 17 Moore Street under the National Monuments Acts. The Preservation Order was made on the grounds that the buildings are a monument, the preservation of which is of national importance by reason of its historical importance as the final headquarters of the leaders of the 1916 Easter Rising. There are no proposals at present to extend the scope of the Preservation Order.

The objective of the Preservation Order is to protect the monument from any danger of being destroyed, injured or removed. Any works affecting the monument require the Minister's prior consent under the National Monuments Acts.

On 17 May 2010, I approved a consent application for works to protect and maintain the fabric of the monument. While such works are not subject to Departmental supervision, site visits by the Department's National Monuments Service in the course of the works, and following completion, indicate that they have been completed to an appropriate standard in accordance with the consent issued.

I am aware that An Bord Pleanála has granted planning permission for development on the site that includes the Moore St monument. This permission does not supersede the Preservation Order already in place and the Minister's consent will still be required for any development works that may affect the buildings covered by the Order. The appropriateness of any proposed works will be carefully examined against the historical background of the buildings if and when such a consent application is submitted.

Local Authority Housing

223. **Deputy Róisín Shortall** asked the Minister for the Environment, Heritage and Local Government the amount provided to each local authority for the retrofitting of council homes; the number of homes retrofitted to date in each area; and the number of outstanding homes awaiting this work [37924/10]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): The enhancement of energy efficiency standards remains a priority within my Department's overall strategy for the improvement of local authority housing. To that end, I have significantly increased the amount of funding available for the national retrofitting programme from €20 million in 2009 to €40 million this year. This is in addition to the €5 million that is being used to support a number of retrofitting demonstration projects.

Details of the funding available this year for each local authority, together with the numbers of units which have been improved by local authorities over the first two quarters of the year, as notified to my Department, are set out in the following table:

Local Authority	2010 Allocations	Number of Vacant Units Improved Jan-June 2010	Number of Occupied Units Improved Jan-June 2010	Total Number of Units Improved Jan-June 2010
Carlow County Council	125,000	0	0	0
Carlow Town Council	125,000	2	2	4
Total	250,000	2	2	4
Cavan County Council	754,000	0	0	0
Cavan Town Council	300,000	0	0	0
Total	1,054,000	0	0	0
Clare County Council	500,000	3	0	3
Ennis Town Council	275,000	19	45	64
Kilrush Town Council	175,000	4	2	6
Total	950,000	26	47	73
Cork City Council	4,000,000	0	0	0
Cork County Council	1,850,000	28	0	28
Fermoy Town Council	20,000	0	0	0
Mallow Town Council	360,000	0	0	0
Cobh Town Council	100,000	0	0	0
Kinsale Town Council	75,000	0	0	0
Macroom TC	75,000	0	0	0
Midleton Town Council	75,000	0	0	0
Youghal Town Council	30,000	0	0	0
Clonakilty TC	175,000	0	0	0
Skibbereen TC	60,000	0	0	0
Total	2,820,000	28	0	28
Donegal Co Co	661,000	5	0	5
Buncrana Town Council	75,000	4	0	4
Bundoran TC	15,000	0	0	0
Letterkenny TC	150,000	0	0	0
Total	901,000	9	0	9
Dublin City Co	7,000,000	197	0	197
Dun Laoghaire Rathdown County Council	650,000	6	0	6
Fingal Co Co	850,000	44	0	44
South Dublin County Council	850,000	18	0	18
Galway City Co	1,230,000	0	0	0
Galway County Council	850,000	0	0	0
Ballinasloe TC	250,000	7	0	7
Total	1,100,000	7	0	7

[Deputy Michael Finneran.]

Local Authority	2010 Allocations	Number of Vacant Units Improved Jan-June 2010	Number of Occupied Units Improved Jan-June 2010	Total Number of Units Improved Jan-June 2010
Kerry County Council	1,145,000	46	0	46
Killarney Town Council	75,000	0	0	0
Listowel Town Council	125,000	0	0	0
Tralee Town Council	550,000	13	0	13
Total	1,895,000	59	0	59
Kildare County Council	600,000	0	0	0
Athy Town Council	20,000	0	0	0
Naas Town Council	40,000	5	70	75
Total	660,000	5	70	75
Kilkenny Co Co	1,000,000	0	0	0
Kilkenny Borough Co	250,000	0	0	0
Total	1,250,000	0	0	0
Laois Co Co	300,000	5	9	14
Leitrim Co Co	275,000	2	0	2
Limerick City Co	1,035,000	14	0	14
Limerick Co Co	820,000	0	0	0
Longford Co Co	500,000	0	11	11
Longford Town Council	125,000	1	0	1
Total	625,000	1	11	12
Louth County Council	130,000	18	0	18
Drogheda Borough Co	270,000	10	0	10
Dundalk Town Council	165,000	35	134	169
Total	565,000	63	134	197
Mayo County Council	600,000	2	0	2
Ballina Town Council	10,000	0	0	0
Castlebar Town Council	75,000	0	0	0
Westport Town Council	125,000	0	0	0
Total	810,000	2	0	2
Meath Co Co	700,000	0	0	0
Monaghan Co Co	225,000	0	0	0
Carrickmacross TC	25,000	0	0	0
Castleblayney TC	210,000	4	0	4
Clones Town Council	40,000	1	0	1
Monaghan TC	60,000	0	0	0
Total	560,000	5	0	5
Offaly County Council	150,000	0	0	0
Birr Town Council	20,000	0	0	0
Tullamore TC	300,000	0	0	0
Total	470,000	0	0	0

Local Authority	2010 Allocations	Number of Vacant Units Improved Jan-June 2010	Number of Occupied Improved Jan-June 2010	Total Number of Units Improved Jan-June 2010
Roscommon County Council	735,000	26	2	28
Sligo County Council	375,000	10	0	10
Sligo Borough Council	415,000	0	0	0
Total	790,000	10	0	10
Tipperary North County Council	275,000	12	0	12
Nenagh Town Council	50,000	0	0	0
Templemore TC	30,000	0	0	0
Thurles Town Council	50,000	0	0	0
Total	405,000	12	0	12
Tipperary South County Council	650,000	0	0	0
Carrick on Suir TC	75,000	0	0	0
Cashel Town Council	50,000	2	0	2
Clonmel Borough Co	50,000	0	0	0
Tipperary Town Council	125,000	0	0	0
Total	950,000	2	0	2
Waterford City Co	700,000	0	0	0
Waterford Co Co	125,000	0	0	0
Dungarvan TC	400,000	0	0	0
Total	525,000	0	0	0
Westmeath Co Co	330,000	27	0	27
Athlone Town Council	100,000	0	0	0
Total	430,000	27	0	27
Wexford Co Co	650,000	0	0	0
Enniscorthy TC	35,000	0	0	0
Newross Town Council	30,000	0	0	0
Wexford Borough Co	75,000	0	0	0
Total	790,000	0	0	0
Wicklow Co Co	500,000	0	0	0
Arklow Town Council	100,000	0	0	0
Bray Town Council	225,000	4	0	4
Wicklow Town Council	75,000	0	2	2
Total	900,000	4	2	6
Overall Total		574	277	851

Details of the number of units, where retrofitting work is required, are not available in my Department.

224. **Deputy Arthur Morgan** asked the Minister for the Environment, Heritage and Local Government if he will provide a list of Donegal County Council dwellings that are vacant; the

[Deputy Arthur Morgan.]

location of these properties and the length of time they have been vacant; and if he will make a statement on the matter. [37928/10]

232. **Deputy Arthur Morgan** asked the Minister for the Environment, Heritage and Local Government if he will provide a list of council dwellings that are vacant with Louth County Council, Dundalk Town Council and Drogheda Town Council; the location of these properties; the length of time vacant; and if he will make a statement on the matter. [38140/10]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): I propose to take Questions Nos. 224 and 232 together.

Each local authority is responsible for the effective and efficient management and maintenance of its social housing stock. The detailed information sought with regard to vacant local authority properties is not available in my Department. Information on the level of vacant local authority dwellings is collected annually as part of the Local Government Management Agency's review of local authority service indicators. Electronic copies of the reports including the most recent report for 2008, are available on www.lgmsb.ie.

Election Management System

225. **Deputy James Bannon** asked the Minister for the Environment, Heritage and Local Government if he will provide a breakdown of the total costs of the purchase, storing and disposal of the obsolete e-voting machines; and if he will make a statement on the matter. [38007/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Following the Government decision not to proceed with implementation of electronic voting in Ireland, an Interdepartmental Task Force, chaired by my Department, was established to bring the project to an orderly conclusion and to oversee disposal of the equipment and termination of storage arrangements. The Task Force aims to complete its work as soon as possible.

In considering options for disposal of the equipment, the priority is to pursue the most economically advantageous approach, with a view to achieving the maximum recovery of cost possible in the circumstances, consistent with environmental and other obligations.

The total expenditure on the electronic voting project to date, including on storage, is some €54.613 million, the bulk of which has been incurred in purchasing the voting machines and ancillary equipment. These costs are set out in the following table.

Electronic Voting and Counting Project — Expenditure to Date

Expenditure item	Cost (€m)
Voting machines	43.941
Ancillary equipment (Ballot Modules, Programme Reading Units, PCs, trolleys, tables, etc.)	2.330
Awareness and Education campaigns	2.579
Voting Machine development, election software development/training etc.	0.828
Consultancy/testing	0.731
Miscellaneous (staff training, freight)	0.937
Storage	3.267
Total	54.613

Social and Affordable Housing

226. **Deputy Pat Breen** asked the Minister for the Environment, Heritage and Local Government further to Parliamentary Question No. 372 of 25 May 2010, the progress made on a project (details supplied); and if he will make a statement on the matter. [38009/10]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): My Department has provided funding of €4.5 million for a remedial works project at the John Paul Estate over the period 2007 to 2010. The pilot phase of the project included construction and refurbishment of a total of 28 units. A further phase of the project involving the retrofitting of ten units will commence in late 2010 or early 2011. My Department is in regular contact with the Council with a view to early progression of the project, and is committed to it under the 2009-2011 Remedial Works Programme.

Questions Nos. 227 to 229, inclusive, answered with Question No. 222.

Departmental Staff

230. **Deputy John O'Mahony** asked the Minister for the Environment, Heritage and Local Government the number of persons employed on temporary contract and cost to his Department and any agencies under his Department for same in tabular form for 2008 and 2009; and if he will make a statement on the matter. [38131/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The information requested in respect of temporary contract/agency staff employed by my Department and Non-commercial State Agencies under its aegis is set out in the following table:

DoEHLG	No. of temporary contract staff in 2008	Salary plus EPRSI* cost in 2008	No. of temporary contract staff in 2009	Salary plus EPRSI cost in 2009
		€		€
Civil servants	109	967,974	18	193,021
State Industrial staff	111**	1,446,468	84**	967,203
Non Commercial State Agencies	162	6,429,488	136	5,836,806

*Employers PRSI.

**Principally seasonal staff employed by the National Parks and Wildlife Service.

Local Authority Charges

231. **Deputy John O'Mahony** asked the Minister for the Environment, Heritage and Local Government the reason local authorities are not issuing invoices to persons for the non-principal primary residence charge; and if he will make a statement on the matter. [38139/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The Government in the Local Government (Charges) Act 2009 broadened the revenue base of local authorities through the introduction of the charge on non-principal private residences. The charge is set at €200 and is being levied and collected by local authorities. With some exemptions, the charge applies to a residential property that is not the sole or main residence of the owner. Income from the charge is used to support the provision of local services.

The Act places the onus on the owner to assess his or her liability in the first instance. There is no obligation on local authorities to issue invoices or demands. Any such obligation would

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increase the administrative and resource requirements of implementing the charge and would make its collection less cost-effective. As the charge is set at an essentially modest rate of €200 per annum, it is essential that administrative costs be kept to a minimum.

Question No. 232 answered with Question No. 224.

Local Authority Housing

233. **Deputy Arthur Morgan** asked the Minister for the Environment, Heritage and Local Government if he will provide a list of all properties purchased by Louth County Council, Dundalk Town Council and Drogheda Town Council in each year since 2007; if he will provide information on the price paid for each property; the reason each property was purchased and the person from whom each property was purchased; and if he will make a statement on the matter. [38141/10]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): Local authorities have, for a number of years now, progressed an ambitious programme of house purchases better to meet local housing need as well as to promote my Department's sustainable communities objectives. These programmes are undertaken and managed by the authorities having regard to their annual housing capital allocation and the unit cost limits for various types of properties, as determined by my Department. The detailed information requested with regard to individual properties is not available in my Department. Information on the numbers and the average cost of the properties purchased by Louth County Council, Drogheda Borough Council and Dundalk Town Council over the period 2007 to 2010 is set out in the table.

Local Authority	2007		2008		2009		2010 (to date)	
	Number Purchased	Average Price	Number Purchased	Average Price	Number Purchased	Average Price	Number Purchased	Average Price
		€		€		€		€
Louth County Council	25	309,000	19	292,000	34	178,000	10	177,000
Drogheda Borough Council	13	299,000	9	320,000	8	185,000	12	153,000
Dundalk Town Council	13	217,000	0	N/A	5	159,000	1	165,000
Total	51		28		47		23	

Turbary Rights

234. **Deputy Maureen O'Sullivan** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to any peat extraction by commercial contractors within the 31 raised bog special areas of conservation where the derogation permitting extraction for domestic use no longer applies; the nature and numbers of these contractors and the extent of any damage caused by their activities since 2007 and during the 2010 cutting season [38177/10]

235. **Deputy Maureen O'Sullivan** asked the Minister for the Environment, Heritage and Local Government if he will confirm that, further to his press release of May 2010 announcing the ending of peat extraction on 31 raised bog SACs but referring to continued application of the derogations on other peatland SCIs, that peat extraction activities for domestic purposes can continue without ministerial intervention under the terms of the derogations in 23 raised bog SACs and all blanket bog SACs [38178/10]

236. **Deputy Maureen O’Sullivan** asked the Minister for the Environment, Heritage and Local Government if he will confirm whether for purposes of entitlement to the derogations permitting extraction in raised bogs SACs, he considers that persons with turbary rights in the peatlands affected can avail of the services of independent contractors to carry out extraction activities through supply and or operation of mechanical equipment [38179/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I propose to take Questions Nos. 234 to 236, inclusive, together.

Cutting or drainage works of any nature are no longer permitted without my consent on the 31 Special Areas of Conservation (SAC) where the derogation expired last year. My Department is not aware of any turf extraction for commercial purposes on any SAC. Turf extraction for commercial purposes in SACs and Natural Heritage Areas (NHAs) is prohibited.

The extraction of turf for their personal domestic needs by those with turbary rights in the 24 raised bog SACs nominated for designation in 2002 may continue until the end of next year, when the derogation for these sites will elapse. For raised bog NHAs, turf extraction by turbary right owners for their domestic needs may continue until the end of 2013. Such turf extraction may also continue on blanket bog SACs under existing restrictions, which include a prohibition on extraction for commercial purposes, restriction of cutting to existing face banks and the prohibition of the use of certain machines such as the “sausage” machine. Where individuals have a legal right to cut turf in an SAC or NHA, they are free to contract a third party to carry out the cutting of their annual domestic supply for them.

Local Authority Housing

237. **Deputy Mary Upton** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the report of a group regarding housing conditions in an area in (details supplied); the steps he will take to address the issues raised in the report; and if he will make a statement on the matter. [38182/10]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): I refer to the reply to Questions Nos. 425, 426, 427, 428 and 429 of 1 June 2010. My Department has not yet received a proposal from Dublin City Council regarding the proposed project but understands that the Regeneration Board, established by the City Council, has engaged consultants to work with local residents with a view to developing regeneration solutions that are acceptable to the community and that can be implemented. It is understood that in the last six months there have been ongoing meetings between Dublin City Council and local residents and community groups in the area. These meetings are held under the auspices of the regeneration board and its design sub-group. The meetings with the design sub-group are attended by local residents, community activists and Councillors.

It is a matter for the Council to decide on the type of regeneration proposal that is most appropriate for the area and the means by which the project should be delivered. Furthermore, it is open to the Council to prioritise the project in terms of its Social Housing Investment Programme and submit a proposal in the usual way to my Department for project approval and funding from within the authority’s annual Social Housing funding allocation. Finally, my Department continues to work actively with Dublin City Council in connection with its Social Housing Investment Programme and as part of this I support and look forward to the Council’s progression of its ambitious regeneration programme.

Offshore Exploration

238. **Deputy Michael Creed** asked the Minister for Communications, Energy and Natural

[Deputy Michael Creed.]

Resources the licensing arrangements that currently exist for oil, gas and mineral exploration; the way these compare with international norms; the tax treatment of companies involved in this activity; the reviews if any underway regarding licensing; and if he will make a statement on the matter. [38002/10]

Minister of State at the Department of Communications, Energy and Natural Resources (Deputy Conor Lenihan): Exploration for oil and gas in Ireland, in common with most other jurisdictions, is carried out under licence. Petroleum exploration authorisations are issued by my Department under the Petroleum and Other Minerals Development Act 1960 and the operational framework is set out in the Licensing Terms for Offshore Oil and Gas Exploration, Development & Production 2007. Petroleum exploration investment is encouraged through active promotion of Ireland's petroleum potential and the holding of regular licensing rounds. The next licensing round, which covers all of Ireland's major Atlantic sedimentary basins with proven petroleum systems, will take place in the first half of next year.

A comprehensive review of Ireland's licensing terms was carried out in 2007 following which both the fiscal and non-fiscal licensing terms were revised. The revised terms apply to all exploration licences issued since 1st January 2007 and have been carefully balanced to attract those willing to invest in high-risk exploration while at the same time ensuring the State receives a fair share of profits where a commercial discovery is made. The revised terms provide for a new profit resource rent tax of up to 15% in addition to the 25% corporate tax rate previously applying, ensuring that the return to the State increases to 40% in the case of the most profitable fields.

Minerals exploration in Ireland may only be undertaken under the terms and conditions of a Prospecting Licence issued by my Department. Such licensing arrangements are not unusual in the developed world. Individuals involved in minerals exploration are doing so in the hope of discovering commercially viable deposits. In the event that such deposits are discovered a State Mining Facility lease or licence is required. Financial terms for State Mining Facilities are negotiated on a case by case basis. Mining profits are subject to corporation tax at a rate of 25%.

Electricity Generation

239. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources the number of wind farms currently contributing to the national grid; the total electricity generated thereby; the number, if any, of such farms seeking access to the national grid and their capacity to produce electricity in the future; when it is expected that approval will be given to all such applicants; and if he will make a statement on the matter. [38043/10]

244. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources the extent to which alternative energy now supplies the national electricity grid; and if he will make a statement on the matter. [38052/10]

246. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources the full extent of alternative energy now supplied by various alternative energy sources including wind energy; and if he will make a statement on the matter. [38054/10]

248. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources the extent to which electricity is now generated from non-fossil fuels; the degree to which EirGrid can now rely on such production; the extent to which importation of coal, gas

or oil has been reduced as a consequence; and if he will make a statement on the matter. [38056/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I propose to take Questions Nos. 239, 244, 246 and 248 together.

At the end of June 2010 there was 1731MW of renewable generation connected to the Irish grid. This included 1459 MW of installed wind capacity from over 100 windfarms; 242MW of hydro power and 30MW of smaller renewable energy generation. In 2009 14.4% of electricity consumption in Ireland is estimated to have come from renewable sources. This corresponding figure in 2004 was 5%. From January 2010 to date, renewable generation has formed approximately 12% of Ireland's overall generation mix. It is anticipated that this will rise to 15% by the end of the year. EirGrid provide detail on their website of all of the connected and contracted generators divided into wind farms and other types of generators. There is an additional 1152MW of wind farm generators that have contracted with either EirGrid or ESB Networks. The EirGrid website sets out the target connection dates for these generators.

In addition to the above, there is a further 3900MW of renewable generation due to receive a grid connection offer under Gate 3. This amount of renewable generation is sufficient to achieve Ireland's target of around 40% of electricity consumption from renewable sources by 2020. As the majority of the renewable generation on the power system is wind and this is a variable source of energy, EirGrid can rely on wind generation on average 30% of the time on a yearly basis. The availability of wind generation varies from day-to-day however and at times wind has provided 50% of electricity demand. As more renewable generation sources have connected to the power system, EirGrid has seen a decrease in the amount of fossil fuel based generation used to meet electricity demand. This reduction is proportionate to the amount of renewable generation on the power system.

The Sustainable Energy Authority of Ireland's statistical 2010 update on Renewable Energy in Ireland sets out the proportion of Ireland's renewable energy consumption estimated to be from renewable sources in the period up to end 2009. It is estimated that 14.4% of our consumption in the electricity sector was from renewables; 3.9% of our energy consumption in the heat sector was from renewables and 1.5% of our energy consumption in the transport sector was from renewable sources. Ireland's National Renewable Energy Action Plan published in July and which is available on the Department's website, sets out the plans to achieve Ireland's EU legally binding target of 16% of all energy consumption across the electricity, transport and heating sector from renewable sources by 2020.

Telecommunications Services

240. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources the degree to which investment in the telecommunications sector is required to ensure modernisation and upgrading in line with other EU and non-EU competitors; the extent to which provision is made for this now and in the future; and if he will make a statement on the matter. [38046/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): Government policy pertaining to the electronic communications market in Ireland is set out in "Next Generation Broadband — Gateway to a Knowledge Ireland", which I published in June 2009. The policy paper was developed in accordance with various key principles, which are crucial to the development of the market. The policy paper sets out the Government's position that investment in broadband infrastructure is primarily a matter for the private sector, facilitated, where appropriate and possible, by Government.

[Deputy Eamon Ryan.]

I understand that the industry has invested around €600m per annum over recent years. ComReg continues to review the level of investment being made by various operators and has a clear role in trying to provide a suitable investment environment especially for next generation networks. This policy has facilitated significant progress in rolling out broadband services, over recent years. This progress, measured in international comparisons, is demonstrated in a recent study of broadband services in 72 countries by the University of Oxford and the University of Oviedo, Spain, which concludes the broadband services currently available in Ireland are capable of meeting the requirements of today's broadband applications and overall, in terms of broadband quality and penetration, Ireland ranks 13th of the 72 countries studied.

Direct State investment is aimed at market failure situations — hence initiatives such as the Metropolitan Area Networks Programme and the National Broadband Scheme (NBS), which is aimed at bringing a broadband service to unserved areas. I am pleased to note that under the NBS, broadband is now available in all Electoral Divisions in the NBS coverage areas. Attention is now being focussed on (i) broadband quality and (ii) isolated cases where broadband is not being delivered due to technical or line of sight reasons.

While I am confident that the level of investment activity in the market will continue, I am keen to facilitate collaborative approaches to investment that would maximise impact without compromising competitive market principles. To that end, the Next Generation Broadband (NGB) Taskforce, which I signalled in my June 2009 policy paper, will be established and meet in the coming weeks. The NGB Taskforce will focus on how possible collaborative approaches to investment coupled with the existing policy environment and regulatory regime, could give rise to higher quality broadband.

Broadcasting Services

241. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources if he has had any discussions with service providers with a view to increasing the availability of subtitling with particular reference to meeting the needs of those with hearing difficulties; and if he will make a statement on the matter. [38047/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The Audiovisual Media Services Directive requires, inter alia, that Member States shall encourage media service providers under their jurisdiction to ensure that their services are gradually made accessible to people with a hearing disability. These provisions are transposed by the Broadcasting Act 2009 and the European Communities (Audiovisual Media Services) Regulations 2010. Under Section 43 (1)(c)(i) of the Broadcasting Act 2009, the Broadcasting Authority of Ireland (BAI) must prepare and, from time to time, revise rules with respect to the specific steps each broadcaster is required to take to promote the understanding and enjoyment by those who are deaf or have a hearing impairment of programmes transmitted on any broadcast service provided by the broadcaster. In relation to on-demand services The European Communities (Audiovisual Media Services) Regulations 2010 provides for the development of codes of conduct by media service providers, in cooperation with the BAI and other relevant bodies, to address this requirement.

Energy Prices

242. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources the extent to which energy price costs to the manufacturing or services sectors here compare with the prices applicable throughout Europe; and if he will make a statement on the matter. [38049/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The Sustainable Energy Authority of Ireland (SEAI) collects and publishes energy statistics to support policy analysis and development in line with national needs and international obligations. The latest available comparative data from Eurostat is published by SEAI in their report “Electricity & Gas Prices in Ireland”, published in May 2010. The data contained in this report covers the last six months of 2009. The data categorises businesses according to the level of their electricity consumption rather than the nature of their business.

The methodology used by SEAI and Eurostat reflects the actual cost of gas and electricity to final consumers as it incorporates all the factors in the cost of their use. The methodology is comprehensive and transparent and in each customer category, information is sought from each supplier regarding the volume of sales and the associated revenue. This allows computation of a national sales weighted unit price for electricity and gas for each customer category. The SEAI report shows that electricity prices for small businesses in Ireland are 3% below the Eurozone average. Electricity prices are between 2-4% above the Eurozone average for most other categories of business, but these figures still represent a significant improvement in Ireland’s electricity price competitiveness compared to 2008.

SEAI has collected and submitted to Eurostat the electricity price figures for the first six months of 2010 and these national data show that Irish electricity price have continued to fall for all categories of business. In fact, the figures show that electricity prices for business have fallen by up to 45% in the past eighteen months. These will be published by SEAI as soon as the relevant comparative data from Eurostat becomes available. Many businesses have not yet switched their electricity supplier. It is estimated that almost 50% of small to medium enterprises may still avail of significant discounts simply by taking this step. It is important that all customers who are concerned about energy costs should shop around and take advantage of the value and choice available in the competitive electricity market. Business can also mitigate their energy costs by taking advantage of the energy efficiency programmes run by SEAI on behalf of the Government.

Given Ireland’s dependence upon imported fossil fuels, the urgent need to fund much needed energy network investment, the size of our market and low population density it is a significant achievement that our electricity prices for the typical domestic consumer are below the Eurozone average, while those for business are close to the average and below many of our neighbours and competitors.

Postal Services

243. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources the total cost of the introduction of post codes; the way in which this will be funded; and if he will make a statement on the matter. [38050/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): Ireland is the only country in the EU and OECD which does not have a national postcode system. A competitive procurement process will be used by my Department to develop proposals from interested parties in the development and deployment of the system. The cost to the Exchequer of the introduction of the postcode system will be determined as part of that process. Any estimate of that cost given before procurement will impair the Department’s negotiating position in that process.

Question No. 244 answered with Question No. 239.

Offshore Exploration

245. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources when it is expected that all oil, gas or other mineral discoveries on and offshore are likely to become available for commercial purposes with particular reference to those areas that have shown discoveries of commercial value but not yet developed or available; and if he will make a statement on the matter. [38053/10]

Minister of State at the Department of Communications, Energy and Natural Resources (Deputy Conor Lenihan): There have been a number of discoveries of oil and gas in the Irish Offshore in recent years, however none of these has been declared commercial to date. The only petroleum discovery that has been declared commercial but has yet to be developed is the Corrib Gas Field. Construction of the Corrib Gas Terminal at Bellanaboy is almost completed as are the subsea facilities and the offshore section of the Corrib gas pipeline. The developers are engaged in the process of securing a number of statutory consents required for the construction of the onshore section of the gas pipeline. Completion of the development works by the developers is the principal factor that will determine the date for first gas. No new commercially viable deposits of minerals have been discovered in recent years; however, there have been some encouraging results.

Question No. 246 answered with Question No. 239

Broadcasting Services

247. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources his policy in respect of the future of broadcasting in respect of both the public and private sectors; the extent to which his preferred options are likely to be achieved; and if he will make a statement on the matter. [38055/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): Under the provisions of the Broadcasting Act, 2009 the Broadcasting Authority of Ireland (BAI) is charged with, inter alia, providing a regulatory environment that is stable and predictable and that will facilitate the development of a broadcasting sector in Ireland that is responsive to audience needs. The BAI is also charged with stimulating the provision of high quality, diverse and innovative programming by commercial, community and public service broadcasters and independent producers.

I am satisfied that the provisions of the Broadcasting Act provide the correct policy framework for the development of the Broadcasting sector. I will continue to work with the BAI and other stakeholders, private and public, to progress the objectives in the Broadcasting Act for the sector.

Question No. 248 answered with Question No. 239.

Tax Code

249. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources the number of companies or individuals involved in production of ethanol or bio-diesel; the number of such companies not included in the Government's excise related incentive scheme; and if he will make a statement on the matter. [38057/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): My Department does not licence or control the production or importation of biofuel, and so does not maintain lists of operational production facilities.

The production of biofuel in Ireland was incentivised under the Mineral Oil Tax Relief Schemes, which resulted in 18 projects being awarded excise relief. The schemes were designed as an interim measure to increase the level of biofuels in the fuel mix and to encourage the development of an indigenous biofuels industry in advance of the introduction of the National Biofuel Obligation, which was introduced in July of this year.

Of the companies receiving Mineral Oil Tax Relief (MOTR), there are currently four companies producing biodiesel from feedstocks such as Rapeseed, Tallow and Recovered Vegetable Oil (RVO) and one company producing bioethanol from cheese whey. There are also three companies claiming MOTR who are producing Pure Plant Oil (PPO) from rapeseed.

Biofuels will play an important role in meeting our binding EU target of 10% renewable energy in transport by 2020, and in so doing, reduce Greenhouse Gas emissions from Transport, improve energy security, and provide a valuable opportunity for the agricultural sector and for industry to diversify into new areas.

The National Biofuel Obligation Scheme which was introduced on 1 July establishes a clear framework to help underpin the ongoing development of an indigenous biofuels industry. The legislative basis for the obligation is provided for in the Energy (Biofuels Obligation and Miscellaneous Provisions) Act 2010. This legislation ensures that Irish consumers will have access to appropriately priced, sustainable and reliable sources of biofuel over the coming years, and, in doing so, gives an important incentive to domestic production.

Postal Services

250. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources his policy in respect of the structure and operation of An Post and the postal service in the aftermath of deregulation; if such issues have been the subject or are likely to become the subject of discussions between his Department, other Departments, groups, bodies or agencies; if discussions have taken place with staff at various levels; and if he will make a statement on the matter. [38058/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): It is Government policy that An Post remains a strong and viable company, in a position to provide a high quality, nationwide postal service and maintain a nationwide, customer focussed network of post offices.

My officials and I meet regularly with An Post management to discuss issues of importance to An Post, including the future of the company. However, structural, operational and staff issues in An Post are the responsibility of the board and management of the company and, as with other postal service providers, are not matters in which I have a direct role.

The issues for Ireland arising from the implementation of the third Postal Services Directive by the 31st of December 2010, have been widely and comprehensively consulted upon, and as with all legislative proposals, a regulatory impact analysis was conducted. In preparation for liberalisation the Department held an open and comprehensive public consultation in 2008, and an Options Paper examining the options and making recommendations was published in 2009. I hosted a forum in November 2009, which was attended by postal service providers, the wider business community, the postal regulator, staff representation groups, and users' interests groups, and in the main, there was broad support for the recommendations outlined in the Options Paper.

Legislation to transpose the Directive, and give effect to the final step in the gradual and controlled opening of this market to competition and ensuring the continuing provision of a universal service, is currently being drafted in conjunction with the Office of the Parliamentary

[Deputy Eamon Ryan.]

Counsel. I hope to publish this legislation shortly with a view to having it enacted before the end of the year.

Departmental Staff

251. **Deputy Richard Bruton** asked the Minister for Communications, Energy and Natural Resources the number of staff in his Department primarily employed in one of a number of areas (details supplied) in tabular form; and if he will make a statement on the matter. [38068/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The information requested by the Deputy is set out in the table below. Please be advised that details have only provided in respect of those staff primarily employed in the requested areas. It is important to note that a number of staff across the Department may have involvement in the respective areas e.g. procurement, from time to time depending on their current work projects.

Specified Area	Number of Staff
Entitlement Processing	0
Inspections	0
IT	10.5 Full Time Equivalents 8.8 Contractors
HR	12.4 Full Time Equivalents
Procurement	1 Full Time Equivalent
Legal Services	2.5 Full Time Equivalents

252. **Deputy John O'Mahony** asked the Minister for Communications, Energy and Natural Resources the number of persons employed on temporary contract and cost to his Department and any agencies under his Department for same in tabular form for 2008 and 2009; and if he will make a statement on the matter. [38126/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The number of persons employed by my Department on temporary contracts and the cost of these is contained in the following table.

2008		2009	
No. of Staff	Cost	No. of Staff	Cost
28	€1,015,232	19	€856,651

The majority of these are employed in specialist sectors of the Department such as the Natural Resources and IT areas. This reflects the nature of the Department's work, which requires specialised technical staff particularly in certain key areas. Employment of persons by the Agencies is a day to day matter for the Agencies.

Afforestation Programme

253. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food if he

will indicate, by species the number of hectares of trees planted in each of the past three years; and if he will make a statement on the matter. [38044/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The following is the number of hectares planted, by species, in each of the past three years:

Year	Broadleaf	Conifer	Total
2007	2,182	4,765	6,947
2008	2,227	4,022	6,249
2009	2,473	4,175	6,648

254. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food if his Department have laid down any policy or guidelines with a view to achieving the planting of trees with a high carbon sequestration capacity; and if he will make a statement on the matter. [38045/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): All tree species grant-aided by my Department under the forestry grant schemes achieve high levels of carbon-sequestration.

The potential of different tree species to sequester carbon dioxide from the atmosphere depends mainly on their rate of growth. Some conifer species grow rapidly and will begin to sequester considerable amounts of carbon early in their life. Other species, including some broadleaves, grow more slowly and do not sequester the same level of carbon until later in their life. Generally, as trees reach maturity, there is little difference in the total amount of carbon dioxide sequestered, when all species are compared.

The relationship between forests and carbon sequestration is a highly complex one and the efficiency of forests to absorb carbon is not dependent upon the tree species alone. Other factors such as soil type, previous land use, local climate, disease, fire, forest management activities, fertilisation and the rate of decomposition of forest organic matter all contribute, to greater or lesser degrees, to the overall forest carbon cycle.

Grant Payments

255. **Deputy Paul Connaughton** asked the Minister for Agriculture, Fisheries and Food the reason the area-based payment has not been paid in respect of a person (details supplied) in County Galway; and if he will make a statement on the matter. [37942/10]

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 29 April 2010. Payments under the Disadvantaged Areas Scheme commenced on 22 September, with an advance payment of 75% issuing in respect of those parcels cleared for payment at that stage. A number of parcels listed on the application required re-digitisation to ensure compliance with the relevant EU Regulations. When this process is complete, provided no errors are identified, the payment due will then issue to the person named.

Milk Quota

256. **Deputy John Cregan** asked the Minister for Agriculture, Fisheries and Food if participants in the dairy partnership scheme decide to dissolve their partnership, the circumstances

[Deputy John Cregan.]

in which the additional milk quota awarded through their participation can be maintained
[37950/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): A Milk Production Partnership consists of at least one person from category (i) below and one or more person(s) from any of the categories (i) to (iv):

- (i) a milk producer who has produced and delivered milk in each of the two milk quota years preceding the milk quota year in which the partnership is established;
- (ii) a new entrant(s) with the appropriate qualifications, who is participating with a parent(s) who is a milk producer;
- (iii) other farmers who have been farming in their own right for a minimum of two years immediately preceding the milk quota year in which the partnership is established;
- (iv) a farm manager, with the appropriate qualifications, followed by at least three years employment in farm management.

Where a ‘standard’ Milk Production Partnership, i.e. one involving two or more milk producers (category (i) above), dissolves, the amount of quota allocated to existing partners is the amount of quota held by each partner at that time. Similarly, where a partnership involving a ‘other farmer’ or ‘farm manager’ (categories (iii) and (iv)) with a milk producer dissolves, all parties retain their quotas. A partner exiting a partnership who does not continue in milk production is subject to the normal dormancy rules.

In the case of a son/daughter partnership where the son/daughter exits and does not continue in milk production, the entire quota purchased from the Milk Quota Trading Scheme must be sold back into the same pool. However, where such a partnership dissolves through force majeure, the parent(s) may apply to the Minister to retain the quota, provided they demonstrate a clear commitment to continue in full time milk production.

Direct Payment Schemes

257. **Deputy Edward O’Keeffe** asked the Minister for Agriculture, Fisheries and Food the position regarding the introduction of a scheme (details supplied) [37956/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): EU Commission approval for the introduction of five targeted modernisation schemes focused on supporting productive investment in the agricultural sector was received earlier this year. Due to the relatively short time-frames for completion of the investment works concerned, priority was given to the introduction of the Sow Welfare and Poultry Welfare Schemes which were launched on 16 June last. The Sheep Fencing/Handling Scheme will open for new applications on 1 November next.

No date has yet been fixed for the introduction of the Dairy Equipment Scheme. Under the terms of Ireland’s Rural Development Programme, the Scheme will provide grant-aid for (i) milking machine equipment, and (ii) milk storage and cooling equipment, at a standard grant-rate of 40 per cent up to a maximum grant level.

Fisheries Protection

258. **Deputy Thomas P. Broughan** asked the Minister for Agriculture, Fisheries and Food the number of fishing fines and offence notices issued to boats operating for the years 2007 to

date in 2010 with a breakdown of the type of offence per year; and if he will make a statement on the matter. [37968/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The Sea-Fisheries Protection Authority is an independent statutory authority responsible for the enforcement of sea fisheries and food safety law. The information sought by the Deputy is a matter for the Authority. However, the Department has forwarded the request to the SFPA for its consideration and for a direct reply to the Deputy.

Grant Payments

259. **Deputy Michael Ring** asked the Minister for Agriculture, Fisheries and Food the outcome of an appeal relating to a suckler cow welfare scheme application on 2008 born animals, in respect of a person (details supplied) in County Mayo [37976/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The person named registered 16 animals in the 2009 Suckler Welfare Scheme. Under the Terms and Conditions of the Welfare Scheme one of the primary requirements for applicants with herds of more than 10 cows is that the animals must be weaned in at least two separate groups with at least five days between the weaning of each group. The applicant declared that he had weaned all of the animals on 15 October 2009 and therefore is ineligible for payment.

A letter issued to the person named on 13th September 2010 outlining the position, and advising him of his right of appeal. My Department has not received an appeal to date from the applicant.

260. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food the number of applicants under the farm waste management scheme that have yet to be paid their final grant; the number of applications that are still awaiting payment due to the inability of applicants to provide concrete certificates; his views on whether it is reasonable to withhold payment in cases where the person has paid their building contractor, but the supplier of concrete has not been paid by the building contractor; and if he will make a statement on the matter. [38003/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Approx. 17,600 farmers are due to receive the final instalment of grant-aid under the Farm Waste Management Scheme early next year.

As far as the circumstances referred to by the Deputy are concerned, I am aware of a case which is currently the subject of an appeal to the Agriculture Appeals Office in which the applicant has not provided the necessary quality certificates for some of the completed works. However, instalments of grant-aid due under the Scheme have been paid to the applicant in respect of the remaining works.

261. **Deputy John Perry** asked the Minister for Agriculture, Fisheries and Food the reason a person (details supplied) in County Sligo was only paid for 14 hectares under the disadvantage area scheme rather than the 34 hectares to which they were entitled; and if he will make a statement on the matter. [38017/10]

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 12 May 2010. Payments under the Disadvantaged Areas Scheme commenced on 22 September, with an advance payment of 75% issuing in respect of those parcels cleared for

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payment at that stage. The person named declared amendments to land parcels declared on his application which require re-digitisation by my Department. When this process is complete, provided no errors are identified, the balance of the payment due in respect of the Disadvantaged Areas Scheme will issue.

262. **Deputy Andrew Doyle** asked the Minister for Agriculture, Fisheries and Food the number of successful applicants, the average payment and, in so far as is possible, the average administration cost of each scheme administered by his Department during the past year in tabular form; and if he will make a statement on the matter. [38022/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The number of applicants and the average payments made in respect of the main schemes operated by my Department for 2009 are as follows:

Name of Scheme	Number of successful applicants	Average Payment
		€
2009 Single Payment	123,920	10,146
2009 Disadvantaged Areas	100,765	2,224
Upland Sheep Payment	13,582	514
Suckler Welfare*	31,158	620
REPS3	35,476	6,777
REPS4	18,935	5,073
Farm Waste Management	21,044	13,911
Farm Improvement	1,979	13,681
Suckler Welfare	31,158	620
ERS 94-99	467	7,940
ERS2	2,259	12,700
ERS3	370	12,500
Organic Farming	162	2,808
Dairy Hygiene	338	10,471
Installation Aid	543	14,193
Sow Welfare	14	113,017
Alternative Enterprises	74	10,132
Afforestation Grants	756	29,563
Afforestation Premiums	817	3,655
Development of Commercial Horticulture	96	23,864
Genetic Resources	12	17,700

*Based on 2009 born animals.

The average administration cost for each scheme is not readily available as the Divisions within my Department have multifunctional roles. However, I can provide the Deputy with a copy of my Departments annual output statement which summarises the main activities into five programmes and specifies, among other things, the resources required for each of these programmes.

Departmental Staff

263. **Deputy Andrew Doyle** asked the Minister for Agriculture, Fisheries and Food if he will provide a breakdown of the number of staff and staff grades employed in each division of his

Department and in State agencies under the remit of his Department , following efficiencies made by his Department in the current year in tabular form; and if he will make a statement on the matter. [38023/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The functions of my Department are divided into 5 main areas as listed in the Table below. The table provides a breakdown of staff by grade in each of these areas, as requested by the Deputy. Staffing in the bodies under the aegis of my Department is a matter for the bodies themselves as part of their day-to-day activities.

Full-Time Equivalent Staff Numbers by Grade in Each of the 5 Areas of the Department of Agriculture, Fisheries and Food

Grade	Agricultural Payments	Corporate Development*	Fisheries	Food Safety & Production	Policy Development
Advisory Counsel Grade 3	—	1.0	—	—	—
Agricultural Inspector	20.0	6.0	—	51.2	—
Administrative Officer	1.0	13.6	—	2.0	6.0
Area Superintendent	5.0	3.0	—	7.0	—
Assistant Secretary	1.0	4.0	1.0	—	2.0
Ass. Agric. Inspector	41.6	2.0	—	59.2	1.0

*Includes staff dealing with Accommodation, Accounts, Agricultural Appeals, Finance, Health & Safety, IMT, Legal Services, Management Services, Ministers' Offices and Personnel.

Grade	Agricultural Payments	Corporate Development*	Fisheries	Food Safety & Production	Policy Development
Assistant Principal	16.7	53.9	2.0	22.0	29.1
Chemist	—	—	—	2.0	—
Chief Inspector	—	—	—	1.0	—
Chief Technologist	—	—	—	1.0	—
Chief Veterinary Officer	—	—	—	1.0	—
Civilian Driver	—	2.0	—	—	—
Cleaner	—	13.6	—	1.8	—
Cleaner — Part Time	—	7.0	—	1.0	—
Clerical Officer	309.0	172.6	17.6	388.4	48.9
Craftsman	—	—	5.5	2.0	—
Dairy Produce Officer	—	—	—	5.0	—
Deputy Chief Technologist	—	—	—	1.0	—
Deputy Chief Veterinary Officer	—	—	—	3.0	—
Director of Laboratories	—	—	—	1.0	—
District Superintendent	53.6	1.0	1.0	46.0	—
Dublin Gen. Operative Band 2	—	—	1.0	1.0	—
Dublin Gen. Operative Band 3	—	—	3.0	—	—
Engineer Grade 1 — Civil	—	—	3.0	—	—
Engineer Grade 2 — Civil	—	—	5.0	—	—
Engineer Grade 3 — Civil	—	—	6.0	—	—
Executive Officer	119.2	167.4	16.1	93.2	40.8

*Includes staff dealing with Accommodation, Accounts, Agricultural Appeals, Finance, Health & Safety, IMT, Legal Services, Management Services, Ministers' Offices and Personnel.

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Grade	Agricultural Payments	Corporate Development*	Fisheries	Food Safety & Production	Policy Development
First Assistant Solicitor	—	2.0	—	—	—
Forestry Insp. — Grade 1	4.0	1.0	—	1.0	—
Forestry Insp. — Grade 2	12.0	—	—	—	—
Forestry Insp. — Grade 3	16.0	—	—	0.8	—
General Operative	1.0	—	—	—	—
Head Laboratory Attendant	—	—	—	1.0	—
Head Services Officer	—	1.0	—	—	—
Head of Agricultural Labs.	—	—	—	1.0	—
Harbour Constable	—	—	2.0	—	—
Harbour Master	—	—	5.0	—	—
Higher Exec. Officer	52.0	114.2	9.0	41.0	34.0
Higher Legal Executive	—	1.0	—	—	—
Higher Seed Analyst	—	—	—	3.8	—
Industrial Foreman	—	—	5.0	—	—
Insp. Eng. & Fisheries	—	—	1.0	—	—
Laboratory Attendant Ag & Mar	—	1.0	—	29.0	—
Laboratory Analyst	—	—	—	60.3	—
Librarian	—	1.0	—	—	—
Inspector — Grade 1	1.0	—	—	—	—
Inspector — Grade 2	5.0	—	—	1.8	—
Parliamentary Assistant	—	1.0	—	—	—

*Includes staff dealing with Accommodation, Accounts, Agricultural Appeals, Finance, Health & Safety, IMT, Legal Services, Management Services, Ministers' Offices and Personnel.

Grade	Agricultural Payments	Corporate Development*	Fisheries	Food Safety & Production	Policy Development
Personal Assistant	—	1.0	—	—	—
Personal Secretary	—	1.0	—	—	—
Poultry Officer	—	—	—	5.0	—
Principal Officer	4.6	12.0	2.0	4.0	9.0
Principal Legal Executive	—	1.0	—	—	—
Professional Accountant — Gr. 1	—	1.0	—	—	—
Quality Manager	—	—	—	3.0	—
Research Officer	—	—	—	19.2	—
Rural Gen. Operative Band 1	—	—	2.0	3.0	—
Rural Gen. Operative Band 2	—	—	4.0	17.5	—
Rural Gen. Op. Band 3	—	0.8	15.0	4.0	—
Secretarial Assistant	—	1.6	—	—	—
Secretary General	—	—	—	—	1.0
Seed Analyst	—	1.0	—	10.0	—
Senior Auditor	—	1.0	—	—	—
Senior Dairy Produce Officer	—	—	—	2.0	—
Senior Inspector	2.0	1.0	—	8.0	—

Grade	Agricultural Payments	Corporate Development*	Fisheries	Food Safety & Production	Policy Development
Senior Laboratory Analyst	—	—	—	41.9	—
Senior Research Officer	—	—	—	9.8	—
Senior Seed Analyst	—	—	—	1.0	—
Senior Serological Assistant	—	—	—	1.0	—

*Includes staff dealing with Accommodation, Accounts, Agricultural Appeals, Finance, Health & Safety, IMT, Legal Services, Management Services, Ministers' Offices and Personnel.

Grade	Agricultural Payments	Corporate Development*	Fisheries	Food Safety & Production	Policy Development
Senior Super. Vet. Inspector	—	—	—	10.0	—
Senior Surveyor	—	1.0	—	—	—
Serological Assistant	—	—	—	32.1	—
Services Attendant	—	5.0	—	—	—
Services Officer	2.0	35.0	—	2.0	—
Staff Officer	17.8	10.9	3.5	46.7	3.8
Superintendent Sen. Research Officer	—	—	—	4.0	—
Superintendent Surveyor	1.0	—	—	—	—
Superintending Vet. Inspector	—	—	—	49.0	1.0
Super. Serological Assistant	—	—	—	9.6	—
Supervisory Ag. Officer	88.0	—	—	159.5	1.0
Technical Ag. Officer	194.5	—	—	289.8	—
Technical Grades — level 4	—	—	5.0	—	—
Veterinary Inspector	1.0	—	—	204.5	—
Telephonist	2.0	1.0	—	—	—
TOTAL FTE	971.0	643.6	114.7	1,766.1	177.6

*Includes staff dealing with Accommodation, Accounts, Agricultural Appeals, Finance, Health & Safety, IMT, Legal Services, Management Services, Ministers' Offices and Personnel.

264. **Deputy John O'Mahony** asked the Minister for Agriculture, Fisheries and Food the number of persons employed on temporary contract and cost to his Department and any agencies under his Department for same in tabular form for 2008 and 2009; and if he will make a statement on the matter. [38125/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The figures below include 13 student placements over the two years in question as a result of long standing arrangements with various 3rd level institutions.

Year	No. of persons employed on temporary contract	Cost
		€
2008	310	3,268,584.54
2009	134	1,848,922.88

Grant Payments

265. **Deputy Maureen O’Sullivan** asked the Minister for Agriculture, Fisheries and Food further to Parliamentary Question No. 1667 of 29 September 2010, if he will complete his reply [38176/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The exercise referred to by the Deputy in the earlier Parliamentary Question related to the operation of the Single Payment Scheme and Disadvantaged Areas Scheme in Ireland. In particular, the exercise related to the exclusion from land parcels of ineligible features, which were not eligible to benefit from payment under one or both of these Schemes. The ineligible features were identified by examination of 2004 ortho-photo imagery of the land parcels claimed by farmers. In certain cases where farmers were claiming the area covered by the ineligible features, over-payments were established for the years that these ineligible areas were included in these claims.

I can confirm that €5.75m was clawed back and that the vast majority of the areas excluded by my Department for this period related to a myriad of ineligible physical areas such as house sites, farmyards, forestry, roadways, quarries etc. It should also be noted there is no detailed breakdown of the amounts deducted and areas excluded as a result of the exercise. There are a number of reasons for this. In the first instance, it is not necessary to classify the type of ineligible features under the provisions of the governing EU Regulations; they must simply be excluded. Furthermore, the procedure was an extremely complex one involving thousands of individual feature exclusions and that the reduced area had to be applied to each application by the farmers in question in respect of each of the scheme years from 2005.

As the area of land declared each year can vary and the number of payment entitlements (for the purposes of the Single Payment Scheme) held by applicants can also be different from year to year, the final outcome at the level of the individual farmer could vary from year to year. In some years, the over-claim could have led to an over-payment, while in other years it had no impact on the payment. It is also important to note that the vast majority of the over-claims identified during this process did not lead to any over-payment (90% approximately of the cases) as the applicants, while not pointing out the ineligible feature in a map, were making sufficient deductions from the claimed area in their application for the feature and this had no negative financial consequence.

Departmental Staff

266. **Deputy John O’Mahony** asked the Minister for Enterprise, Trade and Innovation the number of persons employed on temporary contract and cost to his Department and any agencies under his Department for same in tabular form for 2008 and 2009; and if he will make a statement on the matter. [38130/10]

Minister for Enterprise, Trade and Innovation (Deputy Batt O’Keeffe): The number of persons employed on temporary contract in my Department and the cost involved for 2008 and 2009 is set out in the table below.

Fixed Term Contracts

Category	No. of Contracts 2008	Cost of Contracts 2008	No. of Contracts 2009	Cost of Contracts 2009
Fixed Term Contracts 2 – 4 year duration i.e. primarily appointed to professional grades, e.g. Accountant / Auditor/ Legal Adviser	4	€ 404,619.95	10	€ 689,462.48
Fixed Term Contracts 3 – 15 month duration i.e. Students	10	130,567.80	4	38,560.62
Fixed Term Contracts 6 – 14 week duration i.e. Term Time Replacements	84	441,717.57	8	52,473.15

Due to budgetary constraints my Department has temporarily ceased its participation in the cooperative education programme operated by the University of Limerick, University College Cork and National University Galway, whereby students were given “work experience” placements as an integral part of their university courses. These students were paid a rate equivalent to the 1st point of the Executive Officer payscale. My Department also ceased employing term time replacements in 2009.

This response does not include political appointees, i.e. Special Advisers, Personal Assistants, Personal Secretaries or Civilian Drivers to the Minister or Ministers of State.

Staffing matters within the agencies under the aegis of my Department are a day to day matter for the agencies concerned provided they operate within the parameters of the Employment Control Framework and the moratorium on recruitment.

Protection of Patents

267. **Deputy Noel Ahern** asked the Minister for Enterprise, Trade and Innovation the level of protection given to persons who register an invention with the Irish Patent Office; the international protection a patent holder is entitled to on the basis of an Irish patent; the steps a person must take to ensure that they are the sole owner of the intellectual property rights associated with an invention in countries other than Ireland; the options open to a person who, having registered a patent in Ireland, finds that a patent for the same or similar invention was granted in another country on a date after their original application; and the assistance he can give to an Irish patent holder (details supplied) who is being challenged by a multinational corporation over the ownership of intellectual property rights for a new form of internal combustion engine [38156/10]

Minister of State at the Department of Enterprise, Trade and Innovation (Deputy Conor Lenihan): In the event that a person who, having been granted an Irish patent, finds that a patent for the same or similar invention was granted in another country on a date after their original application, would have the option of making an application (usually before the court) in that country to have the patent declared invalid on the grounds that the invention was not novel since it was already described in another published patent and had therefore become part of the body of existing knowledge, (what is termed “prior art”), in that field of technology. A dispute over the ownership of intellectual property rights is generally a matter of civil law and therefore dealt with before the courts. I made enquiries regarding the status of the patent referred to in your question. Unfortunately, this short — term (10 year) patent has lapsed. However, the patent holder has a short window of opportunity to make an application for restoration of the patent to the Controller of Patents, Designs and Trade Marks. Once certain

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criteria have been met, and if there is no opposition to the restoration of the patent, the Controller may order that the patent be restored.

Emigration Statistics

268. **Deputy Mary Upton** asked the Minister for Enterprise, Trade and Innovation in view of the projection by the Economic and Social Research Institution that 150,000 persons will emigrate from Ireland by 2015, with a sizable number of these being graduates; his plans to halt this brain drain; and if he will make a statement on the matter. [38185/10]

Minister for Enterprise, Trade and Innovation (Deputy Batt O’Keeffe): The Government is pursuing a whole of enterprise approach to employment creation through support for Irish firms and winning foreign direct investment, to sustain and expand job opportunities. Many jobs that are being created are providing employment opportunities for our graduates.

My Department’s agencies are playing, and will continue to play, a key role in this regard, for example:

- IDA has already won 75 investments this year spread around the country, with a good mix of new companies starting up and expansions of existing companies.
- Enterprise Ireland has supported client companies in winning new exports and have announced 700 new jobs so far this year.
- SFI is engaged with a range of innovative Irish and multinational companies and investing €45 million in supporting over 300 researchers. In the next 6 months, SFI will support three competency centres, a new energy research centre and collaborate with eighty eight companies to deliver sustainable jobs into the future.
- The County Enterprise Boards are supporting existing small business owners and those who want to start new businesses.

The Enterprise agencies are all taking a range of actions to support client companies in ways best suited to their needs — marketing, training, access to finance and advice across a range of issues.

In addition to these initiatives, Enterprise Ireland operates the Graduates 4 International Growth Programme. The Programme aims to place 50 top-level college graduates with ambitious internationally trading companies. Participants will be based for a minimum of 12 months in an overseas market. Enterprise Ireland also operates the International Graduate Programme through which it employs 15 graduates for 2 years in its overseas office network. I am also looking at how we can increase the number of graduates working with the enterprise agencies and their client companies.

The Department of Education and Skills offers the Work Placement Programme, which, provides up to 9 months work experience to 1,000 unemployed graduates. At the end of September 2010, 944 graduates had commenced their placements under this programme. The Work Placement Programme will continue to provide a vital opportunity for unemployed graduates to gain valuable work experience that will keep them closer to the labour market and will assist them in securing employment in the future.

Other initiatives, which support job creation, include the Employer Jobs (PRSI) Incentive Scheme and the three-year corporate and capital tax exemption for new start-up companies in 2010.

We are positioning Ireland to be successful in selling our goods and services abroad, winning global investment and attracting visitors from around the world. This is the most effective way to create sustainable, quality jobs for all our citizens. Indeed, it has been estimated that there will be a need to recruit up to 96,000 people on average every year up to 2014.

Designated Areas

269. **Deputy Bernard J. Durkan** asked the Minister for Community, Equality and Gaeltacht Affairs the reason an area (details supplied) has been removed from the RAPID area; and if he will make a statement on the matter. [38059/10]

Minister for Community, Equality and Gaeltacht Affairs (Deputy Pat Carey): In seeking to ensure the continued relevance of the RAPID Programme, my Department commissioned a review in 2008 of RAPID area boundaries, including an analysis of data from Census 2006 across a range of socio-economic and deprivation indicators. A key objective of the review was to ensure that the effectiveness of the RAPID Programme would not be diluted and that Government action continues to prioritise and target communities with the greatest needs.

The study involved the examination of both the RAPID areas and adjacent areas, using specific criteria which identified any additional such adjacent areas that fell below pre-defined thresholds of disadvantage. The conclusions of this report were presented to RAPID Area Implementation Teams (AITs), along with an invitation for local areas to review the conclusions and present for consideration any queries they had in relation to the boundaries.

It should be noted that no areas were removed from RAPID without the agreement of the local AITs. In a number of instances, AITs requested that additional areas (that had not been identified as falling below the pre-set threshold) be added to the programme. This approach was taken in recognition of the fact that some very small, or very newly developed areas, might have escaped identification in the national process, due to the parameters of the CSO data.

On examination, the evidence presented for the area referred to by the Deputy did not fulfil these criteria and, accordingly, could not be included in a RAPID extension.

Departmental Staff

270. **Deputy John O'Mahony** asked the Minister for Community, Equality and Gaeltacht Affairs the number of persons employed on temporary contract and cost to his Department and any agencies under his Department for same in tabular form for 2008 and 2009; and if he will make a statement on the matter. [38127/10]

Minister for Community, Equality and Gaeltacht Affairs (Deputy Pat Carey): As the Deputy will be aware, it is necessary from time to time to employ staff on a temporary contract basis where the work in question may be seasonal, have specific objective grounds and is time bound.

Details in relation to the number of persons employed on a temporary contract basis during 2008 and 2009, and the cost to my Department and to the bodies/agencies funded from my Department's Vote Group, is provided in the table below.

It should be noted that the figures include service officers, Ministerial office staff whose contracts are coterminous with the terms of appointment of the Ministers in question, and persons employed on contract by certain agencies for summer or work experience placements.

The Deputy may also wish to note that Waterways Ireland and An Foras Teanga are cross-border implementation bodies with offices in both jurisdictions and, therefore, may have contracts with staff in Northern Ireland.

[Deputy Pat Carey.]

Number of persons employed on temporary contracts and the cost to the Department and to bodies/agencies funded from the Department's Vote Group during 2008 and 2009

Department/Body	2008		2009	
	Number on temporary contract	Cost	Number on temporary contract	Cost
Department of Community, Equality and Gaeltacht Affairs	25.0	€951,428	22	€799,433
Commissioners for Charitable Donations and Bequests	1.0	€91,796	1	€93,551
Údarás na Gaeltachta	10.0	€280,036	8	€144,454
An Coimisinéir Teanga	0.0	—	0	—
Waterways Ireland	9.0	€337,410 and £15,314stg	4	€129,867 and £15,532stg
<i>An Foras Teanga comprising:</i>				
Ulster-Scots Agency	2.5	£38,877stg	3	£48,291stg
Foras na Gaeilge	30.0	€481,174	13	€361,437
Dormant Accounts Board	0.0	—	0	—
Western Development Commission	1.0	€58,987	1	€62,485
Family Support Agency	12.0	€238,661	13	€256,291
Equality Authority	1.0	€24,960	1	€10,000
Equality Tribunal	1.0	€29,628	0	—
Irish Human Rights Commission	4.0	€135,790	4	€111,101
National Disability Authority	7.0	€138,581	4	€32,382

Commemorative Events

271. **Deputy Aengus Ó Snodaigh** asked the Minister for Defence the date on which the workplan and commemorative calendar of the National 1916 Commemoration will be available and if the all-party 1916 commemorative committee will meet again [38170/10]

278. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Defence if his Department has an outline commemorative programme up to 2016; and if he will make a statement on the matter. [32345/10]

Minister for Defence (Deputy Tony Killeen): I propose to take Questions Nos. 271 and 278 together.

The All Party Oireachtas Consultation Group on the Centenary of the 1916 Rising last met on Wednesday, 2nd December, 2009, for discussions and site visits to Glasnevin Cemetery and the National Museum of Ireland, Collins Barracks to view projects relating to the 2016 Commemoration of the 1916 Rising.

I hope to convene a meeting of the All Party Oireachtas Consultation Group on the Centenary of the Rising in the coming weeks. This will be my first meeting with the Group since entering office.

The work of the Group to date has been addressed towards the re-instatement of the annual military commemorations in Dublin at Easter, the review of current conservation and development projects and a consideration of outline arrangements for a commemorative framework to be implemented in the anniversary period.

I look forward to working with the Group in the coming months with a view towards a comprehensive commemorative programme to be implemented across the anniversary period, centred on official initiatives but also including academic, community, diaspora and commercial initiatives.

Since entering office, I have reviewed several projects and proposals in relation to commemorative initiatives of the relevant period. The most significant current project at my Department is the Military Service Pensions Archive project. This Archive is the largest remaining source of unpublished material relating to the events of the Independence years. I am glad to report that significant progress has been made towards having these records available to the public and to historians in good time for the Centenary of the Rising in 2016. Significant progress is being also made with projects in other Departments. The restoration of the yacht *Asgard* with which Erskine Childers imported arms for the Volunteers is at an advanced stage at the National Museum of Ireland, Collins Barracks.

Renewal works were undertaken at Arbour Hill including restoration and extension of the existing church car park, repair and restoration of all existing cemetery graves, repair of cemetery pathways and the planting of new trees.

An examination by the Office of Public Works of the suggested relocation of the Abbey Theatre to the GPO complex is nearing completion.

I am also aware of a number of private and commercial initiatives relating to the struggle for Independence. With the support of TG4 and the Broadcasting Commission of Ireland, an independent production of biographies of the seven signatories of the proclamation was prepared and features in current broadcast schedules.

The Moore Institute, under the guidance of the National University of Ireland, Galway are planning a series of symposia in 2010 to commemorate 1916, in conjunction with Queens University Belfast and Trinity College Dublin.

Complementing the continuing programme of refurbishment works at Glasnevin Cemetery, a joint initiative between the Glasnevin Trust and the Commonwealth War Graves Commission is erecting headstones on the graves of former personnel of the British armed services who died from injuries received during the World Wars. Most of the 43 headstones to be installed this year relate to those who died in the conflict of 1914-18.

I have been impressed by the widespread interest reflected in the planning and activities in anticipation of the Centenary anniversaries. I am looking forward to meeting Deputies shortly with a view to development of a comprehensive commemorative framework for the period.

Defence Forces Strength

272. **Deputy David Stanton** asked the Minister for Defence the establishment and current strength respectively of the Permanent Defence Forces, by unit; and if he will make a statement on the matter. [38117/10]

Minister for Defence (Deputy Tony Killeen): I am advised by the Military authorities that the strength of the Permanent Defence Force as at 30 September 2010, the latest date for which figures are currently available, was 9,625 comprising 7,845 Army, 776 Air Corps and 1,004 Naval Service personnel. A breakdown, according to Brigade, is provided in the tabular statement overleaf. Within the context of consolidating the public finances, the Government is focused firmly on maintaining the operational efficiency of the Permanent Defence Force. Government approval was secured in the context of Budget 2010 for a level of 10,000 all ranks.

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This reflects the reductions in personnel recommended in the Report of the Special Group on Public Service Numbers and Expenditure Programmes.

I intend, with the support of the Chief of Staff and within the resources available, to retain the capacity of the organisation to operate effectively across all roles while contributing to the necessary public service economies.

Strength of the Defence Forces 30-Sep-10

	LT GEN	MAJ GEN	BRIG GEN	COL	LT COL	Comdt.	Capt.	LT	Total Offrs.	SM	BQMS	CS	CQMS	SGTS	CPLS	Total NCOS	PTES	Cadets	Total
DFHQ (Officers)	1	2	2	23	41	66	65	3	203							0			203
1 Southern BDE			1	1	11	40	61	80	194	4	5	25	54	220	304	612	1,104		1,910
2 Eastern BDE			1	1	19	48	53	111	233	7	9	39	72	329	422	878	1,139		2,250
4 Western BDE			1	1	14	47	38	93	194	4	4	24	61	200	311	604	1,167		1,965
DFTC			1	7	20	81	58	59	226	9	9	29	44	219	326	636	624	31	1,517
Air Corps				2	12	28	64	39	145	6	4	45	12	131	163	361	265	5	776
Naval Service			1	2	10	37	50	61	161	4	6	70	16	207	159	462	368	13	1,004
Total	1	2	7	37	127	347	389	446	1356	34	37	232	259	1,306	1,685	3,553	4,667	49	9,625

Naval Service Vessels

273. **Deputy David Stanton** asked the Minister for Defence the timetable for replacement of the two oldest vessels in the Naval fleet; and if he will make a statement on the matter. [38118/10]

Minister for Defence (Deputy Tony Killeen): Following a two-stage tender competition a contract has recently been awarded to the preferred bidder, Babcock Marine, for the provision of two new Offshore Patrol Vessels (OPVs) for Naval Service. Preparations for the construction of these new vessels have commenced and the first new vessel is scheduled for delivery in early 2014. The second vessel will follow one year later. The acquisition of these modern new vessels, combined with a continuous process of refurbishment and repair, will ensure that the operational capability of the Naval Service is maintained at a satisfactory level.

Departmental Properties

274. **Deputy David Stanton** asked the Minister for Defence the location of land and other properties in the ownership of his Department which are not in use; his plans to dispose of such properties or to make them available to other State agencies or local authorities; and if he will make a statement on the matter. [38119/10]

Minister for Defence (Deputy Tony Killeen): As part of the Report of the Special Group on Public Service Numbers and Expenditure Programme the Department identified 33 properties for disposal. These properties are dispersed throughout the country and their disposal will take account of the market conditions, so as to maximise the return to the Defence Forces and generate funding for reinvestment in Defence Forces equipment and infrastructure. The Defence property portfolio is kept under review by the Department to ensure the most effective use of military resources having regard to the roles assigned by Government to the Defence Forces.

A list of the locations will be forwarded to the Deputy.

Defence Forces Personnel

275. **Deputy David Stanton** asked the Minister for Defence the number of staff appointments recommended in the Defence Forces medical service review that have been made to date; the timeframe within which he expects full implementation of this review; and if he will make a statement on the matter. [38120/10]

Minister for Defence (Deputy Tony Killeen): The PA Report assessed the current arrangements for the provision of medical services and proposed a model for future delivery of those services. The Consultants recommended a programme of major change. As recommended by PA, Working Groups have been set up to progress the various projects identified. These continue to meet regularly and all have submitted reports. The Line officer, in the rank of Colonel, to command the new Centralised Medical Unit for the Medical Corps took up duty on the 14 June 2010. He has responsibilities for implementation of the Model for Future Medical Service. PA did not identify structures, numbers and processes within the Centralised Command Structure in detail. Work on this is being undertaken by the Organisation and Establishment Working Group which will bring forward recommendations on an overall structure to include staff appointments for the Future Medical Service. Following consideration by the Steering Group of their initial report, the Working Group is now conducting some further analysis and this is expected to be finalised in early November 2010. Final reports from two of the Working

Groups, the Training & Education and the Financial Arrangements & Outsourcing Working Groups have now been completed. The final report of the Future Medical Information System Working Group will be completed shortly, and it, along with the aforementioned final reports, will be considered by the Steering Group, whose decisions are expected by mid November. The Clinical Review Working Group is not due to submit its final report until 30 November 2010. However, monthly reports are being submitted in the interim and action on items is being taken as decisions are made.

Following completion of this phase of work by the Working Groups and the finalisation and approval of their reports by the Steering Group, the full implementation of the PA recommendations can then be progressed. The process for implementation also requires that consultation with the Representative Associations must take place regarding any change within the scope of representation.

The development of the Medical Corps forms part of the agreed programme for Government and I am committed to providing a sustainable medical service to meet the needs of the Defence Forces both at home and abroad. The structure and systems recommended by PA have been designed to meet this objective.

Army Barracks

276. **Deputy David Stanton** asked the Minister for Defence if he is considering the closure of any further army barracks in 2011; and if he will make a statement on the matter. [38121/10]

Minister for Defence (Deputy Tony Killeen): The Defence property portfolio is kept under review by the Department to ensure the most effective use of military resources having regard to the roles assigned by Government to the Defence Forces. The closure of barracks and the consolidation of the Defence Forces formations into a smaller number of locations is a key objective of the White Paper on Defence. The dispersal of personnel over an extended number of locations is a major impediment to essential collective training. It also imposes increased and unnecessary overheads on the Defence Forces in terms of barrack management, administration, maintenance and security. In the context of the 2009 Budget, the Government approved the closure of four barracks, which has been achieved and also St. Bricin's Hospital in Dublin. The consolidation of St. Bricin's is linked to the provision of modern medical facilities within the existing Departmental property portfolio. The Deputy will be aware that the Special Group on Public Service Numbers and Expenditure Programmes recommended the closure of Cathal Brugha Barracks, Rathmines. However, Cathal Brugha Barracks is a very significant military installation with a wide range of facilities, accommodation and storage depots and would be costly to replace.

Departmental Staff

277. **Deputy John O'Mahony** asked the Minister for Defence the number of persons employed on temporary contract and cost to his Department and any agencies under his Department for same in tabular form for 2008 and 2009; and if he will make a statement on the matter. [38128/10]

Minister for Defence (Deputy Tony Killeen): The Department and its agency, the Civil Defence Board, employ individuals on temporary contract from time to time for a range of reasons, such as the provision of term time cover, staff on fixed purpose contracts or political appointees such as Special Advisors or Personal Assistants. The table below sets out the

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number of persons employed on temporary contracts and their associated costs in 2008 and 2009.

Year	Number of Persons Employed on Temporary Contract — Department		Number of Persons Employed on Temporary Contract — Civil Defence Board	
		€		€
2008	38	533,135	3	13,916
2009	7	402,027	—	—

Question No. 278 answered with Question No. 271.