



# DÁIL ÉIREANN

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*Dé Céadaoin, 3 Samhain 2010.*  
*Wednesday, 3 November 2010.*

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

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*Paidir.*

*Prayer.*

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## Leaders' Questions

**Deputy Enda Kenny:** The Governor of the Central Bank has said that 50% of the fiscal crisis in the country is due to the jobs crisis. We know that since the Taoiseach took office the unemployment rate has gone up from 5.5% to 13.7%. Tomorrow we are to be told about the austerity programme and the extent of cuts being contemplated by the Government and the Minister for Finance. In view of the fact that the live register figures are out this morning, will the Taoiseach indicate to us what those figure are? They may be up or down depending on emigration or some other factors. Has the Taoiseach the figures for the live register to hand now?

**The Taoiseach:** The official statistical release for the October live register will be published at 11 a.m. this morning by the Central Statistics Office, CSO.

**Deputy Pádraic McCormack:** The Taoiseach should delay it a little.

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

**The Taoiseach:** I understand from Department of Social Protection internal figures that the end of October figures will show a fall of more than 12,800 since September with a headline figure of 429,550. On a seasonally adjusted basis the live register is expected to fall by 6,600 in the month. This reflects the fact that the decrease is higher than normally expected in October; it is the second highest fall ever for the month of October. The standardised unemployment rate will be published by the CSO at 11 a.m. and, on the basis of the Department of Social Protection estimates, it will be 13.6%.

**Deputy Enda Kenny:** Does the Taoiseach have information to hand on the extent of the numbers who have emigrated because of the economic situation here in the period to which these figures relate?

While we are at it, the Taoiseach has castigated Opposition parties regularly because of their programmes for job creation not being acceptable to him. I point out three measures the Taoiseach could take now which would have a direct impact on employment and growth and which would provide hope and confidence. First, the Taoiseach could call in the airlines, Ryanair and Aer Lingus, and inform them he is prepared to abolish the travel tax if they meet a targeted increase in tourism and passenger figures into the country, with a direct impact on local

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employment and spend. Second, as Fine Gael has pointed out, the Taoiseach could introduce a work-share programme now that would take 10,000 off the live register in the short term. No real attempt has been made by Government to do this. Third, there are 80,000 small firms in the country. They employ 800,000 people. It would be possible for every one of those firms to take on one extra person if the Taoiseach releases the obstacles to their so doing, including a reduction in the level of employers' PRSI.

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

**Deputy Enda Kenny:** These people could then be paid the social welfare they receive and, together with the removal of those obstacles, this would have a direct impact on the live register in the short term. In its own way this would create some sense of hope, confidence and some sense that Government and politics can actually impact on their lives. As we speak, able-bodied men and women are totally frustrated, sitting at home and trying desperately to get jobs anywhere because they wish to contribute and do something. I have pointed out three measures that the Taoiseach could implement in the short term with a direct impact on the live register. Is he prepared to take on board any of these three suggestions?

**The Taoiseach:** The CSO will outline the situation regarding the live register figures. There is evidence the labour market is stabilising and this is reflected in the most recent employment figures from the quarterly national household survey. As I stated yesterday, the publication of the October Exchequer returns reinforces the key message of the stabilising of the economy since tax was slightly ahead of expectations.

**Deputy Pádraic McCormack:** The Taoiseach is doing well.

**The Taoiseach:** Corporation tax is well up on profile. It is also important to point out that our fiscal adjustment and public finances remain on track in terms of our budgets for this year. Yesterday's Exchequer figures illustrate that tax revenues are slightly ahead of profile and public expenditure is below profile.

I point out to the Deputy that with regard to initiatives being prepared, what the Government has done, to find time and space to bolster domestic and international confidence, is to step out of the markets; to use the two months for the preparation of a four-year national plan; to provide a credible path to show people how we can manage our public finances, which we are required to do as a member of the euro area; and to bring forward a budget which will be the first step on that credible path. This is the important national imperative for the country.

All the issues must be considered, including cutting spending; increasing taxation; generating growth while bringing about this correction; front-loading, to some extent, the correction which must be made, which began in 2008, which we are half-way through and which will not be finished until 2014; the issue of growth and bringing forward every possibility of exploiting the potential of the economy, having stabilised it through our budgetary policies thus far; and bringing growth in the future dependent on the external environment, but also based on how we can continue with policies here which generate net employment. All of these issues are being examined in detail, including labour market activation policies, assistance for small indigenous businesses and ensuring the foreign direct investment flow to Ireland continues. Last week, it was important to point this out because we need to consider the positive news about the country in the context of the difficult challenges we face. Ireland is seen as the best place to come and invest. This is as a result of improvement in competitiveness, the reduction in unit labour costs against our European competitors of 8% last year, an increase in merchandise exports in the

last quarter by 12% and an overall improvement in exports on last year of 9%. These are important indications of recovery——

**Deputy Pádraic McCormack:** Which of the three points will the Taoiseach take up?

**An Ceann Comhairle:** Deputy McCormack, please. One speaker at a time.

**Deputy Pádraic McCormack:** I am only helping him.

**The Taoiseach:** What we must not do in the House as we have these discussions as constructively as possible, recognising our political differences, is to generate a mantra of negativity about the economy, which does not give any credit to the strengths of our economy. The fact that we have a foreign direct investment profile in Ireland, which is greater than all US investment in China, is not often acknowledged or recognised. The investment is 80 times what it is in Greece and 23 times what it is in Portugal. These are important strengths that the Irish economy needs to use as a platform for generating confidence.

**Deputy Pádraic McCormack:** So the Taoiseach does not need the suggestions.

**The Taoiseach:** Let us have a critique but let us ensure the national interest of the country is best served.

**Deputy Enda Kenny:** We gave the Taoiseach three suggestions now.

**Deputy Eamon Gilmore:** Later today, there will be a major demonstration of students outside Leinster House. There is a commitment in the revised programme for Government that reads as follows: “Conscious of the economic pressures on parents today, this Government will not proceed with any new scheme of student contribution to Third Level education.” That commitment has been interpreted by the partners in government, the Green Party, as meaning there will not be a reintroduction of third level tuition fees or an introduction of fees by the back door such as an increase in the student registration fee. At the weekend there was speculation that the Government was considering increasing the student registration fee from €1,500 to €2,500 or €3,000. By anyone’s measure, this would be the introduction of a new scheme of student contribution for third level education. There was also speculation that the Government might introduce a new fee of €500 for post leaving certificate students. Will the Taoiseach confirm to the House that the interpretation of the commitments in the programme for Government given publicly by the Green Party over a period of time is correct and that there will not be a reintroduction of tuition fees, an increase in the student registration fee to €2,500 or €3,000 or the introduction of a fee for post leaving certificate students?

**The Taoiseach:** The Deputy is well aware that I am not in a position to divulge any discussions that take place at the Cabinet in respect of the various adjustments to be made and that must be made by governments in this country between now and 2014. All of the commitments in the programme for Government or in any programme for Government to which Deputy Gilmore subscribed are dependent on the maintenance of financial stability in the country. That is the major issue that must be addressed. We must examine all of these issues and discuss them in a way that ensures we get a contribution from all Departments towards the correction or adjustment that must be made. A strong case can be made for a range of issues where people would like to see a no policy change position.

The context in which these discussions take place means it is imperative that everything is considered. Decisions have not been taken and discussions are ongoing on a range of issues. In recent years we have seen an increase in the number of students attending third level insti-

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tutions, which increased by 9% last year. Those involved in third level education inform us of the need to find a financial model for the funding of education that will ensure we have a competitive third level sector. It is fundamental to our overall enterprise strategy and industrial policy to provide graduates. One of the strong points about the Irish economy is that we have the highest *per capita* graduate population for people coming out of universities. We have over 32% of the population with a graduate level education. Clearly it is an important part of our education system.

Deputy Gilmore is aware that I cannot give specifics about the outcomes of ongoing discussions. I can only assure everyone that we are seeking to deal with these matters in an appropriate way and in as fair a way as possible, recognising all the issues. All of the commitments in any programme for Government have, as an overall context, the need to maintain financial stability. When Deputy Kenny rose to ask a question, we spoke about finding a sustainable growth strategy for the country. We must also find a sustainable expenditure policy for the country based on the resources available. To do so is not easy and presents challenges. While Deputy Gilmore is in a position to send positive signals to the students coming along, by suggesting he has an easier way, these issues must be examined carefully.

**Deputy Eamon Gilmore:** I agree there must be a sustainable strategy in respect of the public finances and growth. The Taoiseach seeks to suggest the commitment made in the programme for Government was made in a different economic environment. The commitment was made in the revised programme for Government, published on 10 October 2009. This does not date to before the banking crisis but was produced at a time when the level of unemployment was 412,000 people. I appreciate why the Taoiseach wants to see positive news in the reduction in the number of people out of work. That is welcome but the number of people out of work according to the live register decreases every October. This time last year it was 412,000; it is now 17,000 higher at 429,000. Nevertheless, the commitment is that there would not be any new scheme of student contribution for third level education. This commitment was not made by the Labour Party or Fine Gael; it was made by the Taoiseach and his partners in government this time last year. The Taoiseach now tells us that new schemes are being considered.

The Taoiseach did not distance himself from the speculation over the weekend that the student registration fee would be significantly increased and that there might be a new fee for post leaving certificate students. At a time when there are high levels of unemployment, does it make sense financially or socially to put new fee obstacles in the way of people entering education? Would someone out of work not be better off doing a post leaving certificate course or a third level college course rather than drawing the dole? Does it not make financial sense to say to someone who wants to do a post leaving certificate course that we will charge €500 and that if the person cannot or does not pay the €500 we must pay the person the dole in order to do nothing?

**The Taoiseach:** The effort by Deputy Gilmore to give credence to all speculation as fact is not something to which I can subscribe. I am in the business of leading——

**Deputy Eamon Gilmore:** I am only asking about it.

**The Taoiseach:** I wish to answer Deputy Gilmore. It will not stop him speculating whatever view he wants because thousands of students are coming to protest and march, as they are entitled to do, about their concerns in third level education.

**Deputy Seán Sherlock:** What about Deputy Gogarty's comments?

**The Taoiseach:** We know the game Deputy Gilmore is playing but the reality for the Government is that it must examine these issues carefully and bring forward a budgetary policy that is credible. I recall the decision that was made when the Labour Party was last in government, which was to eliminate all fees regardless of income.

**Deputy Joan Burton:** Tuition fees.

**The Taoiseach:** That was not the most socially progressive thing that ever happened——

**Deputy Ruairí Quinn:** It certainly was.

**The Taoiseach:** ——since it allowed those who were well capable of paying fees to pay nothing, thereby limiting the number of people from lower socio-economic backgrounds accessing education.

**Deputy Brian Hayes:** Fianna Fáil did not oppose it.

**An Ceann Comhairle:** The Taoiseach should be allowed to speak without interruption please.

**The Taoiseach:** That was not a sustainable model either.

**Deputy Ruairí Quinn:** It was.

**The Taoiseach:** But it was very popular at the time and the Labour Party thought it might hold on to its middle class vote but, unfortunately, the tide had gone out for the party. We all know what was behind that one. I am not in the business of playing games either. I am in the business——

**Deputy Seymour Crawford:** You have been here for too long.

**An Ceann Comhairle:** Deputy Crawford.

**The Taoiseach:** ——of trying to bring forward a budgetary strategy. All of us in government, taking into account everything that we are trying to achieve to find ways forward that will ensure we have a well-funded sector. Where one has a situation where 35% less revenue is available than was the case prior to this crisis, it is clear that one cannot continue to borrow for day-to-day expenses on an ongoing basis. One must close that gap, which can only be done on a sustainable basis by taking decisions in respect of areas which would one not normally contemplate considering. No decisions have yet been taken. A good discussion is ongoing on these matters. We are trying to find a way forward.

On the question of post-leaving certificate colleges and institutes of education, the places have been increased, unlike when the Labour Party was in government, which was to provide for a no-fee scenario for an existing number. What we have done is increased the number of people who can access education.

**Deputy Ruairí Quinn:** The Government is making people pay fees.

**Deputy Seán Sherlock:** The Government should have done that anyway.

**The Taoiseach:** That in turn has been a strong selling point for the country in terms of attracting investment and to facilitate entrepreneurs at home in finding people with the requisite skills to generate jobs in the future. All those issues must be examined. Deputy Gilmore is aware of the scale of the adjustment that must be provided so that we can continue to not alone reduce deficits but to fund them on an ongoing basis so that we can get back to a public

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finance balance. Where health, education and social welfare constitute more than 75% of the day-to-day spend of Government, as Deputy Gilmore is aware, those issues cannot be ring-fenced and allow one to come up with a credible policy that will get one to the point where one can go back to the markets and obtain funds at reasonable rates. Deputy Gilmore knows that.

**Deputy Pádraic McCormack:** Seven per cent.

**The Taoiseach:** It is very easy for the Opposition to come to the House and say, as it has been doing in public, that it agrees with the targets and the 3% but that it has no costing on the proposal, that it does not believe it will be €15 billion or that one should cut this or that.

*(Interruptions).*

**An Ceann Comhairle:** The Taoiseach should be allowed to speak without interruption.

**The Taoiseach:** The Opposition can play that game but it is not very credible. The more it does so the fewer believe it.

*(Interruptions).*

**An Ceann Comhairle:** The Taoiseach should be allowed to speak without interruption.

**The Taoiseach:** The more the Opposition's argument is exposed to scrutiny the more holes appear in it.

## Ceisteanna — Questions

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### EU Summits

1. **Deputy Eamon Gilmore** asked the Taoiseach if he will make a statement on his participation in the E.U. Summit in Brussels on 28 and 29 October 2010 [39735/10]

2. **Deputy Eamon Gilmore** asked the Taoiseach if he will make a statement on any discussions he had with other E.U. leaders on the margins of the E.U. Summit in Brussels on 28 and 29 October 2010 [39736/10]

3. **Deputy Enda Kenny** asked the Taoiseach if he will report on his attendance at the October meeting of the European Council in Brussels; and if he will make a statement on the matter. [39738/10]

4. **Deputy Enda Kenny** asked the Taoiseach the bilateral meetings he held on the margins of the October European Council meetings; and if he will make a statement on the matter. [39739/10]

5. **Deputy Enda Kenny** asked the Taoiseach if he will report on his recent contacts with the President of the European Commission; and if he will make a statement on the matter. [39740/10]

6. **Deputy Caoimhghín Ó Caoláin** asked the Taoiseach if he will report on his participation in the European Council meeting on 28 October [40260/10]

**The Taoiseach:** I propose to take Questions Nos. 1 to 6, inclusive, together.

I attended the October meeting of the European Council in Brussels on 28 and 29 October. As I will be making a statement to the House later today, I will confine myself to giving a summary account of the proceedings now.

The Council endorsed the outcome of the task force on economic governance, chaired by President Van Rompuy, and agreed that the legislative measures needed to implement its recommendations be fast-tracked, so that agreement is reached between the Council and European Parliament by summer 2011.

The Council also discussed the question of a permanent crisis mechanism. There was agreement that this was needed to safeguard the financial stability of the euro, and that we need to get the work under way so that the mechanism can be in place by mid-2013, when the current arrangement expires.

The Council asked President Van Rompuy to undertake consultations with member states on limited treaty change to this effect. The Council will return to the matter at its next meeting in December, when it will agree on an outline for the mechanism, and on any necessary limited amendment to the treaty.

While it was not on our agenda, a number of member states indicated a wish to discuss the Union's budget following a presentation by the President of the European Parliament, Jerzy Buzek. We agreed to return to the matter at our next meeting in December.

In addition, the Council discussed a number of other issues including: preparations for the forthcoming G20 Summit in Seoul; for the Cancún conference on climate change; and for summits with third countries, including the United States, Russia, Ukraine, India and Africa.

Prior to the European Council, I attended a meeting of the European Liberal Democrat Party, the ELDR, at which I met with a number of my European Council colleagues, including the new Prime Minister of the Netherlands, Mark Rutte. While I had no formal meeting with the President of the European Commission, I did of course see President Barroso at the European Council.

**Deputy Eamon Gilmore:** I wish to ask the Taoiseach about the proposal to make a treaty change to accommodate the establishment of a permanent mechanism for financial stability and the stabilisation fund. I understand it is the intention that the President of the Council will report back to the December summit. Does the Taoiseach expect that the President of the Council, Mr. Van Rompuy, will make a proposal to the December summit with regard to a proposed treaty change?

Is it considered that such a treaty change would require a referendum in this State? The Taoiseach will recall that at the time the Lisbon treaty was passed it was understood by all parties in the House and by the public that it was unlikely that there would be further treaty-amending referenda for some time, that institutional issues had been resolved as far as the European Union was concerned for the foreseeable future. Does he anticipate that the proposed change will give rise to a referendum?

Has any consideration been given to the implications of Article 48 of the Lisbon treaty which speaks in fairly explicit terms about the necessity for a convention if treaty changes are being considered? Is it intended that a convention would be convened arising from any proposal that the President of the Council would make?

**The Taoiseach:** We agree with the need for proposals on a proposed permanent crisis mechanism. As Deputy Gilmore is aware, arrangements for a facility are currently in place that end in mid-2013. It was felt that it would be generally reassuring to markets and to meet the



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requirements of the situation that a permanent crisis mechanism would be put on a firm legal footing.

President Van Rompuy is to undertake consultations with member states on the limited treaty change required to that effect. The European Council will come back to the matter in December with a view to taking a final decision. There is a simplified amendment procedure in the treaty. It is not the case that an Intergovernmental Conference must be held in all situations. One must await the details of the proposals but it is envisaged that this is a matter that would be decided upon in December. It is an urgent matter given the nature of the financial crisis worldwide and the need to deal with it. The Council has decided that the President of the Council will undertake consultations with member states on limited treaty change required to that effect.

On whether a referendum is required, we must examine whatever emerges from the process very carefully. It is clear that the European Council is seeking limited change. When we have a proposal we must assess carefully what steps are necessary to enable this country to ratify any change.

Until there is a specific proposal, it is not very rewarding to speculate further. Every country has to ratify according to its own constitutional arrangements. There are legal thresholds that would indicate whether referenda are required and we have to await the details of the proposal.

**Deputy Eamon Gilmore:** Does the Taoiseach believe that the issue of treaty change which is now being considered by the President of the Council is contributing in any way to the uncertainty in the markets? A possible treaty change in respect of crisis mechanisms is being considered by the European Council while the Heads of some member states are speculating and making suggestions on how those mechanisms might work in practice. This has consequences for the markets.

Other matters have been under consideration by the Council for some time. For example, the regulation of international rating agencies was considered by the Council as far back as June 2008 when the EU was planning to regulate them. As a country, we have been on the receiving end of the opinions expressed by these agencies. Has any progress been made in terms of their regulation or regarding the idea of the establishment by the EU of a European rating agency?

In December, there was a commitment to establish a fundamentally new structure for financial supervision in Europe. Was this matter discussed at the Council meeting and what progress has been made?

**The Taoiseach:** In adopting the Van Rompuy report, the Council is involved in preparing six legislative proposals by early summer of next year, four of which will involve, as I understand it, the involvement of the European Parliament. The proposals are designed to strengthen the Stability and Growth Pact and the EU regulatory framework for members states' public finances and to broaden the scope of economic surveillance beyond the budgetary position. The proposals aim to achieve these by enhancing the importance of the debt criteria, introducing sanctions, including financial sanctions, for euro area member states in the case of persistent non-compliance with the Stability and Growth Pact and a tiered range of procedures and sanctions designed to prevent the emergence of macroeconomic imbalances in a member state that, if left uncorrected, could ultimately jeopardise the functioning of the euro and the euro area.

The Commission's legislative proposals will be subject to the normal procedure of consultation and discussion with member states. We will engage positively in that process, taking

account of our own circumstances and needs. The Council has set the summer of 2011 as a target for agreement with the European Parliament in the Commission's legislative proposals.

There are six Commission legislative proposals — a directive on requirements for budgetary frameworks, two regulations amending existing regulations on the Stability and Growth Pact, two regulations relating to the introduction of new arrangements for the surveillance of macro-economic imbalances and a regulation on proposed financial sanctions in the event of persistent non-compliance with budgetary obligations on the part of euro area member states.

Specifically regarding the question of regulation of credit agencies and where that is at the moment, perhaps the Minister for Finance should be asked where that is with the euro area ECOFIN group. I do not have that information before me, but I know that it is a matter that is under discussion and work is ongoing in respect of it.

The earlier matter referred to by the Deputy related to the questions of markets and the discussion. I share a concern about the need for avoiding read-across by markets. Short-term market sentiment, as we know, changes from time to time. It is one of the reasons we stepped out of the markets in order to find the time and space to prepare a four-year plan and a budget that would enable us to show the credibility of the pathway we are adopting for the purpose of meeting our requirements under the Stability and Growth Pact. That is what is within our control and that is the most important means by which Government can indicate what the country's intentions are. The consensus among the main political parties in the House on the adherence to the 3% target by 2014 is helpful domestically and, I hope, internationally, but it will not be sufficient in itself and greater detail will have to be outlined in that context so that people can assess the pathway being adopted.

When we look at these matters, it is important in the context of the permanent crisis mechanism to ensure that the markets do not get a wrong read-across. One looks at contingencies down the line, but the important point is that it is the intention of all member states to deal with their situations as would be expected. Ireland is no different in that respect. We have been very clear. We believe that we can find a manageable way forward and that the many strengths of the Irish economy show that our potential growth rate is there as a result of our enterprise, industrial and fiscal policies. We must make adjustments on expenditure and taxation, but we must also emphasise the growth potential of the economy. It is important for all of us, regardless of where we stand on the spectrum or the arguments, that we ensure that we portray Ireland as a country that is determined to deal with this situation, as challenging as it may be.

Issues like the emerging balance of payments surplus that we expect next year all show that Ireland is in a position to pay its way in the world. Improvements in our competitiveness, reductions in our unit labour costs *vis-à-vis* our competitors, the continuing inflow of foreign directive investment and good export performance by both the indigenous sector and the multinationals are all important factors for people determining the future we are charting out for the country. We are all agreed that those are realities that have been built up under successive Governments as a result of policies which were directed at developing the country as a market economy, one that can be a major exporter in the world, given the goods and services we provide. We need to emphasise that all of the time. There are other examples.

We have a structure to our economy that is somewhat different to that of some other continental economies, in terms of the reach of our exports and the investment profile of our country. The idea that Ireland has a greater level of US investment than China is an important issue, one that indicates the profile of our investment, the skill capacity of our labour force and the flexibility of our labour markets. All of these are important issues in the context of the assessments and judgments being made about how Ireland is going to move forward from this position.

[The Taoiseach.]

As the Deputy and I would say, the sentiment in markets for Ireland, as we have known, has deteriorated for some months. We have stepped out of the markets in order to provide reassurance and further evidence of the determination of Ireland to deal with the situation that has arisen. We need to be genuinely mindful of these facts because everything that is said is picked up and interpreted. I sometimes understand where people are coming from, but we have to be mindful, particularly at this time of preparing these plans and bringing forward these budgets. I am sure there is plenty of discussion and argument about it but we are all on the same side when it comes to that objective.

**Deputy Eamon Gilmore:** I thank the Taoiseach for that considered reply. I wish to pursue the issue a little further. The Taoiseach is right. It is in all our interests that the credibility of the country is protected and the very worrying levels of interest rates and what is happening in the bond markets, and so on, are narrowed. Clearly, there are a number of elements to that. We can argue the toss in this Chamber about the domestic measures to be taken but I believe the Taoiseach will acknowledge that in arguing that toss the Labour Party has been very careful not to communicate anything that would be in any way damaging to the country's reputation. I acknowledge the Taoiseach accepts we have committed to the target.

However, in spite of all that we have done, the various reductions in public expenditure, the austerity measures, the acceptance of the size of the bank problem and the announcement by the Minister for Finance, Deputy Lenihan, about the new targets made in budgetary adjustment, interest rates continue to rise. I know the Taoiseach will respond by saying we are not in the market at present. It is the case, however, that some, at least, of this is happening because of the extent to which Ireland is perceived to have its fate bound up with a number of European Union member states which are seen to be in the same territory.

My specific question relates to how we are dealing with this at a European level. I understand and see the necessity for the stabilisation fund and the putting of crisis measures on a permanent basis. Is it not also the case that when countries fall victim to being perceived by the world as a group of European Union states in difficulty there is a necessity to address that issue at EU level and it may be necessary to address it in a way that goes beyond merely the putting of the stabilisation fund on a permanent basis? That is why, for example, regulation of rating agencies and so on are issues we should pursue with more urgency. There is a collective need for the EU to ensure that for member states exposed to this kind of international pressure, that are suffering as a consequence of the way in which interest rates are going, measures be taken at a European level which are not concerned only with the stabilisation fund but are about supporting those states to get beyond the problem. Obviously, that would include policies in regard to jobs, growth and regulation of both financial markets and rating agencies.

**The Taoiseach:** The whole question of improved governance in general and of surveillance and monitoring within the euro area is part of the review being exercised by President Van Rompuy's task force since spring of last year when the Greek crisis arose. The outcome of those discussions and the recommendations that have been adopted bring forward the specific legislative proposals I outlined in my previous reply. They indicate the determination by the euro area and the EU to bolster confidence in the currency.

The purpose of the creation of the currency in 1999 was about maintaining price stability. Over the past 11 and a half years the rate of inflation across the euro area has been less than 2% — 1.97% — so it has fulfilled its function of providing price stability across the market. It is a much better performance in terms of price stability than would have been the case when one considers the experience of various and disparate national currencies in the previous 40

year period. That fundamental mandate for the currency is being maintained and achieved. There is a monetary confederation in regard to monetary policy. There is also a fiscal confederation, in other words, the need to keep budgets in balance to avoid pressure coming on the monetary policy. This is particularly the case where one sees, as a result of the financial and economic crisis, the questioning of, or the way in which sovereign debt is now being viewed — a way that was not the case before 2008 — which brought about the problems with which Greece had to contend. That is an indication and reinforces the need for correction in fiscal policy across the euro area to bring it back to the 3% deficit.

What is the 3% deficit when one thinks about it? Why was that figure picked? It is, so to speak, the average capital investment programme seen in the euro area. Borrowing for capital with a visible return in investment is seen as the correct thing to do. However, one is required, in time, to ensure that on the current side one achieves balance. What is brought in in taxes has to coincide with expenditure policies. That is the way fiscal policy mechanism is going.

The difficulty for Ireland has been that we had a time when we were in surplus, well within our deficit requirements and were seen as one of the best in the euro area. Our debt-GDP ratio was down to 28% or 29%, and, taking into account the National Pensions Reserve Fund, cash reserves and the NTMA, was probably 12% net. We were in that position but as a result of the financial and economic crisis we saw a very quick depletion of our revenues, to the tune of 35%. In the meantime, we have had the full year effect of all the adjustments we have made since summer 2008 when this thing hit us very hard and we started to make adjustments. There was the September 2008 budget, with a supplementary budget in April 2009, followed by the December 2009 budget which covered the fiscal year 2010. There has been a €14.5 billion adjustment from 2008 to date but because of reduced growth prospects in the assessment of both the world economy and our own situation, we have had to indicate there is now a further €15 billion adjustment required to meet the 3% target. The growth assumptions, both worldwide and within the economy, cannot be justified in the current circumstances. They were in line with international median figures as late as December of last year and fed into the budget figures.

A lot is happening this year. The Greek crisis had an impact on sovereign debt markets. There is a reduction in prospects for the American economy and there is turbulence in the bond markets, all of which have fed into this period of instability. Market sentiment has changed and deteriorated. The Deputy will recall we are pursuing the same budgetary policy which is being held, as the end of October returns confirm, with tax revenues above profile, expenditure within control as envisaged. Although it is working out broadly as we have predicted since last December and in spite of our getting much kudos for the adjustment we made, namely, the one that was contemplated for this financial year, the fact that market sentiment is deteriorating shows there are other factors at play. It is not a loss of confidence in the domestic budgetary policy for this year but the current requirement to take into account the deteriorating factors require us to do more than had been envisaged for the next three years. We now have to put forward a credible pathway to show how we will do that. That is a very important factor in restoring confidence. That is our position. The important point is that the hole in our revenues means that we are borrowing for current as well as capital purposes. In the good times we were even able to pay for capital out of surplus cash and were not even borrowing for capital purposes. We were able to reduce the national debt as well. However, the situation is totally changed and we have to close that gap between expenditure and revenues, knowing that export-led recovery, which is not as labour intensive as domestic-demand recovery, is the way back. The traditional sectors, domestic consumption, retail and construction are precisely the areas in which we see significant rises in unemployment. In fact, other sectors of the economy have competed very well, relatively speaking, despite the increased exchange rate deterioration *vis-*

[The Taoiseach.]

*à-vis* the euro and sterling. The exposure of the indigenous sector to the UK market, primarily, mattered as regards other markets. Nonetheless, we still saw a much smaller reduction in our exports compared to other advanced economies because we are not into heavy engineering exports and all the rest.

We have to try to improve sentiment towards Ireland and talk factually about the diversified strengths of this economy, which are far different from those we had in the 1980s when we faced a crisis of this nature. As regards even our debt repayments schedule going through this correction period to 2014, it is not like the 1980s where 26% of the revenues went on debt interest. It is a debt repayments schedule that is similar to the revenues in the 1990s. We need to emphasise these points so that people do not get information that is not accurate, and sentiment for Ireland does not deteriorate in a way that is not justified. We know the overall position, but we must be fair to ourselves and highlight those aspects of the story that are credible and should be articulated. The facts are with us on those issues.

I am sorry for the elongated reply, but the point, essentially, is that the question of financial credibility and how Ireland is being viewed, means that the coming period is important for us and we must work together as best we can. I do not expect people to agree on all these matters, but in terms of the overall picture, the problem with the bond markets is an issue for us all. We must do everything we can to avoid giving a perception about Ireland's future that is not justified, so that we can manage our way through this.

The final point raised by the Deputy is a fair one, namely it is a responsibility of leadership within the European institutions to ensure that everything we say and do as we finalise this permanent crisis mechanism does not have the unforeseen consequence of our not achieving the objective of setting up the mechanism in the first place.

**Deputy Enda Kenny:** That is a lengthy reply from the Taoiseach. Yesterday he referred to these things as meanderings. The perception of Ireland internationally is formed by other governments from three viewpoints, namely, the deficit, growth rate and political leadership.

Will the Taoiseach comment on Mr. Mike Soden's appointment to the Central Bank Commission? In terms of it being an advisory group about banking policy, his first comment was to the effect that Ireland should leave the euro. Does the Taoiseach have a response to that, because this is influencing perception abroad as well?

**The Taoiseach:** We live in a democracy. People have different points of view. I do not know the context in which these comments were made or whether it was a final considered viewpoint. Regardless, the Central Bank in Ireland is part of the wider European Central Bank, which is pursuing the monetary policies of the euro. Our representative there is Professor Patrick Honohan. Members of the Central Bank Commission in Ireland will have differing views across a whole range of issues, I am sure, and bring those perspectives to the table. The result is outcomes which are consistent with the overall thrust of the monetary policy being pursued within the eurozone. There are various people in governments, institutes, think-tanks and central banks who will have views to bring to bear. I am not saying I agree with this particular argument, but it is part of the intellectual exercise we must all undertake to listen to contrarian views, given that we are in a totally new environment. Never have we been in such a position before, and people have to think laterally, in every way they can.

There is no confusion as regards what the policy of the country is, however. We see Ireland's membership of the European Union and the eurozone as being fundamental. Anyone looking at the difficulties we have had in recent times would recognise the assistance the European Central Bank has given to the financial system, generally. Clearly, Ireland would not have had

the capacity within the remit of the Central Bank's reserves, to withstand the impact of the economic and financial crisis, were it not a member of a wider eurozone, with the greater capacity and reserves that are available there, together with the fact that the euro has provided us with a level of price stability in the past 11 years that was not available to us heretofore.

What had emerged, of course, in the overall financial regulatory situation internationally as regards how the entire financial system has been globalised, was the fact of the enormous amount of money in the market in terms of its availability, along with the increased competition in banking in Ireland, for example, and what came with that. Having very low interest rates at a time of growth and potential and demand in this economy, meant that many people in the private sector, including those who boosted domestic demand, embraced the opportunities on offer. Clearly, in terms of the regulatory system, the analysis of a well capitalised banking system was wrong, when all this happened. Lessons have had to be learned, and the legislative changes introduced into the Central Bank structure have been a fundamental response to that.

This involved taking on board the lessons of the Canadian system, which is, perhaps, the best example, as probably the only jurisdiction which did not have to recapitalise its banking system as a result of what happened. All of that is the case. I am not in the business of not having people express their views. I want to emphasise that we must all be mindful of how these views are understood and circulated elsewhere, however.

**Deputy Enda Kenny:** The point I was making was that this opinion to leave the euro had been expressed by a member of the Central Bank Commission, which influences perception abroad. I am glad to hear the Taoiseach confirm the position as regards Ireland and the euro, and the importance of that for us. Neither do I share the view to the effect that Ireland should become an appendage of the United States.

I did not attend the Council meeting, obviously, but I was at the EPP meeting where quite a number of those present had attended the Council meeting. It is important to say that the Irish people gave Europe the Lisbon treaty. It is important to understand that as a consequence of that, the institutions Europe requested, and the powers they should have, were given to the Union by the Irish people.

A report in respect of Greece and its position is, to say the least, difficult. I understand the Greek Prime Minister has said if his party does not achieve a good result in the local elections a general election will be immediately called. The collapse of the talks in Portugal between Government and Opposition in regard to reducing Portugal's deficit to 4.6% is a matter it may be possible to resolve. I would like to make clear to the Taoiseach that I could not support Ireland agreeing to a change that would result in its voting rights being withdrawn. I hope this will not be on the table. I believe that would be catastrophic and it would have my outright opposition.

It is important to recognise a solution to this problem will not be found without Germany. The German court, in terms of the constitution, is examining the treaty in the context of the statement on bailouts. It is important to be able to say that we support rules and regulations that will make the system work. The conclusion of the EPP meeting which I attended is that while it is necessary to do something, the holding of a full-scale referendum either in Ireland or in a number of other countries, where a change in competence would require that, would cause some difficulties.

Does the Taoiseach share my view that in no circumstances should any country agree to that which would result in its voting rights being withdrawn? Does he also share the view that this is achievable by way of inclusion of a sentence in the Croatian accession in regard to a require-

[Deputy Enda Kenny.]

ment for a fiscal rectitude mechanism rather than by way of a massive shift in confidence in the Union?

**The Taoiseach:** The suspension of rights in certain circumstances is used only as a matter of last resort such as in regard to a permanent disregard by a member state to deal with the issues with which it is entitled to deal in terms of its membership of the currency or Stability and Growth Pact. The conclusions provide for President Von Rompuy to undertake a separate and subsequent exercise beyond December to look at that issue. It is fair to say there was little support for the idea around the table. I, too, indicated my position on the matter. As I stated, I do not believe there is anything in the conclusions that should cause us concern. The suggestion that there would be a suspension of voting rights or that the rights of a country, as a member of the Union, would be taken away if it does not meet an exact target or deficit reduction and so on would not be regarded as right. While there was much press comment on that issue prior to the meeting the conclusions indicate nothing beyond a commitment to examine these issues, subsequent to dealing with the immediate issue of the permanent crisis mechanism.

**Deputy Jan O'Sullivan:** I would like to pursue with the Taoiseach some of his responses to Deputy Gilmore in regard in particular to the question of confidence in the Irish economy's ability to grow itself out of the current situation, which involves not alone getting our fiscal balance in order by 2014 but also convincing the EU and the markets that we have the capacity to grow our economy.

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

**Deputy Jan O'Sullivan:** The Taoiseach referred in particular to our export-led growth. Has the Government developed a policy in regard to supporting export industries in the pharmaceuticals and information technology area and has the Taoiseach discussed this with the EU? I am speaking in particular of industries in the Cork and Shannon airport regions which are export industries. Is aviation strategy and the security of Cork and Shannon airports part of what is being planned for by Government? It is important we can export what we create. This is not all about fiscal balance. It is also about ensuring that these industries have the confidence and capacity to develop and grow into the future.

**The Taoiseach:** These specifics did not arise in the context of the European Council meeting but were discussed at sectoral level. The recommendations of the Von Rompuy report were accepted and it was agreed that the legislative consequences of that would be moved on by mid-next year and that this would be done as urgently as possible given parliamentary involvement in regard to the drafting at European level of four of the six legislative proposals.

We have had a strategy in place for the past ten years. Science Foundation Ireland has been established and research and development is recognised as an important function in terms of establishing a sustainable growth policy. The need for innovation and increased productivity across the economy is determined in many respects by the level of research and development and innovation in which indigenous and foreign industries engage. The policy of IDA Ireland has been successful and is probably only now beginning to generate the type of understanding among the foreign investment community of where Ireland sits in this respect. Five years ago, only 10% of IDA Ireland successes in terms of bringing investment to Ireland had a strong research and development component. Members will be aware 2009 was a difficult year, with a contraction of 10% in the Irish economy, yet IDA Ireland successfully brought 109 projects to this country, some 70% of which were companies already established here, which was a

strong vote of confidence in a difficult year in this economy. These companies recognised the improvement in our competitiveness as a result of the policies being pursued by the Government.

Almost 50% of IDA Ireland wins this year have a research and development function. That is an important point in the context of the research community we have built up, the centres of science, engineering and technology, or CSETs, in various parts of industry and the industry partnerships this is creating. Some of the top multinationals in the world are involved in research projects, sponsored by Science Foundation Ireland through the CSETs, be they in Dublin, Limerick, Cork and so on. It has taken almost a decade for this to gain credibility. We needed to get the right people in to partner our researchers and ensure more PhDs.

Last week, more than 100 top industrialists in the web industry involved in Skype and so on were in Ireland. While the event received more than six hours of coverage by Bloomberg television, it did not get much coverage here. However, some things are not surprising. These are indications of how Ireland is viewed abroad and that industry is locating here. We are seen to have a good environment in which to develop entrepreneurship and enterprise. These are the industries of the future that will create the jobs of the future. We must ensure we have available more software engineers in this regard. What we are doing in terms of education policy to develop the sciences is fundamental to having a sustainable growth policy that is believable. Part of what we will be doing in the short term in this four-year plan is to put forward our growth policy, and there must be credibility behind that. One can pick figures where one likes and give an impression that everything is hunky dory, but we all know that the correction that must come in has its own dampening effect. It also means that we must balance the dampening effect on the initial growth prospects with the fact that if we do not do it, our ability to fund our deficits is put at serious risk. There are some trade-offs but——

**Deputy Jan O’Sullivan:** I am talking about connectivity.

**The Taoiseach:** The connectivity in the Irish economy is good, and the broadband story is better in Ireland than what is portrayed here. There is a lot of investment going on, with more to be done. We do not always update ourselves on the position of things and if the Deputy looks at all of those points, she will see they are all important.

What we are doing in research and development over a long number of years, and what we will have to continue to do, means that we can compete with the likes of Singapore and Korea. Why is Ireland considered at the same time by some of these industry when they are considering locating in Singapore and Switzerland? It is because Ireland has something to offer. We need to emphasise those positive strengths, which are new aspects in the Irish economy. They are new facets of what we do. We did not even have a Science Foundation Ireland ten or 15 years ago. We are making a fair bit of progress.

**Deputy Jan O’Sullivan:** The concern of the industries in the areas I am talking about is aviation connectivity and being able to get their products into the——

**An Ceann Comhairle:** That point is well made and the Deputy might pursue it by way of parliamentary question to the line Minister. The time for questions to the Taoiseach has concluded and I must move on to other business.

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

**An Ceann Comhairle:** Before coming to the Order of Business, I propose to deal with a number of notices under Standing Order 32. I will call on the Deputies in the order in which they submitted their notices to my office. First, I call Deputy John O’Mahony.



**Deputy John O'Mahony:** Continuing the theme of jobs mentioned earlier, I seek the adjournment of the Dáil under Standing Order 32 to raise a matter of national importance, namely, the loss of 200 jobs in County Mayo and the urgent need to address the employment deficit in the county. Mayo currently has an unemployment rate of 13,000, which is one of the biggest for any of the rural constituencies in this country. The chief executive officers of four multinational companies, which employ 3,000 jobs directly in the county and contribute €350 million in taxes annually to the Exchequer, have constantly raised this Government's failure to address the upgrade of the N5 and N26 roads. Those companies have stated directly to the Taoiseach on a number of occasions that they are competing with plants in other parts of the world that have excellent infrastructure. This is more about protection of jobs than extra expenditure and I seek the adjournment of the Dáil in that regard.

**Deputy Aengus Ó Snodaigh:** Ba mhaith liom an Dáil a chur ar athló chun déileáil leis an ghné ríthábhachtach seo: the urgent need for the Government to abandon its plans to liberalise postal services because such a move would threaten the viability of the postal service itself and 10,000 jobs, as evidenced in Germany, the Netherlands and Britain, which demonstrated that liberalisation in this field results in the erosion of service levels, job losses and social dumping, including the proliferation of insecure low paid employment, and because such a move would also threaten the existing universal service obligation operated by An Post, which ensures equal access to postal deliveries at a single price regardless of geographic location.

**Deputy Dan Neville:** I seek the adjournment of the Dáil under Standing Order 32 to raise a matter of national importance, namely, the serious situation that has arisen within the mental health services which has had resources cut unfairly and disproportionately, with spending reduced to 9.2% between 2006 and 2009, and that 5.3% of the overall health budget is now at the lowest level in the history of the State, at a time when there is an increase in mental health difficulties resulting from the economic crisis and a consequential increase of suicidal behaviour resulting in fatal and non-fatal self-harming, and that suicide rates in 2009 increased by 25% and now stand at 527 deaths, with self-harming increased by 10% and self-harming and attempted suicide now estimated at 70,000 per annum.

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

### Order of Business

**The Taoiseach:** It is proposed to take No. *a7*, motion re referral of Value-Added Tax Consolidation Bill 2010 to the Standing Joint Committee on Consolidation Bills; No. *b7*, motion re referral to joint committee of macroeconomic policy lessons as set out in the report by Klaus Regling and Max Watson entitled A Preliminary Report on The Sources of Ireland's Banking Crisis; No. 16, statements on European Council, Brussels; and No. 3, Local Government (Mayor and Regional Authority of Dublin) Bill 2010 — Order for Second Stage and Second Stage. It is proposed, notwithstanding anything in Standing Orders, that Nos. *a7* and *b7* shall be decided without debate; the proceedings on No. 16 shall, if not previously concluded, be brought to a conclusion after 85 minutes and the following arrangements shall apply: the statements shall be confined to the Taoiseach and to the main spokespersons for Fine Gael, the Labour Party and Sinn Féin, who shall be called upon in that order, who may share their time, and which shall not exceed 15 minutes in each case; a Minister or Minister of State shall take questions for a period not exceeding 20 minutes; and a Minister or Minister of State shall be called upon to make a statement in reply which shall not exceed five 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. 16,

whichever is the later, until 2.30 p.m. Private Members' business shall be No. 74, motion re resourcing of Garda Síochána and Director of Corporate Enforcement (resumed), to conclude at 8.30 p.m. tonight, if not previously concluded.

**An Ceann Comhairle:** There are three proposals to put to the House. Is the proposal for dealing with Nos. *a7* and *b7*, motions re referral to standing joint committee of the Value-Added Tax Consolidation Bill 2010 and referral to joint committee of macroeconomic policy lessons as set out in the report by Klaus Regling and Max Watson entitled A Preliminary Report on The Sources of Ireland's Banking Crisis without debate agreed to? Agreed. Is the proposal for dealing with No. 16, statements on European Council, Brussels, agreed to? Agreed. Is the proposal relating to the suspension of sitting under Standing Order 23(1) agreed to? Agreed. I call Deputy Enda Kenny on the Order of Business.

**Deputy Enda Kenny:** I understand the High Court made its decision this morning in the case taken by the Sinn Féin Party on the delay in holding the Donegal South-West by-election. The President of the High Court has described some of the arguments put up by the State as hyperbole and has stated clearly that the ruling on the issue did not offend the separation of powers.

May I ask the Taoiseach what is the response of the Government to this inordinate delay? The High Court is very clear in its judgment. Arising from the comment of the President of the High Court that if the Government does not rectify the position consideration will be given to issuing an instruction that this happen, I am sure the Taoiseach does not want to put the taxpayer to further expense in bringing this matter to the Supreme Court. The case has been moved here on a number of occasions by different parties in the House, both in respect of Donegal South-West, Waterford and Dublin South. In view of the fact that the Dáil majority is now less than the number of seats vacant and that the High Court has made a ruling in this case which is very clear, what is the Government's response to that? Is it the Taoiseach's intention now to follow on the High Court ruling by issuing a writ for the moving of the Donegal South-West by-election?

**Deputy Eamon Gilmore:** The Taoiseach should tell us whether the Government intends to appeal this decision. It would be extraordinary if the Government were to commit public moneys to appeal a decision, the consequence of which would benefit only the two Government parties. I put it to him also that this is a situation where the Minister for the Environment, Heritage and Local Government will have a central role. The Minister for the Environment, Heritage and Local Government has direct line responsibility for electoral matters. We need to hear his response to this decision of the High Court. What recommendations will he give to the Government in response to this judgment? It now falls to the Minister to bring whatever proposal—

**An Ceann Comhairle:** We are into serious detail on the matter. On the Order of Business, Deputy.

**Deputy Eamon Gilmore:** It is very serious.

**Deputy Enda Kenny:** The Minister has walked out.

**Deputy Paul Kehoe:** He abandoned the Taoiseach.

**Deputy Eamon Gilmore:** The Taoiseach told us yesterday, and keeps telling us, that he derives his mandate and authority from having a majority in this House. As Deputy Kenny has pointed out, the majority he now enjoys in this House is less than the number of vacant seats.

[Deputy Eamon Gilmore.]

The High Court has now decided that there is an unreasonable delay in the holding of the Donegal South-West by-election, and it is fair to say that this would apply to the other by-elections as well. A decision must now be made by the Government. The writ has been moved in the House a number of times and the Government has voted it down. It has strung this out for as long as possible. Its latest position is that it will leave it until sometime next spring. However, we now have a ruling from the High Court, and the Government must make a decision. Will it go ahead with this by-election, or will the line Minister, Deputy Gormley, bring a recommendation to the Government that the judgment be appealed? This lands directly on the Minister's plate. It is a decision for him to make. What will he do? He is the man responsible for electoral matters and the running of electoral affairs in this country, and it is his call.

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

**An Ceann Comhairle:** The judgment has just been made in this case. To have a detailed discussion on it at this point—

*(Interruptions).*

**Deputy Arthur Morgan:** It is a by-election campaign we need.

**An Ceann Comhairle:** Deputy Ferris, on the same issue.

**Deputy Martin Ferris:** The same issue.

**Deputy Seán Barrett:** Are we going to have the by-election or not? It is as simple as that.

**Deputy Paul Kehoe:** There is only one big issue, but the Government keeps running away.

**Deputy Phil Hogan:** It is a legal matter.

**Deputy Seán Barrett:** Or else have a general election, which is the right thing to do.

**An Ceann Comhairle:** Deputy Ferris without interruption.

**Deputy Liz McManus:** We are the Parliament.

**Deputy Joan Burton:** A Cheann Comhairle, has the issue not been decided by the court?

**Deputy Seán Barrett:** Why do people think this is a talking shop? For goodness' sake.

**An Ceann Comhairle:** Deputy Burton, will you resume your seat, please?

**Deputy Joan Burton:** It has been decided by the court.

**An Ceann Comhairle:** Deputy Burton, will you resume your seat, please?

**Deputy Joan Burton:** We are in order in mentioning the issue.

**An Ceann Comhairle:** I have called Deputy Ferris. One speaker at a time, please.

**Deputy Joan Burton:** The issue has been decided. It is not being discussed. It has been decided.

**Deputy Martin Ferris:** I am sure the Taoiseach is aware that the Government has been found guilty in the High Court this morning of depriving the people of Donegal South-West of their

constitutional rights. I wonder whether he and his Government will congratulate Senator Pearse Doherty on defending the democratic right of the people of Donegal and of the Irish people.

**Deputy Dick Roche:** Sinn Féin supporting the Constitution, for a change.

**Deputy Martin Ferris:** This morning, the Sinn Féin Deputies tabled a motion that the writ be moved. Will the Taoiseach move that writ—

**Deputy Noel Dempsey:** They might take the next step and recognise the State.

**Deputy Martin Ferris:** —and give the people their democratic right to have their voices heard by electing people in Donegal South-West and the other areas in which by-elections are to be held?

**Deputy Arthur Morgan:** Deputy Roche is a bit *à la carte* himself when it comes to constitutionality.

**An Ceann Comhairle:** At this point, it is not intended to allow a full scale debate about the matter.

**A Deputy:** Ah, go on.

**Deputy Dick Roche:** I never had any doubts.

**The Taoiseach:** This judgment was handed down after we had started proceedings here. We will have to consider the judgment and its implications—

**Deputy Seán Barrett:** There is little to consider.

**The Taoiseach:** —so any further comment prior to its consideration is premature. We argued in court that Article 16.7 of the Constitution imposed no time limit for the holding of by-elections but left the matter to the Oireachtas, and that the Oireachtas had not imposed any time limit in the legislation, but the court took the view that there should be implied in the legislation a requirement that by-elections be held within a reasonable time. We will now consider the judgment and the Government will decide what to do.

**Deputy Martin Ferris:** For how long?

**Deputy Seán Barrett:** The Minister for the Environment, Heritage and Local Government is not here.

**Deputy Jan O'Sullivan:** What about the Parliament?

**Deputy Enda Kenny:** I will not have a detailed discussion here. The Taoiseach says it is premature to comment on this, but the Dáil has already decided, by the vote of a Government majority, that this was not premature. The Taoiseach and the Government Whip have said it was their intention to move the writ for the Donegal South-West by-election in the spring. The High Court has said this morning that this delay is unreasonable. The High Court of the land has made its judgment and stated that in doing so it does not offend the separation of powers. It is clear that the implications of the High Court decision—

**An Ceann Comhairle:** Deputy Kenny, I have indicated that we are not going to have a full-scale debate.

**Deputy David Stanton:** It is very serious.

**An Ceann Comhairle:** I do not mind brief remarks, but we cannot have a full-scale exchange across the floor.

**Deputy Jim O’Keeffe:** We should. It is a serious constitutional issue.

**Deputy Enda Kenny:** It is not premature. The result of the decision is clear to everybody. The question is whether the Government will sit over there and attempt to stay in power when the High Court of the land says it is unreasonable to have a delay of this length in giving the people of this constituency their opportunity to cast a verdict on the Government through a by-election. Nothing could be clearer than what is stated in the judgment. It is incorrect of the Taoiseach to say it is premature to make a statement about it.

**The Taoiseach:** The Deputy does not have to misquote me. What I said was——

**Deputy Enda Kenny:** He said it was premature.

**The Taoiseach:** The judgment was handed down since the start of this morning’s proceedings.

**Deputy Enda Kenny:** I have it here.

**The Taoiseach:** The Government will consider the judgment and its implications and take whatever decisions arise from that.

**Deputy Enda Kenny:** So will the Taoiseach change his tune?

**The Taoiseach:** If the Deputy does not mind my having the opportunity to read and consider the judgment, I think it is only fair.

**Deputy Seán Barrett:** One would imagine the Minister for the Environment, Heritage and Local Government would be here.

**Deputy Arthur Morgan:** It should not need a judgment of the High Court.

**Deputy Enda Kenny:** The Government has considered it already. It said the writ would be moved in the spring.

**An Ceann Comhairle:** We cannot have a full-scale debate on the matter at this point. There are other ways of raising this, although not at this time.

**Deputy Eamon Gilmore:** The question that is being asked of the Taoiseach is not a complicated legal one.

**Deputy Seán Barrett:** Not at all.

**Deputy Eamon Gilmore:** He is not required to do a microscopic reading of the judgment and give us a learned opinion. What is being asked of the Taoiseach is a political question. The High Court has found there is an unreasonable delay in holding the by-election. The Taoiseach says it is a matter for the Dáil. An all-party committee of the Dáil decided some time ago that by-elections should be held within six months. The only reason these by-elections have not been held is that the present Government is using a flaky majority based on a reduced number of Members to stop the holding of the by-elections so it can stay in office. This is a political question.

**An Ceann Comhairle:** Deputy Gilmore, I am not allowing a full-scale debate on the matter on the Order of Business.

**Deputy Eamon Gilmore:** Now that the High Court has declared its——

**An Ceann Comhairle:** I am not allowing it. There are other times for such a debate, but not on the Order of Business.

**Deputy Eamon Gilmore:** The issue is simple. The High Court has found that the delay is unreasonable. People are waiting for these by-elections. The Government has a call to make, and the Taoiseach, without hiding behind the necessity of considering the judgment and so on, should be capable of giving a political response to that.

**An Ceann Comhairle:** Deputy Varadkar, very briefly.

**Deputy Leo Varadkar:** On the same issue——

**An Ceann Comhairle:** Very briefly.

**Deputy Leo Varadkar:** I will be brief.

**An Ceann Comhairle:** We are not going to have a debate on it now.

**Deputy Leo Varadkar:** No, but——

**An Ceann Comhairle:** There is no provision to have it on the Order of Business.

**Deputy Leo Varadkar:** The Ceann Comhairle might give me 30 seconds.

The Taoiseach can run but he cannot hide.

**The Taoiseach:** There is a line for that.

**Deputy Leo Varadkar:** He does not have a majority in the House any more.

**The Taoiseach:** That is very original and very useful. Where did the Deputy hear that?

**Deputy Leo Varadkar:** He is deliberately clinging to power in contravention of the Constitution and of the judgment made by the High Court today. I ask both the Ceann Comhairle and the Taoiseach whether they will allow time for this important matter to be debated, if not today then tomorrow. I ask the Ceann Comhairle to take a position on this also. He is the speaker of the House.

**An Ceann Comhairle:** I am taking a position that we are not going to have a debate on it on the Order of Business.

**Deputy Leo Varadkar:** With the greatest respect, a Cheann Comhairle——

**An Ceann Comhairle:** If the Deputy wishes to have a debate at another time, that may be possible, but not on the Order of Business.

**Deputy David Stanton:** No debate.

**Deputy Jim O’Keeffe:** It is a constitutional point.

**Deputy Leo Varadkar:** You are the speaker of this House.

**An Ceann Comhairle:** Yes.

**Deputy Leo Varadkar:** You have a duty to defend the House and to defend democracy. This House is four Members short as a result of the Government's refusal to hold these by-elections. I ask that you take your role as speaker in the spirit in which it is intended and defend the House, rather than the Government. I ask you to speak to the Taoiseach and tell him——

**An Ceann Comhairle:** It is not a question of defending the Government. It is a question of implementing the Standing Orders of the House.

**Deputy Leo Varadkar:** ——on behalf of this institution that there should be by-elections.

**A Deputy:** Never mind the Standing Orders.

**An Ceann Comhairle:** Deputy Ferris.

**Deputy Martin Ferris:** A Cheann Comhairle——

**An Ceann Comhairle:** Very briefly.

**Deputy Martin Ferris:** I will be brief.

**An Ceann Comhairle:** I am not allowing the debate to develop.

**Deputy Seán Barrett:** What is your view, a Cheann Comhairle?

**Deputy Martin Ferris:** It is encouraging to see the Opposition coming in behind the Sinn Féin Party and Senator Pearse Doherty, who took this to the High Court. This was a simple case with a simple judgment, and what we want is a simple response. Will the Taoiseach come back to the House today to move the writ?

**An Ceann Comhairle:** Deputy——

**Deputy Martin Ferris:** I am asking the Taoiseach to move the writ.

**An Ceann Comhairle:** The Deputy will have to consult with his party Whip.

**Deputy Martin Ferris:** It is a question of legislation. I ask the Taoiseach to come back to the House today to move the writ so we can move forward.

**Deputy Pat Rabbitte:** Is the Taoiseach minded to restrict his response to Donegal South-West, or will he give a response in respect of all four vacancies?

**An Ceann Comhairle:** Briefly, Deputy Gilmore.

**Deputy Eamon Gilmore:** The Taoiseach has said that the issue of the holding of the by-elections is a matter for the Dáil.

The Taoiseach has declined to say whether the Government intends to appeal the decision. If this is a matter for the Dáil — I believe it is — then the Dáil should decide. I give the Taoiseach notice now that on our Private Members' time next week, the Labour Party will introduce a motion to direct the Government not to appeal this decision, but to accept the decision of the High Court and hold the four outstanding by-elections.

**The Taoiseach:** May I finally say——

**Deputy Paul Kehoe:** On a point of order——

**The Taoiseach:** Sorry, Deputy, I am on my feet.

**Deputy Leo Varadkar:** Deputy Kehoe has a point of order.

**The Taoiseach:** Go ahead. It should be a good one.

**Deputy Paul Kehoe:** Deputy Varadkar asked for time to be set aside later today or tomorrow.

**Deputy Noel Dempsey:** That is not a point of order.

**Deputy Paul Kehoe:** May I speak?

**An Ceann Comhairle:** Deputy——

**Deputy Paul Kehoe:** Can we hear from the Government Whip?

**An Ceann Comhairle:** The Deputy knows we have a whip system in the House whereby Whips consult on a regular basis about these matters.

**Deputy Paul Kehoe:** I am asking the Government Whip to meet after the Order of Business to see if we can set aside time today or tomorrow to debate the issue. Deputy Varadkar has made the proposal and I am looking for a reply. It is either “Yes” or “No”.

**Deputy Noel Dempsey:** It is not a point of order.

**An Ceann Comhairle:** I ask Deputy Kehoe to resume his seat now. I call the Taoiseach briefly.

**Deputy Paul Kehoe:** I am looking for direction from you, a Cheann Comhairle. Perhaps you could direct the Government Whip to give a reply to me.

**An Ceann Comhairle:** I am not empowered to direct anybody to do something.

**Deputy Seán Barrett:** You are the Chairman of the Dáil, a Cheann Comhairle.

**The Taoiseach:** May I just reply quickly and then we can move on?

**Deputy Aengus Ó Snodaigh:** On a point of order, for the information of the House, Sinn Féin has tabled a motion to move the writ for the by-election tomorrow morning if that helps the Taoiseach’s considerations.

**An Ceann Comhairle:** I call the Taoiseach briefly and we are finishing the debate now.

**The Taoiseach:** This judgment has arisen since proceedings began here this morning. We will consider the judgment and its implications. I have given no indication to the Deputy as to what our intentions might be until we have had a chance to review it.

**An Ceann Comhairle:** We move on. I call Deputy Durkan.

**Deputy Bernard J. Durkan:** In the context of the current economic turbulence, is it intended to introduce the amendment to the Bretton Woods Agreements Act, having particular regard to the agreements entered into between the British and German Governments in respect of secret bank accounts in Switzerland?

**An Ceann Comhairle:** Is that an inquiry about legislation?



**Deputy Bernard J. Durkan:** Yes. I quoted the legislation. It is No. 58 on the list.

**Deputy Aengus Ó Snodaigh:** Deputy Durkan is being very helpful.

**The Taoiseach:** That will be next year.

**Deputy Pat Rabbitte:** Will they be secret until then?

**Deputy Bernard J. Durkan:** The Taoiseach is very optimistic.

For some years I have been trying to get confirmation from the Minister for Justice and Law Reform as to the total number of criminal gangs in the country and how he will introduce required legislation to target them specifically.

**An Ceann Comhairle:** I suggest the Deputy should direct a parliamentary question to the Minister for Justice and Law Reform.

**Deputy Bernard J. Durkan:** I did that.

**An Ceann Comhairle:** Several criminal justice Bills have been put through the House.

**Deputy Bernard J. Durkan:** I did that, but I just wanted to tell you a Cheann Comhairle how serious the problem is.

**An Ceann Comhairle:** Is the Deputy's inquiry about promised legislation?

**The Taoiseach:** The reporting of criminal gangs Bill.

**Deputy Bernard J. Durkan:** Just a moment, a Ceann Comhairle. I do not want to be interrupting you.

**An Ceann Comhairle:** Is the Deputy's inquiry about promised legislation?

**Deputy Bernard J. Durkan:** It is, but you will not let me finish. I do not want to be interrupting you and I know you do not want to be interrupting me either. The Minister claims he does not know the number of criminal gangs operating in the country at present, which is a serious problem.

**An Ceann Comhairle:** I am sure a parliamentary question should be able to elicit that information if it is available.

**Deputy Bernard J. Durkan:** The answer is "No". Even as late as yesterday the answer was again "No". One of the Minister's predecessors said the activity of criminal gangs was the sting of a dying wasp; that wasp continues to sting. Is the bail amendment legislation, promised for many years, likely to emerge from its period of incubation in an effort finally to confront the criminal gangs active in this country as never before known?

**The Taoiseach:** There is no date for that Bill at the moment.

**Deputy Bernard J. Durkan:** I hope the Taoiseach is not serious about that. There surely should be a date for it.

**An Ceann Comhairle:** We cannot pursue a debate on what is effectively promised legislation for some stage in the future

**Deputy Bernard J. Durkan:** I am not debating at all. I am asking the Taoiseach a question on promised legislation. He said there was no date but it is time he had one.

**Deputy Aengus Ó Snodaigh:** A date for the election.

**Deputy Liz McManus:** I ask about climate change law. I am concerned that the Green Party Members seem to be some kind of endangered species; they do not seem to come here anymore.

**Deputy Bernard J. Durkan:** They have evaporated.

**Deputy Liz McManus:** When the Green Party decided to enter Government its stated purpose and priority was to tackle the defining issue of our time, which was climate change. The Cabinet sub-committee on climate change has not met this year.

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

**Deputy Liz McManus:** It is important and relates to legislation.

**An Ceann Comhairle:** I do not mind an inquiry about promised legislation, but not a debate.

**Deputy Liz McManus:** Early in October Senator Boyle told the Seanad that he expected such a Bill to be published in two weeks. The legislative programme gives no indication of a date for the publication of the Government Bill. It would appear that this legislation is lost in some interdepartmental quagmire and something needs to be done.

**An Ceann Comhairle:** Could I be helpful to the Deputy?

**Deputy Liz McManus:** Could I ask the Taoiseach—

**An Ceann Comhairle:** I will make inquiries on her behalf.

**Deputy Liz McManus:** No, this is the Taoiseach's question although I appreciate your assistance on this, a Cheann Comhairle. Legislation has been published on an all-party basis by the Joint Committee on Climate Change and Energy Security. There is a lacuna from the Government side in that no legislation has materialised despite many questions asked and concerns expressed on all sides.

**An Ceann Comhairle:** The Deputy knows the provision on the Order of Business; we cannot have a debate on these matters.

**Deputy Liz McManus:** When will the Government Bill be published? If the Taoiseach cannot give a specific date, will he accept the all-party climate change Bill that has been published so that we can all get on with the business to which we must pay attention?

**The Taoiseach:** Work on the Bill is proceeding as a priority and it will be published as soon as possible.

**Deputy James Bannon:** Why has the climate change Bill been put on the long finger yet again when farmers, motorists, home-owners and others are being penalised in order to meet our CO<sub>2</sub> emission targets? Surely the Taoiseach would consider this important legislation and perhaps he could give us some indication as to when the climate change Bill will be brought in from the cold and addressed in the House.

**Deputy Bernard J. Durkan:** The Taoiseach must have heard of the climate change Bill.

**The Taoiseach:** I mentioned that just a moment ago.

**Deputy Bernard J. Durkan:** The Green Party Members mentioned it also.

**Deputy Andrew Doyle:** Yesterday we received a copy of the report of the Oireachtas Joint Committee on Agriculture, Fisheries and Food on the Ombudsman's special report on the lost at sea scheme. The report was not adopted by all members of the committee and is a minority report. I am asking for time to be set aside to discuss this important issue which has serious implications for the relationship between the Office of the Ombudsman and the Government.

**An Ceann Comhairle:** Deputy—

**Deputy Andrew Doyle:** This is a fundamental report and it is only the second time on which such a report has been presented by the Ombudsman. The findings of the Ombudsman were not agreed; it is a minority report from the committee. I am asking that the Whips set aside time for it.

**An Ceann Comhairle:** I understand the Minister for Agriculture, Fisheries and Food will be taking questions in the House in the coming days.

**Deputy Andrew Doyle:** Tomorrow.

**An Ceann Comhairle:** Have questions on the matter been tabled?

**Deputy Andrew Doyle:** This report was only received yesterday.

**Deputy Seán Barrett:** It should be debated.

**Deputy Andrew Doyle:** It should be debated. I will quote one sentence from the committee's report: "the Committee is of the view that the process for consideration of such reports should be clearly set out and has agreed to recommend to the Committees on Procedure and Privileges of both Houses that Standing Orders should be amended".

**An Ceann Comhairle:** Will the Deputy consider a Private Members' motion?

### **Value-Added Tax Consolidation Bill 2010: Referral to Standing Joint Committee**

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

That, notwithstanding anything in Standing Orders—

(a) the Value-Added Tax Consolidation Bill 2010 be referred to the Standing Joint Committee on Consolidation Bills;

(b) the first meeting of the Committee to consider the Bill be held on Tuesday, 9th November, 2010; and

(c) in the case of the Value-Added Tax Consolidation Bill 2010—

(i) in accordance with Standing Order 144(3), the following Members be appointed to the Standing Joint Committee on Consolidation Bills for the purpose of considering the aforementioned Bill:

Deputies Noel Ahern, Frank Fahey and Seán Sherlock;

(ii) it shall be an instruction to the Committee that it has power to group sections together for the purposes of debate and to dispose of more than one section (and any amendments thereto) by one Question, which shall be put from the Chair.”

Question put and agreed to.

### **Banking Crisis Reports: Referral to Joint Committee**

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

That the Order of Dáil Éireann of 8 July, 2010 requesting that the Joint Committee on Finance and the Public Service consider the following Reports:

- ‘The Irish Banking Crisis: Regulatory and Financial Stability Policy 2003-2008’, by the Governor of the Central Bank, and
- ‘A Preliminary Report on The Sources of Ireland’s Banking Crisis’, by Klaus Regling and Max Watson,

be amended by the deletion of ‘4th November, 2010’ and the substitution therefor of ‘11th November, 2010.’”

Question put and agreed to.

### **European Council: Statements**

**The Taoiseach:** I welcome this opportunity to brief the House on the outcome of last week’s meeting of the European Council, which was an important meeting in many respects.

There were four main items on our agenda: the report of the task force, chaired by President Van Rompuy, which examined issues relating to economic governance at EU level; preparations for the forthcoming G20 meeting that will take place in Seoul in November; preparations for the Cancun conference on climate change in December; and preparations for a number of upcoming summits, including those with the US, Russia and Ukraine. In addition, the question of the Union’s future budget was raised by a number of partners, and the Council agreed that we will return to this question at our next meeting.

In the context of our discussion on economic governance, it is worth recalling recent events and developments in this area. In the light of the economic challenges facing Europe, in March of this year the European Council asked its President, Herman Van Rompuy, to establish a task force of member states, in co-operation with the Commission and the European Central Bank, to examine options to strengthen the Union’s framework for economic governance and to bring forward recommendations before the end of 2010. In April, in the face of extreme pressure from international markets, Greece turned to its partners in the Union for support, which led to the putting in place of a programme of bilateral loans from other eurozone member states, in which Ireland played its part. In May, in the spirit of solidarity that characterises the Union, a “European stabilisation mechanism”, aimed at preserving financial stability, was put in place for a period of three years.

In what was a fast moving context, an immediate and effective response was required. This was achieved through the establishment of the European Financial Stability Facility, through which euro area member states agreed to provide *pro rata* guarantees in respect of funding raised to support member states that find themselves in difficulties caused by exceptional circumstances beyond their control. Ireland, along with the others, took the necessary legislative steps to ensure the facility came into being. Under the circumstances, President Van Rompuy

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also readily agreed to accelerate the work of the task force, which conducted its business very intensively over the following months.

The task force, on which Ireland was represented by the Minister for Finance, produced its final report on 21 October. It made recommendations aimed at strengthening fiscal discipline in the Union; introducing new macroeconomic surveillance arrangements; and setting the principles for a robust crisis management framework. The package of measures proposed by the task force includes a number of key elements. The report proposes a strengthened Stability and Growth Pact, introducing greater financial discipline with an enhanced focus on public debt as well as deficits. While the report found that the current framework remains “broadly valid”, it felt that it needs to be applied in a better and more consistent way. In particular, there is a need for greater focus on debt and fiscal sustainability.

On sanctions, which were the subject of particular and detailed consideration, the task force sought to strike the right balance. It proposes to enlarge the spectrum of sanctions available and to apply them earlier and on a more semi-automatic basis than is currently the case, with the new arrangements, in the first instance, applying to euro area member states only. The report also recommends the introduction of a new macroeconomic surveillance framework, including an “Excessive Imbalances” procedure, which will operate alongside the Stability and Growth Pact. Under this an annual assessment of macroeconomic imbalances and vulnerabilities will be undertaken. In particularly serious cases, and where prompt corrective action is not taken, euro area member states will, ultimately, face sanctions.

While respecting national responsibilities for fiscal and economic policies, the report also notes the agreement of the European Council earlier this year that economic policy coordination be deepened and strengthened through the institution of a “European Semester”, a new timetable designed to enable the EU dimension to be better reflected when countries prepare budget and economic reform programmes. This involves the earlier submission of stability programmes, which will take place by the end of April each year. The task force also recommends that national budgetary frameworks be strengthened to underpin compliance with the SGP. At last week’s meeting, the Council endorsed the task force report and called for a fast-track approach to its implementation. The task force recommendations represent significant improvements in economic governance and are to be welcomed. The task force set summer 2011 as a target timeframe for agreement between the Council and the European Parliament on the related legislative proposals from the Commission.

The task force also examined what was required to ensure a robust framework for crisis management. It acknowledged that the arrangements put in place earlier in the year offer a good line of defence for the next three years. It went on, however, to state that, in the medium term, it believed that there is a need to establish a credible, permanent crisis resolution framework for the euro area and that further work is required in this regard. Any permanent framework to safeguard the financial stability of the euro area must stand on a firm legal foundation. This is not just a matter for one or two member states, although the matter was highlighted in advance of our meeting by a joint declaration by Germany and France in Deauville on 18 October. All member states have a shared interest in ensuring our actions are fully within the boundaries of the law at all times.

While it was possible to design a mechanism that met our immediate policy and legal requirements earlier in the year, those arrangements were made at a time matters were urgent and pressing. There is an opportunity now, on foot of the initial consideration by the task force, to reflect on appropriate arrangements for the future building on the experience gained with the European Financial Stability Facility and to take a more considered approach to what is required of a permanent mechanism. The European Council has, therefore, asked President

Van Rompuy to undertake consultations with member states including on the question of limited treaty change required to that effect. It has agreed to revert to the matter in December, with a view to taking the final decision both on the outline of a crisis mechanism and on a limited treaty amendment so that any change can be ratified by mid-2013 at the latest.

I am, of course, aware of speculation on what this might mean in legal terms for Ireland. It is important to stress that what is being proposed is a very targeted and limited exercise. When, on foot of the instructions we have now given him, President Van Rompuy has completed his consultations, he will bring forward a detailed proposal setting out what is required. Until this proposal is finalised, it is not possible to conclude what will be needed to enable Ireland to ratify the new arrangements. It will have to be analysed closely and carefully. However, I assure the House that whatever legal steps are necessary and appropriate will be followed.

It is worth recalling that the treaties contain various approaches to treaty change, including the “Simplified Revision Procedures”. This approach provides for situations where it is agreed that some change is needed within particular policy areas of the treaties but where the competences conferred on the Union by the member states are not increased. No decision was taken last week on which approach will apply in this situation; this is something to which President Van Rompuy will need to give the careful consideration. However, the European Council conclusions place great emphasis on the limited nature of what is required.

Ahead of the summit, suggestions were also made by a small number of member states, most prominently France and Germany, that the treaties should be amended to provide for the suspension of the voting rights of a member state persistently in breach of its obligations under the Stability and Growth Pact. This was a particularly controversial proposal and there was little enthusiasm for it last week, either at home in Ireland or around the table at our meeting in Brussels. Nonetheless, the President of the European Council intends as a subsequent and completely separate exercise, to examine the matter in further consultation with the member states. No timeframe or deadline has been placed on this and I do not expect to see it get much support.

I will refer briefly to other matters discussed last week. While it was not an item on our agenda, a number of member states, led by the United Kingdom, indicated a wish to discuss the Union’s future budget following a presentation by the President of the European Parliament, Jerzy Buzek. The treaties set out a procedure for agreement on the budget between the Council and the European Parliament. This process is under way for the 2011 budget and discussions are at a delicate stage. The Council did not have an opportunity to discuss the matter in detail nor, given the ongoing negotiations, would it have been timely to do so.

In our conclusions, however, we stressed that it is essential that the European Union budget and the forthcoming multi-annual financial framework reflect the reality that most member states face, which is the need to take significant steps to make their deficit and debt levels more sustainable. We agreed to discuss how to ensure that spending at the European level makes an appropriate contribution to this work at our next meeting in December. Subsequently, the Heads of State or Government of 12 member states cosigned a letter to the President of the European Council and the current Belgian Presidency stating that they were not prepared to accept that the EU budget for 2011 could increase by more than the 2.91% proposed by the Council earlier this year. Given that negotiations are continuing, and I expect will be brought to conclusion at the EU Budget Council later this month, I did not consider it helpful to participate in this initiative.

The European Council also discussed a number of issues, including preparations for the forthcoming G20 summit in Seoul, for the Cancun conference on climate change and for summits with third countries, including the United States, Russia, Ukraine, India and Africa. The

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Minister of State, Deputy Roche, will go into further detail on what was agreed on these matters. In broad terms, however, I welcome the approach being taken by President Van Rompuy in ensuring that a strategic debate takes place at head of State or Government level ahead of such important engagements.

Implementation of the recommendations of the Van Rompuy task force, as the President of the European Council said, will mark a major improvement in the economic governance of the European Union and the euro area. It will bring greater strength and clarity to the application of the rules, and real consequences to those who choose to ignore them. I welcomed the report and I welcome the decision of the European Council to endorse its conclusions.

A great deal has been said in recent times about the role of the European Union in economic matters, much of it ill-informed and wide of the mark. The fact is that Ireland, as a matter of sovereign choice, is a part of an economic and monetary union that brings great benefit to this country. It has helped us weather recent economic storms and placed us in a better position to deal with developments in the international markets than we could possibly have achieved on our own.

Like any other shared endeavour, membership brings within it opportunities and responsibilities. These must apply to all participants equally, without fear or favour. The Van Rompuy task force went about its work in a serious and comprehensive way. It has produced an important set of recommendations within a very tight timeframe. I pay tribute to the Minister for Finance and to his colleagues for the sterling work they did. Their work demonstrates again the fact that economic union draws its legitimacy from the member states and the rules which they set for themselves, and by which they collectively agree to be bound. This applies to Ireland every bit as much as to other member states.

We are currently engaged in preparing a detailed four year plan to chart our way to bringing our budget deficit back within the 3% limit set in the stability and growth pact by 2014. Developing and implementing this is necessary to rebalance our public finances and provide a platform for economic recovery and job creation. It is very much about the national interest. This work does not take place in a vacuum. Just as we have obligations to ourselves, we have also entered into commitments with others. This Government will continue to ensure that we live up to all of them.

**Deputy Enda Kenny:** Last week's European Council saw the concern of many states about the threat to the stability of the euro being aired in public. In advance of the European Council meeting, I attended a summit meeting of the leaders of the European Peoples Party. While there was general consensus that greater oversight of fiscal plans is necessary, there was also recognition that a broad re-opening of the Lisbon treaty would not be desirable as it would lead to difficult and complicated ratification processes in several member states, including Ireland.

Fine Gael agrees that we need for tighter fiscal plans to be put in place to ensure the current crises across many EU states, including Ireland, does not recur. There were reports from Greece and Portugal at the same meeting. Fine Gael also notes the President of the European Council, Mr. Herman Van Rompuy, has been tasked with engaging in each member state on how this fiscal tightening and control can be achieved. I look forward to meeting Mr. Van Rompuy in that regard and I hope the Taoiseach will keep Opposition parties informed of the Government's discussions with him.

There is nervousness among many European member states about any, albeit limited, change to the treaty so soon after its ratification just a year ago. I understand that the President of the European Council hopes to explore options that would not necessitate fundamental amendments to the EU treaties which would require a change in competency. I understand general

preparatory work on a new fiscal mechanism will now take place and it will be discussed at the meeting of the Council in December.

The issue of improved economic governance was also discussed at the summit. At national level, the task force recommended the use or establishment of public institutions or bodies to provide independent analysis, assessments or forecasts on domestic fiscal policy matters as a way to reinforce fiscal governance and ensure long-term sustainability. I can support that. Fine Gael has always supported greater EU economic governance and we have never objected to greater EU scrutiny and coordination of budgetary proposals, subject to two conditions: we must reform the parliamentary procedure here for the budget process to ensure meaningful debate, as well as independent oversight of budgetary principles. We must also ensure that it not just about member states in deficit. Germany also has a role to play to ensure effective and smooth growth in the European community.

Fine Gael has been demanding reform of the budgetary process for many years. Before a budget is adopted, independent expert fiscal advice must be made available to the Dáil to expose over-optimistic assumptions and reckless budgeting. The Government has consistently refused to allow the Dáil to have proper scrutiny of the budget. The catastrophic consequences of this undemocratic approach by the Government are obvious in the dismal state of the public finances. Coordination and consultation with our colleagues in the eurozone is essential for recovery. The only way to deal successfully with this crisis in the eurozone will be through a strong European economy based on independent democracies that share power in an appropriate way and which develops the necessary growth policies to achieve that objective.

I also used the opportunity of the EPP summit to reaffirm to Fine Gael's allies my party's commitment to dealing with Ireland's fiscal crisis and to fulfilling our obligations as members of the eurozone. This statement of Fine Gael's position was received very positively by our colleagues around the table.

**Deputy Seán Barrett:** The measures being proposed here were brought about as a result of mismanagement and, unfortunately, Ireland is one of the reasons for that. At various budgets dating back to 2005, Fine Gael warned about the mismanagement of the Irish economy and the unfortunate outlook that existed. I would like to remind the House of some of the statements at the time by the then Fine Gael spokesman on finance, Deputy Richard Bruton. On the budget of 2007, he commented, "This is the latest in a series of budgets whose pattern is set by the huge spending spree. Government spending has grown 50% faster than the rate of growth in national income. Government has doubled its dependence on a construction boom, which now contributes 25% of its revenue." He continued to say, "You cannot possibly build indefinite spending growth on the back of a building boom no more than you can build long-term economic prosperity on the back of a building boom." I heard commentators asking why Fine Gael did not bring this to the public's attention over the years. We did. We consistently warned about the contents of the 2008 and 2009 budgets.

I value our membership of the European Union and it is unfortunate that we are part of the cause of the implementation of these changes, which are urgent and necessary. While I have doubts about any proposal for the suspension of voting rights, it is necessary to protect the euro and eurozone countries by putting such measures in place. In proposing that we accept necessary measures, we should seek a carrot and stick approach. I see no reason the European Union cannot establish its own independent credit ratings agency, staffed by independent professionals who would rate each member state's economy. There is no reason the power of the European Union cannot be used to borrow from the markets on behalf of all member states. Big can be beautiful when it comes to borrowing money. Member states would have greater



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strength borrowing money on a combined basis and receive a better interest rate. I accept our rate may still be higher than German interest rates.

This provides an opportunity to do more than just impose obligations on member states. It is time the Government sought these changes and encouraged banking facilities from other member states to be freely available to Ireland.

I must warn the Government about the challenges of climate change. The decisions taken by the electorate in the US yesterday will have a huge bearing on achieving a worldwide agreement on climate change. It is important Europe takes a leading role at the forthcoming Cancun climate conference to tackle climate change which is having a large effect across the world, particularly on the African Continent.

**Deputy Michael Creed:** It is interesting and a cause for optimism to note the emergence of the post-Lisbon treaty institutional architecture which enables the European Union to respond quicker and in a more effective manner to crises that have engulfed eurozone economies. One such response was the establishment of the European Financial Stability Facility arising from the Greek crisis. Ireland might be grateful for this facility given the way bond spreads are going. While I accept using the facility would mean a certain degree of running up the white flag, borrowing from it at 5% rather than the 7.4% charged by the bond markets yesterday may be better.

We sometimes mislead ourselves into thinking there is a global economic recession when it is really a north Atlantic one. The economies of China, India, Brazil and other south-east Asian countries are growing at rates of between 9% and 15% per annum. Europe needs to stop navel-gazing. While the proper economic policy responses need to be put in place, Europe must also avail of the opportunities elsewhere in the global economy.

It was interesting to note from the Taoiseach and Deputy Kenny that the prospect of further constitutional referenda for EU treaty changes is not out of the equation. It may be time for the Taoiseach to consider Fine Gael's proposal, made during the last Lisbon treaty and requiring a constitutional amendment, to have the Supreme Court adjudicate on what specific aspects of future European treaty changes could be in conflict with the Constitution and may require referenda. There is a debate, an academic one at this stage, that substantial parts of the Lisbon treaty may not have been in conflict with the Constitution. Enabling the Supreme Court to play a part in that regard would be important.

Every communiqué issued after a European Council meeting refers to the Doha development round and greater liberalisation of world trade. While I welcome more liberal and free trade, a cornerstone must be fair trade. Fair trade cannot always be about coffee and bananas. It is about Irish beef producers competing fairly with other beef producers. Equivalence comes into play in this regard. Irish agriculture will take on any other producers but only if they are operating on a level playing pitch. If Brazilian beef is to be allowed on our supermarket shelves, it must be produced to the same standards to which European farmers adhere. This must be kept in mind for future world trade agreements.

In economic crises, the bigger players tend to have the stock response of calling for greater liberalisation when they are the very ones which resort to anti-competitive practices. For example, the United States introduced quantitative easing for its economic problems. The consequence is a currency war between the US and China which is on the brink of bringing around a double-dip recession in the European economy. It is also important to point out the US subsidises its agriculture sector three times more than the European Union does. While being vigilant in respect of greater liberalisation of trade, a principle which I support, it must also be fair.

**Deputy Brendan Howlin:** The Taoiseach indicated four areas were covered at last week's European Council meeting, the most important of which, and the one which received most attention, was the report of the task force on economic governance. It was established by a decision of the Council in March this year when economic matters were not as bad as they are now. Mr. Van Rompuy, the Commission and the European Central Bank focused on important matters which were set out in the task force's report.

The task force aims to increase fiscal discipline, something which we know all about, and to broaden economic surveillance. While the word "surveillance" is a discordant one, we must ensure every member state is playing according to the rules and, specifically, data on returns to the Commission are actual and real. As we saw with the unfortunate experience of our Greek colleagues, their previous administration's returns could not be relied upon to be a fair and accurate assessment of Greek economic performance.

The task force also aims to deepen co-operation, which I welcome, and establish a robust framework for crisis management and stronger institutions. While no one will have a difficulty with these objectives, the difficulty is how they are to be implemented. As always, the devil is in the detail. We must wait until later when the specifics are brought forward to see exactly the reporting mechanisms in question and the degree of and timing for the oversight of each eurozone member state's budgetary requirements. We also must wait to see the specific nature and architecture of these institutions. It is interesting the European Union has used the term "crisis management" in all of this. It does not shy away from the fact we are living through an economic crisis.

In advance of the summit, there was much comment about some of the remarks made by the German Chancellor, Ms Merkel, many with which I agree. I agree with her that it should not only be the taxpayer who should bear the costs of any future banking crisis. The same logic applies to the current crisis too. Ms Merkel went on to say that there was a justified desire to see that not only taxpayers but private investors should be liable. In so far as she has that viewpoint, I agree with her.

However, it was unfortunate that a joint Franco-German statement was made at Deauville in advance of the European Council meeting. It gave the impression that there was a central core, particularly of the eurozone states, that was going to drive a specific agenda that suited their needs, rather than the collegiate approach that has underpinned the basis of the European Union from its inception. The mechanisms they are talking about include more extreme proposals that the Taoiseach says were discussed, but which did not enjoy very much support, although they are still on the table, such as denying voting rights. It is unfortunate that level of debate was put on the table.

I wish to mention our own domestic situation on two fronts. In terms of fiscal discipline we know what we have to do and we know how Herculean a task that will be for us. We also know that we need the support and help of the European institutions, most specifically the European Central Bank which has been extraordinarily helpful to us in recent times. It is bizarre that some of the comments being made — even by people appointed to important State boards, to the effect that it would be desirable for us to withdraw from the euro — could have any currency, if the House will pardon the use of that word, in the current debate. We need the euro and the support of the European Central Bank. It is unhelpful to us currently for talk of withdrawing from the euro to be made, particularly by people who have been given a new economic role in our State.

We had difficulty in terms of the Lisbon treaty being accepted by the people of this country. There was a plethora of reasons for that, which were extraneous to the contents of the treaty. However, we did have a pact with the people in the course of those deliberations to the effect

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that this was the last round of institutional change and we were not going back. We were actually going on to bread-and-butter issues such as jobs, the creation of stable growth, a better environment and better social institutions within the Union. That was our next phase of work and focus, so it is somewhat jarring that we are back to the suggestion that we need to tweak institutional matters again.

It is understandable that the Germans have a difficulty concerning their own courts. We are mindful of our courts and our Constitution, so Germany must be mindful also of its corresponding judicial and legal framework. I fully accept the German concern that the existence of a stabilisation mechanism and funding system needs to be legally underpinned to be in accordance with German law. While I do not want to overstate that point, because I am not a legal expert in either domestic and international law, I do understand the concerns the German authorities have expressed on that front. We must be mindful of those concerns.

Given the Taoiseach's comments in Brussels last week and his statement to the House today, I understand that it must be done in a way that does not give rise to concerns that, when Germany or France require it, we are unravelling the settled institutional mechanisms that we had such difficulty in framing and getting passed in the second Lisbon treaty vote here.

This morning, people have been watching the election results coming in from the United States. Some two years ago, we were all carried on a wave of euphoria when President Obama was elected. He spoke a poetic rhetoric of change and gave people heightened expectations in terms of what could be done, certainly in the short term. The disappointment of that is now evident with the outcome of the congressional elections in the United States. I do not believe the American people are all that different from the people of this jurisdiction, particularly as it is clear there is a clamour for a balanced budget in the United States, but not for its own sake. If we are to believe the commentariat in the United States, what is at the core of the conclusions is the need for jobs. There is also fear because US unemployment has increased by more than 2% in the last two years, despite the message of hope that was presented.

One of my fears concerning the published conclusions of last week's European Council meeting is that they are heavy on the fiscal focus, as virtually all our debates in this House have been over a long period. There is every good reason for that because if the fiscal parameters in which we work are so askew, then nothing else will work. We understand that and that is why my party has signed up to the 2014 target. We must go beyond that, however, if we are to learn the lessons of the United States, and talk about what it is for. It is not a balanced budget or a 3% deficit for its own sake, because it is neat or has some sort of synergy that we have clutched out of the sky; it is because it enables us to create jobs and have better social institutions. The rhetoric from European Council meetings should be less fiscally focused and instead offer, not the Obamaesque idea of unbridled hope and a new horizon but a plan to map out what we want to achieve. That is something we could do for our own sake as well.

The corrections therefore must be made for a social purpose. We should remind ourselves constantly that the European Union is not simply an economic union, but is also a political and social union. Its founders came together after the Second World War with the purpose of building a better Europe for its citizens, with better prospects for the environment as well as improved living and working conditions. When we are making hard decisions those elements must always be included.

In the economic context, I also wish to talk briefly about three other matters. I strongly agree with the previous points made concerning the ratings agencies. The notion that we are now slaves to those agencies grates on everybody. They gave triple-A ratings to rotten bonds, sold them on and encouraged people to invest in them. These same people who have patently

failed are now setting the criteria that we have to dance to, whether we like it or not. They are affecting the rates at which this country can borrow. There is a strong case to be made, which I would like to see front-loaded, for a European ratings agency that is independent of Government. I am not sure the existing ratings agencies are independent and one must ask who is paying for them.

I also wish to mention the G20 summit in Seoul, to which the Minister of State, Deputy Roche will refer in due course. As Deputy Barrett said, it concerned world trade. I was in Brussels last week and met with the South African and Namibian ambassadors to the European Union who feel they are being bludgeoned into trade agreements. They are both members of SADC, the Southern African Development Community. A number of SADC countries have already been arm-twisted into signing interim economic partnership agreements. They have all been told that they must have permanent agreements signed by the end of this year. We have a good record in this area as a country and we should seek fair trade as well as open trade. We have an open economy but we must do this on the basis of fairness. Ultimately, the notion that one can bully someone into a good deal for oneself never works. The Minister of State will be aware that I come from a trade union background and that in such an environment one always leaves the other side believing they have not been done down.

I refer to the Cancún conference on climate change. As Deputy Barrett noted, it will be affected by the congressional results. I recall the lead up to the Kyoto agreement, when the Clinton Administration was very much in favour of the proposals. However, the subsequent Bush Administration effectively dissolved the United States Environmental Protection Agency, the chief executive of which was the chief USA negotiator at Kyoto.

I had the privilege of chairing the preparation conference for Kyoto as president of the EU Council of Environment Ministers. Ireland played a very important role in that process. I seek clarity with regard to what role we are playing now especially if Cancún falls the same way as the Copenhagen conference. Let us not gild the lily; Copenhagen was a failure. If Cancún is another failure, which is possible, what will the European Union do? It declared it would reassess its position post-Cancún, but what is Ireland's position? This morning, my colleague referred to the climate change Bill, which, effectively, has not seen the light of day. We must make progress in this area, because there is an economic advantage to our doing it right in this regard. Unfortunately, I do not have much time to develop the point but perhaps the Minister of State will refer to it in his contribution.

**Acting Chairman (Deputy Charlie O'Connor):** You will have question time as well and I would be happy to facilitate you. I call Deputy Aengus Ó Snodaigh.

**Deputy Aengus Ó Snodaigh:** Ba mhaith liom an deis seo a thógáil chun labhairt ar Chomhairle an Aontais Eorpaigh ríthábhachtach seo. Tá sé spéisiúil an tslí go bhfuil sé curtha i láthair go dtí seo agus na cinntí atá an Chomhairle ag iarraidh a ghlacadh gan díriú isteach ar an ghá le reifreann, sa tír seo ach go háirithe. Tá na tiortha móra is láidre san Aontas Eorpach ag iarraidh ath-smacht a chur ar na tiortha beaga. Cad a bhí i gceist san Aontas Eorpach ach go mbeadh tiortha ar chomhchéim ag obair i bpáirtíocht lena chéile? Arís agus arís eile, le conradh i ndiaidh conartha, feictear dom agus d'a lán daoine eile go bhfuil smacht á tharraingt isteach i lár an Aontais Eorpaigh chuig na tiortha móra láidre, na tiortha a raibh impireacht acu roimhe seo agus atá fós sa tóir ar an impireacht sin. Sin an fáth go bhfuil mé buartha faoin treo ina bhfuil an Rialtas ag bogadh faoi láthair, nach bhfuil sé sásta seasamh suas do féinmheas na tíre, i gceisteanna eacnamaíochta agus airgeadais ach go háirithe. Ba chóir go mbeadh sé de láidreachta agus de chrógacht ag aon Rialtas seasamh suas i gcoinne gluaiseachtaí ar bith a cheanglódh sinn isteach sna hathruithe atáá moladh faoi láthair ag an Fhrainc agus an Ghearmáin.

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The key focus of the European Council last week was a move by France and Germany to further amend the European Union treaties. This comes a little more than one year following the passage of the Lisbon treaty in this State, albeit at a second attempt. The two member states in question sought to reform the EU treaties to provide a permanent crisis resolution mechanism within the eurozone and expressed a desire to punish countries which breach the Stability and Growth Pact, with proposals that such countries should be deprived of voting rights in the EU Council. Those countries would not expect to be punished in the same way, although they have been serial breachers of the pact in the past. I doubt they would allow their votes to be suspended in future were they to breach the pact once again. However, they are holding the cards at the moment. What stand did the Taoiseach take on behalf of the State to oppose these further attempts to limit the economic and political sovereignty of member states, Ireland in particular? Did the Taoiseach seek allies? Have the Taoiseach and the Minister of State begun the process of gathering allies among other countries in a similar position to Ireland which may or may not find themselves on the right or wrong side of the pact and this new proposal to punish countries? Many of the new accession countries and many small countries may face the wrath of France and Germany in future. Did the Minister of State make the argument or did he simply capitulate? The media coverage to date carries no expression that Ireland and its representatives had the balls or the backbone to stand up to these demands. The reality has become a good deal clearer as the crisis has unfolded and Ireland's economic sovereignty has been seriously undermined by successive Governments, including this Government, and by the EU treaties which they encouraged or rather bribed the people to agree to.

The policies of the current Government risk consigning Irish economic sovereignty to the dustbin of history. The move discussed at the EU Council represents a further step that this Government is taking along that dangerous path. There is a consensus on the proposals for cuts among all parties in Opposition except for Sinn Féin. This is based on the acceptance of a deadline, arbitrarily set in 2014, for the reduction of the budget deficit to 3% of GDP, which would fall in line with the Growth and Stability Pact. This is an arbitrary deadline set at a time when, according to the Government's account, it held a radically different view of what the commitment entailed. It seems when the target was agreed, the Government envisaged an adjustment of the order of €7 billion. However, we are all aware of what has happened since, that is, this figure has doubled. However the timeframe for addressing the deficit has not doubled despite the fact that the adjustment has changed substantially. Given the circumstances facing the country, now is the time for the Government to take decisions in the best interests of the country.

Although nothing is finalised, no decision with regard to the proposals by Angela Merkel and President Sarkozy is in the best interests of the country at the moment. We must ensure that in future we take back sovereignty rather than lose it further. We must hold political leaders to account and develop the economy in a way that benefits the mass of people rather than the banks and the wealthy. Instead, the Government appears to be going to Brussels, cap in hand, capitulating to the Franco- German demands. Any demands from the EU to the effect that Ireland should reduce its deficit from 32% to 3% of GDP in four years is plainly bonkers. Both Germany and France broke the Stability and Growth Pact during the boom years. How can political leaders or institutions credibly expect any member state to deliver such a mammoth fiscal correction in the current crisis and in the timeframe which the Government proposes?

The EU or other institutions do not expect that. Agreeing to a deadline one accepts cannot be met is deeply dishonest. All of the parties in the consensus for cuts are implicated in that dishonesty. The Irish Government has agreed with Chancellor Merkel and President Sarkozy

that the structuring of EU member states' fiscal policy should be done in line with their proposals. The EU can play a positive role but not one that is proposed at present. The focus of the European Council could and should have been on job creation, stimulating economic growth, improving the living standards of all citizens in each member state and taking moves to curb the recklessness of the banking and financial institutions responsible for causing the economic crisis. Much of this was set out under the Lisbon strategy. That has not been delivered on and has been changed since. We had a debate on this point not so long ago. We have heard nothing about progress in these areas.

Where are the jobs promised to the Irish people last year? In the event of the passage of the Lisbon treaty we would achieve Nirvana, according to the Minister of State. It was an illusion, as I argued at the time. It is a pity I was not listened to because then we might not be in deep crisis to the same extent. The situation is worse than when the Lisbon treaty was put to the Irish people for a second time. The surrender of sovereignty is far worse for us. Now we have another proposal that the Irish people surrender another degree of sovereignty and control over our futures. If the Government is as reckless as the Government has been in recent times, future generations will have to suffer consequences and we will be punished without any democratic rights within the EU. That plays into the hands of those who said the EU is the opposite of a democratic institution.

In spite of the fresh moves to change the treaties, there is no move to consider the insertion of a social progress clause, which we debated during the Lisbon treaty debates. It is a long-standing demand of parties of the left in Ireland and throughout the European Union and a demand of the trade union movement. Instead, the European Council endorsed an approach that seems certain to aggravate the budgetary problems it seeks to resolve in this and other EU countries. A slash and burn philosophy has not worked in this country over the past two years and is unlikely to work in any EU countries in the time ahead. The EU leaders should be listening to people across Europe who took to the streets in many cities of Europe, including Dublin and Brussels, on 29 September to demand social protection be improved, that the Government take initiatives to stimulate the economy and that the focus be on job creation and protection of public services and those who are vulnerable.

There is a better and fairer way to get this country and other countries across Europe out of recession. In this country, Sinn Féin's proposals in the pre-budget submission on Monday should be examined by the Government. It shows there is an alternative to the slash and burn proposals and policies pursued by the Government in the past number of years. In the time ahead we will see further protests across Europe and in Ireland. I encourage people to join Sinn Féin on Saturday, 4 December at 1.30 p.m. to oppose the Government's proposals in the budget the following week. I hope they will join the community protest on the day of the budget because there is a palpable sense of anger in our society. This will be vented one way or another and it should be vented in a constructive way to demand that the Government, at the very least, does not pursue the policies it intends in the forthcoming budget and that there is a general election so that every party's proposals can be put to the people.

The EU is proposing to give more power to the people who got us into this mess in addition to the power grab by the EU. This risks locking the EU into an unsustainable and unjust social and economic logic whereby the less well-off are paying for a crisis not of their making. This cannot be accepted. From the conclusions of the Council and from what the Taoiseach said, I note that it is agreed that the President of the EU Council, Mr. Herman Van Rompuy, is to consult with member states in respect of the proposals to amend the European treaties and will report back in December. It is incumbent on the Government in the meantime to withstand and uphold the long-standing tradition in this country set down by the Supreme Court in the Crotty case that if there is to be a further transfer of sovereignty from Ireland to the EU, it

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needs to be done by referendum. I will personally oppose any attempt by this Government to adopt any change by sleight of hand. There must be a referendum in any dilution or surrender of sovereignty.

**Acting Chairman (Deputy Charlie O'Connor):** By order of the day, the Minister of State shall take questions for a period not exceeding 20 minutes and shall then be called upon to make a statement in reply, which shall not exceed five minutes.

**Deputy Seán Barrett:** Would the Minister of State like to make a statement first?

**Acting Chairman (Deputy Charlie O'Connor):** I am following the order of the day.

**Deputy Brendan Howlin:** It would be helpful so that we could then ask questions on it.

**Acting Chairman (Deputy Charlie O'Connor):** Would Members like me to take questions together or singly?

**Deputy Brendan Howlin:** I propose a change in the order of the day so that we take the statement of the Minister of State for five minutes, followed by questions.

**Acting Chairman (Deputy Charlie O'Connor):** The Minister of State must propose that.

**Deputy Dick Roche:** I propose that, as it is a more logical sequence.

**Acting Chairman (Deputy Charlie O'Connor):** Is that agreed? Agreed.

**Minister of State at the Department of Foreign Affairs (Deputy Dick Roche):** I want to address some of the issues and members can then focus questions on the specifics. The discussion was logical until the last contribution. The Van Rompuy report and the discussions in the European Council were not about trying to force any member state into a difficult position. If Deputy Ó Snodaigh had taken the time to continue reading the conclusions, he would see that the point made by Deputy Howlin in his excellent contribution is addressed in the final sentence of the paragraph on economic governance. As Deputy Howlin said, the measures proposed in the Van Rompuy task force reports are not being taken to punish someone. Rather, they are taken for a purpose and it would be far better if the focus on the debate was on the purpose. He stated: "The result [of implementing these changes] will be a substantial strengthening of the economic pillar of EMU, enhancing confidence and thus contributing to sustainable growth, employment and competitiveness." This was the point made by Deputy Kenny, enhancing confidence and contributing to sustainable growth, employment and competitiveness. That is the objective of the main political parties in this country. That is why the political parties have an unusually high degree of consensus on the imperative of the 2014 date and the 3% target. Deputy Ó Snodaigh is entitled to take a view on that but it is an occasion when he is out of step with reality rather than reality being out of step with Sinn Féin. He is used to this.

Three contributions made reference to the rating agencies. My views on these agencies and their borderline criminal activities are well known. Deputy Barrett raised a specific question, as did Deputy Howlin. The European Commission is working on proposals in that regard. That is something positive. Deputy Ó Snodaigh made reference to it also. It is extraordinary that agencies that were registering junk bonds at AAA rating should still be allowed to make judgments on sovereign states.

The other big issues that arose in the meeting were the G20 Summit, the Cancún conference and preparations for summits with third countries. These issues were extensively discussed not just during the course of the Council itself but they were more extensively discussed earlier in the week in the General Affairs Councils and Foreign Affairs Councils which I attended.

The European Council prepared the EU's position for the G20 Summit due to take place later this month in Seoul. The EU will be represented by President Van Rompuy and President Barroso. The European Council discussion was intended to offer them orientations on the issues of greatest priority to the EU. While Ireland is not a member of the G20, the EU participation provides us with a useful window and an opportunity to put our view forward in terms of the upcoming deliberations.

The European Council conclusions highlight the need for the G20 Summit to send an ambitious signal concerning the concrete and timely implementation of measures agreed in the framework for strong, sustainable and balanced growth. The conclusions also underline the continued need to keep markets open. One of the important points in that regard was to inject momentum into the Doha trade negotiations and to avoid all forms of economic protectionism. The European Council also signalled openness on the part of the EU to comprehensive reform of the International Monetary Fund, IMF, and expressed its support for the recently adopted Basel III agreement on the capital requirements applying to banks, which will be beneficial if adopted in Seoul.

The European Council finalised the EU's position for the forthcoming Cancún conference on climate change, which was mentioned in a number of contributions, in particular by Deputy Barrett. The Council confirmed the willingness of the European Union to consider a second commitment period under the Kyoto Protocol, provided that other developed countries commit themselves to comprehensive emissions reductions as well. That is the whole point of the European Union stance. It is willing to go beyond 20% but it expects other states, emerging and developed, to make their contribution too.

The other issue related to preparation for EU summits with third countries. Specifically, we are looking forward to the summit with the United States that will take place on 20 November. A particular issue for discussion is the Transatlantic Economic Council. The European Council noted that the summit with the Ukraine will be a useful opportunity to engage the new administration on the reform process. That will be followed by a summit with Russia. I look forward to taking specific questions on other issues of concern.

**Deputy Seán Barrett:** I thank the Minister for his support on the establishment of an independent rating agency that would not be seen as a political vehicle but that would be respected for its independence. I hope the benefit of having an independent agency would be followed up with the recommendation I made that it would help us to borrow money. In terms of borrowing money big is helpful. First, people listen to one. Second, one is more likely to get one's money at a lower interest rate than if one goes in on one's own. There is much to be said for a combined approach to borrowing money on behalf of EU member states. The value of having a rating agency is that it would then decide that because we would be in, for example, division three or four, we would have to pay a higher rate than whoever is in division one but it would still be cheaper and we would be guaranteed availability. That is something on which the Government should lead. This country should put it on the agenda for future meetings. It would be well worthwhile.

I note the continuing politeness of the European Union when it comes to the climate change conference that we would be prepared to go beyond 20% if other states show willingness. Let us be practical; the reality is that the Copenhagen agreement failed simply because the US Senate and Congress could not agree not alone on a target but on any legislation that is



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required in the United States. As Chairman of the Joint Committee on Climate Change and Energy Security I travelled to the United States with Deputy McManus. We reported to the Government that an agreement would not be reached in Copenhagen. That was obvious. Since then the changes that have taken place in both Congress and the Senate will make it impossible to get an agreement. We are kidding ourselves going to Cancún expecting that we are going to get agreement on reductions of 20% let alone 30%. Does the Minister of State agree that despite the United States, because of the importance of the issue and the difficulties being caused especially in the African Continent as a result of climate change and hunger, we should plough ahead with other parts of the world in trying to deal with the issue and by doing so embarrass others into some agreement? Hanging back and waiting will not solve anything.

**Deputy Dick Roche:** I agree with Deputy Barrett. He and I have an unusual degree of consensus on rating agencies. It would make sense for the Commission proposals to be fast-tracked. There is something fundamentally bizarre about the existing rating agencies, in particular the major ones who were all involved in the crash in the United States and who were all saying up to a few days before Lehman Brothers went through the floor that bonds which they had to know had no value or substance were AAA rated. Court actions are being taken in that regard and there have even been suggestions of criminal activity against some of those agencies. That is the past. Deputy Barrett has made a good point about the necessity for Europe to have an independent approach to rating where sovereign debt in particular would be examined not through a prism of hysteria but with more clarity.

On Cancún the European Union objective is to get a legal agreement which would limit global warming to below 2° centigrade. That is the target. The figures of 20% and 30% are put in against that particular target. The European Union is working very hard to ensure that the Cancún conference, as Deputies Barrett and Howlin said, is not a repeat of the debacle that existed in Copenhagen. One of the points about the Copenhagen conference brings to mind the adage coined by the first British Prime Minister who had fallen asleep during a cabinet meeting. He said when they were leaving the cabinet room, Gentlemen, was it yea or was it nay, it matters not so much what we say as that we all say the same thing. That applies in this case because Europe did not speak with one voice. It was not a good time for Europe.

**Deputy Seán Barrett:** The Republicans will not agree to any legislation.

**Deputy Dick Roche:** I agree with Deputy Barrett that real difficulties exist. The Government and the European Union want the Cancún conference to deliver significant and ambitious targets. We also want intermediate steps to emerge from Cancún. This country has a particular interest in that regard. For example, we have made contributions on how industry, agriculture and forestry should be treated. Skill and good negotiation ensured specific references were made to that. We support the step up from an emissions reduction target of 20% to 30%. However, we face a reality also. I am not sure that if Europe does burden itself with a 30% target that other countries, including the United States and emerging economies, would be willing to step up to the plate as they have not been in the past.

**Deputy Seán Barrett:** Let us start with 20%.

**Deputy Dick Roche:** We are committed to that. Member states have agreed to cut greenhouse gas emissions by 20% by 2020. We are anxious to go to the higher level but I do not think Europe can do that alone.

**Acting Chairman (Deputy Charlie O'Connor):** I am anxious to facilitate all Deputies who wish to offer.

**Deputy Brendan Howlin:** I thank the Acting Chairman. I want to ask a number of questions together rather than seek a second intervention. The first is on the possibility of a treaty amendment. I am mindful of comments made by people like Deputy Ó Snodaigh in respect of these matters, given that we had a great deal of debate on the simplified amendment procedure that we incorporated into the Lisbon treaty. We gave clear assurances that the procedure was for technical amendments, not substantive treaty amendments. The false counterargument made was that the treaty could be amended without reference to the people. What are the Minister of State's views on this matter? Is a technical amendment or a full-scale opening of the treaty, which would probably mean a convention and everything else, at stake? I do not want to give cover to people to misrepresent something. We need to nail this from the beginning.

**Deputy Michael Creed:** Exactly.

**Deputy Brendan Howlin:** If it is, as described by Proinsias de Rossa, MEP, a change involving minor surgery, people cannot claim that they told us all along that the treaty could be changed after we signed off on it and that our Constitution could be impacted without reference to the people. I recommend that the Minister of State nail this issue early.

I have two questions on the Seoul summit. Regarding the conclusions to the effect that the Union was concerned about exchange rates aimed at gaining short-term competitive advantages, what specifically have we done or are we going to do to address the artificial weakness of the Chinese currency? Has Europe taken a view on this matter or have we left the matter to the Americans? Regarding trade, I would welcome an observation or at least a comment from the Minister of State regarding my dealings with sub-Saharan African countries that believe pressure is being put on them for EPAs before the end of this year. Was this matter discussed at the General Affairs Council or on the margins of the full Council?

In terms of climate change, I am pessimistic regarding the Cancun climate change conference, as was probably clear from my observations. What will this House do regarding the conference? We have an all-party report that incorporates a Bill. The Chairman of that committee, Deputy Barrett, is present and the rapporteur on the report and the drafter of the Bill was Deputy McManus. Will we go armed with our own concrete proposals and legislative measures having at least been debated in this House or will we only be discussing the proposals and not acting on them?

**Deputy Dick Roche:** Deputy Howlin makes a valid point. The simplified procedures that were set out, on which we voted and that the nation accepted are precisely as the Deputy has set out and are intended to permit specific types of change. When discussing the concept of treaty change, it is important that we all discuss the same issue.

**Deputy Brendan Howlin:** It would be a novelty if we all were.

**Deputy Dick Roche:** Quite right. The Crotty judgment has been referred to twice in the debate so far. It sets out the cut-off point and makes it clear that a referendum is not required where treaty change proposals "do not alter the essential scope or objectives of the Communities". This is the point at which the question of whether a referendum was required would be resolved. To put it at its simplest, it is premature to be getting ourselves into a tizzy.

**Deputy Seán Barrett:** It is dangerous.

**Deputy Dick Roche:** Deputy Barrett is right. It is dangerous, premature and disingenuous to the public to be getting ourselves into a situation as if there was some major threat facing us immediately. The Council's final wording will not be available until December. To put it mildly, anyone getting into a twist would be premature. Deputy Ó Snodaigh asked whether we had the moral backbone to face the Germans.

**Deputy Brendan Howlin:** That was not the word he used.

**Deputy Dick Roche:** No, but I will not use the precise word.

**Deputy Aengus Ó Snodaigh:** I said "backbone" as well.

**Acting Chairman (Deputy Charlie O'Connor):** The Minister of State without interruption.

**Deputy Dick Roche:** As Deputy Kenny and others pointed out, we must bear in mind that the Germans have a constitutional position and if the German Chancellor says she has a constitutional problem in the constitutional court, we must at least respect the German position in the same way that we would expect and have received the Germans' respect for our position. That one respects another member state or its constitutional position does not mean that one surrenders any more than that other state surrenders to us.

Deputy Howlin asked a specific question about the nature of the change. We will wait until we see the wording, but the lack of enthusiasm for the suggestions that came out of Deauville from the German Chancellor and French President was clear. Only one member state indicated even a mild interest in going in that direction. None the less, the German Chancellor's stated position must be respected, in that she is anxious about anything that is done being constitutionally sound. Naturally, we all share her anxiety because we do not want any arrangement that is put in place to deal with future crises to be challenged in and found defective by any member state's constitutional court.

I assure the House that this country's position is clear and the boundary has been set out. Given the Crotty judgment and other judgments, it is clear that we will not find ourselves making a significant constitutional change through the back door.

**Acting Chairman (Deputy Charlie O'Connor):** Instead of just telling Deputy Ó Snodaigh, I want to inform all Members that nine minutes remain in this slot.

**Deputy Aengus Ó Snodaigh:** I will not go on too much. I raised a question during my contribution. In the event of the wording being proposed and accepted in December by the other member states and in light of the Crotty judgment, which I well understand related to a fundamental change in the scope of the EU, if the wording requires an amendment to the Constitution, there is no doubt but that there would need to be a referendum even though the Government has previously tried to avoid referendums, which led to the Crotty judgment in the first place.

If the wording is not acceptable or the Attorney General's opinion is that it would require a referendum, would the Irish representatives at the December Council meeting demand a full re-opening of the treaty, a convention as Deputy Howlin called it? In that event, has Ireland considered pursuing the social progress clause to which I referred and which was a demand by the trade union movement, social support groups and many on the left or in the centre of politics in the EU? Would the convention be able to address the concerns raised by the Chancellor, Angela Merkel, and the leaders of other countries that might have problems with some of the EU's past or future activities in respect of an undemocratic move to deny voting rights, if that is the proposal accepted in December? The removal of voting rights is a fundamental

matter. Any suspension of any of Ireland's rights within the EU would constitute a substantial change and be contrary to the Crotty judgment. This was the context of my statement. If any attempt were made to use the simplified treaty change and method, I would oppose such a change.

**Minister of State at the Department of Foreign Affairs (Deputy Dick Roche):** In brief, as I sought to outline, this country's position is clear and unequivocal. It was set by the Crotty judgment although we have never tested the extent to which that is the case.

First, there was virtually no enthusiasm for the proposition that voting rights should be removed; rather there was a significant amount of opposition to it. Second, if that were to be the ultimate decision, which would surprise me, it is very clear that if there were to be a major treaty change it would be necessary to take the convention route. There would then be a series of ratification issues across the member states. A treaty change would have to be ratified in any case, but whether this would be by referendum would depend on whether it crossed the line drawn in the Crotty judgment.

I do not wish to disrespect the Deputy's concerns but I do not see the basis for them. It is very clear that if very significant changes were to be proposed which would have subsequent major impacts on the treaty, there would be a convention. Member states simply do not want that. If one opens a convention, one opens up everything and finds oneself in grave difficulties. The argument was made during the course of the Council and the current position of President Van Rompuy is to see how it is possible to accommodate these concerns, which are valid. We all want to have a robust mechanism which will not fail a constitutional challenge. The almost universal belief is that this can be accommodated within the existing treaty arrangements and will not require opening up a convention.

Again, we cannot make that judgment until the final wording becomes available in December. It would be imprudent to get over-excited about it or to be absolute in our view of it until we see the final wording.

*Sitting suspended at 1.35 p.m. and resumed at 2.30 p.m.*

## **Ceisteanna — Questions (Resumed)**

### **Priority Questions**

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#### **Enterprise Development**

42. **Deputy Frank Feighan** asked the Minister for Community, Equality and Gaeltacht Affairs if he will provide an update on his discussions with the Department of Enterprise, Trade and Innovation regarding closer cooperation between LEADER groups and County Enterprise Boards; and if he will make a statement on the matter. [39638/10]

**Deputy Pat Carey:** The main objectives of the rural development programme, RDP, 2007-13 are to improve the quality of life in rural areas and facilitate the diversification of the rural economy. Axes 3 and 4, LEADER, of the RDP, for which my Department has responsibility, continue to facilitate access to significant financial resources for rural communities. Enterprise support has always been a significant element of successive programmes facilitating rural development in Ireland, including the current and previous LEADER elements of such programmes.

[Deputy Pat Carey.]

I believe that the enterprise funding available under the RDP adds value to other supports available by specifically targeting rural areas and by seeking to reinforce the economic impact of similar and related interventions under other axes of the RDP and, indeed, other national programmes.

I can assure the Deputy that I work closely with my Cabinet colleagues, particularly the Minister for Enterprise, Trade and Innovation, Deputy Batt O’Keeffe, to promote increased co-operation between groups promoting LEADER and other agencies either directly or indirectly involved in supporting enterprise — specifically the county enterprise boards. Our aim is to ensure that we maximise the impact of all of the funding available and support enterprise and job creation in rural areas to the greatest extent possible, while at the same time ensuring that no unnecessary or inefficient overlaps or duplication occur.

**Deputy Frank Feighan:** Tááthas orm a bheith anseo inniu. Tá ard-mheas agam ar an Aire, ar Conradh na Gaeilge, Comhdháil Náisiúnta na Gaeilge agus na heagraíochtaí Gaeilge eile ar fud na tíre. Tá súil agam go mbeimis ag obair le chéile.

I have just one question for the Minister on this. Did he raise the issue with the Commissioner for Agriculture and Rural Development during his recent visit and, in the event, what was the outcome?

**Deputy Pat Carey:** I met the Commissioner, along with my colleague, the Minister for Agriculture, Fisheries and Food, Deputy Brendan Smith, and we discussed a wide range of issues. This is probably the first time, I gather, that rural development has been assigned to the Agriculture Commissioner, and he expressed considerable interest, not just in the LEADER programme, but in the general bottom-up approach it is taking, enabling local communities to take decisions for themselves. Both Deputy Smith and I emphasised to the Commissioner that in the next round of discussions on agricultural policy reform and financial allocations, account should be taken of the importance of such initiatives as LEADER.

For the information of the House I have also met the Development Commissioner, who has a considerable degree of direct experience of rural issues. I am happy there is comprehensive understanding at the EU level of the importance of this programme, and of what are termed outside-the-farm-gate aspects.

**Deputy Frank Feighan:** What impact will this have on existing rural development structures? In particular, will it impact on recently restructured community development projects and their funding under the community development programme?

**Deputy Pat Carey:** I do not believe so. The origins of the LCDP programme are different, first of all. Even in the mid-term I do not foresee significant changes in what the LEADER programme is doing. There is greater collaboration at this stage, I believe, between all the local stakeholders right across the country, if for no other reason than they realise a smaller pot of money is now available, and they have to work together more closely. There is evidence that groups are coming together to achieve common objectives that are shared by all.

### **Drug Treatment Services**

43. **Deputy Jack Wall** asked the Minister for Community, Equality and Gaeltacht Affairs if his attention has been drawn to recent data from the Health Research Board pointing to an increase in heroin use, particularly in centres outside of Dublin; if he shares the view expressed by the Chairman of the National Advisory Committee on Drugs (details supplied), that the figures highlight the need for investment in treatment services; the steps being taken to reduce

the demand for heroin, in the light of these figures; the progress made with regard to the implementation of the National Drugs strategy, particularly in the light of these figures; if he will give a commitment that funding in this area will not be further cut; and if he will make a statement on the matter. [40623/10]

44. **Deputy Frank Feighan** asked the Minister for Community, Equality and Gaeltacht Affairs his views on the recently published report by Merchant's Quay Ireland which notes that heroin use is on the increase; and if he will make a statement on the matter. [40622/10]

**Deputy Pat Carey:** I propose to take Questions Nos. 43 and 44 together.

I am aware of recent reports on the national drug treatment reporting system data, published by the Health Research Board in January, that cover numbers in treatment for problem drug use in Ireland in 2008.

Heroin use remains a major problem in our country. All the indications are that, while the use of heroin is relatively stable in the Dublin region, it has become more widely dispersed around the country, particularly in the major cities and in towns across Leinster. Responding to this problem continues to be a priority under the National Drugs Strategy 2009-16.

I fully accept the view that the provision of treatment services is vital to address the needs of problem drug users. This is illustrated by the fact that we currently have 9,400 people in methadone treatment. New opiate substitution services have opened this year in Cork, Tralee and Wexford, and these will be followed shortly by facilities in Kilkenny, Waterford, Limerick, Dundalk and Drogheda. This is being done by the HSE with financial support from my Department. Further opiate substitution services in the midlands are being actively considered and expansions of needle exchange services, rehabilitation services and detoxification facilities are being implemented.

Meanwhile, I welcome the publication of the report to which Deputy Feighan refers which outlines the continued extensive work undertaken by Merchant's Quay Ireland in dealing with the drugs problem. The report indicates that 4,092 people availed of that organisation's needle exchange service in 2009. This represents a reduction on the 2008 figure of 4,657 and the 2007 figure of 4,705. Also, the number of new needle exchange clients at 642 showed a continued decline from 2007. Overall, it is encouraging that injecting opiate users are making the first steps to access treatment services as this will help to reduce the risks of the spread of blood borne viruses, improve the overall health of individuals and is likely to encourage some opiate users, at least, to engage further with treatment and rehabilitation services.

The National Drugs Strategy 2009-16 aims to tackle the harm caused to individuals and society by the misuse of drugs through a concerted focus on the five pillars of supply reduction, prevention, treatment, rehabilitation and research. I believe that the actions set out in the strategy facilitate a planned and monitored approach to achieving the overall strategic objective.

The progress made in addressing the issue of head shops and the psychoactive substances they sell is illustrative of what can be achieved with interdepartmental co-operation under the national drugs strategy. Following legislative changes implemented by the Minister for Health and Children and the Minister for Justice and Law Reform, the number of head shops in operation has reduced from 102 to 11 at the latest count. Meanwhile, An Garda Síochána and Revenue's Customs Service continue to prioritise the targeting of those involved in the supply of drugs. Their work will encompass measures to tackle the threat of psychoactive substances being sold through the Internet.

[Deputy Pat Carey.]

Over €36 million will be expended by my Department in combating problem drug use this year. I see this area of expenditure as being of particular importance, especially in view of the benefits that can accrue to the individuals involved and to society at large. I will make every effort to protect funding in this important area but, as the Deputy is aware, I cannot give an undertaking in this regard in advance of the completion of the estimates process and the budget.

I stress my determination to tackle the issue of problem substance misuse over the coming years and I am confident that the national drugs strategy will continue to facilitate this.

**Deputy Jack Wall:** I thank the Minister for his reply. As regards the increase in heroin use, one just has to look at the very good articles that have appeared in the *Irish Examiner* in recent weeks which highlighted the major increases in use occurring in every area, regardless of where it is. Even in the Leas-Cheann Comhairle's area, Wexford, there has been a rise of 270% as regards detection and the same trend is evident in Kildare and all the other areas.

On numerous occasions here I have tried to raise the question of the demand for the drug, and what we are doing to ensure that parents and young people, including teenagers, recognise the dangers and the type of damage they can do to their health by becoming involved in drug use in the first place. We seem to be reactive as a society when a person is involved with drugs. I believe, however, that the Minister, who is responsible for communities, must ensure they work with him to try to decrease the demand for drugs in every area. That is a major issue, and I ask the Minister to outline how he might like to see such an initiative being undertaken.

I honestly believe the gardaí are doing their utmost, but again their job would be a great deal easier if we can manage to decrease the demand. I saw in the newspapers recently that head shops are now selling on the Internet. They have reduced their costs and the threat is still there. Perhaps the Minister will state his views on the issue of head shops selling on the Internet in regard to community involvement in this area. Will he set out his proposals to reduce demand for heroin in particular?

**Deputy Pat Carey:** Deputy Wall is correct that heroin use is prevalent in all parts of the country. Some communities are good at recognising the need to address the issue and many have done so. I have travelled extensively in the context of examining interventions. Deputy Wall referred to the Leas-Cheann Comhairle's area, which is an example of how despite a community's response to a problem there will always be obstacles. There will always be someone who will test the planning process and so on. This issue needs to be addressed and is being addressed.

There is no doubt but that alternatives must be found. The best alternative is prevention. In this regard, the education programmes in and outside our schools are good, including the Walk Tall and Social Personal and Health Education programmes, which are being well taught. Work with young people outside the school setting is also important. Increasingly, people are of the view that what is needed are good community facilities and alternatives be they GAA, soccer clubs, youth cafés, canoeing or cycling or walking trails and so on. What is at long last emerging is recognition that the family plays a key role in prevention. I strongly recommend that Members read the report published last week by the National Advisory Committee on Drugs. The report, which many Members may already have read, deals with early school leavers and their engagement with drugs versus those who remain in school. It references their primary influences being parents, teachers, peer group and the community.

**Deputy Frank Feighan:** The Merchant's Quay Ireland report published in September states that since the recession began heroin use has reached record levels. The former Governor of

Mountjoy Prison said we are sleep walking into a national disaster and that there are more drugs in Mountjoy Prison than there are sweets in a tuck shop, which is a cause for concern. During the last recession Dublin was decimated by drugs. The same story is now unfolding across the country. The allocation in terms of drugs funding last year was €300 million. While funding for 2010 has been reduced it is nonetheless a significant sum.

I ask that the Government consider the situation a crisis and that it consider all funding in the context of ensuring a crisis response to it.

**Deputy Pat Carey:** I have never been under any illusion in terms of the challenge of trying to keep ahead of the drugs issue. The situation is forever changing. There is a danger that we will chase after the latest headline. A couple of months ago that was head shops and we are now back to heroin and are speaking more of the need for rehabilitation, detox beds and so on. Merchant's Quay Ireland is to the forefront of organisations dealing with drug treatment. I applaud what it is doing here in the city. Anyone who would like to learn more about what it is doing in the area of treatment, rehabilitation and so on need only visit St. Francis Farm in Tullow, County Carlow, which provides a range of services in state of the art premises. I am sure the Leas-Cheann Comhairle knows well the facility in Ballyragget in County Kilkenny, which provides services for the under 18s.

The former Governor of Mountjoy Prison, Mr. John Lonergan, is in his own way saying what everyone else has been saying for a long time. I do not agree with him that every place is awash with drugs although I accept there is a high level of usage of all substances be it alcohol, benzodiazepines, cocaine and so on. Programmes, whether inside or outside prison, must be in place to deter access to drugs, to keep people from using them and to rehabilitate those who are addicted to them.

**Deputy Jack Wall:** I am pleased the Minister is aware of the facilities around the country that are available to communities. However, we must lead the drive in this regard. I ask the Minister, as I did his predecessor, to meet the relevant national organisations be they involved in sport, recreation, drama and so on to ensure all are encouraged to take on the drug barons in the battle to reduce demand. If we can reduce demand, everything else will fall into place. The Midland Regional Task Force has reported an increase in heroin use. There are also chronic problems in regard to accessing treatment. We must reduce demand and ensure no further increase in drug misuse.

The Minister's predecessor, Minister of State, Deputy Curran, agreed to meet the national organisations on the next phase of the national drugs strategy in regard to alcohol. I want the Minister to give a commitment that he will meet the organisations and work with them and all of us. I am sure Deputy Feighan and Members of all parties will work together to defeat this problem. The only way we can defeat it is by working together. We must reduce demand thus helping everyone else involved, including the Garda Síochána and so on. I hope the Minister can give us that commitment today.

**Deputy Pat Carey:** I have met the main organisations, including the three large sporting organisations who are aware of their responsibilities and are implementing good programmes. Only two days after my appointment, I was invited to Croke Park to see what the GAA is doing with the HSE. I met on that occasion with representatives of the Football Association of Ireland and the Irish Rugby Football Union and have since met a range of smaller organisations the length and breadth of the country, of which there are 24,000. They are in their own way making a difference and are conscious of the need for concerted action. For this reason, I am anxious that we complete what I started when last in the Department, namely, a single strategy for alcohol and substance misuse which is currently at final drafting stage. I hope to



[Deputy Pat Carey.]

be in a position to bring it to Government before the end of this year, following which it will be rolled out.

**Deputy Frank Feighan:** I, too, have visited many of the agencies and drug task forces around the country and I am aware the Minister has been to the forefront in terms of working with them.

If some type of crisis response to this problem is not developed thousands of individual lives will be destroyed.

**An Leas-Cheann Comhairle:** A question, please.

**Deputy Frank Feighan:** We will work cross-party to ensure the scourge of drugs is tackled. I pay tribute to the agencies and clinics working on the front line. Their work has been exceptional.

**Deputy Pat Carey:** I appreciate what Deputy Feighan said. Public representatives play an important role in drugs task forces as do others. The community response to the head shops is a good example of what can be done when people recognise danger. We will have to continue to develop our response regardless of where the problem arises. Despite all its critics, the Health Service Executive is co-operating and providing new services in areas where gaps existed.

### **Irish Language**

45. **Deputy Brian O'Shea** asked the Minister for Community, Equality and Gaeltacht Affairs when he will publish the final draft of the Twenty Year Strategy on the Irish Language to allow a full debate in the Oireachtas and among the public prior to a final decision by the Government on the draft; and if he will make a statement on the matter. [40624/10]

**Deputy Pat Carey:** As the Deputy will be aware, the draft 20 year strategy for Irish was published by the Government at the end of 2009 and was referred to the Joint Committee for Arts, Sports, Tourism, Community, Rural and Gaeltacht Affairs for consideration.

The joint committee undertook a process of consultations with various stakeholders during the year. It invited groups and individuals from the various Gaeltacht areas and throughout Ireland to engage with them in putting forward recommendations for the preservation and development of the Irish language. At one meeting, held in the Galway Gaeltacht, people had an opportunity to address members of the joint committee. The committee subsequently agreed on a report with 39 recommendations, which I received on 28 July 2010. The recommendations covered various topics such as education, Údarás na Gaeltachta, voluntary organisations, summer colleges and the Gaeltacht and are currently being considered by my Department in co-operation with other relevant Departments.

It is expected that this process will be concluded shortly and that the final draft can be brought before the Cabinet committee on Irish and the Gaeltacht and, subsequently, to Government. It is hoped that the next meeting of the Cabinet committee will take place on 17 November 2010, when the final draft will be discussed with a view to submitting it formally to Government. Subject to Government approval, I anticipate that the draft strategy will be published shortly thereafter.

With regard to having a debate on the draft strategy, there was a full debate of the report of the joint committee in the Seanad yesterday, in which I participated. As the Deputy will understand, the matter of having any additional debates is a matter for the Whips.

**Deputy Brian O'Shea:** I take the point that the Minister is not responsible for debates in this House but he has indicated that he is not adverse to a debate. Will he not agree that the public at large have not been involved at all in this process of developing the 20 year strategy and that a large majority of people have no idea that this strategy is being developed? If such a debate takes place it would be important that not only the Minister's good self, representing the Department of Community, Equality and Gaeltacht Affairs, would take part but also the Minister for Education and Skills who has responsibility for the largest spend on the Irish language. None of them know exactly how much is being spent on the Irish language in the education system——

**An Leas-Cheann Comhairle:** Ceist.

**Deputy Brian O'Shea:** The Coimisinéir Teanga roughly estimates it at €0.5 billion. The former president of the University of Limerick, Dr. Ed Walsh, says it is €1.2 billion. A considerable amount of taxpayers' money is being spent on the Irish language. I believe we need to consult with the taxpayers in terms of where we go from here and involve them in the debate on the strategy to ensure we help develop a sense of ownership of the language among the public at large. Otherwise, we will go nowhere. Can I take it the Minister would give his full support to such a debate in the Dáil?

**Deputy Pat Carey:** To answer the last question first, I understand the Whips were discussing the timetable for that. I presume it is up to them and the House to decide when that debate will take place. I am more than happy to support that. We had an extremely good debate in the Seanad yesterday. I was listening to Raidió na Gaeltachta on the way back from Armagh today and it seemed to have kept that radio programme going for most of the morning.

I do not go along with Deputy O'Shea in regard to engagement with the public. I was not involved in the early stages of consultation on this strategy but I am aware from reading the newspapers that there was a huge amount of engagement with the community at large. There were approximately 16 public consultation events. There was widespread on-line engagement and both the acadamaí na hollscoile in Galway and Fiontar in DCU were involved on a consultative basis examining how a strategy could be developed.

On the other question the Deputy addressed about the future of the strategy and the public ownership of it, there is a fairly significant degree of public ownership. One swallow does not make a summer, or even two——

**Deputy Brian O'Shea:** What about three?

**Deputy Pat Carey:** I will make three of it so. I was in Carlow some weeks ago where a mini oireachtas was going on for the best part of a fortnight. They have a network of naonraí gael scoil Gaelcholáistí, and the institute is located there. The public is also engaged also and it is working towards what has been set out. The local authority is heavily engaged working towards bilingual status for Carlow town, as an example. I happened to be in Gibbstown, in County Meath, which is a Gaeltacht, but the level of engagement there between the local GAA club, Comhaltas Ceoltóirí Eireann and the local school would indicate there is significant engagement overall.

There is a significant number of networks of community groups, whether it is Gaeilge ag Labhart, Corcaigh ag Labhart or any of those that are ready to adopt the strategy. It must be remembered that it is a 20 year strategy. There are three phases to it over a 20 year period. Flexibility and an openness to adapt and achieve the objectives set down in the plan is probably its strength.

**Deputy Brian O'Shea:** I guarantee the Minister that if he went out in the street and asked the first 20 people he met what they know about the 20 year draft strategy very few of them would know about it and fewer again would know anything contained in it. I accept that the Gaeltacht people were consulted, and rightly so, as well as the Irish language organisations but there is a broader public that we are not reaching, and that is my major concern. There is a great deal of soft support for the Irish language. It is about converting that into real support and people doing something. That is where I see the major flaw. The leadership must come from this House and we should engage in an exercise where we would have a full debate, with full ministerial participation of Departments that are providing services for the Irish language. It is vitally important also to get people to engage with the language and use whatever Irish they have in a bilingual sense and so on. We are not reaching the people, and the situation is getting worse.

**Deputy Pat Carey:** The situation is getting worse. This House has led the debate. It was the Government and this House that developed a strategy. It was debated for seven months by the joint committee. There is soft support, and the purpose of the strategy is to convert that soft support into real support. The objective is to increase the number of Irish speakers over the 20 year period from €83,000 currently to €0.25 million by 2030. Is that an achievable objective? I take on board what Deputy O'Shea is saying but sooner or later the talking must stop and the implementation has to begin. In view of the urgency I would like the implementation to start quickly.

#### **Acadamh na hOllscolaíochta Gaeilge**

46. D'fhiafraigh **Deputy Dinny McGinley** den Aire Gnóthaí Pobail; Comhionannais agus Gaeltachta i bhfianaise an róil lárnaigh atá ag Acadamh na hOllscolaíochta Gaeilge i réimse na pleanála teanga agus na forbartha pobail sa Ghaeltacht agus an dualgais reachtúil atá ar Ollscoil na hÉireann, Gaillimh (faoi Acht an Choláiste Ollscoile, Gaillimh (Leasú) 2006), 'a chinntiú go mbeidh oideachas á sholáthar trí mheán na Gaeilge', agus atá i measc na bpríomhaidhmeanna a bheidh leagtha amach i bPlean Straitéise na hOllscoile, céard iad na socrúithe atá déanta ag an Aire chun maoiniú a dhéanamh ar Acadamh na hOllscolaíochta Gaeilge agus ar straitéis Ollscoil na hÉireann, Gaillimh d'fhorbairt na hOllscolaíochta Gaeilge. [39641/10]

**Deputy Pat Carey:** Faoi mar is eol don Teachta, chuir mo Roinnse cúnaimh ar fáil d'Acadamh na hOllscolaíochta Gaeilge ón uair a bunaíodh é chun foirgnimh agus áiseanna a fhorbairt sa Ghaeltacht agus chun na hIonaid atá ag an Acadamh sa Ghaeltacht a bhainistiú. Cuireadh cuid den chúnamh seo ar fáil trí Údarás na Gaeltachta. Is ar mhaithe le forbairt an phobail agus buanú na Gaeilge mar theanga labhartha na ndaoine sa Ghaeltacht a cuireadh an maoiniú seo ar fáil.

Ar ndóigh, baineann an cheist maidir le maoiniú oideachas tríú leibhéal go príomha leis an Roinn Oideachais agus Scileanna agus an tÚdarás um Ard-Oideachas agus tuigim go bhfuil plé ar siúl faoi láthair idir Ollscoil Éireann, Gaillimh, agus na húdaráis sin le hiarracht a dhéanamh teacht ar shocrú le gur féidir tacú le gníomhaíochtaí an Acadaimh.

Tá mé sásta go gcuireann an tAcadamh go mór leis na deiseanna oideachais trí mheán na Gaeilge atá ar fáil do phobal na Gaeltachta agus na Gaeilge. Tá an ollscolaíocht trí Ghaeilge fíor-thábhachtach le freastal ar riachtanais phobal na Gaeilge agus na Gaeltachta tríábhair léinn, cúrsaí ollscoile agus taighde a chur chun cinn sna réimsí atá lárnach do thodhchaí na bpobal Ghaeltachta agus go deimhin i réimsí eile.

Beidh mise, mar Aire Gnóthaí Pobail, Comhionannais agus Gaeltachta, sásta cuidiú ar aon bhealach gur féidir liom chun an phróiseas seo a chur chun cinn agus maoiniú an Acadaimh a chórasú.

**Deputy Dinny McGinley:** Cuireann séáthas orm agus is cúis mhisnigh agus dóchais dúinn uilig go dtuigeann an tAire tábhacht an acadaimh ó thaobh na Gaeilge agus an oideachais trí Ghaeilge de. Tuigeann sé an ról lárnach atá ag an oideachas i gcur chun cinn na teanga agus sa straitéis 20 bliain. Tuigeann an tAire an obair iontach atáá déanamh ag na Gaelscoileanna agus ag na Gaelcholáistí. Ag an tríú leibhéal atá an laigeacht agus an freagra air sin ná acadamh na hollscoile.

An dtig leis an Aire a rá cad é an maoiniú a rinne a Roinn féin nó a rinne Údarás na Gaeltachta ar an acadamh go dtí seo? An bhfuil sé ar intinn ag an Roinn agus ag an údarás leanúint ar aghaidh le maoiniú a chur ar fáil sa todhcháif?

**Deputy Pat Carey:** Tááthas orm a chloisteáil go dtuigeann an Teachta McGinley an tábhacht a bhaineann leis an chóras oideachais go ginearálta i leith na straitéise. Mar a dúirt mé sa Seanad inné, tá an córas oideachais lárnach chun an straitéis a chur i gcrích i measc an phobail.

Mar a dúirt an Teachta, tá sár-obair á déanamh ag an acadamh sin i nDún na nGall, i gConamara agus in áiteanna beaga eile ar fud na tíre. Ba mhaith liom réiteach a fháil, áfach, ar cheist mhaoinithe an acadaimh. Tá díospóireacht ar siúl faoi láthair idir oifig an Aire Oideachais agus Scileanna agus an HEA faoin mhaoiniú sin. Más féidir leis an Roinn cabhair a thabhairt dóibh, déanfaidh mé gach iarracht sin a dhéanamh. Beidh ról ag Údarás na Gaeltachta sa mhaoiniú sin.

I gcomhthéacs na meastachán, tá súil agam go bhféadfaimid réiteach a fháil ar mhaoiniú gearrthéarmach ar a laghad don acadamh.

**Deputy Dinny McGinley:** Chun an dualgas atá ar an acadamh a chomhlíonadh, tá acmhainní riachtanach. Mar dhuine atá ina chonaí i gceantar ina bhfuil an t-acadamh ag gníomhú faoi láthair, i nGaoth Dobhair, tá a fhios agam go dtugann an t-acadamh stádas úr don Ghaeilge i measc an phobail ina bhfuil sí lonnaithe. An dtuigeann an tAire cé chomh tábhachtach agus atá séó thaobh na straitéise de go leanfaidh an t-acadamh ar aghaigh leis an obair atá ar siúl aige?

**Deputy Pat Carey:** Aontaím leis sin. Bhí caiteachas ag an acadamh timpeall €12.5 milliún. Ba cheart go mbeadh thart ar €5 milliún nó€6 milliún le fáil dó go mbeidh sé in ann leanúint ar aghaidh leis na cúrsaí atá ar siúl aige faoi láthair agus na riachtanais atá aige. Tá ganntanas airgid ann, áfach, agus caithfimid bheith réadúil. Ní féidir liom a rá inniu cé mhéad airgid a bheidh le fáil ag an acadamh. Táimid ag déanamh gach rud is féidir linn a dhéanamh.

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

### Other Questions

#### Irish Language Strategy

47. **Deputy Billy Timmins** asked the Minister for Community, Equality and Gaeltacht Affairs the progress that has been made regarding the implementation of the 20 year strategy for the Irish language; and if he will make a statement on the matter. [39359/10]

**Deputy Pat Carey:** I refer the Deputy to my reply to today's Question No. 45.

As the Deputy will be aware, the draft 20-year strategy for Irish was published by the Government at the end of 2009 and was referred to the Joint Committee on Arts, Sports, Tourism, Community, Rural and Gaeltacht Affairs for its consideration. The joint committee held several meetings with stakeholders earlier this year, including meetings in the Gaeltacht, and agreed on a report with 39 recommendations, which I received on 28 July 2010. These

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recommendations are currently being considered by my Department in co-operation with other relevant Departments.

It is expected that this process will be concluded shortly and that the final draft will be brought before the Cabinet committee on Irish and the Gaeltacht and, subsequently, to Government. It is hoped that the next meeting of the Cabinet committee will take place on 17 November 2010, when the final draft will be discussed with a view to submitting it formally to Government. Subject to Government approval, I expect the draft strategy to be published shortly thereafter.

**Deputy Frank Feighan:** I am delighted to hear that, because we were working on the basis that the final draft of the report had not yet been submitted to the Government for approval. The Minister says it will be published on 17 November.

I am sure the Minister has received a number of representations, as have the rest of the Deputies, about the cuts to Gaeltacht infrastructural projects, and to the role of Údarás na Gaeltachta, envisaged in the Government's revised capital expenditure programme. Will the Minister clarify his intentions in this regard?

**An Leas-Cheann Comhairle:** That is broadly within the scope of the question.

**Deputy Pat Carey:** We will narrow it. There were 39 recommendations, but there are now 38 because one of them — the recommendation for debates in the Seanad and the Dáil — was partly dealt with by yesterday's Seanad debate. Well, there are now 38 and a half. With regard to the future role of Údarás na Gaeltachta, both the draft strategy and the report of the joint committee contain a recommendation that a number of the obligations and responsibilities of Údarás be maintained, including the enterprise function. It is also anticipated, in the context of the implementation of the 20-year strategy, that Údarás na Gaeltachta, in a re-worked fashion, would have responsibility for promoting the strategy outside the Gaeltachtaí. This will involve the introduction of amending legislation, which I expect will be done in the course of the coming year.

**Deputy Ulick Burke:** Tacaím leis an scéim chun an Ghaeilge a chur chun cinn ach sa Teach seo, cuireadh deireadh leis na ranganna a bhí ar siúl do Theachtaí, do Sheanadóirí agus do dhaoine atá ag obair anseo. Chuir Gaeleagrais ar bun iad agus cuireadh deireadh leis na ranganna ag deireadh mhí Iúil. Níl na ranganna ar fáil anois. An féidir leis an Aire a rá leis an Teach cén fáth?

**Deputy Pat Carey:** Mar a thuigim, tá athrú intinne tagtha ar dhuine éigin agus beidh na ranganna sin ar fáil. Ba mhaith liom mo bhuíochas a chur in iúl do Mháirín de Brún, a bhí ag múineadh na Gaeilge san Oireachtas leis na blianta ar son Gaeleagrais. Tá sí éirithe as a post anois agus guím gach ráth uirthi. Tíocfaidh mé ar ais chuig an Teachta chun eolas níos cruinne a thabhairt maidir leis na ranganna sin.

**Deputy Dinny McGinley:** Is mór an trua go bhfuil deireadh curtha leis na ranganna a raibh freastal orthu ag Baill de na Tithe seo.

**An Leas-Cheann Comhairle:** Sílim nach bhfuil sin fíor.

**Deputy Dinny McGinley:** Dúirt an tAire go mbeidh ról lárnach ag Údarás na Gaeltachta i bhfeidhmiú na straitéise 20 bliain. B'fhéidir gur thug an tAire freagra air seo cheana féin. Tá Bille údaráis geallta le ceithe hliana anuas. An bhfuil sé ar intinn ag an Aire an Bille sin a thabhairt isteach gan mhoill. Tá sé ar chlár an Rialtais le fada.

**Deputy Frank Feighan:** Chuaigh mé go dtí Oileán Chléire agus Carraig an Chabhaltaigh agus bhí mé ag caint le gach duine ar fud na tíre. Will the new role for Údarás na Gaeltachta include the provision of Irish language classes in Oileán Chléire, Carraig an Chabhaltaigh and other areas around the country?

**An Leas-Cheann Comhairle:** Sin ceist eile.

**Deputy Pat Carey:** Tá dualgais agus cúraimí breise le bheith ag an údarás, tá sin sa straitéis agus mhol an coiste sin.

**Deputy Dinny McGinley:** An mbeidh reachtaíocht riachtanach?

**Deputy Pat Carey:** Beidh. Caithfimid an tAcht a leasú nó Acht nua a thabhairt isteach. Beidh sin dréachtaithe in am chun é a thabhairt isteach.

**Deputy Ulick Burke:** Tá brón mór orm nach bhfuil na ranganna Gaeilge le fáil. Nach bhfuil sé suimiúil go bhfuil ranganna Fraincise ar fáil sa Teach nuair nach bhfuil ranganna Gaeilge ann?

**An Leas-Cheann Comhairle:** Níl freagra ag teastáil ar an cheist sin.

### Irish Language

48. **Deputy Joan Burton** asked the Minister for Community, Equality and Gaeltacht Affairs his plans to carry out a review of the working of the Official Languages Act 2003; and if he will make a statement on the matter. [39304/10]

**Deputy Pat Carey:** I refer the Deputy to my reply to Question No. 9 of 1 July in which I confirmed that my Department keeps the work of implementing the Official Languages Act 2003 under continuing review. Furthermore, there is an obligation on me, as Minister, to review the operation of the Act each year, as provided for in section 5 of the Act, and to report formally to the Houses of the Oireachtas in this regard. The reports for the years to 2009 are available in the Oireachtas Library.

While I am satisfied that considerable progress has been made to date in the implementation, on a phased basis, of the provisions of the Act, I consider it will not be possible to achieve everything in the short term. However, I am committed to the implementation of the Act and to the achievement of its objectives over time. The full implementation of the Act is one of the principles set out in the Government's policy statement on the Irish language, issued in December 2006, which forms the basis of the draft 20-year strategy for Irish. The Deputy will be aware that the Joint Committee on Tourism, Culture, Sport, Community, Equality and Gaeltacht Affairs recently published a report on its recommendations on the strategy. These recommendations are being assessed by the relevant Departments and I hope to be in a position to seek the approval of Government to publish the strategy shortly.

I am also committed to ensuring that the Official Languages Act be implemented in as cost effective a way as possible, particularly having regard to the current economic climate. My Department will continue to approach these matters in a realistic, flexible and pragmatic way, especially in agreeing statutory language schemes. In this context, a significant number of resources are already in place to assist public bodies in meeting their obligations as cost effectively as possible.

**Deputy Brian O'Shea:** While I take it as given that the Minister produced those reports, there is a deeper agenda that needs to be addressed. How much does it cost to implement the Act at the moment? A survey carried out on behalf of *The Sunday Tribune* discovered that

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the 29 local authorities — one of which did not need to produce a development plan during the period since the passage of the Act — spent almost €300,000 on translating development plans into Irish. In some cases nobody is looking for them or there is very small demand for them in the Irish language. It costs approximately €10,000 or more for the translation. Is this sensible use of resources with regard to the Irish language? What has that money achieved in terms of broadening the Irish language? We are in difficult times and we need to get the best out of all the money that is spent. I am very concerned that much of the money being spent on the implementation of the Act is not working to benefit the Irish language in any significant way. Enactments are made by the Oireachtas and the Oireachtas can change enactments.

**Deputy Pat Carey:** I request some latitude in trying to expand on this matter, which is by no means straightforward. The Official Languages Act requires local authority draft development plans to be produced simultaneously in Irish and English since they are key consultation documents. The requirement to publish official documents in Irish is strictly limited to very specific documents and does not encompass all official documents as often suggested in the media. In a recent newspaper article — I believe the one to which the Deputy referred — in October a figure of €300,000 was mentioned. This figure appears to suggest an estimate of the total cost of translating local authority development plans. As there are 34 local authorities and each development plan covers a six-year period, on the figures provided the cost to individual local authorities would appear to less than €1,500 annually for each local authority.

I refer Members to the reply to parliamentary questions on 3 February 2009 in respect of the cost associated with implementation of the Act since its enactment in 2003. Of the 15 Departments, 11 replied and when the figures are totalled my Department has estimated that the average direct cost per year amounted to €600,000, which is €55,000 per Department. I believe no fair-minded person would consider either or both of these costs excessive or unreasonable.

Regarding the cost of implementation of the Act to my Department in 2009, it has been a long-standing policy of my Department to ensure that customers, who wish to conduct their business through a choice of Irish or English, are facilitated. Accordingly, expenditure on providing services through Irish and English arises from our existing commitments to our customers and is met from our normal administrative budget. The Office of An Coimisinéir Teanga is funded under my Department's Vote. This is a statutory independent office whose role and functions are provided for in Part 4 of the Official Languages Act. The office spent €831,000 in 2009.

We are encouraging the implementation of the Act in a sensible and pragmatic way and whenever compact disks or on-line publishing of reports can be used, that should be done. I am afraid sometimes in a small number of areas some public bodies seem to be using the supposed cost of translation as a way of long-fingering the publishing of reports, which is unfortunate. However, I am satisfied that in the vast majority of cases any money spent is being spent appropriately and wisely.

**Deputy Brian O'Shea:** At the end of the day the question is whether the funds used by the State on the promotion of the Irish language are being used to best effect. In other words is it helping to promote wider use of the Irish language among the population at large? My concern is that the resources being deployed under the Act are not getting the best value for money in the objective of making this a bilingual State as quickly as possible. It is like pouring this money down the drain in terms of the underlying objective of promoting the Irish language.

**Deputy Pat Carey:** This Government is complying and I am sure future Governments will comply with the determination of the courts on the status of the Irish language. It is no more or less than that. In nearly all cases public bodies are not only being compliant with the wishes of the court and the obligations of the Official Languages Act, but also being sensible in how they spend the taxpayers' money. I fully agree with the Deputy that we should not waste any money and I do not believe that the compliance with the determination of the courts and the obligations of the Official Languages Act is in any way a waste of public money.

**Deputy Frank Feighan:** Local authorities are effectively required to translate plans, which in my county and other counties can cost between €75,000 and €100,000. That money might be better spent at the coalface in providing Irish courses. In my county I do not believe anybody has ever asked for the plans in Irish. At this time of crisis it is appropriate to consider how that money might be better spent on promoting the Irish language.

**Deputy Pat Carey:** I believe I addressed the issue earlier but I reiterate the point. The numbers of hard copies of draft development plans in Irish sold to the public should not be seen as a measure of their usage since they can be downloaded free of charge from local authority websites. It is important that local authorities should encourage the public to engage with them and the planning process in Irish as well as in English. To do otherwise would marginalise the Irish language.

### Designated Areas

49. **Deputy Bernard J. Durkan** asked the Minister for Community, Equality and Gaeltacht Affairs his plans for the future expansion if any under the RAPID and CLARP programmes; if any strategic decisions have been taken as to the way in which can be most effectively utilised in the current economic climate; and if he will make a statement on the matter. [39452/10]

**Deputy Pat Carey:** Through its focus on deprivation and social exclusion, the RAPID programme is continuing to address the impact of the economic downturn on vulnerable communities and to provide opportunities for social and economic recovery. In order to ensure the programme's continued relevance, a review of RAPID area boundaries, including an analysis of data from the 2006 census across a range of socioeconomic and deprivation indicators, was undertaken to ensure that areas are appropriately targeting the most disadvantaged communities. Following this, the Government approved the inclusion of five new towns in the RAPID programme in 2009: Ballina, Dungarvan, Enniscorthy, Mullingar and Rathkeale. The review also proposed changes to the boundaries of some of the other 46 RAPID areas and these have been implemented.

This year, €5 million was allocated for the RAPID leverage schemes through which my Department co-funds with other Departments and agencies a range of small-scale local projects such as playgrounds, traffic measures, health facilities, CCTV and sports facilities. In this regard, I assure the Deputy that my primary focus will continue to be to ensure that the front line services provided by, or supported through, my Department, and especially those focused on the needs of the most socially deprived communities, are protected.

The CLÁR programme has continued to invest in infrastructure and services in rural areas, with an estimated €7 million to be spent this year. This funding, in turn, leverages a significant co-funding from other agencies and Departments. Recent spending under CLÁR has mostly been in the areas of water infrastructure and health facilities in rural areas. In the context of the overall funding available to my Department next year, I will consider how best to continue to allocate funding in support of rural areas, taking account of the Government's Capital Expenditure Review and Infrastructure Investment Priorities 2010-2016.



**Deputy Bernard J. Durkan:** Does the Minister agree that in the current economic climate it is more important than ever to focus on areas of social and economic exclusion in both urban and rural settings? Has he updated the data available to him to account for 2010 and for projections for 2011, with particular reference to these areas now more than ever?

**Deputy Pat Carey:** I assume the Deputy is referring to the census data and the SAHRU-Haase indices which Pobal uses to analyse deprivation and other matters. It is not true to say it is under continual review because an extensive review of CLÁR and RAPID areas was conducted in light of the 2006 census over the past number of years and before I took up office, a number of decisions were taken to increase the number of towns to be included and to adjust the boundaries in a number of RAPID areas. I agree wholeheartedly with the Deputy that we need to constantly monitor the needs of communities, which is why this issue does not only apply to RAPID and CLÁR. The LCDP programme and local partnership and Leader companies are also significant actors in combatting social exclusion and deprivation in communities. My Department has a co-ordinating function and it helps to encourage and leverage support from other State agencies and Departments.

**Deputy Jack Wall:** The Minister stated €12 million was allocated to the RAPID and CLÁR programmes. Are any of the projects dependent on funding from other Departments or agencies on hold because of cutbacks? Have projects approved under these programmes been finalised by the Minister's Department? If not, can an arrangement be brokered whereby funding is provided for good projects when another agency cannot provide it and they are put on hold? How much of the €12 million has been drawn down so far this year?

**Deputy Pat Carey:** I have to check that because I do not want to give an answer off the top of my head. I met the co-ordinating group for the RAPID programme a fortnight ago. Most of the programmes are small in scale because the same leveraging of funding is not available. I checked over the past week to ascertain what is outstanding and there is a reasonable amount.

This year, €5 million was allocated for the RAPID leverage schemes through which my Department co-funds with other Departments and agencies a range of small-scale local projects such as playgrounds, traffic measures, health facilities, CCTV and sports facilities. It is making a difference. I visited the RAPID project in Kilkenny last week and what it has done for the community is extraordinary. Sports facilities have been upgraded, a riverside walk and a playground built and a family resource centre has been established. RAPID turns the key to unlock a great deal of other stuff and there are good examples in Cork as well.

**Deputy Bernard J. Durkan:** Will the Minister confirm that he is aware of the significant downturn in the economy since 2007? Projections based on data from that time are out of date. Based on recent developments in the economy and the number of applications received by his Department under both headings, will he outline the extent to which he can or will re-evaluate the requirements for both the RAPID and CLÁR programmes in the coming and subsequent years?

**Deputy Pat Carey:** I know where the Deputy is coming from but the strength of the RAPID initiative is it applies to a limited number of areas, which are significantly economically and socially disadvantaged. If a programme such as this is spread around, its effectiveness is diluted. However, there is merit in using, for example, the quarterly national household survey conducted by the CSO to get a clearer picture of the up to date position. The social inclusion division of my Department is involved in monitoring changes in income and employment levels.

## Community Development

50. **Deputy Pat Rabbitte** asked the Minister for Community; Equality and Gaeltacht Affairs his plans regarding the development and funding of the national community and voluntary sector; if such plans include alleviating poverty, social exclusion and inequality; and if he will make a statement on the matter. [39295/10]

52. **Deputy Dan Neville** asked the Minister for Community; Equality and Gaeltacht Affairs if his Department has completed a review of organisations supported by the community and voluntary sector; and if he will make a statement on the matter. [39385/10]

**Deputy Pat Carey:** I propose to take Questions Nos. 50 and 52 together.

The primary role of my Department in regard to the community and voluntary sector is to encourage and facilitate communities, with a special focus on areas of disadvantage, to pursue social and economic progress. This policy is underpinned by the Towards 2016 partnership agreement, which recognises the valuable role of the sector. To this end, my Department supports a range of initiatives that supports the work of the sector.

In particular, I draw the Deputy's attention to a number of schemes that provide such supports directly. Under the scheme for national organisations within the community and voluntary sector, core funding of €5 million was allocated to 64 organisations in 2010. My Department has completed a review of the operation and scope of this scheme and I will consider various options regarding its future in the coming weeks. Funding of €878,000 is also being provided in 2010 to support the sector in its work under social partnership.

Encouraging volunteering and supporting active citizenship is also a key part of the work of my Department in this context. To this end, my Department provides annual funding of €3.4 million to support the work of 22 volunteer centres operating at county level, as well other volunteering projects. Core funding is also provided to Volunteer Centres Ireland and Volunteering Ireland, both of which promote volunteering nationally. The role of the sector is also widely acknowledged in other areas in my Department, for example, in the ongoing implementation of the national drugs strategy and in the context of my Department's new local and community development programme, which aims to tackle poverty and social exclusion through partnership and constructive engagement between government and its agencies and people in disadvantaged communities. Overall funding of €67.5 million was allocated to this new programme for 2010.

In general terms, combating poverty and building an inclusive society remain key priorities for the Government. The national action plan for social inclusion, NAPinclusion, and the social inclusion commitments in the national development plan were drawn up in consultation with the social partners, and after a wide-ranging consultation process with other stakeholders, including the community and voluntary sector. Within this framework, the community and voluntary sector has key role in helping to build sustainable and vibrant communities in which families can thrive.

**Deputy Jack Wall:** The Minister, like every other Member, has had representations from various community and voluntary organisations regarding funding as we approach the budget. Following his meetings with them, is he satisfied he can address the concerns raised? In the community sector, there is an employment factor and each project employs a number of people in each area. There is grave concern that community and voluntary projects should continue. What does the Minister see as the overall scene in the sector? In a previous discussion of the issue, I pointed out that it is essential that we do not lose focus on the community and voluntary sectors to ensure the meitheal we talk about in here does not dwindle any further. Funding

[Deputy Jack Wall.]

must be provided and effort and determination shown by the Minister and his Department to ensure the maximum funding is made available to allow for the funding of all groups in 2011.

**Deputy Pat Carey:** I have indirectly or directly met the vast majority of groups that had been funded under the previous three year envelope scheme. We have examined the three year programme and it was a good programme that achieved many of its objectives. Things have changed economically and I envisage a broadly similar approach being taken in the next round.

Several organisations working in the same area have approached me to see if I could encourage their desire for greater cooperation. From that point of view, new thinking is emerging on how things might be done. Some of it is driven by the scarcity of resources, but not all. Many groups realise that the ground can be crowded with different groups trying to do the same thing. There are 24,000 voluntary groups in the country, the movement's great strength, but sometimes the weakness is that the efforts are diluted. I cannot do it this side of budget but as soon as I can, we will re-engage in a scheme along similar lines. I can give a commitment to promote the scheme for three years but will only be able to outline funding for the first year.

**Deputy Frank Feighan:** Everyone acknowledges cuts must be made in the budget but strong communities are at the heart of recovery from the recession and we must not dismantle the good work done in this area. Have the organisations been notified of their status for 2011? The Minister mentioned a figure of €3.4 million but the figure last year was €5 million. Is that a reduction of €1.6 million?

**Deputy Pat Carey:** No decision has been made about future funding yet and no organisation has been told what will be available. There will be some reduction but at a time of scarce resources, I am determined the limited resources we have will be directed at those most disadvantaged and marginalised. I am anxious that front line services are protected to the greatest possible extent.

**Deputy Jack Wall:** I appreciate what the Minister said. I hope that after the budget we have a situation where the Minister will meet the national organisations at the earliest opportunity to debate the approach to the budget. We must have that conversation as soon as possible.

**Deputy Pat Carey:** I hope to be able to indicate the principles of the scheme to the sector in advance of the budget. We will have to advertise and it is possible the timeframe may be too short. Interim funding may be needed for a month or two in 2011 while the new scheme is being put together but I am minded at present to maintain the essentials of the scheme currently in place.

**Deputy Frank Feighan:** I agree that we must work together to protect front line services. Next year has been designated the European year of volunteering. To mark the occasion, the European Commission has set aside a fund to support volunteer initiatives. Has the Government submitted any proposals to obtain funding in 2011 for voluntary initiatives?

**Deputy Pat Carey:** The funding is extremely modest, in the order of €50,000. Discussions are ongoing among the voluntary groups coordinating the year of volunteering on behalf of the Government but this is more directed to raising awareness of the need for volunteering and the opportunities in the sector.

### Community Development Projects

51. **Deputy Paul Connaughton** asked the Minister for Community, Equality and Gaeltacht

Affairs if he will provide an update on the structural changes affecting community development projects; and if he will make a statement on the matter. [39327/10]

**Deputy Pat Carey:** I welcome the opportunity to brief the Deputy on developments affecting community development projects which have been under way for several months. At a strategic level, the local development social inclusion and the community development programmes have been superseded by the local and community development programme. A key difference between the new LCDP and its predecessor programmes is the fact that, when fully implemented, it will be delivered nationally on an integrated basis by a reduced number of companies.

A national model involving full integration of CDPs with local development companies has been set out by my Department. However, it was made clear that other options could be considered as long as they meet a range of criteria, including reduced structures, better integrated delivery of services, supporting efficiencies and reducing company law compliance requirements for CDPs. I am pleased that, to date, I have been able to approve four alternative models put forward by HSE South, the Limerick city CDPs/Paul Partnership, the women's sector CDPs and Northside Partnership.

In this context, it is important to note that, despite statements by some commentators, full integration does not mean cessation of CDP activities in any given area. As has been outlined previously, worthwhile community development activities or services delivered under a CDP can continue to be delivered under the proposed new LCDP structure.

While the deadline for receipt of further proposals has now passed, a small number of other alternative models remain under active consideration by my Department. The groups involved will be advised of the outcome shortly. It is also recognised that there may be the potential in a small number of instances for larger CDPs to make use of formal agreements locally, with LDCs, for programme delivery. Any such arrangements, where approved, will be subject to ongoing review.

Some CDPs may also decide to opt out of the LCDP integration process and to go it alone. In such cases, my Department will seek to provide funding to help meet statutory redundancy and modest wind-up costs, where appropriate. To date, three CDPs have confirmed that they are withdrawing from the LCDP.

Work on rolling out the new programme is now at a critically important stage and the LDCs and CDPs are currently engaged in a due diligence exercise designed to complete the integration process before year-end. In this context, legal supports are in place to assist the companies. I urge all parties to engage constructively in this process to ensure that the arrangements are completed over the coming weeks and thereby ensure continued LCDP funding from 1 January 2011.

My overall aim is to ensure that, notwithstanding the difficult budgetary position, disadvantaged communities will benefit from a more focused programme and better integrated actions. As previously indicated, my primary concerns are to make every effort to ensure the front-line services provided by, or supported through, the Department, especially those focused on the needs of the most disadvantaged communities, are protected and to minimise overheads and ancillary costs.

**Deputy Frank Feighan:** How many proposals are still up for consideration?

**Deputy Pat Carey:** It is small number in single figures. I anticipate decisions will be made on these in the next three weeks.

**Deputy Frank Feighan:** Many community development projects were run effectively but on a shoestring budget. A concern is that funding is being channelled through local partnership and the amount spent on the front line in community development could be jeopardised. How will the Minister ensure community development projects continue to receive an adequate amount of support under this new model?

**Deputy Pat Carey:** I agree that the level of funding for community development projects has not been great. The average grant received is €103,000 with some at €145,000. It usually allows for the recruitment of a full-time co-ordinator and sometimes a part-time administrator. After this, other resources have to be leveraged. Those projects that are vibrant and can stand on their own are able to do this well. However, I do not agree that in the proposals being discussed there should be any reduction in the level of community development activity. Instead, it should be enhanced. There is an expertise in community development projects which will enrich the local partnership companies and *vice versa*. The synergy which will result in the coming together of all will be strong. The volunteer input can also remain strong. I can assure those in the sector who are concerned the proposals will marginalise them that they will not. While each of the local groups is an independent entity, I urge them all to ensure the level of resourcing for the LCDD end of their programmes is maintained at the highest level possible.

**Deputy Jack Wall:** The closing dates for this have moved on several occasions. Where there are doubts about continuing programmes, I hope the Minister's door is still open for negotiations. We should not lose any of these successful projects. I accept there have been problems but I hope the Minister will resolve them.

**Deputy Pat Carey:** The last time I spoke about this subject was just before the summer recess when I referred to injury time.

**Deputy Bernard J. Durkan:** It could well be injury time for the Government now.

**Deputy Pat Carey:** The sector blew the whistle on problems with this on 20 September. I met with a representative group which has worked well. I will not be recommending the extension of any timetable. It is necessary to bring closure to this problem that I inherited and that we can embark on the new scheme on 1 January 2011. It is the people on the ground who are recipients of the services who we must consider most of all. I recognise the concerns of those who may feel their jobs are under threat. They are not. The people key to this are the recipients of the services and the volunteers driving it.

*Written Answers follow Adjournment Debate.*

### Private Notice Questions

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#### Issue of Writs

**An Leas-Cheann Comhairle:** I will call on the Deputies who tabled questions to the Minister for the Environment, Heritage and Local Government in the order in which they submitted their questions to the Ceann Comhairle's office.

**Deputy Ciarán Lynch** asked the Minister for the Environment, Heritage and Local Government the steps he plans to take arising from the judgment of the High Court today in the case taken in relation to the outstanding Donegal South-West by-election.

**Deputy Phil Hogan** asked the Minister for the Environment, Heritage and Local Government in his capacity of overseeing electoral law, the implications for the Government following the judgment of the High Court that there has been an unreasonable delay in the holding of by-elections; his plans regarding the timing of the by-elections; the legal consequences for a continued delay in holding of the by-elections; and if he will make a statement on the matter.

**Deputy Caoimhghín Ó Caoláin** asked the Minister for the Environment, Heritage and Local Government if he will confirm that the Government will abide by the judgment of the High Court and accept the motion tabled by the Sinn Féin Deputies that the Ceann Comhairle direct the Clerk of the Dáil to issue his writ for the election of a Member to fill the vacancy which has occurred in the membership of the present Dáil, consequent on the election to the European Parliament of Pat “The Cope” Gallagher a Member for the constituency of Donegal South-West; when the Government will provide for the holding of the by-elections in Donegal South-West, Dublin South, Waterford and Donegal North-East; and if he will make a statement on the matter.

**Deputy Phil Hogan:** Where is the Minister for the Environment, Heritage and Local Government?

**Deputy Alan Shatter:** The Minister of State, Deputy Curran, is opposite but where is the Minister for the Environment, Heritage and Local Government? He was going in two different directions on this issue several hours ago.

**Minister of State at the Department of the Taoiseach (Deputy John Curran):** While this discussion is premature as the Government has not had an opportunity to consider this morning’s judgment in the High Court on a case taken by Senator Pearse Doherty, I am happy to inform the House of the position that arises for discussion by the Government later today.

On 29 September 2010, I informed Dáil Éireann it was the Government’s intention to move the writ for the by-election to fill the vacancy for membership of Dáil Éireann in the Donegal South-West constituency and the writs for two other by-elections in the first quarter of 2011. On that occasion, I referred to the severe economic and fiscal challenges facing the State. I conveyed that, until Christmas, the Government would be working to ensure a budget that will be as fair as possible to the State’s citizens and helps to further its economic recovery. I also emphasised the importance of preserving and creating jobs as a policy issue and the work undertaken by the Government to both frame a budget and fix the State’s banking system. The Government is engaged in an intensive phase of budgetary discussions as it prepares its four-year plan and works towards budget 2011 in December.

We are living through an economic crisis with few parallels in our history. Many individuals, families and businesses have been badly affected. The economy is now emerging from recession with growth returning and the prospect of much stronger growth next year. The budgetary figures for this year are broadly on target.

However, despite this progress, our borrowing costs have increased significantly on international markets which is not sustainable. The work we are all involved in is of the utmost seriousness. It is essential to Ireland’s future prospects that we overcome the challenge we face to our economic independence from the burden of debt on the public finances. To do this, we need to win the confidence of financial markets and our European partners by producing a credible plan which provides us with a sustainable way forward.

At this crucial time, we need to be able to demonstrate that we are able to manage our own affairs. A credible four-year plan will show Ireland has the capacity and the will to get its fiscal house in order. By setting out now the approach to how we will reduce our deficit, we can

[Deputy John Curran.]

restore confidence in Ireland and return sustainability to the public finances. This is essential to underpin future economic growth and job creation for our people. We have no choice but to take quick and decisive action to regain confidence on international markets. This has been the focus of all the Government's attention.

The Government notes today's ruling by the High Court. It argued in court that Article 16.7 of the Constitution imposed no time limit for the holding of by-elections but left the matter to the Oireachtas. The Oireachtas itself had not imposed any time limit in the legislation. The court took the view there should be implied into the legislation a requirement that by-elections be held within a reasonable time. The Attorney General is considering the implications of the judgment for the Government.

The Government has been holding regular meetings to prepare for the four-year plan. At the end of last night's meeting another meeting was scheduled for 5 p.m. today. This meeting will be the first opportunity for the Government to be briefed by the Attorney General and to consider the judgment which deals with constitutional issues of considerable importance with ramifications beyond the scope of this individual case. The Government will now consider those implications and it will make a decision on what is the appropriate action to take.

Section 39(2) of the Electoral Act 1992 provides for the issue of a writ by the Clerk of the Dáil to the returning officer on the direction of the Dáil. It does not provide for any time limit but the court in this judgment has held that a requirement to move the writ in a reasonable time must be read into the section. Once the writ has been issued the Minister for the Environment, Heritage and Local Government makes an order in accordance with section 96 of the Electoral Act 1992. This order is made as soon as possible after the issue of the writ, in practice the same day. The order sets out the appointed polling day which must be not earlier than 18 days nor later than 25 days following the issue of writ, disregarding Sundays, public holidays and Good Fridays. The order also sets out the hours of polling, which must be at least 12 hours, between 7 a.m. and 10.30 p.m.

**Deputy Ciarán Lynch:** I thank the Minister of State for his response but I wish to bring a couple of matters to his attention. In his ruling calling for this by-election, Mr. Justice Kearns said that it was an unprecedented situation that a vacancy should be set for so long. He also mentioned the absence of legislation governing the specifics of this area. The reason for the delay is two-fold: first, the Government has been using taxpayers' money to offset these by-elections; and, second, despite calls from this side of the House for the legislation to be amended, this has not happened. We have heard some trite excuses when these motions were put forward. One Minister referred to economic difficulties, while another said: "If we give the public a general election, we might not get the result that we would like". It is nonsense stemming from one situation to another.

I notice that the Minister of State's partners in government are not present in the Chamber.

**Deputy Tom Hayes:** The Minister for the Environment, Heritage and Local Government will not be able to sign the writ if he does not come in.

**Deputy Ciarán Lynch:** At a lunchtime conference today, however, the Greens said that the by-elections should occur as soon as possible. What does "as soon as possible" actually mean? The Minister of State has indicated that they will take place in the spring.

**An Ceann Comhairle:** This is Question Time, Deputy.

**Deputy Ciarán Lynch:** I will conclude with a question now.

**An Ceann Comhairle:** The Deputy should be seeking information, not imparting it.

**Deputy Ciarán Lynch:** When will the by-elections take place? With regard to today's ruling, when will that specific by-election take place? The Minister of State has indicated that the Attorney-General will examine the ruling, so will the Government seek to appeal today's court decision? Does the Government intend to bring forward legislation to ensure that, in normal circumstances, when a vacancy is created in this House it is filled within a sufficient period?

**Deputy John Curran:** As I said at the outset, in some regards this debate is premature. The Government will meet at 5 p.m. this evening and that will be the first opportunity it has had to discuss the matter. On a previous occasion, I indicated to this House that it was the Government's intention to move the writs for the three by-elections that existed at that time, in the first quarter of next year. Given today's ruling, however, the Attorney-General's advice to the Cabinet meeting this evening will be sought when we discuss the issue. The Deputy is asking me to speculate on decisions the Government may make later on.

**Deputy Ciarán Lynch:** I am asking specific questions.

**Deputy John Curran:** The Deputy's specific questions concern matters that will arise when the Government has had the opportunity to discuss this issue. The first such opportunity is at 5 p.m. this evening.

**Deputy Phil Hogan:** It is a bit farcical that the Minister for the Environment, Heritage and Local Government is not here to answer these questions. With all due respect to the Minister of State, the Minister, Deputy Gormley, is in charge of electoral matters. It is farcical to be in the House answering questions about what might or might not happen at a meeting in one hour's time. Surely the Minister of State has some indication or brief from the Government about what the Attorney-General's view is arising from Mr. Justice Nicholas Kearns's ruling. He is the second most senior law officer in the State.

Will this particular judgment be appealed to the Supreme Court? If not, will the by-election writ for Donegal South-West be moved tomorrow?

**Deputy John Curran:** In an effort to be as helpful as possible, I said the debate was premature. The ruling on this matter was made early this morning. The Taoiseach was in the House until about lunchtime. I do not think it is unreasonable that the Government should be afforded a number of hours to discuss the matter before answering detailed questions. It is not that the Government has not dealt with it, or is not dealing with it practically in real time; it is that this debate is happening so quickly. The Deputy is seeking Government decisions concerning a ruling that was made a few hours ago. The Government has not had an opportunity to hold that meeting yet.

**Deputy Phil Hogan:** Will the Minister of State or the Minister for the Environment, Heritage and Local Government attend the House tonight to inform us of the outcome of the Government meeting?

**Deputy John Curran:** I cannot pre-empt that at the moment. There may be no decisions at this point in time.

**Deputy Alan Shatter:** The Minister of State is accountable to this House.

**Deputy John Curran:** I am not disputing that.



**Deputy Alan Shatter:** First he said there was a meeting and then that the meeting may not make a decision anyway.

**An Ceann Comhairle:** Deputy Shatter will have an opportunity to ask questions later.

**Deputy John Curran:** I clearly indicated to the House that the questions being asked concern what the Government's actions will be in this matter. The point I specifically want to make is that as part of its work on the preparation for the four-year plan and the budget, the Government had arranged a Cabinet meeting for 5 o'clock this evening. I have spoken to the Attorney General about this item and he will brief the Cabinet at that stage, but that will be the first opportunity the Government will have had to discuss this particular ruling. I understand Opposition Members intend moving writs on this matter and I have no doubt that there will be further questions in the morning. From the Government's point of view, however, the ruling was only made this morning and the first meeting of the Government is at 5 o'clock this evening.

**Deputy Caoimhghín Ó Caoláin:** The Chief Whip is absolutely right. The motion to move the writ will indeed come before the House tomorrow morning.

The Government does not know which way to turn following this morning's judgment. Does the Minister of State expect that the Government will fully accept the court's judgment? The judgment is that there is an ongoing failure on the part of the Government to call a by-election, and that it is in contravention of both the terms and spirit of the Constitution and its framework for democratic representation. What is the Minister of State's own response and expectation of this 5 o'clock meeting this evening? Has he noted Senator Dan Boyle's contributions on RTE at lunchtime when he indicated that the Donegal South-West by-election should proceed without any delay? Does the Minister of State expect that will be the position taken by Fianna Fáil? Is it reflective of the Green Party as a whole? I do not accept for a moment that, an hour before this meeting, the Minister of State has not taken the opportunity to have soundings with his party colleagues and his Coalition partners about all that was issued by 10.30 a.m. this morning. There has been ample time since then for the Government to have a position on these private notice questions and to answer them authoritatively. Clearly, however, the Minister of State is not in a position to do so. Will he indicate if the Government will, in the spirit of Mr. Justice Kearns's decision in the High Court, accept the writ here?

I presume the Minister of State is mindful of several of the comments of Mr. Justice Kearns this morning. He made reference to section 39(2) of the Electoral Act 1992. In the time he has taken to peruse the 53-page judgment, has the Minister of State noted that the judge stated the following?:

I conclude therefore that by well-settled principles of constitutional and statutory construction, section 39(2) of the Electoral Act 1992 is to be construed as incorporating a requirement that the discretion reserved thereunder be exercised within a reasonable time.

Has the Minister of State noted that in his conclusions, Mr. Justice Kearns stated that the court will simply make the declaration sought by the applicant to the effect that there has been unreasonable delay in moving the writ for the by-election in Donegal South-West?

I will not quote the judgment in its entirety, but has the Minister of State noted that Mr. Justice Kearns also stated as follows?:

I do not propose to make a declaration that the Government is obliged to set down and support the motion for the issue of a writ, or at least not impede or oppose such a motion. I would hope, however, that any clarification provided by this judgment would have that effect.

At this point, several hours after that judgment was issued, is the Minister of State in a position to tell the House that the Government will accept the writ when I take the opportunity to move it here tomorrow morning?

I trust we will indeed proceed to a by-election in Donegal South-West during the period between 22nd and 29th of this month and that the Government will consider holding the four by-elections now pending, including in Dublin South, Waterford and Donegal North-East.

**Deputy John Curran:** To reiterate, the Deputy is asking whether I am in a position to commit. Quite simply, no, I am not. I cannot commit to a Government decision in advance of a Government meeting which will, as I have clearly indicated, take place this evening at 5 p.m. I note the comments of the judge in the case but it is not possible to give the commitment for which the Deputy is asking in advance. The Deputy referred to our having ample time and having taken informal soundings. However, the Government is not run on informal soundings. A Government decision and discussion regarding today's judgment is necessary and these will take place this evening. In advance of that, the type of specific detail and commitments which the Deputy seeks cannot be given.

4 o'clock

**Deputy Caoimhghín Ó Caoláin:** I wish to put a brief supplementary.

**An Ceann Comhairle:** We are falling into repetition at this point.

**Deputy Caoimhghín Ó Caoláin:** It is a brief point. The Minister of State indicated at the outset in his contribution that the 5 p.m. meeting this evening was not set following on from the decision of the High Court this morning but that it had been preset and he has re-confirmed this. Does he not believe, given the seriousness and importance of the judgment issued this morning by Mr. Justice Kearns in the High Court, that the Government should have brought forward the meeting to address the matter seriously and expeditiously?

**Deputy John Curran:** If the Deputy wishes to argue over a couple of hours, that is fine.

**Deputy Jim O'Keeffe:** It has been more than 18 months.

**Deputy John Curran:** To be fair, the Taoiseach was in the House from 10:30 a.m. until after 1 p.m. today. Other Ministers had commitments and a time of 5 p.m. had been arranged at last night's meeting. Had we tried to bring it forward by several hours, for whatever reason, any attempt to have a full attendance would have experienced difficulties. Other Ministers had other commitments and arrangements. It is not easy to try to organise a full meeting at short notice. A meeting at 5 p.m. was organised at the conclusion of last night's Cabinet meeting. Is the Deputy suggesting we should have brought it back by one or two hours? That was simply not a feasible option.

**An Ceann Comhairle:** I call Deputies Ciarán Lynch, Jim O'Keeffe and Alan Shatter in that order. Will Deputies avoid repetition because we are heavily into the matter at this stage?

**Deputy Ciarán Lynch:** The Ceann Comhairle is using up my speaking time, if he does not mind.

**An Ceann Comhairle:** My apologies.

**Deputy Ciarán Lynch:** I understand that the Government is crisis-driven by the decision in the court this morning, but what is new? It has been crisis-driven since 2007. However, it was not unknown to the Government that priority questions were submitted to the Ceann Comhairle's office this morning. It was known that a debate would take place here this afternoon

[Deputy Ciarán Lynch.]

and there is an expectation that the line Minister should be in the House as well. The Government was aware yesterday that a ruling would be made on this matter this morning. It is no excuse to say that the Government did not know the position at lunchtime today because it was waiting on the ruling. There should have been a prepared position, and I believe there was, one way or another. Since the vacancies were created we have witnessed a contempt for the public. Now the Government may be in contempt of court. The Minister of State should note that it is not simply a matter of Donegal and the case dealt with by Mr. Justice Kearns, which is being debated here this afternoon. There are three further vacancies and a fourth vacancy created by the resignation of the former Deputy, Jim McDaid, yesterday. Will the Government bring forward all four by-elections into one day? Will the filling of the vacancy created by Mr. McDaid also be held on the same day?

**Deputy John Curran:** Those are specifically matters for discussion by the Government this evening. I refer back to the point that the Government was aware there would be a ruling this morning. Indeed, the Government was aware there would be a ruling this morning. However, there was only a small number of hours between the time of the ruling, at 10.30 a.m., and the first opportunity for the Government and the Attorney General to meet for a briefing. I do not believe that a Government meeting at 5 p.m. is in contempt of court in any regard. The Government is dealing with this in a timely fashion, several hours after a court hearing on the case.

**Deputy Alan Shatter:** Would the Minister of State agree that it is difficult to take seriously his suggestion that raising this issue at this time in the Dáil is premature, when the seat has been vacant for 17 months, these court proceedings commenced five months ago, it has been known for some days that the judgment would be delivered this morning—

**An Ceann Comhairle:** The Deputy is simply imparting information.

**Deputy Alan Shatter:** Will you let me conclude, Sir? There could have been only one of two results. Does the Minister of State agree that either the result would have been a declaration that the delay in holding the by-election was unreasonable or that it was not unreasonable? That was the only issue before the court. At any stage in the past two months did the Government sit down and consider what it would do if the court determined the delay was unreasonable, in the knowledge that this was the only issue the court had to consider?

Could the Minister of State explain to us what is in the gene pool of the Green Party that enabled its parliamentary party Members to digest this judgment within a sufficient time to do their traditional dance on the plinth of Leinster House and to shoot off in two opposite directions simultaneously? As the Minister of State is aware, the Green Party has concluded two things. First, that there should be a by-election straight away. Second, that there should be an appeal. These conclusions are contradictory but that does not seem to bother the Green Party. Will the Minister of State explain if it is because the Green Party has reached two entirely contradictory conclusions as a consequence of this judgment that the Minister for the Environment, Heritage and Local Government is staying outside the House for fear of making a greater fool of himself by having to respond to questions? Will the Minister of State not agree on the seriousness of the judgment delivered which essentially states, in the words of the judge, that a citizen's rights for representation, which are clearly delineated in the Constitution, amounts to a constitutional contract and that there has been an unprecedented failure to abide by that contract? In the context of such a pronouncement the line Minister should be in the House. Is it because the Green Party believes there should be a by-election and Fianna Fáil believes there should not be a by-election that the Green Party is outside the House?

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

**Deputy Alan Shatter:** Will the Minister of State not agree that the extent to which the Government has not merely destroyed the economy but is now undermining the constitutional fabric of the country indicates that it has completely lost its moral compass, it should leave this House and that the Taoiseach should go to the park? Does he not agree that instead of having a by-election what this country needs and demands is a general election and that an end should be brought to the sort of farce we have seen in this House today? Would the Minister of State not agree that any decent Government would, on receipt of this judgment, immediately have sought the advice of the Attorney General and made decisions?

**An Ceann Comhairle:** The Deputy has made several comments but we require questions.

**Deputy Alan Shatter:** The tail of the Government is prancing on the grounds of Leinster House making a pretence of a concern for democracy and seeking to appeal against a decision of the courts, which seeks to uphold democracy.

**Deputy John Curran:** Owing to the——

**An Ceann Comhairle:** Perhaps we will take Deputy Jim O’Keeffe now.

**Deputy Jim O’Keeffe:** I am happy to allow the Minister of State to proceed.

**An Ceann Comhairle:** I will take a group of questions.

**Deputy Jim O’Keeffe:** No. I am quite happy to allow the Minister of State to proceed.

**Deputy John Curran:** I do not agree with Deputy Shatter. He referred to the seriousness of the judgment. My view is that the Government takes the judgment very seriously. This is why a Government meeting will discuss the matter this evening on the advice of the Attorney General. Some two weeks or so unfolded from the time the hearing concluded to the judgment. The judge took several weeks to make the judgment, which is detailed and it is important that the Attorney General advises the Government specifically.

**Deputy Alan Shatter:** There was only one of two possible outcomes.

**An Ceann Comhairle:** The Minister of State without interruption, please.

**Deputy John Curran:** There were two possible outcomes but there was a good deal of detail in the judgment. To have the judgment delivered at 10.30 a.m. this morning and for the Government to review it at 5 p.m. this evening seems absolutely appropriate.

**Deputy Alan Shatter:** What about Senator Boyle? Are we to lance the boil and try the park or are we going to go with the Boyle that is here?

**An Ceann Comhairle:** I call Deputy Jim O’Keeffe. Deputy Shatter, your party colleague is on his feet, please.

**Deputy Jim O’Keeffe:** Does the Minister of State accept that the court judgment is as plain as a pike staff? There are no two ways about it. The court clearly finds the Government in the wrong in delaying the by-election. Does the Minister of State now accept that the issue is whether the Government is prepared to ignore its constitutional obligations, as clearly delineated by the judge? The judge states, “It seems to me that a citizen’s constitutional rights are treasured upon and significantly diluted when no effect is given to rights for representation clearly delineated in the Constitution.”

[Deputy Jim O’Keeffe.]

Apart from our Constitution, the European Convention on Human Rights is now incorporated in our legislation and the judge found that the way the Government was dealing with the matter was in breach of the convention requirements, which he interpreted as requiring the by-election to be held within a reasonable time of the vacancy arising. Does the Minister of State accept that an all-party committee of this House, including members of Fianna Fáil, unanimously agreed that by-elections should be held within six months of the vacancy arising? Can we get away from the hyperbole to which the judge referred and get down to basic facts? Will the Government fly in the face of the Constitution and continue to require the people of this country to have less representation than they are entitled to under the Constitution? Such an approach is damaging the democratic principle. There is a clear constitutional requirement on the Government to proceed with the by-elections, particularly those concerning vacancies of more than six months.

**Deputy John Curran:** Deputy O’Keeffe asked if I accept the judgment of the court. I absolutely accept the judgment of the court.

**Deputy Jim O’Keeffe:** Good. The Minister of State should give us a date.

**Deputy John Curran:** The question tabled was on the Government’s response. This debate is in advance of the Government’s meeting to make the decisions about which Deputies are asking.

**Deputy Fergus O’Dowd:** The Minister of State should tell us his view on this.

**Deputy John Curran:** I will not go down the road of my personal view because——

**Deputy Fergus O’Dowd:** Deputy Curran should tell us his view as a Minister of State.

**Deputy John Curran:** ——as I stand here in advance of these discussions, Members have expressed personal views but I have been asked to provide a Government response. The Government has not yet met to issue its response. That will happen later.

**Deputy Caoimhghín Ó Caoláin:** Will the Minister of State act on the recommendation of the all-party Joint Committee on the Constitution to introduce a constitutional amendment or legislation — the former being more appropriate because legislation can be changed without reference to the people — to provide for a by-election to be held within 90 days of the occurrence of a vacancy? Will the Government act on the recommendation that had all-party imprimatur? On the back of today’s judgment, it is not only a matter of acceding to the moving of the writ tomorrow morning and holding the four by-elections but to address the faultline that gives rise to the abuse that the Government has employed since June 2009.

A number of questions have been put to the Minister of State regarding the failure of the Minister for the Environment, Heritage and Local Government to respond to these private notice questions even though they are addressed to him. Was the Minister asked to respond to questions this afternoon? Was he invited to take questions this afternoon or did he decline to take questions——

**An Ceann Comhairle:** This is broadening the debate.

**Deputy Caoimhghín Ó Caoláin:** This is a reasonable question and an important one.

**Deputy Alan Shatter:** It is very reasonable.

**Deputy Arthur Morgan:** He is the line Minister.

**Deputy Caoimhghín Ó Caoláin:** Did he decline to take questions or whose decision was it that the Chief Whip and Minister of State would take these questions in the Chamber?

**An Ceann Comhairle:** After this response we will group the final four questions from Deputies Kathleen Lynch, Fergus O'Dowd, Dinny McGinley and James Reilly before a response from the Minister of State and we will then move on.

**Deputy John Curran:** Regarding the legislation on the timing of by-elections, these issues are part of a broader electoral reform discussion and there are plans made in that regard. Regarding my attendance, while I acknowledge that these private notice questions are addressed to the Minister for the Environment, Heritage and Local Government, I have dealt with this issue before in the Chamber and in that context I was asked to do this.

**Deputy Caoimhghín Ó Caoláin:** Did the Minister of State take that decision unilaterally, without reference to the Minister for the Environment, Heritage and Local Government? With respect, that is not credible. It is not credible that private notice questions tabled to the Minister for the Environment, Heritage and Local Government would not be referred to him in the first instance and that he would then indicate his availability and willingness to take the questions. Clearly he did not indicate this.

**Deputy John Curran:** I am unsure of the Minister's availability.

**Deputy Arthur Morgan:** He should not be out on his bike, he should be in here.

**Deputy Alan Shatter:** He is scriptwriting tweets.

**Deputy Kathleen Lynch:** On the basis that the judgment holds the Government guilty of a dereliction of duty in terms of the time by which by-elections should be held, when the Cabinet meets tonight and makes a decision will it issue a statement to tell us the decision? In terms of the Constitution and ministerial responsibility, is the decision to hold a by-election solely the prerogative of the line Minister? Taking into account what was said by Senator Boyle today, can we assume the decision to hold a by-election will be made this evening and that it will be held shortly?

**Deputy Fergus O'Dowd:** Does the Minister of State agree that this is not a convoluted, difficult decision but a clear one? The by-election must be held. Does the Minister of State agree that the Government can run but cannot hide from the people? The court said that the people must have their day. Is there any reason why the Cabinet does not sit down, whether in Farmleigh, in cupboards or out of them, stop hiding from people, take out the calendar and select the date? Is it not time to have a general election? The Minister of State spoke about responsibility, the decisions about the budget and the four-year plan. Do we not need a new Government to draw up the four-year plan? We can have a general election or a by-election before Christmas. Is that not the most reasonable thing to do under the circumstances?

**Deputy Dinny McGinley:** I speak as one of the two surviving Deputies in Donegal South-West for the past year and a half. In the judgment today, the judge conveyed that the 70,000 people of Donegal South-West are under-represented in this assembly. We need all the representation we are entitled to in Donegal South-West, when one sees economic difficulties in the county and particularly in that constituency. Does the Minister of State agree that on three occasions in the past year and a half, attempts have been made to move the writ and were voted down by a political majority on the Government side of the House? With the judgment agreeing with those on this side of the House, does the Minister of State not accept it is high time people were given the opportunity to elect a third representative so that the constituency is on a par with every other three-seat constituency in this country? It is now 4.30 p.m. and the

[Deputy Dinny McGinley.]

Cabinet is meeting at 5 p.m. Between 5 p.m. and 7 p.m., the Government can come to a decision with the assistance of the Attorney General and tell us before Private Members' time whether we will have the by-election.

**Deputy James Reilly:** Does the Minister of State agree that our bonds are trading at 7.2% whereas England can borrow at 3%? Every day the Government stays in power is costing the State money. I say to the Government Chief Whip who is a democrat, the Government now holds a synthetic majority in this House which has been abused to keep it in power. It is depriving the people of their rights and democracy. The Government should stop wasting money. We should have no more court cases. At least the Chief Whip should tell us there will be no more court cases on the unheld elections. The best thing to do, as my colleagues have said, is to go to the country and have a general election. We should give the people their say and the markets the certainty they want.

**Deputy Joanna Tuffy:** Will the issue of the inordinate delay in the holding of the Donegal by-election that was adjudicated on today be discussed at this evening's Cabinet meeting? The other constituencies where there are vacancies must give rise to that type of scenario as well. The Cabinet should make a decision to hold the other two by-elections at the same time. Ideally, the three should be held. It is almost a year since the Deputy for the Dublin South constituency resigned his seat.

**Deputy Alan Shatter:** It is nine months.

**Deputy Joanna Tuffy:** It is close to a year.

**Deputy Fergus O'Dowd:** Delivery time.

**Deputy Alan Shatter:** We are doing extra time in Dublin South.

**Deputy Joanna Tuffy:** That is the case also in the Waterford constituency. The same judgment would surely be made if a court case was taken on the other constituencies concerned. The Government might as well make a decision on the three by-elections today. That is the right thing to do. At this stage the four by-elections should be held.

**Deputy Arthur Morgan:** The Government decision is to hang on by its finger nails.

**Deputy John Curran:** Members are seeking a commitment from Government but I am not in a position to make that commitment in advance of the meeting.

**Deputy Kathleen Lynch:** This is a case where the Government knows the figures.

**Deputy John Curran:** The judge's ruling and the advice of the Attorney General will be discussed at this evening's Cabinet meeting. The Government will discuss it at that stage. I do not agree with Deputies O'Dowd and Reilly on the bond spreads and the current rate of 7.2%. We are not in the market. I believe strongly that irrespective of party politics what the bond markets need to see is a credible plan as soon as possible.

**Deputy Alan Shatter:** They want to see a credible Government.

**Deputy James Reilly:** Correct. The Government needs to be in a position to implement a plan. The markets do not want a Government that will be gone in the next few months.

**Deputy John Curran:** Early in the new year the Government will need to re-enter the bond market. That is what the Government is trying to achieve.

**Deputy Alan Shatter:** Will we know the outcome by 7 p.m. this evening?

**An Ceann Comhairle:** That concludes questions.

**Deputy Alan Shatter:** That is a reasonable request.

**An Ceann Comhairle:** The Deputy has had a very good innings. I indicated earlier that we were finishing.

**Deputy Alan Shatter:** Will we know the Government's position by 7 p.m. tonight?

**An Ceann Comhairle:** We are moving on.

*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 Joe McHugh — hospice services in Donegal; (2) Deputy John O'Mahony — the loss of jobs at a company in County Mayo (details supplied); (3) Deputy Paul Connaughton — the failure of the Minister for Agriculture, Fisheries and Food and his Department in not paying the correct single farm payment and area-based payment to thousands of farmers over the past month, five farmers were not contacted much earlier in the year about alleged mapping errors, given that the applications were in his Department as long ago as last April, and if he will state why some farmers received letters outlining problems that did not exist, why it has taken the private company which is re-digitising the maps in question so long to complete the exercise and if the Minister is aware of the huge number of farmers who have bank commitments to meet and who are now in grave financial circumstances as a result of this bureaucratic mess; (4) Deputy Michael Moynihan — issues in funding for an association (details supplied); (5) Deputy James Bannon — the need for the Minister for Health and Children to explain why a teenage girl should suffer and her health deteriorate while essential funding to allow vital spinal surgery is not available although timely surgical treatment is essential; (6) Deputy Dan Neville — the need for mental health resources to be protected under budget 2011; (7) Deputy Terence Flanagan — the need for the Minister for the Environment, Heritage and Local Government to provide an update on his plans to eliminate long-term homelessness by the end of the year; (8) Deputy Michael D'Arcy — that the NRA does not construct a motorway services area at Inch, Gorey, County Wexford on the M11; (9) Deputy Joe Costello — the need for the Minister to provide replacement training facilities for the unemployed in north west and north inner city Dublin following the closure of Jervis Street and Cabra FÁS training centres.

The matters raised by Deputies Joe McHugh, Dan Neville, Michael Moynihan and John O'Mahony have been selected for discussion.

**Deputy Arthur Morgan:** On a point of order, is the Minister for the Environment, Heritage and Local Government going to make a statement on the by-election and the court judgment?

**An Ceann Comhairle:** We are moving on to the Local Government (Mayor and Regional Authority of Dublin) Bill 2010 — Order for Second Stage. I call on the Minister for the Environment, Heritage and Local Government, Deputy Gormley—

**Deputy Alan Shatter:** On a point of order—

**An Ceann Comhairle:** The Chair is speaking. The Deputy should resume his seat.



**Deputy Alan Shatter:** The Minister has shown total contempt for this House in the past hour. He was hiding outside the door, frightened to come in to address an issue within his area of ministerial responsibility.

**An Ceann Comhairle:** Deputy Shatter should resume his seat.

**Deputy Alan Shatter:** He was frightened to come in but now he appears.

**An Ceann Comhairle:** The Minister should move Second Stage now and get it agreed.

**Deputy Alan Shatter:** He was hiding outside waiting until the discussion on the by-election was over.

**An Ceann Comhairle:** The Minister should move the motion that the Bill be now read a Second Time.

**Deputy Alan Shatter:** That is a shameful and embarrassing performance by a Minister.

**Deputy John Gormley:** Could I just——

**An Ceann Comhairle:** Could the Minister formally move that Second Stage be taken now?

**Deputy Arthur Morgan:** Shame on the Minister.

**Deputy Alan Shatter:** It is disgraceful. He was treating this House with contempt. This is the Green Party version of Oireachtas and Dáil reform.

**Deputy Caoimhghín Ó Caoláin:** On a point of order——

**An Ceann Comhairle:** Deputy Ó Caoláin should resume his seat please.

**Deputy Alan Shatter:** This is outrageous.

**An Ceann Comhairle:** He is seriously interrupting the business of the House. We are moving on to Second Stage of a Bill.

**Deputy Caoimhghín Ó Caoláin:** If that is what you want to do, I have no intention of preventing you, a Cheann Comhairle. I wish to simply establish the facts very quickly. The Bill is to establish a mayor for Dublin. What in heaven's name prevented the Minister, Deputy Gormley, from coming to the House to address the Donegal South-West by-election issue?

**An Ceann Comhairle:** This is not appropriate. The Deputy should resume his seat.

**Deputy Caoimhghín Ó Caoláin:** The questions were all addressed to the Minister.

**An Ceann Comhairle:** The Deputy should resume his seat. The Minister should be allowed to continue.

**Deputy Arthur Morgan:** The Minister was hiding outside.

**Deputy Alan Shatter:** The Minister is more interested in his novelty project than in democracy and protecting the Constitution.

**An Ceann Comhairle:** The Minister should be allowed to continue.

**Deputy Alan Shatter:** It is a disgrace.

**Deputy John Gormley:** I am happy to answer Deputy Ó Caoláin's question. The writ for Donegal must be moved by the Government Chief Whip. That is a fact.

**Deputy Alan Shatter:** But the response to the Dáil question was the Minister's responsibility.

**An Ceann Comhairle:** Deputy Shatter.

**Deputy John Gormley:** The most appropriate person to respond to the debate on this occasion was the Government Chief Whip.

**Deputy Alan Shatter:** The Minister, Deputy Gormley, hid outside the door.

**An Ceann Comhairle:** We will continue with the Second Stage reading.

**Deputy Alan Shatter:** We have a former Taoiseach jumping out of cupboards and the Minister hiding behind doors. What a farce.

**Deputy John Gormley:** I would like to answer the question but I cannot answer it.

**An Ceann Comhairle:** I will have to suspend the House if the Deputies do not co-operate and allow the Minister to continue.

**Deputy John Gormley:** I cannot answer the questions.

**An Ceann Comhairle:** The Minister should address the legislation.

**Deputy John Gormley:** I am happy to do that.

### **Local Government (Mayor and Regional Authority of Dublin) Bill 2010: Order for Second Stage**

Bill entitled an Act to provide for the election of a Mayor for the Local Government areas of Dublin City and the counties of Dún Laoghaire-Rathdown, Fingal and South Dublin; to provide for the establishment of a body to be known as the Regional Authority of Dublin, or in the Irish language, Údarás Réigiúnach Bhaile Átha Cliath; to confer certain functions on the said Mayor and on the said Authority including functions under the Waste Management Act 1996, the Planning and Development Act 2000, the Local Government Act 2001 and certain other enactments; for that purpose and other purposes to amend those enactments; and to provide for matters connected therewith.

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I move: "That Second Stage be taken now."

Question put and agreed to.

### **Local Government (Mayor and Regional Authority of Dublin) Bill 2010: Second Stage**

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I move: "That the Bill be now read a Second Time."

I am very pleased to bring this legislation before the Dáil—

**Deputy Arthur Morgan:** I am sure you are.

**Deputy John Gormley:** —and to be the first speaker on an initiative which I consider to be historic, in terms of the Bill's dialogue with Dublin's past, and the impact the legislation will have on the future local government system of this country.

[Deputy John Gormley.]

The Bill is another step towards the fruition of a central policy goal of this Government which, as the responsible Minister, I have steadily and transparently pursued since taking office. The office of mayor of Dublin will carry important statutory powers and functions to which I will refer presently. However, I would like, first, to outline a key rationale for this proposal, which transcends the sum of the specific powers under the legislation. The central goal of the Dublin mayor initiative is the strengthening of local democracy and public administration in Dublin by creating a platform for democratic leadership in the governance of the Dublin region. The provisions of this Bill are before the Dáil today to help bring new leadership to Dublin and address some deficits in the current system. Given Dublin's role in the national economy, the benefits of the mayoralty will also accrue throughout the country.

I will address the current leadership arrangements for local government in Dublin. At present the political leadership of the four Dublin local authorities is provided by four indirectly elected mayors or cathaoirleach, each serving an annual term, assisted by four city and county managers, with a standard seven-year term. The office of cathaoirleach often tends to be regarded as ceremonial, and political leadership among the councillors can be low from the perspective of the electorate. This system of leadership is atypical when compared to systems of local government leadership found elsewhere, not to mention models of leadership used in business and other walks of life.

In April 2008 the Government published the Green Paper on local government, *Stronger Local Democracy — Options for Change*. The Green Paper identified a disconnect between local government and the citizen which results in poor lines of accountability to the elected council. It is difficult for non-expert observers to understand the system of local government, the dynamics of how decisions are made, who is responsible for those decisions, who should be held to account when failures occur and who should be credited for success.

Those issues are further pronounced when local government's role in meeting regional or cross-institutional challenges is examined. Identifying points of accountability among the complex interplay of State agencies, Departments, and the collective efforts of the four local authorities and one regional authority, is extremely challenging. An economist or political scientist might consider such a system of leadership in Dublin's local government as being sub-optimal in many respects, and might describe the system in terms of the principal-agent problem, a concept which describes a circumstance in which difficulties arise because one party to a transaction has less information than another party. This asymmetry of information and influence creates an imbalance of power. The Dublin mayor will help correct that asymmetry.

We are all democrats in this House and we all recognise the importance of the democratic process, not simply as a mechanism to choose an office holder, but also as a process in which a political conversation takes place where ideas, policies and ideologies are examined, selected and rejected by the electorate. This process will be given greater significance in Dublin under this legislation. Every five years, an election will occur, during which the mayoral candidates will each present a vision for Dublin, and describe how that vision will be attained. The mayor will have described a vision, policy targets and a programme of action for the region prior to election — a programme which will have been scrutinised and will have competed against those of other candidates. That policies will have been endorsed by the electorate will lend those policies a particular strength and provide the necessary basis to depart, if necessary, from existing policies and methods, to re-prioritise and to innovate.

Too often, local government can seem to be little more than a provider of everyday, but essential services that are often taken for granted. Local authorities are regarded simply as service delivery agencies. The public can be unaware of the resource allocation dilemmas and the complexity of policy making, which Dublin's councillors and local authority officials rou-

tinely grapple with to pursue the common good. The election of the mayor and the visibility the office will enjoy will also help inform the public as to many of the complex and pressing issues addressed by local government. The local government electors of the Dublin region will have a greater awareness of the personalities, policies, party positions, current debates, challenges, etc. of local government. This can only be a positive development.

The introduction of a directly elected regional mayor is a new departure and an historic development in Dublin's local government. Visibility and accountability go hand in hand. Accountability is necessary for good governance. The mayoral electoral process will help create a more vital arena for the discussion of local government matters. The legitimacy derived from a popular election by 1 million plus electors will present the directly elected regional mayor with a particularly strong mandate. I am sure that strengthened public connection with Dublin's local government leadership will also enhance the credibility of local government. Local government's platform to act as an initiator of cross-institutional activity and a mobiliser of other State agencies providing services locally will also be improved.

Mayors are, first and foremost, leaders. Leadership evokes ideas of purpose, direction, mobilisation, management, trust and innovation. The directly elected mayor of Dublin will provide this leadership, a role that will be manifest in a number of respects.

Complex problems can require complex solutions. For the best outcomes, public bodies must provide solutions which are co-ordinated with other public sector activities. A new coherence in inter-local authority strategic activity in the Dublin region will be brought by the mayor. This integrative role has the potential to strengthen cohesion well beyond the confines of local government. A simple but illustrative example will be the capacity of the mayor, working in partnership with national economic development agencies and capable of speaking on behalf of Dublin's local authorities on strategic matters, to help secure investment in the region.

I will set out the mayor's individual strategic planning and oversight roles in detail shortly. The Bill provides for a broad remit for the mayor to bring together and focus public service activity on meeting the challenges the region faces. The regional development board, involving major public sector, education and enterprise interests from across the region, chaired by the mayor and replacing the four city and county development boards which are currently operated by the Dublin local authorities, will be an important platform for the mayor to bring greater cohesion to the economic, social and cultural development of the region. This integrative role is in keeping with the Government's thinking on local government's evolving mission.

The Transforming Public Services programme recommends that local government structures should be drawn on to enhance public service delivery and that local authority structures should be adopted more generally as the basis for the planning, organisation and delivery of services at the local level. Greater coherence between different levels of government and of the public service is fundamental to more efficient and effective operation. The mayor will be well placed to help advance public service initiatives for a more integrated public service that can achieve better value for money and enhanced customer service.

The capacity of an officeholder to speak on behalf of the community, voice a shared perspective, raise concerns and request action is an important element of leadership. The mayor will have a natural role as a community spokesperson and be able to represent the Dublin regional community on regional issues in a new fashion.

Promoting the region and, by extension, the country as a whole on the international stage will be an important task of the mayor, who can act as an ambassador for the region and the city. The mayoral office will also provide a clear access point for other stakeholders, such as community groups, the business community, Departments and State agencies, all of which will be better able to communicate on strategic regional issues with a single champion.

[Deputy John Gormley.]

I anticipate that the mayor, democratically accountable to the people of the region, will also have a strong predisposition to adopting the perspective of the service user rather than the service provider and will place due emphasis on the public and business community's concern for outputs and impacts as opposed to an institutional focus on inputs and processes.

This Bill represents an historic dialogue with Dublin's past. Dublin has had a mayor for almost 800 years and it is, therefore, among our oldest civic institutions. From 2014, I intend that the offices of the lord mayor and the regional mayor will be merged. The Dublin mayor will, from 2014, be titled Lord Mayor of Dublin to ensure that the pre-eminent local government leadership position in the Dublin region is occupied by the directly elected mayor. The prerogatives associated with the lord mayoralty, including occupancy of the Mansion House, will be assumed by the directly elected mayor of Dublin. The post-2014 merger will not be an abolition of the Lord Mayor of Dublin, but an extension and enhancement of that office in terms of jurisdiction, powers and mandate as directly elected lord mayor of the city and the region. The residence of the directly elected mayor of Dublin in the Mansion House and holding the lord mayor's historical prerogatives represent a return to the proper status the mayoralty should enjoy. From 2014, the four Dublin local authorities will each be led by a cathaoirleach. Legislation arising from the forthcoming White Paper will provide for these changes.

I will now describe the specific objectives and intended benefits of this legislation. The directly elected mayoralty will mark a significant shift of power to the elected tier of local government. It will also provide a number of principal benefits. It will strengthen local government leadership, responsibility and accountability in Dublin. The direction provided by the mayor will result in a more efficient system of local government with better outcomes in the economic, social, cultural and environmental spheres for the citizens and businesses of Dublin. The mayor and strengthened regional authority, working with and through the Dublin local authorities, will bring greater coherence to regional policy making in the critical areas of land use planning, transport, waste management, water services and housing. The legislation will provide greater flexibility by giving Dublin local government greater scope to innovate and to develop regional and local responses to regional and local challenges. The introduction of the Dublin mayor will bring the leadership of local government in the region in line with models found in successful cities and regions across the world and, in so doing, contribute to a better future for this city.

The mayor will be the pre-eminent figure within the local government system in Dublin. As leader of the regional authority, he or she will have a range of important statutory functions, including responsibility for establishing and overseeing the future physical development of Dublin city and region by setting out regional planning guidelines by which the Dublin local authorities must abide; an important role in respect of transport in Dublin, leading the Greater Dublin Area Transport Council within the National Transport Authority; responsibility for ensuring the delivery of an environmentally sustainable approach to waste management in Dublin by proposing and overseeing the implementation of the Dublin region waste management plan; responsibility for maximising conservation and efficient use of water resources and the safe treatment of waste water through proposing and overseeing the implementation of the Dublin regional water services plan; responsibility for leading and promoting a dynamic city region, both at home and abroad, by championing Dublin in partnership with national development agencies and by bringing all key public and private sector interests together in a new regional development board; potential for promoting quality housing and sustainable communities; and responsibility for promoting the protection and enhancement of Dublin's environment.

Operational matters will continue to rest with the four Dublin local authorities, working within the framework laid down by the mayor.

The mayor will be supported by a regional authority elected from among the members of Dublin's local authorities. The existing regional authority will be dissolved and replaced by the numerically smaller, but stronger authority to coincide with the election of the first mayor of Dublin. The regional authority will have a number of functions, those being, to examine and propose amendments to plans proposed by the mayor, to make strategic plans with reserve powers available to the mayor to ensure that plans meet with legal and policy requirements, and to oversee and provide a forum for the mayor to account for his or her actions and a statutory process by which strategic plans are made in a transparent manner. The indirect election of the members of the authority from among the four Dublin local authorities will ensure a strong institutional linkage between the regional and local authorities and a level of expertise and working knowledge of local and regional government in Dublin. The indirect election of the members of the regional authority from among the four Dublin local authorities will ensure a strong institutional linkage between the regional and local authorities and a level of expertise and working knowledge of local and regional government in Dublin among the members of the regional authority.

The costs of funding the Dublin mayor and supporting structures will be met entirely from within the local government sector and will not involve additional resources in that context. Opportunities to reduce costs are being taken. The new, strengthened regional authority provided for in the Bill will have 16 elected members while the authority it will replace has 30.

The Dublin local authorities already support the costs of the existing regional authority and fund the range of collaborative work across the region which will now be drawn together, with costs being consolidated in the new authority. There will be offsetting savings on functions currently performed by other bodies. The staffing structure will be relatively modest and will be drawn from the local government sector. Numbers will be a small proportion of overall savings in local authority staffing under the efficiency review process.

Most important, costs will be significantly outweighed by anticipated benefits in a range of key areas. I already referred to many of these benefits, such as leadership, democratic mandate, flexibility, greater regional coherence and strategic policy setting. In addition, the role of the directly elected mayor has a strong underlying economic rationale, including supporting regional development, by working to help attract and retain investment, acting as a point of contact for commercial interests in the region and working to encourage greater value for money, efficiency and improved customer service in local government for the citizens and businesses of Dublin. On foot of the setting up of the McLoughlin commission, chaired by Mr. Pat McLoughlin, there is now an efficiency review group solely for the Dublin region which will ensure we make substantial cost savings and improve the efficiencies in the region.

I remarked that Ireland's model of local government leadership is somewhat out of step with modern norms internationally. A wide variety of local government leadership models exists in Europe, reflecting the Continent's diverse histories, political cultures, and constitutional and legal frameworks. In certain countries such as Germany and Austria a variety of leadership models co-exist. However, the election of a mayor is by far the most popular model among our European neighbours. In North America, directly elected mayors are a common form of local government leadership. International trends have been strongly toward the direct election of mayors. The new democracies of central and eastern Europe have opted in the main for direct election; as have London, Australia and New Zealand more recently.

Mayors in other parts of the world have made lasting contributions. Mayor Giuliani's leadership in New York following the terrible events of autumn 2001—

**Deputy Ciarán Lynch:** The Minister is pushing the boat out there.

**Deputy John Gormley:** —is one of the most striking in recent decades. Willy Brandt's tenure as mayor of West Berlin in the 1950s and 1960s provided a strong voice of democracy in Europe during the Cold War.

**Deputy Brian Hayes:** Willy Brandt and Paul Gogarty.

**Deputy John Gormley:** One only has to look across to London to see the success of Ken Livingstone and, latterly, Boris Johnston, to know that a mayor can have a significant impact on a capital city. I hope that future Dublin mayors will lead and inspire as these individuals have, albeit in less troubled circumstances.

Political institutions must evolve. I intend that the Dublin mayor's powers will evolve over time, in line with the experience of the office. A specific mechanism is being provided to facilitate this. The Bill provides for a statutory review process, within two years, of the objectives and functions of the authority, and the needs and administration of the region as a basis for possible amendments to the underpinning legislation. The review, to be conducted by the Minister and the mayor, will provide an opportunity for the mayor to make proposals to maximise efficiencies and achieve best value for money for the citizens and business of Dublin.

As is customary, I wish to give an overview of some of the main provisions not already mentioned. With a Bill of 179 sections I do not propose to attempt a comprehensive synopsis of all the provisions and will, accordingly, take the many standard or technical legal provisions as read.

I move to Part 2 of the Bill which provides for the introduction of a directly elected mayor of Dublin, the establishment of the regional authority of Dublin and related matters. The usual disqualifications apply, including for Ministers and Ministers of State. A Member of the Oireachtas or a Member of the European Parliament may stand for election but will cease to be a member of the Dáil, Seanad, or European Parliament, on being elected as mayor. The mayor will be obliged to prepare a strategy statement within six months of election, specifying key objectives, outputs and related strategies, as is the case with other public bodies.

The regional authority will consist of 16 members, including the mayor, who will be the *ex officio* chair. The cathaoirleach of the four Dublin local authorities will be *ex officio* members of the authority during their terms of office. The objectives of the regional authority include the sustainable development of the Dublin region, greater efficiency in the provision of local government services in the region, greater co-ordination and co-operation between public and private sector bodies, the promotion of the Dublin region as a desirable location in which to live, work and invest, and greater co-ordination in the development of the Dublin and mid-east regions.

The general functions of the authority are listed in section 18 of the Bill. These include the establishment of strategic policy frameworks for the Dublin region and oversight of their implementation; reviewing the environmental, physical, economic, social and cultural environment in the Dublin region; promoting co-operation, joint action and joint arrangements between the authority and public and other bodies; promoting enterprise and innovation in the Dublin region; and evaluating public service provision in the region, including improving service co-ordination.

There is specific provision for a chief executive of the authority and standard type provisions relating to staffing. The mayor may personally appoint up to five members of staff with relevant experience and expertise for the duration of the mayor's term of office. Local authorities may provide staff and services subject to conditions in the legislation.

Part 3 of the Bill provides for the strategic regional functions of the mayor and the regional authority. Under sections 37 to 45, the mayor will have the power to initiate the preparation of regional planning guidelines, for adoption by the regional authority of Dublin and the mid-east regional authority. If the authorities fail to make appropriate guidelines, there will be power for the mayor to do so, subject to specified requirements.

Sections 46 to 51 provide for the preparation by the mayor of draft waste management plans to be made formally by the regional authority of Dublin, in place of the four local authority managers. As in the case of regional planning guidelines, there is a default power for the mayor to make the plan in lieu of the authority, where necessary. The local authorities will be required to take necessary steps to attain the objectives of the plan.

Sections 52 and 53 contain similar provisions for the making of a water services strategic plan for the Dublin region by the regional authority on a proposal from the mayor who, again, will have default power to make the plan in accordance with the provisions of the Bill.

Part 4 of the Bill contains provisions relating to housing and transport. Sections 56 to 63 set out the role of the mayor and the regional authority in regard to transport planning for the Dublin region which is of particular significance given the hitherto somewhat restricted sectoral role of local government in Ireland. The National Transport Authority, NTA, must consult the regional authority in regard to a draft transport strategy. The mayor will chair a 12-person greater Dublin area transport council within the NTA, which will oversee and approve the preparation of a transport strategy for the greater Dublin area by the NTA, and similarly with the NTA's strategic traffic management plan for the area. The council will monitor the implementation of the transport strategy, the NTA's integrated implementation plan and the strategic traffic management plan in respect of the greater Dublin area, and may make recommendations to the NTA in that regard and on the performance of the NTA's functions generally in respect of the greater Dublin area.

Part 5 of the Bill provides for a significant range of specific powers and functions which will further underpin the role of the mayor. Section 65 empowers the mayor to give a direction to Dublin local authorities to ensure compliance with regional planning guidelines, a waste management plan or a water services strategic plan. The mayor may also issue advice or guidelines to the local authorities to which they must have regard.

Section 68 empowers the mayor to make recommendations in regard to local authority budgets and the manager and the local authority will be legally obliged to have regard to these. Should a local authority choose not to adopt a recommendation it must attach a statement to its budget giving the reasons for its decision.

Under section 69, the mayor may direct two or more local authorities to form a joint committee and to delegate specified local authority functions to it. In addition, section 70 empowers the mayor to direct, following consultation with the authorities concerned, that a particular local authority function be performed by one local authority on behalf of another. The mayor may also direct that two or more local authorities enter into an agreement for the joint discharge of a function and local authorities are legally obliged to comply with these directions. Section 70 empowers the Mayor to direct, following consultation with the authorities concerned, that a particular local authority function be performed by one local authority on behalf of another. The mayor may also direct that two or more local authorities enter into an agreement for the joint discharge of a function and local authorities are legally obliged to comply with these directions.

The mayor may establish a voluntary community fund for the purposes of providing financial support to community undertakings in the Dublin region, such as recreational or cultural facilities, and promoting community development or full participation in society by disadvantaged



[Deputy John Gormley.]

people. The authority may accept gifts and engage in fund-raising for this purpose. Normal accountability requirements are applied in relation to community funds. This part of the Bill also requires the Mayor to report to each of the Dublin local authorities on relevant matters and account for his or her performance at annual meetings.

Part 6 contains a number of provisions to ensure consistency between national policies and the policies of the regional authority. This involves provision for the issue of ministerial guidelines, policy directives and mandatory directions, where appropriate, in regard to the performance of functions under the legislation in terms of planning, waste and water. Sections 78 and 79 provide protection to so-called whistleblowers reporting an offence, breach of ethics legislation or other wrongdoing in regard to a local authority, and prohibit employers from penalising or threatening penalisation against such employees, unless a person has acted in bad faith.

Part 7, which sets out electoral provisions, accounts for a substantial portion of the legislation running from sections 80 to 172, inclusive. Members may be relieved to hear that I do not propose to attempt even a cursory summary of these since they are standard provisions. I will only observe that they reflect clearly the fact that the office of mayor of Dublin and regional authority of Dublin will be integral parts of the statutory infrastructure of local democracy.

The remaining provisions of the Bill, contained in Part 8, address the dissolution of the existing regional authority and consequential matters, and the two Schedules, dealing respectively with meetings and procedures rules and the form of the ballot paper for mayoral elections, are largely technical and do not require comment in the context of this overview. Some further provisions will be added on Committee Stage, as drafting had not been finalised for publication of the Bill, for example, provisions in respect of placenames, including provisions dealing with the Dingle issue.

This Bill constitutes the first important tranche of the initiatives set out in the Government's programme for the development of the local government system and follows the publication in September of the report of the Limerick local government committee, which the Government will be considering soon. The main body of proposals for local government reform and development will be set out in the White Paper on local government. A Cabinet committee is finalising the White Paper, which will address and present agreed Government policy on a wide range of local government matters, including the primacy of democratic leadership in local authorities; local government structures, including town local government; regional governance; and the funding of the local government system.

I intend to publish the White Paper as soon as possible following completion of the Government's deliberations. The findings and recommendations in the report of the independent local government efficiency review group, published in mid-July, are being considered by me, and by the Government. Alongside the introduction of the Dublin mayor, efficiency measures and other savings of over €500 million will be pursued across the entire local government sector arising from the review group's report and related initiatives. This is on top of the €300 million in savings already achieved by local authorities in the past two years.

In Dublin alone, these savings will be significant. As recently as last week, I established an independent group to review the staffing complement in Dublin City Council. The independent group will review the staffing complement in Dublin city and recommend, within six months, action to reduce staffing in line with the recommendations of the review group report with particular emphasis on the number of senior managers.

This is very important legislation. I am aware that the proposal to establish a directly elected regional mayor has met with a degree of scepticism from some quarters. This, I believe, arises from a combination of misunderstanding, fear that a mayor with a popular mandate might pose

a threat to some power bases and an innate sense of conservatism in Irish public affairs. That conservatism is manifested, for example, in a tendency not to encourage risk-taking but rather to punish relatively minor failure that is often a natural companion of enterprise. Above all, it is reflected in the failure of many of our political systems and institutions to develop to any significant degree since the foundation of the State or, in the case of local government, since the 19th century.

However, conservatism did not save us from recklessness in the past. It has largely been a conservatism, not of prudence, but of complacency. The severe effects of that recklessness will force us to abandon such complacency. We must innovate in many sectors — in enterprise, technology and in public affairs. The Dublin mayor will be an important element of necessary innovation in public administration, and a spearhead for the wider changes that will flow from the White Paper when it is published.

The Government's programme of June 2007, states that "we will introduce a directly elected mayor for Dublin with executive powers by 2011". I am very happy to bring this commitment a step closer to its fulfilment and I commend the Bill to the House.

**Deputy Phil Hogan:** The principle of a directly elected mayor of Dublin will find political favour with Fine Gael. We have no difficulty with the principle of having representatives directly elected by the people into a very significant office. However, I do not believe this is the appropriate time to proceed with this legislation and urge that it be deferred until 2014 in line with the local and European elections.

This is not an appropriate time to introduce legislation for another political position that has very little power and influence and offers principally civic and ceremonial duties to the office holder. As well as that, the Minister is bringing forward the position of a directly elected mayor at a time when he has no proposals or White Paper on local government reform, which he promised to have by the end of 2008. We shall have leaders of local government in Dublin, five local authorities and 148 public representatives at local level.

I believe this is a vanity project of the Minister. He cannot wait to put it through in legislation out of a sense that he is creating history in local government. However, he is not creating any office that will enhance the city of Dublin while he is failing to reform existing local government structures.

The Minister's speech constitutes an attempt on his part to vindicate a principle he has established over a period of time, and enshrined in the programme for Government. However, he has failed within Cabinet to get any real justification for the office on the basis of the power and influence it will have. The Bill to create a new directly elected mayor for  
5 o'clock Dublin will establish an expensive and powerless position, and this will have to be paid for by tax increases on businesses and increases in household charges because the savings that would have been made in local government budgets this year through the efficiency review group will be spent on this initiative.

The Minister has had serious problems regarding his assertion that this will not cost anything. A working group in his Department has been meeting with the four Dublin local authorities. The outcome of these deliberations is to the effect that the cost of a directly mayor of Dublin will be €5 million for staff costs for about 30 to 40 people, €2 million for facilities and €1 million for holding the election. That is €8 million for the costs of establishing this office.

**Deputy John Gormley:** On a point of order, the Deputy knows that is incorrect.

**Deputy Phil Hogan:** It is not incorrect.

**Deputy Olivia Mitchell:** The manager was forced to withdraw it.

**Deputy John Gormley:** Yes, he did. Deputy Hogan asked me questions about this before, and it was clarified.

**Deputy Phil Hogan:** I asked the questions and the Minister misled me. He is trying to mislead the people of Dublin to the effect that there will be no cost, and that the office of the directly elected mayor and the costs associated with it will be absorbed by the existing four local authorities.

The Minister is trying to mislead the people of Dublin into believing that the office of the directly elected mayor of Dublin and the costs associated with it will be absorbed by the existing four local authorities but there is a price to be paid for it in terms of higher charges for businesses.

**Deputy John Gormley:** That is not true.

**Deputy Phil Hogan:** Businesses will pay more charges in commercial rates than would otherwise be the case and householders will also pay more. We cannot have a lord mayor of Dublin free of cost.

**Deputy John Gormley:** I reduced rates.

**Deputy Phil Hogan:** The Minister did not reduce anything.

**Deputy John Gormley:** I did.

**Deputy Phil Hogan:** As previously announced by the Minister, there will be four advisers in respect of water, waste, planning and housing, whom I am sure will have to have a salary commensurate with that of a Minister of State, so we are getting nothing for free.

The mayor's powers will be limited. Despite previous promises, the position does not have any real power over day to day Dublin transport operations or policy and the mayor will merely sit on the advisory board of the National Transport Authority. The mayor will have no power over budgets of the Dublin local authorities and no role in housing policy for the Dublin region. On planning, waste and water policy, the balance of power always rests with the regional or local authority. These bodies set the regional plans for these policy areas with the mayor, but the mayor is limited to overseeing the drafting and consultation of the plans. When it comes to final plans, the mayor only has the power to remove from the agenda items that are inconsistent with existing policies. In respect of all other policy issues, the mayor only has the power to issue non-binding advice and offer guidelines — a talking shop.

The proposed election in 2011 is out of touch with the local elections cycle. A section of the Bill seeks to bring this into line with local government elections. However, the Minister is proceeding to hold it out of sync with the local government elections by holding it in 2011. The Minister agrees with the principle of deferring the election to 2014 but has prioritised holding it in 2011 as the number one issue in local government. He has cajoled and browbeaten his Fianna Fáil colleagues into giving him this vanity project which will cost consumers in Dublin additional money in 2011.

The four existing local authorities are required to fund this office and the regional authority of Dublin. Payments to the regional authority by the local authorities will be commensurate with each local authority's proportion of the population in the region. The total payment made by the four authorities will equal the estimated expenditure of the authority less the authority's anticipated income. The Minister will be aware that the current funding position of the four

local authorities is precarious and that he will be making it even more precarious by cutting their expenditure in the 2011 Estimates. The huge funding commitment of the new regional authority and mayor will result in higher taxes and charges to households and businesses.

Let us turn now to the role of the mayor in various aspects of Dublin activity and life, the first of which is transport. The proposed role of the mayor in directing transport policy in Dublin is far short of previous promises by Government or the Green Party. The policy of the mayor chairing the Dublin Transport Authority was abandoned when that body was replaced by the National Transport Authority. It is noteworthy that the draft version of the Bill left the transport section blank as Government struggled to find a role for the mayor in transport policy. The proposal in the Bill as published falls far short of those expectations previously outlined and as such the Minister has failed to get any meaningful role in transport for the newly directly elected mayor.

The Bill states that the regional authority of Dublin will be merely one among many bodies with which the National Transport Authority will consult in regard to a draft transport strategy. The mayor will chair a 12 person greater Dublin area transport council within the National Transport Authority, which is an exceptionally bright function. I am sure the occupant of the office will be delighted to chair a 12 person committee that will have no power. Five members of the council will be nominated by the Minister for Transport. The Cathaoirleach of the Mid-East Regional Authority shall, *ex officio*, be a member of the council and the National Transport Authority will service the council. The council's powers are severely limited. It will oversee the preparation of a transport strategy for the greater Dublin area. The National Transport Authority will prepare a draft transport strategy directed by the council and will submit a draft of the strategy to the council for approval. The Minister for Transport maintains the power to issue any direction in relation to Dublin transport policy.

As regards the Dublin mayor and planning, the regional authority of Dublin and Mid-East Regional Authority will jointly make regional planning guidelines for the greater Dublin area. Guidelines must be made not later than six years after the making of previous guidelines and must be reviewed not less than once in every six year period thereafter. The balance of power in relation to planning remains with the regional authorities and the Minister, not the mayor. The mayor will have no function in relation to planning. The mayor will have the power to initiate the preparation of regional planning guidelines. However, before drafting regional planning guidelines, the mayor must consult with the planning authorities within the greater Dublin area, give public notice of his or her intent to prepare draft guidelines, and invite submissions and consider all submissions and make a report to the regional authority of Dublin and Mid-East Regional Authority on the submissions received. The mayor will be required to ensure that draft guidelines are consistent with the National Transport Authority's transport strategy.

To shoehorn a meaningful role for the directly elected mayor in the area of planning, the process for setting and agreeing regional planning guidelines is confused and overly complicated. For example, the mayor must prepare and submit a proposed draft of the guidelines to the regional authority of Dublin and Mid-East Regional Authority, on which the regional authorities may make recommendations. Having considered the recommendations and having consulted further with the Cathaoirleach of the Mid-East Regional Authority, the mayor may then prepare draft regional planning guidelines and must publish a notice stating that draft guidelines have been prepared. Before the making of the guidelines, the mayor shall prepare a report on any submissions received. However, at the end of the day the Mid-East Regional Authority will make the decision and the mayor will have no say. The local authorities of the greater Dublin area are required to accede to any reasonable request by the mayor to provide resources or perform any task necessary in relation to the preparation, making or review of the regional planning guidelines in respect of the greater Dublin area, but the mayor will no authority or clout in making it happen.

[Deputy Phil Hogan.]

As regards waste policy, a subject close to the Minister's heart, under current procedures a waste management plan is carried out as an executive function by the manager of a local authority. In Dublin, a joint plan of the four Dublin local authorities is prepared by the four managers. The regional authority of Dublin will be required to review the existing waste management plan at least every five years and to vary or replace the plan as necessary. It will be a function of the mayor of Dublin to prepare a draft of the plan for the Dublin region or of a variation or replacement plan and in doing so the mayor must comply with a policy directive of the Minister. The mayor is also required to conduct a public consultation procedure and to consult with the Dublin local authorities and other public bodies — consultation but no influence or power in regard to implementation.

The regional authority of Dublin, having considered the draft plan for waste or replacement or variation of a plan prepared by the mayor, may formally make the plan unless, in the opinion of the mayor, the plan would be inappropriate, whatever that means. In such circumstances, the mayor must notify the regional authority of Dublin of his or her concerns and request that the authority make amendments to the plan. Should the regional authority opt not to amend the proposed plan accordingly, the mayor may make the plan. A plan so made by the Mayor must contain parts of the proposed plan and must be sent to the Minister for the Environment, Heritage and Local Government for approval. The mayor can talk, prepare plans, seek amendments and submissions and so on but he or she will have no power or influence over waste management, an issue close to the heart of the Minister for the Environment, Heritage and Local Government.

**Deputy Brian Hayes:** That is it.

**Deputy Phil Hogan:** The Dublin local authorities will be required to take the necessary steps in relation to their functional area to attain the objectives of the Dublin region waste management plan. Nothing changes.

On water policy, the regional authority of Dublin will have the power to make a water services strategic plan for the Dublin region on proposal from the mayor. The mayor will put a proposal in regard to the provision of water to the regional authority, which will be reviewed every six years. There is much reviewing and consultation in regard to water policy, much as there is in regard to transport and waste policy. The regional authority of Dublin may not make or replace a water services strategic plan which in the opinion of the mayor is inappropriate. It would be interesting to hear the definition of "inappropriate".

In terms of the duties and responsibilities of the directly elected mayor, the mayor and regional authority of Dublin will have no power in regard to housing policy. The four Dublin regional housing authorities are required, when making a housing services plan, to have regard to the objectives of the regional authority in Dublin and to furnish the authority with a copy of the draft housing services plan, no more and no less.

In terms of the other powers of the mayor, which the Minister alleges is a powerful office, the mayor may give a direction to the Dublin local authority requiring that the local authority must act or refrain from acting in a particular manner so as to ensure compliance with a regional planning water or waste plan, but before doing so the mayor must consult with the local authority in question. The local authority must comply with such a direction of consultation. The mayoral direction may not be inconsistent with the Minister's policy or view. The Minister makes the decision.

The point I am making is that all of the various lofty ideas enunciated through the contribution of the Minister for the Environment, Heritage and Local Government to the debate earlier are meaningless. This particular office has no clout or influence and no opportunity to exert that influence in regard to the issues of housing, water, waste and planning.

The mayor has no real power over the preparation or use of local authority budgets. The managers of the Dublin local authorities are only required to consult with the mayor when preparing a draft budget at the same time as consulting with the relevant local authorities' corporate policy group. The mayor may make recommendations on the draft budget to the manager but the manager and the local authority concerned are required to have regard to the mayor's recommendations in the preparation and adoption of the budget, and they can then duly ignore that person. The mayor, having consulted with the local authorities, can make recommendations but he or she has no power or influence over the outcome of that particular consultation.

The Bill proposes the establishment of a range of new quangos and other bodies at a time when the Government is attempting to streamline and cut costs. The Bill proposes the establishment of a Dublin regional authority office plus associated staff; an office of Dublin mayor plus associated staff; a National Transport Authority Dublin advisory board; a Dublin regional authority development board; and an unlimited number of inter-authority committees and mayoral advisory committees. What a waste of time and resources at this particular point in our history when the country is on its knees financially. Why would the Minister set up more quangos instead of removing the ones not currently required?

Fine Gael has no difficulty with a meaningful and powerful position being adopted by the citizens of Dublin to elect somebody who will give focus and attention to the many issues required to be resolved in Dublin across a range of services and programmes but we will not go along with the establishment of an office because the Minister for the Environment, Heritage and Local Government, in the programme for Government, wishes such a person to be elected. This person is to be elected for the sake of having somebody there, in addition to the existing four local authorities and the four managers, with the same level of public representation. That is fantasy land. That is in line with what one would expect in a totalitarian regime in eastern Europe in the past — a communistic regime. This sort of diktat from the Minister for the Environment, Heritage and Local Government, by establishing such a figurehead, is nonsense in these straitened financial times.

I ask the Minister of State, Deputy Cuffe, to review the decision to proceed in 2011 and put it back in line with the local government elections, as he already outlines in section 85 of the Bill, and to take a common sense approach regarding the powers and influence of this position but, equally, to have some consideration for ordinary people in businesses in Dublin city and county who are paying sufficient costs to local authorities currently at a time when they need to keep their costs down. We do not need another vanity project by the Minister for the Environment, Heritage and Local Government that will put a tax on the people of Dublin through the creation of an unnecessary office at this time.

**Deputy Ciarán Cuffe:** The Chamber of Commerce thinks we should.

**Deputy Phil Hogan:** The Dublin Chamber of Commerce is entitled to its view. Fine Gael is entitled to its view.

**Deputy Ciarán Cuffe:** Does the disagree with it?

**Deputy Phil Hogan:** Yes. I disagree with the Dublin Chamber of Commerce.

**Deputy Ciarán Cuffe:** Good. I am glad that is clear.

**Deputy Phil Hogan:** It is not representing its members well when it is seeking to have an office put in place that does not have the power or the influence to do the job it would expect it to have, and the Minister of State is not doing that on its behalf. That is the reason Fine Gael will be opposing this legislation on Second Stage.

**Deputy Olivia Mitchell:** Hear, hear.

**Deputy Brian Hayes:** I thank Deputy Hogan for giving me an opportunity to speak so early in the debate. All Dublin Deputies should speak in this debate because I believe if a free vote were held on this proposal from the Minister, Deputy Gormley, a significant majority of Deputies would be against it. I have yet to meet one Dublin Fianna Fáil Deputy who supports this proposal.

The former Lord Mayor, and even the former Taoiseach, Deputy Bertie Ahern, who presumably will be trooped through the lobbies to vote for this measure, has described this as a non-job. The former Lord Mayor said he would not be interested in it. What the Minister, Deputy Gormley, is doing now is an illustration of the arrogance of people like the Minister for Transport, Deputy Dempsey, and others. He is pushing through the Houses something that no one wants, that has not been thought out and that does not have popular support.

The Minister of State, Deputy Cuffe, sits smiling on the opposite side of the House and tells us about the Dublin Chamber of Commerce. I did not realise he was such an advocate of the Dublin Chamber of Commerce but——

**Deputy Ciarán Cuffe:** I sit down with its members on a regular basis. I do not know what the Deputy does.

**Deputy Brian Hayes:** If he is so convinced of his arguments on this proposal, he should put it to a referendum of the people of Dublin. Let us ask the people of Dublin if they want a directly elected lord mayor in the current context of the financial disaster the Minister of State and his cronies in Fianna Fáil have brought upon this country. They should ask the people of Dublin directly, not the Dublin Chamber of Commerce or any other representative body, if they want this.

**Deputy Ciarán Cuffe:** They do.

**Deputy Phil Hogan:** Put it to the test.

**Deputy Brian Hayes:** The Minister of State tells us they do but has he asked them? Let us have the referendum and we will follow it up because this is not a serious proposal unless the Minister is prepared to take a number of actions. The Minister of State's colleagues in Fianna Fáil demolished local government in the 1970s when they effectively took away the funding base for local authorities. Everyone knows that. If the Minister were serious about doing something for effective government making in Dublin at a local level, as elsewhere in the country, the first thing he must sort out is a proper funding regime. The Minister is jumping fences before he has sorted out the fundamental problem.

The other problem is that if we are serious about a directly elected mayor, and I believe it is something worthwhile, the first thing we would do is radically amalgamate local government in all its facets throughout this country. It seems we are over-governed in terms of the number of local authorities we have throughout the entire country but if the Minister is not prepared to deal with that canard and he is not prepared to deal with the funding issue, dealing with this issue to the exclusion of local government reform in itself will not solve the problem.

What Dubliners want to see across the 12 constituencies and the four authorities is effective decision making, and many of the new authorities established in the past 15 years from waste to water have slowed down decision making. The Minister, Deputy Gormley, is a classic example of a person who is frustrating the will of many local authorities in Dublin to do things they want to do because of the over-centralisation he and others have brought to bear. The

issue is a much more serious one and I ask the Minister to deal with it seriously. We have the potential to do something right in the long term but the Minister cannot possibly do that if he has not laid the proper foundation stones in terms of funding and a radical reorganisation of local government.

We are in a very difficult financial position. At some point over the next few weeks the Government will tell us whether we face an adjustment of €4 billion, €5 billion or €6 billion in 2011 and in my area of south Dublin that will lead to a reduction in the budget of between 10% and 15% locally. People in my constituency, and I suspect in other Dublin constituencies, want to know how we can provide services in a context where that adjustment will occur across the city and county. As Deputy Hogan said, they are not particularly interested in the vanity project of the Minister, Deputy Gormley—

**Deputy Ciarán Cuffe:** It is not a vanity project.

**Deputy Brian Hayes:** —which is just another layer of bureaucracy on an existing disorganised and dysfunctional system of government in Dublin. What people want to know, in view of the diminishing resources of the city, is whether they can have their paths fixed and problems with public lighting and open spaces sorted out. The truth is that the budgets of the four local authorities will be reduced next year and in 2012 and 2013 to pay for the new vanity project that the Minister, Deputy Gormley, wants. When my constituents seek various amenities in their communities I will be telling them that money has been put towards the Minister's new mayor — that is, if the project ever sees the light of day, which I suspect it will not. I do not think we will ever have a vote on this because it will not get that far.

This is another example of an over-centralised Government — and, in particular, the Minister — running with a pet project that does not have popular support or a popular mandate. The Minister is refusing to give the people of Dublin city and county a referendum, as was the case in London, to tell us whether they want it. If the Green Party Members are so sure about whether the people of Dublin want a directly elected mayor, it should ask them. They do not have the right to foist this on them and neither do I. They should give them the right to vote.

**Deputy Ciarán Cuffe:** We are.

**Deputy Brian Hayes:** Of course, they will not do that, because their own arrogance stands in the way. This is e-voting all over again, Dublin-wide. A Minister, caught in the headlights, realising he made the wrong call some years ago in going into Government with Fianna Fáil, has now decided he must leave his imprint on the office because he knows he is out the door within six months, and this is his contribution. It is not serious. It is evident that Fianna Fáil has taken over the Green Party lock, stock and barrel.

We had a fantastic speech by the Minister in which he told us the new mayor would be similar to Rudy Giuliani one minute and Boris Johnson the next. The mayor was going everything. Let us consider the question of oversight. The Mayor of London has an assembly — directly elected — which is clearly responsible for ensuring the mayor does his job. There will be no oversight of this new mayor. He or she is to speak once a year, as I understand it, to the four local authorities of Dublin, but will take no questions and there will be no oversight of what he or she does. There are also fundamental questions of financial accountability and whether the mayor is answerable to anyone. The Mayor of London is directly responsible for the budgets of Transport for London, the Greater London Authority, the London Development Agency, the Metropolitan Police Service and the London Fire Brigade. He sets their budgets. What will our new mayor do? He will advise the four local authorities on their budgets. If he disagrees with their budgets he will state that in a written document, but the four authorities can go on



[Deputy Brian Hayes.]

with their plans anyway if they append the mayor's comments to their budgets. That really make a difference. This new mayor will be writing reports to each of the four authorities, but they still have the power to determine a budget. This is completely unlike the case of London, where the mayor has direct financial responsibility for the five areas I have mentioned.

The key issue of transport was mentioned by Deputy Hogan. I will give some examples in this regard. If ever there was a need to bring together all the agencies and providers, public and private, and demand some joined-up thinking, it is in the area of public transport in Dublin city and county. However, the Minister's mayor will not be able to direct any of that. He will not be able to interfere on a day-to-day basis with the running of the bus and railway system in the Dublin region. He will not be able to increase or decrease public transport fares. He will not be able to do anything about taxis — we have a Commission for Taxi Regulation which is nothing to do with the mayor. He will not be able to introduce congestion charges as he will have no power to do so. That is the point. If the mayor cannot do these things, why exactly are we imposing this additional layer of bureaucracy on the people of Dublin, when the existing system is not working? This is something the Minister of State needs to answer in the course of this debate.

**Acting Chairman (Deputy Kathleen Lynch):** The Deputy has one minute left.

**Deputy Ciarán Cuffe:** Phew.

**Deputy Brian Hayes:** In that last minute I ask the Dublin Fianna Fáil Deputies who tell me privately that they are against this to stand up in the House this week, next week, or whenever, and state their views publicly. I challenge the Government, if it wants to go down this road, to ask the people of Dublin. Ultimately, the mayor has the capacity to be a leader of the local authorities in Dublin but to achieve this, existing local government systems must be reorganised — not just in Dublin city and county but across the country — and a proper funding mechanism must be put in place to underlie the new position. If these two things are not done, this job will be a non-job, as Deputy Bertie Ahern has described it. It is a job that will be around the neck of the Minister for the rest of his life.

**Deputy Ciarán Lynch:** I move amendment No. 1:

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

“Dáil Éireann

(a) recognising the potential value for the greater Dublin area of a directly elected mayor, adequately resourced and with appropriate powers;

(b) noting that the next local elections are not due to be held until 2014, and believing that it would be preferable for any election of a new mayor to be held in conjunction with those elections;

(c) concerned at the potential cost of the new position and of the new regional authority for Dublin and the staffing levels that will be required to facilitate the authority and the mayor, and having regard to the serious economic crisis facing the country,

defers the Second Reading of the Local Government (Mayor and Regional Authority of Dublin) Bill 2010 until this date in 2012.”

Am I to understand that the Minister, Deputy Gormley, who came to the House to read his speech and departed shortly afterwards, will not be listening to the contributions of the chief Opposition spokespersons in this area? I believe this is the case, and it is a great pity.

The Labour Party agrees in principle with the idea of a directly elected mayor for Dublin and recognises the potential value that such a position could bring to the greater Dublin area. However, the Bill as presented to the House today clearly demonstrates that now is not the time for such a measure. The Bill is not fit for purpose and, having examined its broader provisions, we find it falls well short of the earlier ambitions the Minister seemed to have for it and the potential that such a new office could have. What we have seen this afternoon clearly falls short of what the Minister was talking about a number of years ago.

The Minister first spoke about this Bill when the idea of a directly elected mayor in Dublin was put in the programme for Government in 2007. It was an ambitious idea to realise the potential of the greater Dublin area. However, what we now see is something that falls well short of this and is extraordinarily deficient in the way it has been presented to the House. What is being introduced to the House is a Bill that provides for the creation of a supra-bureaucratic structure, struck somewhere between the Office of the Minister for the Environment, Heritage and Local Government and the existing local authorities, which will cost, conservatively, somewhere between €5 million and €8 million. The Minister disputed this figure earlier, but all examinations, particularly those carried out by the existing Dublin Regional Authority, have indicated that this is the case. I also note that the Minister of State, Deputy Cuffe, spoke earlier about the Dublin Chamber of Commerce. Its position is that it wishes to have a directly elected mayor for the Dublin region, but I understand it believes the Bill before the House is deficient. While the Minister of State might claim the Dublin Chamber of Commerce is in favour of a directly elected mayor, it is somewhat disingenuous of him to say it totally endorses the legislation before the House this afternoon.

The Bill will introduce structures that will cost between €5 million and €8 million a year. The local authorities are to be asked to meet that cost from their own resources, with no transference of funds from the Department of the Environment, Heritage and Local Government. At present the four Dublin local authorities donate approximately €4 million towards the Dublin Regional Authority. The provisions in the Bill will require substantial increases in that contribution. The Minister in creating the mayoral position is now asking the four Dublin local authorities to underwrite the costs of the position while no funding is coming from the Department. While he can argue that the cost of the position will be met from existing funding, he is saying it will be met from the local authorities' budgets and there will be no transference from the Department. This is interesting and indicates no devolution from the Department of the Environment, Heritage and Local Government. Real reform requires change at all levels of government. If we are to reform local government we must also reform national Government. If we are to introduce a directly elected mayor for Dublin as part of a reform process it is strange that only local authorities are being financially impacted by this and the Department is not being financially impacted. Clearly no devolution is taking place.

In establishing the position of mayor, the Minister should have audited the existing Departments to analyse the activities they carry out centrally and how these could be done locally to be delivered in a more efficient and practical way. For instance, the Department of Education and Skills has a number of functions that could be far more cost-effectively delivered at a local authority level. I refer to the planning of school buildings but not the setting of the curriculum or deciding pupil-teacher ratios. Local authorities could decide where schools should be built and how educational requirements can be met bearing in mind demographic changes. I believe a Dublin mayor could have greater jurisdiction in that regard, but that opportunity was missed

[Deputy Ciarán Lynch.]

in the Bill. Ultimately we have got a superstructure placed between the four Dublin local authorities and the Department with significant questions as to its role.

It could be argued that the Minister has created a watchdog, acting on his Department's behalf. No actions by the mayor can be taken without the approval or sanction of the Minister. There is talk about regional planning guidelines, but there are different kinds of guidelines. Regarding planning legislation, the new mayor does not have legislative powers but has four or five years to get guidelines together and to talk to some of the different groups that might be involved. We are being sold an illusion of reform but in reality the structure of local government is regressing with the proposals in the Bill. The Minister is introducing a quasi-position operating like a sort of local commissioner over local government, double checking that those local authorities are operating under the Minister's directives, particularly statutory instruments and legislation he is issuing, and ensuring that local government is behaving itself.

With this new structure, how does the Poolbeg dilemma the Minister has created get itself resolved? Will the new mayor be able to say he or she is implementing Government policy? If the local authority were implementing Government strategy, the incinerator would be under construction at the moment. However, the Minister's position is different from Government policy and as the mayor will be required to answer to the Minister's directives, what would he or she do? If he or she were to implement Government policy he or she would have to go against the Minister's directive. This shows the absurdity of the legislation before the House this evening.

Any actions or outcomes in the mayor's job description must be sanctioned by the Minister. We could well end up with a Dublin mayor who will not be able to blow his or her nose without the permission of the Minister, Deputy Gormley.

**Deputy Seán Sherlock:** God forbid.

**Deputy Ciarán Lynch:** If the Labour Party amendment to the Bill is not accepted, we will end up with the creation of a greater Dublin area transport council, chaired by the mayor. Five people will be appointed by the mayor and five by the Minister of Transport. The council will also include the cathaoirleach of the Mid-Eastern Regional Authority, which I believe has 12 members.

There will be also a regional development board, comprising the mayor, the deputy mayor, the chief executive of the regional authority, the cathaoirleach of each of the four Dublin local authorities, the manager of each of the four Dublin local authorities, not less than two people from each of the following, who, in the opinion of the mayor, represent business or economic development interests; local enterprise, education or community development interests; development agencies interests; trade union interests; environment interests; and arts and culture interests, up to a maximum of 19 people. Some other sub-committees will arise from the legislation.

There also will be a Dublin regional authority, comprising the mayor, five members from Dublin City Council, five members from Fingal County Council, two members from South Dublin County Council and two members from Dún Laoghaire-Rathdown County Council, the cathaoirleach of each of those councils and, I believe, 16 members also. One does not need to be a genius to understand that a plethora of committees will be created. Since I got a copy of the Bill, I have read it from front to back. I have it dog-eared, foot-noted and everything else, but I cannot figure out what these committees will do in terms of legislation and what new powers they will have. As I said at the outset we need a Bill that is fit for purpose and this Bill certainly is not.

When the legislation is implemented Dublin will have 5.5 mayors because the new mayor will have a deputy mayor who will initially be appointed by the Minister and subsequently by the mayor with the Minister's approval. We will have 47 new positions within three new committees and none of us knows what they will be doing in legislation or what their legal standing will be. Others may have different views on the reform of local government. I believe powers should be devolved downwards and not upwards. However, the Minister is introducing some kind of evolved structure, which has evolved out of his own head, in between his Department and the local authorities, which will not work.

On every occasion we have discussed the proposed Dublin mayor during Question Time, the Minister has said the White Paper on local government reform would be published at the same time as he published this Bill, but that has not happened. That has not happened. Every time the Minister was asked during Question Time about this by either the Labour Party or Fine Gael, he said both Bills would be published concurrently and we would see the legislation on the mayoralty and the White Paper on local government. However, we are still waiting for the White Paper.

The Minister has arrived at the destination, which is the mayoralty of Dublin, without laying out the roadmap, which is the White Paper. That is a dangerous journey to make. It is dangerous to decide this is where he is going without deciding how to get there. We have, therefore, the Minister's defined position without knowing the structure the lord mayor will operate under in the future. If this was a business, this would be a bad contract. We are buying a pig in a poke by facilitating the Minister to put an office in place without outlining the structure underpinning it in the context of local government. This will make for bad legislation if Opposition spokespersons, regardless of our views on it, have to table amendments without knowing the super structure under which the office will operate. We have the final destination but we do not have the roadmap to get there and the Minister has still to provide us with it.

It is interesting that Fianna Fáil has not won at the local government elections since the 1980s. Its total national representation has been in decline since the 1980s.

**Deputy Seán Connick:** What about 1999?

**Deputy Ciarán Lynch:** Perhaps it is coincidental that local government has suffered during that time and the powers of local authority members have been retracted. The McCarthy report commented on minimising the role of local government. Deputy Connick and I were members of the AMAI before we entered the House and we both know local government has been subject to a process that can be best equated to constructive dismissal. If local government was an individual employed by a company and his or her powers and functions were removed over time, that would be seen as constructive dismissal. That has been happening since the foundation of the State. Local government has been undergoing a process of constructive dismissal led not only by the political establishment, but also by the Department.

The reason there are four local authorities in Dublin is the Department does not want to deal with an authority comprising all four because it would be too powerful to engage with. It does not matter what way the Minister dresses up this legislation or what clothing he puts on it because it is still a slug in a tuxedo. It is the worst form of compromise politics one will ever come across because the legislation has been compromised to such an extent that its objective will not be realised. The Minister referred to Rudolph Giuliani and New York but the powers the Dublin mayor will have will not come within a donkey's roar of those conferred on the mayors of New York or London.

We have arrived at a trade off whereby the Green Party gets to enact the Bill but Fianna Fáil will ensure it does not contain any powers. The Minister can come into the House to tell

[Deputy Ciarán Lynch.]

us he is introducing the legislation but Fianna Fáil backbenchers and Ministers have said, “Off you go, John, talk to the Opposition and everyone else but we know you are bringing in nothing that significantly changes the way government operates”. That is the worst type of trade off.

This legislation has been almost three years in the making since it was announced in 2007. The Minister and his officials had a great deal of time to prepare it and that raises two questions. First, why is it so deficient given they had so much time to prepare it? Second, is this a deliberate outcome? George Bernard Shaw once said, “If I had more time, I would have written a shorter letter”. Did the Department spend three years deliberately ensuring local government would not be reformed or could the Minister not produce proper legislation within that period?

The legislation needs a total overhaul and not just amendment. That is why the Labour Party has tabled an amendment to defer the Bill. It is clear the greater Dublin region requires better than this. All local government reform requires better than this. As previously demonstrated, legislation brought before the House under the guise of reform does not always produce the desired results and we need no look further than the Health Act 2004, which gave birth to the HSE, for evidence in this regard. Something that is presented under the guise of reform sometimes does not deliver as we might expect. I am familiar with the Health Act 2004 because I served as the chairman of the one of the structures created under it. The Act repeatedly refers to the “reform programme” but we have ended up with a bureaucracy that has engaged in everything but reform.

The only guaranteed outcome of this Bill is that it will create an additional bureaucratic layer on top of the existing local government structure in a way that will drain resources from councils, impacting on their delivery of day-to-day services. The House could end up approving the expenditure of €8 million by passing this legislation, thereby ensuring workers will not be available to sweep the streets. Litter wardens or traffic wardens, for example, may be removed from their duties because the four local authorities have to pony up €8 million for this vanity project or trophy legislation introduced by the Green Party. The cost of the legislation must be taken from existing day-to-day budgets.

This is get it over the line legislation. It does not matter whether it is ready because the Minister will try to fix and improve it at a later date. We have had previous examples of this. There is a world of difference between having a good idea and developing it into good legislation. A directly elected mayor for Dublin is a good idea and there is unanimity in the House that this would be a good and positive development. A directly elected mayor is needed who can work within a legislative framework that is ambitious for Dublin and who sees the potential that such a structure could create for the greater Dublin area. It would be a good idea if the framework allowed him or her to realise that potential but the legislation falls well short of that. Regrettably, this is nothing new where the Government is concerned and this is not uncommon for the Green Party. The party had some brilliant ideas in the programme for Government. Their roll-out, however, has been appalling.

The second home tax was a good idea but there are still major deficiencies in the legislation; an amendment I tabled was not addressed by the Minister and court challenges are still outstanding on separations and the way second home tax is worked out for them. When the legislation went through the Seanad, we saw the debacle over caravans and mobile homes. It was a good idea badly managed and we are seeing the same this evening.

The vehicle registration tax proposal was a good idea that was badly managed. The dogs in the street know cars are bought between January and March but at the start of the year the Minister announced that he would change the taxation system for cars in the middle of the year. There was not a single forecourt where a car dealer could sell a car because people were

afraid to purchase during that period. That was another example of good legislation, whereby taxation would be tied to emissions, was managed in such a way as to be detrimental to the motor industry. It was already in trouble but this caused even more difficulties.

The Planning and Development Bill that was before the House recently had entirely new sections introduced at the end of the process. The legislation was so badly managed that the Tánaiste had to come into the House to apologise on the Government's behalf.

The Dog Breeding Establishment was a good idea five years ago that enjoyed cross-party support to regulate puppy farms. It ended up being so divisive it nearly brought down the Government because its own backbenchers found it so difficult to support.

The list goes on. My favourite was the Minister's Bill on the international nuclear agreement to which Ireland is a signatory. That Bill proposed to fine someone €5,000 for setting off a nuclear bomb in Ireland were anyone around to pick up the fine afterwards.

**Deputy Ciarán Cuffe:** Could I question the relevance of nuclear disarmament to a mayor for Dublin? It seems slightly separate to the legislation under discussion in the House.

**Acting Chairman (Deputy Jan O'Sullivan):** The Minister of State has made his point.

**Deputy Ciarán Lynch:** The relevance is clear. The Minister of State was not in the Chamber when I introduced the context. If he had attended for my full contribution, Deputy Cuffe would not need to upset himself. The relevance was that there is a difference between a good idea and the implementation of legislation. I said a mayor is a good idea but the Government's management of the issue is bad. I cited a number of examples where the Greens had good ideas but failed to manage the legislative process.

This is trophy legislation but unfortunately it does not work. It is a missed opportunity at a time when the country, and Dublin in particular, could do with ideas that would deliver. I am not one of those who thinks Dublin has too much or Dublin has too little — Dublin is the engine of the economy, a third of the population live in the Dublin area and it forms a significant part of the tax base of the country, and a huge part of the industrial base. It is important to all of us that Dublin works to the best of its ability and that its political structures deliver. The potential a mayor for Dublin would have in making that structure work is huge but this Bill is a missed opportunity.

At every point in history when countries have been on their knees, potential has arisen and from it real political change has been achieved, be it after the Second World War with the creation of the NHS in Britain, or the New Deal after the Great Depression. Great ideas could come from this crisis but what is before the House tonight, regrettably, does not realise the ambitions people have.

I tabled an amendment on behalf of the Labour Party asking that Second Stage of the Bill be deferred for two years. I hope the Government will take on board the arguments we have made and that when we conclude Second Stage and vote on the amendment we see sense and the Bill will be deferred.

**Minister of State at the Department of Environment, Heritage and Local Government (Deputy Ciarán Cuffe):** Great cities have good mayors. Wherever we look around the world, we see examples of civic leadership from strong and coherent executives and leaders. The challenge in Dublin at present is that the divide and conquer approach of four different local authorities with four different agendas, managers and mayors elected on a revolving basis simply does not work. Henry Kissinger asked who would he talk to if he wanted to talk to Europe.

**Deputy Ciarán Lynch:** Tweeter Boyle.

**Deputy Olivia Mitchell:** John Bruton.

**Deputy Ciarán Cuffe:** With all due respect to Mr. Bruton, he is a voice but possibly not the voice. We need someone to talk to when we want to talk to Dublin. At the moment there are four mayors, four managers and a plethora of organisational structures. We need a strong voice, an Ed Koch, a Pasqual Maragall and, whether we like it or not, a Boris Johnson; we need a strong, coherent voice for Dublin.

All across the world, strong cities have strong voices. Last week, we saw the passing of one of the most colourful voices in the south of France, Georges Frêche, the president of the Région Languedoc-Roussillon but the mayor of Montpellier for 27 years. Montpellier would not be Montpellier if it was not for the mayoralty of Georges Frêche. Like him or hate him, he was a strong voice for that city. That is why most French people say they would like to live in Montpellier. Barcelona would not be the same without the legacy of Pasqual Maragall, who brought the city from being an industrial backwater to be the host city for the 1992 Olympics. He made the city tick, he made it work effectively because he was a strong and dynamic civil leader who united the city and brought the Olympic Games to Barcelona. We all remember the scenes at the diving events, where the divers competed with the city as a backdrop. That was no accident, it happened because there was a strong mayor. We need such a mayor.

We need strong strategies and policies, that is why we need a mayor for Dublin. When I was put on to the Dublin Regional Authority 15 years ago, there were many voices in the room talking about Dublin but when it came to strategy and vision for the city, there was dissent. Some of the strongest voices who dissented from the need for good policies and planning are now before the courts. What we need in Dublin is a strong and dynamic leader, with the sort of leadership this legislation will introduce.

Four separate systems are not working. The analogy of a car was used earlier; we have four cylinders but the timing is wrong, they are not working together. We need the four cylinders to work right to produce a low carbon engine that ticks over and works effectively for this great city. It must be more efficient and coherent. When Fingal speaks with one voice, Dún Laoghaire-Rathdown with another, South Dublin and Dublin City with others still, there is no coherence.

Visitors who come to Dublin are constantly confused about the various mayors from each of the city's local authorities. It is not just visitors but Dubliners who do not understand how this lump of metal of a mayoralty chain revolves every 12 months between different people who are at one time a voice for Dublin and the next gone from public view. We all remember the great mayors of Dublin city. I certainly have strong memories of Carmencita Hederman and her fantastic contribution to the city during the millennium year. Half way through the millennium year, she was replaced, however. That is no way to run a city or a region.

Deputy Ciarán Lynch is correct that Dublin is the driver for so much of the nation. We cannot change driver every 12 months and still expect coherent and effective leadership for the city. Drivers like the Richard Daleys found elsewhere are needed who will be the voice of the city for a long time.

**Deputy Ciarán Lynch:** The engine must have power.

**Deputy Ciarán Cuffe:** I note the attempts by both Opposition parties to belittle the proposed office despite it having powers to form strategies, plans and implement them.

I accept the mayor will not have the power to move a bus stop. However, I do not want one who just moves bus stops or moves double-yellow lines in Clontarf. I want one who thinks about the important issues for the city and puts in place an effective transport policy for it. That is what is important to me as a Dubliner. I want a mayor who is not dealing with problems with water pressure in Coolock but one who will deal with the issue of whether the city's future water supplies should be obtained from the rivers Shannon or Barrow.

A Member earlier questioned if there will be enough traffic wardens in Dublin. This legislation is about managing the traffic wardens from Balbriggan to Bray to ensure a coherence and value for money that is strongly lacking in the current set-up with four different local authorities. While in theory they co-ordinate their actions, in practice the good citizens of Dublin are left scratching their heads wondering who is in charge. A strong voice must be provided, one which will be there for the long haul.

If one does not like what the mayor does, one can still kick him or her out by using one's vote. It should be remembered that no one can do that under the current system. There are county managers in place for seven years and county and city councillors who are in and out of office in a short time. The way out of the current system of too much red tape is to have a mayor who will provide a single voice which will reflect all the many great aspects of Dublin city.

The legislation allows for a mayor to co-ordinate water, waste, transport and planning policies. Time and again, this House returns to the legacy of bad planning decisions across the country. The people of Dublin are still picking up the tab for mad rezoning decisions that took place in Dublin Corporation offices in the 1980s. Councillors were allowed rezone land without any great sense of responsibility and without a mayor who had the bigger picture about what makes a bustling, lively city with a citizenry that buys into its coherent vision. When it comes down to strategy, plans and implementation, the proposed Dublin mayor will have a coherent voice and be there for the long haul.

This legislation marks a step away from the confusion that exists with the current system. With all due respect we have had some decent mayors in Dublin but in many other countries, a city's lifeblood — its economy, cultural life and sense of place — is channelled through its mayor's office. One only has to look at Shirley Clarke Franklin in Atlanta, Martin O'Malley in Baltimore, and Fiorello La Guardia in New York City, all strong dynamic people who made things happen. I can easily recall the last four mayors of New York City — Ed Koch, David Dinkins, Michael Bloomberg and Rudolph Giuliani who made their city tick and work.

The same kind of voice is needed in Dublin. That is why I strongly support this Bill and believe it is an important step in the right direction. We may have to amend it in six years time but the same happened with the mayor's office in London. Initially, it began with a few powers but over the years it gathered more momentum becoming a more effective office.

Dublin needs a directly elected mayor. Such an office will be good for Ireland, the four counties of Dublin and Dublin city.

**Deputy Cyprian Brady:** I welcome this legislation. We are now mature enough in Dublin city and county to have this debate on the legislation. In the past, we were not ready for such a debate. As Deputy Cuffe pointed out, every major European and international city has a directly elected mayor. The programme for Government committed to introducing a directly elected mayor for Dublin with extensive executive powers. This Bill confers those powers on the proposed mayor.

The mayor will have a regional role. The greater Dublin region covered by the four existing Dublin local authorities has a vast and varied number of acquired services and needs. What is



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needed is an individual strong enough to pull the various strands of local government together. That will require a strong co-ordination of personnel, equipment, facilities and assets.

While never having the privilege of being a local authority member, I spent 20 years working closely with staff at all levels in Dublin City Council. The expertise, the experience and commitment the majority of these people bring to their jobs must be admired. Since the break-up of the old Dublin Corporation structure into four local authorities, my experience with Dublin City Council has been positive. The change from a one-size-fits-all corporation structure which covered a vast area and population brought local government down on to the streets of Dublin. I recall the then Dublin City Manager, Mr. John Fitzgerald, opened local council offices around the city, the best move a council ever made. It meant Dublin's citizens no longer had to go over to Civic Offices with its massive bureaucracy and from which it was difficult to get answers to questions. Despite the representations of some very able councillors at the time, it was always a matter of the corporation being over on City Quay and the council being over on the North side and never the two shall meet. The regionalisation of Dublin's local authority structure, the opening of local offices and the appointment of senior management with responsibility for each area, working in each area with the officials available to the residents in those areas was a great step forward for local government which has proved effective.

In my area of Dublin Central, for instance, Dublin City Council has no less than six or seven different regular community forums, at least once a month. At those meetings, representatives of residents' associations and communities have direct contact with council officials, whereas previously they had found it difficult to have such meetings. There is a responsibility on the officials to deliver because they face the people every day. In my district, the area office for Dublin City Council is probably one of the busiest buildings in the city, with people coming in and out all the time. The officials work extremely hard in difficult circumstances to provide a very good service.

This legislation will put somebody strong in place with responsibility for the whole region, which will be one of the keys to its success. Some of the powers that will be conferred by this legislation will be robust. They include responsibility for establishing and overseeing the future physical development of Dublin city and region by setting out regional planning guidelines, which the Dublin local authorities must abide by. The powers also include responsibility for ensuring the delivery of an environmentally sustainable approach to waste management, as well as responsibility for maximising conservation and the efficient use of water resources. In addition, the legislation envisages conferring responsibility for leading and promoting a dynamic city region at home and abroad, as well as championing Dublin abroad. One of the best results of having a lord mayor in Dublin is that the office will represent the city abroad on a regular basis. I have first-hand experience of how effective that is. When councillors travel abroad, it is a huge bonus to be accompanied by the city's lord mayor.

The elected lord mayor will also have responsibility for promoting quality housing and sustainable communities, as well as protecting and enhancing Dublin's environment. That is a major issue, particularly in Dublin city.

When one examines the details of the Bill there are obviously a number of concerns. Given my experience with Dublin City Council, one of my concerns is how the powers of the new mayor will impact on the role of directly-elected councillors. Councillors have played a major part in the life of the city and as the previous speaker said, we have had several strong city councillors over the years. Before the dual mandate was abolished the role of a local representative in Dublin Central was hugely effective. Many individuals played an important role in the development of the city as it is today. Councillors bring a local community emphasis to bear on how Dublin City Council does its business.

My fear is that this local emphasis may be lost if an individual, who may have an affinity for one area over another, was to take up the position of mayor. In such circumstances, that understanding of local issues could be lost. The Minister should examine that matter in the context of this legislation.

Another concern is about resources. Previous speakers referred to the unprecedented economic position we are in at the moment. The Minister has indicated that the office of mayor will not be an additional cost to the taxpayer and that the costs will be met entirely from within existing local government resources. However, local authorities are now cutting back on services, and drastically in some cases. I would not like to think that much needed funds to sustain basic services were being redirected to other areas. This issues arises in the context of what is being proposed in the legislation.

The Bill marks a significant shift in power within local government, so it must be handled extremely carefully. It is envisaged that the mayor will strengthen local government leadership and accountability in Dublin. It will also provide Dublin's local government with greater scope to innovate and develop regionally and locally, and to respond to local challenges. As a result of the Bill, there should also be greater coherence between the four Dublin local authorities and the regional authority concerning future policies, strategies and actions.

I welcome the opportunity to have this debate on a mayor for Dublin. Foreign cities have demonstrated how important it is to have somebody as a figurehead for a city. In that regard, I welcome the publication of the Bill.

**Deputy Olivia Mitchell:** While I welcome the opportunity to speak on the Bill, I cannot think of any other legislation to have come before the Dáil that has made me angrier than this measure. I cannot think of any legislation that is more ill-timed, inappropriate and pointless than this. When we look at the sorry state of our once proud and prosperous country, when we consider all the things that we should deal with in our national Parliament, and when I think of all the real concerns of those who depend on us to behave sensibly here, it is with complete disbelief that I see that a Minister — and, I suppose, the entire Cabinet — considers that a fifth mayor for Dublin is a priority for the Government.

The Minister, Deputy Gormley, is in the role of Nero, fiddling while Rome burns. He is demonstrating once again just how out of touch he is with the public mood and with what really concerns the general public. I have yet to meet any member of the public who thinks this Bill is a good idea. In its current form, it could not be worse. The public want jobs and they want to see the economy back on track. In addition, they want banks that will lend money rather than swallow it. They want an end to negative equity, a good health service and front line education and health services restored. They also want some stability and certainty, as well as a return to prosperity or at least some hope for the future. They do not want yet another sinecure or a further rake of quangos.

It is true that local government needs to be reformed. The Minister of State, Deputy Cuffe, is right to say that it is not working well. Anyone who has ever been a member of a local authority, or a member of the public observing the operation of councils, will recognise that there is room for improvement. When we compare our local authority structures to those in other countries, we can see that is so.

There is undoubtedly a place for a leadership figure to give strategic direction in Dublin. I agree with the principle of a mayor for the city, but it must come in the context of a complete overhaul of local government in the capital. This Bill will not achieve that.

Through the years, there have been repeated attempts to breathe life back into local government and give it the kind of role we see that it has in many other countries. The Minister of

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State mentioned cities in several countries that have good mayors, including Georges Frêche in Montpellier. Monsieur Frêche transformed Montpellier but it was a completely different kettle of fish to the kind of mayor we will get from this legislation. He was not the fifth elected mayor in that French city. He had a budget, political back-up and all the things that are required to deliver a proper service to the public. The mayor envisaged in this Bill will have none of those things.

Where was local government strong, respected and responsible? The first of these attempts in my time was the deconstruction of the old Dublin County Council into three local authorities, which gave us four Dublin local authorities for the Dublin area. Deputy Cyprian Brady referred to regional offices around Dublin which, I agree, represent an improvement in public services. That is an element of local government that will remain no matter what we do to reform the structures of elected bodies. A few years later, however, we saw that the devolution of powers to four Dublin local authorities was not the solution. We then got another solution entitled “Better Local Government”, which gave us a further accretion of local bodies.

There were strategic policy committees, community pillars, more meetings, meetings about meetings, and meetings to tell others about the meetings they had. Meanwhile, officials, whose time to do any work was greatly diminished, were exhausted by the need to service these pointless meetings and meetings about meetings. It was, and still is, a total travesty. It was called “better local government”, but it was not so. Our solution to those mistakes is to make more mistakes rather than to roll back the mistakes of the past. Local Government has become the greatest talking shop of all time. At least an *bord snip nua* had the gumption to state that this emperor had no clothes and suggested its elimination as a waste of time and money, further suggesting it was more akin to anarchy than its stated aim of making local government more democratic.

One mistake made throughout the years has been to see local government reform as being about changing structures only when in fact functions, powers, responsibilities and the budgets are important. These are the things which matter to those we are supposed to serve. This legislation simply confirms the previous trends of changing structures and assumes that setting up a new body will somehow transform local government and make it more democratic and meaningful. The Minister of State, Deputy Cuffe, spoke passionately about what is wrong with local government in Ireland generally and what is needed. He is correct and I agree with him in this regard. However, this legislation does not deliver and, in fact, makes the situation worse. He suggested the system of four Dublin local authorities was not working. Is the solution to have five? It cannot be; that makes no sense.

When it comes to structures, less is more. Reform of local government should consider a single body for Dublin with services provided locally and perhaps reflecting to some extent the local rate base in each area for spending, although there would have to be some distribution mechanism. However, this legislation fails completely in the lack of clear functions, powers and responsibilities for the news office. It would be sensible to have a single planning body, a single transportation authority for Dublin and a single waste authority. However, this legislation gives us none of these functions nor would it give these to any new, hapless Mayor. God help the poor creature who gets that job. The legislation simply tinkers with the problem around the edges and makes decision-making even more complex and time-consuming and less focused and utterly frustrating for those who must deliver the services to the population of Dublin.

From reading the legislation I am not surprised that the Minister did not go through it section by section. Normally, he would do so but not in this case because it is the most tortuous

legislation I have seen. I congratulate those who drafted the legislation because it must have been the most tortuous job to find some role for the Mayor among the layers of bureaucracy already in existence.

Never have I seen legislation which referred more to issuing guidelines, the need to have regard to this or that, to review this or report on that, to monitor this or that and to endless consultation. All of this is simply an attempt to mask the absence of any real role or power for the new authority or Mayor. Ultimately, decision-making rests where it has always done, either with the Minister or with the local authorities or some other body with no connection to local government but with which it is supposed to liaise, for example, the police, the education authorities and so on. An attempt has been made to shoe-horn a role for the Mayor into existing structures but in reality the role of Mayor is a total irrelevancy. This is altogether a missed opportunity to do something really worthwhile with local government. However, local government has the potential to transform the lives of people in Dublin and elsewhere and to make real improvements for working and living conditions of the people.

This idea began back in the heady days of the Celtic tiger when it appeared a potentate for Dublin was just what we needed. However, the days of grand gestures, symbolic figureheads and grandstanding by “wannabe” dictators are gone. If the Minister genuinely seeks to make a difference for Dublin and for local authorities then he should go back to the drawing board. He should withdraw this legislation until we consider how fundamental reform can take place in local government. As I have stated previously, I support the concept of a Mayor for Dublin. We need somebody to speak out strongly for Dublin, perhaps a strong individual, made stronger by an elected majority of councillors, but not a single maverick or an egotistical prima donna. Even if the most worthy person in the world were elected, speaking for Dublin does not cut it and is not enough. Beyond this, we need someone to act for Dublin and this legislation will not provide that. That could only come as part of a major overhaul of the entire system. What the Minister proposes is merely a mouthpiece or a cipher who will, effectively, have no powers, no budget, no real function and, ultimately, no respect. I laughed when I heard the Minister refer to Mayor Rudy Giuliani. What we are proposing could not be more different. He had powers, responsibilities, budgets and political support. Our Mayor would have none of these.

Let us consider other countries where local government works and where powerful mayors speak up for and act for their cities. It is almost always in the context of a list electoral system or similar system. In that way the party with the majority of elected members is the mayor. In that way, aspiring mayors or parties choose their list and the winner has an automatic majority and, therefore, can make decisions and can deliver on them.

Under the system proposed in this legislation, Uncle Tom Cobleigh could be elected with zero support from any other local authority. In such a scenario, no matter how charismatic or worthy a person may be, he or she would not achieve anything. There will be zero achievement unless there is political buy-in and support for proposals and any mayor would be utterly powerless. This is how it should be in a democracy; decisions should be taken by a representative of the majority and no one else. In his remarks, the Minister of State, Deputy Cuffe, stated that somehow having a Mayor will bring all the local authorities together. It will not. There will be competition. There is competition at present. If we are to introduce a Mayor with no political base, we should watch out for the competition and resentment that would emerge and the time that would be wasted as a result. Certainly, it would not benefit the people of Dublin.

The legislation is so arcane and complex that it is almost impossible to know who would make decisions in the new dispensation. There is so much proposed — cross-consultation with

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the existing bodies and with the plethora of new bodies proposed under the legislation — that the only possible outcome is bureaucratic chaos and indecision. The notion of achieving strong leadership, focused and responsible decision-making and speedy implementation of decisions is not only unlikely, but even less likely than under the current regime.

Unfortunately, the setting up of new quangos seems to be an essential part of any legislation and this legislation does not let us down in this regard. Not only would there be a new regional authority, but a new transport council and a new regional development board, the function of which I cannot begin to imagine. The functions of any of these bodies remain something of a mystery and the extensive lengths to which this legislation goes to provide a role to the office of the Mayor makes the whole project complete nonsense.

The notion of the original proposal, that the Mayor would have some role in the Dublin Transportation Authority, bit the dust when the Dublin Transportation Authority became part of the National Transport Authority. Let us roll back the clock, having rolled it forward. Now we are to have a Dublin transport council in the National Transport Authority. I have experience of such a body in the past and this proposal appears suspiciously similar. I was a member of the advisory committee of the Dublin Transportation Office in the 1990s. I assure the House a more toothless body scarcely ever existed. It served to create meetings for public representatives and work for public officials but it did not change anything. In short, it was a farce and this body would represent another farce which would not achieve anything, save to give the appearance that representatives have some role.

The National Transport Authority is a relatively recent manifestation and one must assume its job was to decide policy not only around the country, but also in Dublin. If it is termed the “National Transport Authority” then that is what it should represent. Why then are we setting up a transportation council in Dublin operating within a national authority? What possible powers can it have if they are already vested in the National Transportation Authority? In short, what we have here is a dog’s dinner, a sop to local representatives, giving the impression that they will have some role when power, responsibility and authority will lie elsewhere as always.

The legislation also proposed the establishment of a new regional development board. This would represent another talking shop replicating the four local development boards. If we must have a regional development board then the least we can expect is the elimination of the existing four development boards. Ultimately these are toothless bodies and are simply set up to enable countless, and in many cases useless or redundant, bureaucracies to liaise with one another.

We need to completely revamp local government throughout the country. I would like to see a movement towards a single Dublin authority with real functions, powers and revenue as well as expenditure responsibilities. This legislation simply does not achieve what is required and is worse than no change because it is so utterly cumbersome, complex and costly. Services to the people of Dublin will suffer under such a cumbersome and inefficient regime.

Far from streamlining service delivery, the Bill gives us a further accretion of bodies, layer upon layer, the result of which can only be to further stultify and paralyse decision-making. The tortuous attempt to seek a role for the mayor in a new regional authority and to superimpose the mayor on the current, already over-crowded network of bodies and inter-authority relationships, has produced the most arcane and cumbersome legislation I have seen in this House. The only result of this can be endless meetings, consultations, reviews, reports and busy

work producing nothing of value. None of this can hide the fact that the office of mayor as proposed has no role, no power and no purpose.

There has been a certain amount of public debate in the media about the cost of the new body. I accept the Minister's point that it is impossible to know precisely the cost but what is certain is that it has a cost. One cannot set up a rake of bodies like this and, at least in theory, increase the remit of the local authority system and expect it to cost the same or less, as suggested by the Minister. My worry is not the direct cost but the indirect costs that will inevitably result from the loss of efficiency, focus and direction and the cost borne by the people of Dublin — the financial cost as well as the loss of services — that will inevitably result.

Deputy Ciarán Lynch spoke about the essence of local government reform, which is devolution. There is zero devolution in this Bill and if any power is allocated to the new mayor's office, it comes from the existing local authorities rather than central government. With a system as centralised as Ireland's, the only way to reform it is through further devolution. We do not get that in this Bill.

Having looked at the sections in this substantial Bill, one asks what will be different and better as a result. This body has no planning role, no housing role, no transport role, no waste policy role, no water policy role, no new role and no budget. All it has is a ceremonial role. God help the mayor who is hoping for a ceremonial role when competing with four mayors or cathaoirigh or whatever they will be called. There will be a dogfight to see who is king of the castle and I very much doubt the mayor without a budget will win. I do not question the motivation behind this legislation. I would love to see real reform of local authorities. I would love to see them having a strong voice. There is great potential in local government. The current system does not work. We need joined-up thinking and we need to bang heads together. I refer to bodies within local authorities and those providing services in Dublin over which local authorities have no control. In many cases such bodies see their autonomy as more important than the people they are serving. Local authorities have major potential to improve the quality of life for people. Dublin is the prime city and is the engine of growth for the country. What happens in Dublin matters not just to Dubliners but to the entire country. To get this right is desperately important. I plead with the Minister to take back this legislation. I do not question the motivation but let us get this right. Let us not make another dog's dinner of local authorities in Dublin.

**Deputy Michael P. Kitt:** I welcome the opportunity to contribute to the debate on this Bill. This legislation provides for the introduction of a directly elected mayor of Dublin supported by a new, strengthened regional authority of Dublin. We will have a directly elected mayor of Dublin with executive functions by 2011 on the basis of a commitment in the programme for Government. In the Green Paper published in April 2008, Fianna Fáil suggested the needs of Dublin would be met with a directly elected mayor covering the four Dublin local authority areas — the Dublin region — and having a strategic role in areas such as regional planning, water services, waste management and housing.

I welcome this Bill because there are difficulties in local government. I could talk about County Galway as other Members have talked about the shortcomings in Dublin City and County Dublin. Many of the aspects of this Bill are technical in that they refer to the criteria for eligibility of candidates and other election matters. The legislation provides specific power to the mayor in respect of regional strategy and planning, transport and water and waste services. The Bill also deals with the establishment, powers and responsibilities of the regional

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authority of Dublin, which will be chaired by the mayor of Dublin. The regional authority of Dublin will replace the Dublin regional authority.

I was a member of Galway County Council for 17 years and I was glad to be a member of the Galway-Mayo regional development authority. As chairman of Galway County Council in 1985, I was vice-chairman of the body. We worked closely with our colleagues in Mayo to promote the best interests of the people in the two counties, particularly in the area of tourism. A regional organisation is a good idea. It is not the premier tier of local government. In its submission for the White Paper, Fianna Fáil said it believed in a three-tier system with the city or county council as the first tier, a sub-county structure and regional bodies. The regional authority is important in respect of the national spatial strategy. The county or city council is the tier with which most people are in contact.

The county council delivers services and in many cases raises finance. Local authorities are looking at new areas where they might raise finance. One should not forget the sub-county structure. The Fianna Fáil Party would like to see new town and district councils having important functions, particularly functions such as being a one-stop-shop for all local government services at local and county level. Some town councils have responsibility for housing and planning; others do not. They fulfil an important role in serving the people of those towns. We have proposed municipal councils in larger urban areas. That is another important issue.

We are dealing with the regional level in this debate. We have not had a strong regional government system in this country, which is sad. We need a coherent perspective on each region and a good approach to strategic planning in these areas. That we are not well-organised at regional level has not helped social or economic development. In this Bill the Minister is considering not only the mayor's position but that of the regional authority.

Some areas of responsibility can be added to those outlined by the Minister in the Bill, as provided for in the legislation. Roads, water services, planning and development and waste management are important for every county. I expect there would be a broad welcome in every part of the country for those issues to be considered on a regional basis.

Many speakers referred to water supplies. When the former Deputy, Mr. Gay Mitchell, MEP, was a Member he spoke frequently and warned about the danger of the shortage of water in Dublin. We had a great proposal to bring water from the Shannon to Dublin. People in rural areas might have a say about what will happen in that regard in the future.

Dublin is our capital city and it has great potential for growth. What happens there has an impact on the people of the city and the country as a whole. Areas are mutually dependent. In the information I received from the Library & Research Service there is a reference to the fact that the mayor may transfer a function such as water supply from one local authority to another. The Bill also gives power to the mayor to transfer property from one local authority to another. Issues arise in regard to water. Water supply has been a problem and has inhibited development of the national spatial strategy. The Minister of State, Deputy Finneran, is aware of the many issues I have raised with him on water, waste water and how one provides for it.

A similar situation arises in terms of waste management. I understood there would be co-operation between local authorities on the matter. I am disappointed that in some cases where a landfill is provided in one part of a county the proposals on thermal treatment have never gone ahead. That has been a problem. Galway City Council has made very little attempt to provide thermal treatment. It is disappointing that landfill is the only proposal that is considered.

Another important consideration in terms of regional authorities and regional development is the need to have a gateway city as part of the region. Dublin has that, as does the Galway region in the west. If there is a successful conclusion to the Bill other cities both in this country and abroad would be keen to have a directly elected mayor. We have had much discussion about the situation in London. The mayoralty of London has been given much publicity principally because of the colourful people in the office. They are competent people too. The London mayoral elections resulted in much publicity. That has been one of the hallmarks of the mayoralty in London.

I welcome the accountability element of the Bill, which is important. However, I did not find the financing arrangements to be clearly set out. I referred previously to the fact that the county or city council would be the premier tier of local government. They are the bodies that collect money such as rates or other proposed forms of funding, for example, the plastic bag tax, other levies and perhaps a water charge based on metered usage. All those options are open to city or county councils. We will have further debate on the question of how a regional authority would be funded.

I welcome in particular the fact that economic development of the city would be an important part of the focus of a mayor. That is very much the case in London. County enterprise boards exist in most counties. They have done much good work in helping small and medium businesses. I hope they will be allowed to continue their work. They have worked closely with FÁS to try to help companies get funding and get started. I hope they will still be able to do that.

In one of the documents I received there was a reference to the population of Dublin in the four existing local authorities being 851,519 people. The statistic is based on the figures for the 2009 local election. A city with such a population is deserving of a mayor. The turnout in the poll was 49%, which is 419,599 people. Many cities throughout the world have made more progress because they have introduced local government reform and that they have a mayor driving forward policies on behalf of the city. A directly elected mayor raises the profile of a city. That is very much the case with London and all the other cities to which the Minister of State, Deputy Cuffe, referred.

New measures are to be introduced in the Bill. A section deals with additional functions. When Members of the House or Ministers come up with ideas they should also provide funding proposals. Local authority members have often complained to me of their concern in that regard. I hope discussion will take place between the Minister, his departmental officials and the various local authorities because they have a major role to play. Local authorities have the prime responsibility. Regional authorities would need to know what their role would be.

I am disappointed that only two sections deal with housing. In the context of the housing we have provided in this country and the ghost estates it should be borne in mind that there is a shortage of housing in many cities. For example, there is a long housing waiting list in Galway. I am sure the same is true of Dublin and other cities. We must be more proactive in terms of providing housing. The Minister of State, Deputy Finneran, has made proposals on long-term leasing. The rental accommodation scheme, RAS, scheme is very good. I hope local authorities will take up those schemes. We must do more in that regard.

Part 4 refers to transport which is an important area. Great progress has been made in Dublin. I refer to the success of the Dublin bike scheme, for example. I would like to see that replicated in other cities. Great progress has been made in terms of various projects such as the DART, Luas and now metro and I would like other towns and cities to develop such



[Deputy Michael P. Kitt.]

projects as well. We have managed to get bus lanes in many cities, which we did not think was possible. It is only a small step but it is welcome.

The Bill is a start. I am disappointed that people are saying it is not the right time. If Donogh O'Malley had listened to the pessimists who said it was not the right time for free education we would not have made progress. There is no point in making the argument that it is not the right time to have a directly elected mayor. It will raise the profile of Dublin. When the proposals are explained and improved on by the addition of other functions I hope there will be a general welcome for the Bill.

**Deputy Lucinda Creighton:** It has been said that opportunity is missed by most because it is dressed in overalls and looks like hard work. This Bill represents one such a missed opportunity. Making the legislation relevant, ambitious and groundbreaking was and is possible, but that would have required the Minister to do his homework, ready the ground and be prepared to ruffle a few feathers along the way. Obviously, that option looked far too much like hard work and the Minister has chosen the easy option. He has taken a good and meritorious concept, that of a directly elected mayor of Dublin with real powers and a meaningful role, and managed to turn it into a farcical position, one with all the trappings of high office but none of the reforms that are so badly needed. According to Deputy Kitt, people have complained that this is not the right time. It is not simply a question of timing, as there is never a wrong time if a proposition is the right one, but the Minister's proposal on behalf of the Government is inadequate.

Let me be clear. This legislation presents us with significant opportunities. It is a sad day in the House when the expediency and strange political myopia of the Green Party and the Minister, Deputy Gormley, have prevented him from seeing and grasping these opportunities. Let us explore some of the opportunities for reform that have been missed by the Bill. There is an opportunity to give the mayor substantial powers to drive the Dublin region as an economic hub. There is an opportunity to make substantial savings by reforming and reducing the overburdened bureaucracy associated with local government, not just in Dublin but throughout the country. There is an opportunity to tackle the considerable funding deficit at local government level by introducing a sustainable and long-term funding mechanism, namely, rates, a word that no Minister wants to utter but about which someone will need to do something. There is an opportunity to take action to salvage the much maligned business sector inside and outside Dublin, which is being crucified by local charges and commercial rates. There is an opportunity to provide for substantial powers and full accountability in respect of elected representatives at local government level. There is an opportunity to eliminate powerless and wasteful local councils and to replace them with proper devolved regional assemblies, ones with powers on the scale of Stormont's in the North. This is the type of serious reform that we need, but which the Minister has failed to recognise in this paltry legislation.

I am a supporter of the concept of a directly elected mayor. A mayor of Dublin elected by the people for the people represents a significant opportunity to transform the fortunes of the capital city. It offers us a chance to showcase and drive the economic hub of this country, namely, Dublin. With almost a third of the country's population and more than half of the country's GDP centred in the region, it is imperative that we fuel it as the country's economic engine. Not since the foundation of the State has Ireland needed leadership and political drive so badly. The introduction of direct democracy with direct accountability to the people should offer us a chance to develop a credible economic recovery plan for Dublin and, consequently,

the entire country. A mayor who is directly accountable to the people could and should prove to be the driving force that the city and the country badly need.

So-called democracy at a local level is a complete farce. One could say that democracy at the national level is also a farce, but perhaps we will not deviate in that direction this evening. Local government in the Dublin region and the rest of the country is deliberately weak, ill-defined and rife with duplication. Dublin has four local authorities, as well recounted by my colleagues on this side of the House. Between them, Dublin City Council, South Dublin County Council, Fingal County Council and Dún Laoghaire-Rathdown County Council employ approximately 10,000 staff and command a budget of approximately €2.5 billion. Each of these councils is directed by a city or county manager, the people in whom all executive powers are vested. There is no shortage of bureaucrats running the city and the region, but to whom or even whether they are accountable is questionable. Sadly, this legislation will not change that situation one jot.

Accountability should be the critical appeal of a directly elected mayor of Dublin. A candidate for the mayoralty would need to set out his or her stall and energise us with ambitious proposals and goals for the city and with plans for regional development. Candidates would be assessed on their capacity not only to project good ideas, but to deliver for the city. They would be judged on their implementation of their policies and agendas, which should be an incentive to deliver results. Unfortunately, the absence of real mayoral powers, the fact that it will be another layer duplicating four existing mayors and given that the mayor will have no revenue-raising or tax-and-spend powers will undermine the objective and make it a nonsense.

It is unbelievable that the introduction of legislation to elect a mayor of Dublin ignores the dire need to reform local government. Ireland has too many local authorities and local councillors. Power is too concentrated in central government and unelected and unaccountable officials. Any attempt to bring direct democracy to the Dublin region cannot and will not work unless it is done in conjunction with a serious effort to reform and overhaul the entire system. People have no appetite for more layers of bureaucracy. They do not want to hear about the further wasting of public moneys or about ceremonial and honorary positions. They want real and meaningful roles, delivery and results. The creation of the new office of the mayor, together with the elimination of duplication at local and regional level, could transform the city, but we know that this is not what is being proposed. This is simply yet another layer of bureaucracy. There is no proposal to streamline, to reform or to eliminate waste. The Bill actually does the opposite.

The Government should abolish the four existing Dublin local authorities. I was proud to serve as a member of Dublin City Council but, if we are serious about making government work, we must acknowledge the need to get rid of small local authorities, to reduce the number of councillors and to make regional governance work, not simply on the basis of false artificial boundaries for the purpose of drawing down EU funding, but to deliver for the people and to serve their needs. How is it that Dublin, with its total population of more than 1 million people, has four councils and 130 councillors?

In contrast, the city of New York has a population of 8.3 million and 52 city councillors. They manage to work with a much less burdened bureaucracy and many fewer elected representatives but they do their job properly and efficiently, and it works. That is the model to which we should aspire.

**An Leas-Cheann Comhairle:** I am sorry to interrupt the Deputy but I must ask her to move the adjournment of the debate

Debate adjourned.

## Private Members' Business

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### **Resourcing of the Garda and the Office of the Director of Corporate Enforcement: Motion (Resumed).**

The following motion was moved by Deputy Noonan on Tuesday, 2 November 2010:

That Dáil Éireann condemns the Government for its incompetence in dealing with the banking crisis and, in particular:

- the failure of the Government to ensure adequate supervision of the banks;
- the failure of the Regulator, Central Bank and the Department of Finance to monitor the banks and provide advance warning of the crisis;
- the failure of the Government to act in a timely fashion when banks abroad had collapsed and it was clear that banks here were facing difficulties; and
- the failure of the Government to change bank directors, to make senior appointments from outside the banks and to change banking culture in dealing with customers;

recognises the widespread public anger that those chiefly responsible for the crisis have not been held to account despite extensive inquiries by An Garda Síochána and the Director of Corporate Enforcement; and calls on the Government to adequately resource the Garda and the Director of Corporate Enforcement to enable them to complete their inquiries as soon as possible so that files may be forwarded to the Director of Public Prosecutions (DPP) and prosecutions taken if appropriate

Debate resumed on amendment No 1:

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

“recognising the sudden onset and serious nature of the worst global financial crisis in more than 75 years, commends the Government for the rapid and effective response it has made to reform the structures of financial regulation, support the banks, restore confidence, protect consumers and establish a basis for a sustainable banking sector in the future; and in particular, recognises:

- the rapid response of the Government in introducing the Central Bank Reform Act 2010 to restructure the financial regulatory system including:
- the creation of a fully integrated Central Bank;
- the replacement of the board of the Central Bank and the Financial Regulatory Authority with a new Central Bank Commission chaired by the Governor, Professor Patrick Honohan;
- the appointment of international expert, Mr Matthew Elderfield, as Head of Financial Regulation within the new structures to lead internal renewal of financial regulation;
- and providing a statutory basis for a new regime of fitness and probity for senior management and board members in banks and other financial service providers;
- the effective response of the Government to the crisis in putting in place protections for the savings of households and businesses through the Deposit Guarantee Scheme and the general guarantee for the banks;

- the changes at director and senior executive levels at the covered institutions that have been made since September 2008, in which the chairpersons and chief executives of all of the covered institutions bar one — in each case — have changed: some 47 directors have vacated their positions with 33 new appointments being made and some 31 senior executives have departed;
- the establishment of NAMA and the work it has already completed in dealing with transferred assets;
- the nationalisation of Anglo Irish Bank and more recent developments in relation to the funding bank and the asset recovery bank;
- the recapitalisation of AIB and Bank of Ireland and the other financial institutions experiencing difficulties;
- the extensive inquiries under way by An Garda Síochána and the Director of Corporate Enforcement; that these inquiries are proceeding in an efficient manner;

that the Garda have adequate resources to carry out their work and have no higher priority than completing these investigations;

- and the independence of An Garda Síochána and the Director of Corporate Enforcement in their investigations and supports them in bringing those investigations to a conclusion; and notes the intensive work underway within the Government to further strengthen and renew the banks while, and at the same time, ensuring that banks fulfil their commitments given to the Government in relation to lending to Irish households and businesses and, in particular, small and medium sized enterprises.”

(Minister of State at the Department of Enterprise, Trade and Innovation, Deputy Dara Calleary.)

**An Leas-Cheann Comhairle:** We resume the debate of which ten minutes remain in this slot. Deputy Seán Sherlock is the next speaker.

**Deputy Seán Sherlock:** I am just in the nick of time.

**An Leas-Cheann Comhairle:** I spoke slowly.

**Deputy Seán Sherlock:** I thank the Leas-Cheann Comhairle. The Labour Party supports the Fine Gael motion. Although the motion speaks specifically to the incompetence of the Government, with particular regard to the banking crisis, it is important to speak about the lack of regulation of the money lending and debt advisory sector. In the current regulatory environment there is a coterie of so-called debt advisers who charge rates commensurate with the usurers of Shakespeare’s “The Merchant of Venice”. This is an outrage and a further indicator of the indifference this Government shows towards ordinary working people. This was evidenced in its recent reply to a parliamentary question I posed on licensed money lenders.

It may be said I am straying slightly from the guts of the motion but in speaking on this sector my party believes there must be a level of equity in the way a Government and a regulatory regime examine financial services. If one talks about giving powers to the Garda and the Director of Corporate Enforcement, one must also examine how those powers are divided up and to which sectors they should apply. The motion speaks of these powers applying specifically to the banking sector but my party believes it is essential that we consider the wider financial services sector.

On 27 October I asked the Minister for Finance whether his attention had been drawn to the fact that the country’s largest licensed home collection money lender has acquired an

[Deputy Seán Sherlock.]

additional 13,000 customers in the past year and what his plans were to introduce a system of regulation for debt collection agencies. The Minister responded:

In my role as Minister for Finance I have responsibility for the development of the legal framework governing the regulation of financial institutions in Ireland. The day to day responsibility for the supervision of these financial institutions is a matter for the Central Bank, which is independent in the exercise of its regulatory functions. The Central Bank issues licences to money lenders on a yearly basis. The Central Bank has produced a consumer protection code for licensed money lenders and under this code money lenders are required to prominently indicate the high-cost nature of the loan on all loan documentation where the APR is 23% or higher. The disclosure must take the following form, there must be a warning that this is a high-cost loan and money lenders must also provide consumers who demonstrate difficulty in meeting their repayments with information on debt counselling services such as the Money Advice and Budgeting Service which provides free independent advice and guidance.

The reply continues:

Other provisions of the code cover a range of areas including unsolicited contact and unsolicited credit facilities, handling complaints, arrears and guarantees and debt collection . . . The Deputy may wish to note that in the case of financial institutions which use debt collection firms the Central Bank has imposed requirements under its consumer protection code that offer protection to consumers. This code obliges the regulated financial institutions that it covers to ensure that any outsourced collection activity complies with the requirements of the code. This means that outsourced activity should uphold principles in the code such as the requirement for institutions to not exert undue pressure or undue influence on the customer, act honestly, fairly and professionally and with due skill and diligence in the best interests of its consumers and prohibit personal visits to or oral communications with consumers except in specified circumstances. The Deputy may also wish to note that the National Consumer Agency provides extensive information on its website and through its helpline to help consumers avoid getting into debt difficulties. The agency also provides information for those at risk of not being able to meet loan repayments.

I know of nobody who has borrowed money who has been offered such information or is even aware of their rights and entitlements. These are people who traditionally come from working-class areas, have fallen on tougher times and are borrowing from the money lender. There must be a role for the regulator in regard to this sector because not only is it under-regulated but it deals with the most vulnerable people in our society at this time.

My party sees a glaring discrepancy in the way this sector is being treated where we see a light touch approach applied. The Minister's response to my parliamentary question reflects a mish-mash type of response that does not deal directly with the problem of money lenders and how insidious they have become. At the same time, however, the regulatory regime has borne down very heavily on the credit union sector, unnecessarily so, some would argue.

In essence, we support the motion but if we are to use opportunities such as this to take a look at the regulatory regime we contend the Government must also examine other aspects of financial services. It must examine the money lending sector and ask whether it places too heavy a hand on the credit union sector. If one takes the credit union sector as an example, it is one that has never needed a bail out. This House has never debated whether the credit union sector was going into crisis because we know full well it is not, even though there may be a small handful of credit unions which have encountered serious difficulties. The regulatory

response from Government, however, has been to bear down heavily on the credit union sector — unnecessarily, we contend — but not to do anything in regard to regulation of the money lending sector which adversely affects those people who are most vulnerable and therefore needs to be regulated.

We can have no faith that this Government will introduce adequate measures for the Garda or the Director of Corporate Enforcement when we see clearly from the reply to my parliamentary question that the Government is failing to legislate adequately for the money lending sector while going hell for leather to regulate the credit union sector. Money lending is a hidden sector, one that needs to be examined and that should be subject to Garda monitoring. I believe it was on 12 February last year that the Minister for the Environment, Heritage and Local Government, Deputy John Gormley, stated in a debate on the recapitalisation of AIB and Bank of Ireland that there would have to be a change in the regime such that people would have to do “the perp walk”, to cite the expression he used. Nobody yet has done the perp walk and we question why there has not been progress since 12 February 2009 in that regard.

**Deputy Margaret Conlon:** Since I came into this House in 2007 we have witnessed events that have hit the country like a tsunami and shocked us. We have had other institutions in which most unsavoury events have occurred, but we are dealing with the banking institutions this evening. Let us be under no illusion. We need a properly functioning banking system because without one we do not have an economy. If we do not have an economy, then we are closed.

Having an effective banking system entails providing a safe place for people to deposit their money. If one deposits money, there is a legitimate expectation that one can get it back on demand. Added to that we must have a system that lends money, particularly to householders or those who wish to borrow to buy homes, as well as for small, medium and other types of businesses, because they need money to be able to function. With that borrowing comes a responsibility to make repayments, and, of course, interest has to be paid on loans.

We are quick to blame others for everything that happens. People must take personal responsibility for their borrowings. Nobody in this House encouraged or forced anybody in this country to take out massive loans. If one takes out a loan, one must consider whether one can afford it and is in a position to make the repayments. There was reckless lending by the banks. Power was taken away from the local managers who knew their customers’ limits and given to faceless people in the head offices who were just interested in increasing the banks’ loan books and handing out as much money as possible.

We did not have proper regulation. The people charged with that responsibility sat on their hands and saw, heard and said nothing. Eventually, we ended up where we are. I welcome the comments of the Minister for Finance to the effect that investigations are ongoing, interviews have taken place and the Garda Commissioner has indicated that a file will be sent to the Director of Public Prosecutions before the end of the year. We must follow the course of natural justice. We cannot have a kangaroo court approach where people are hauled in and then suddenly find themselves in a different court because the investigations have not been properly carried out. People must pay a price for reckless behaviour and bringing our country to the brink.

The appointments of Professor Patrick Honohan and Mr. Matthew Elderfield have been welcomed on all sides, and people see them as doing a good job. They have restored public confidence in their efforts to regulate and supervise the financial sector. Some members of the public have indicated to me that, perhaps, they are being too heavy-handed. However, I do not believe we can have an *à la carte* approach whereby one can pick and choose what one likes and regard what one does not like as being too heavy-handed. They have to be allowed to do

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the job and the majority of us recognise that they are making enormous efforts to clean up the mess.

Member of the public are angry, as am I. I am angry with the behaviour of the people who brought us to the brink. We can all be angry and express this, but anger in itself is not a solution. I want these people brought to justice so that they pay the price. We all have a duty in this House to behave responsibly. I do not believe we can make outlandish claims. Let us be realistic. How could the Opposition believe we can default on senior bondholders and expect them to give us additional funding when we return to the markets in the new year? It cannot happen.

I disagree with the Opposition's assertion that the Government has done nothing. The Minister of State, Deputy Calleary, outlined clearly last night the many actions that have been taken by the Government. I commend the efforts of the Government and I have no difficulty in supporting the position it has taken.

**Deputy Niall Blaney:** I thank the Leas-Cheann Comhairle for the opportunity to speak on the serious issue of banking and the appalling happenings in recent years in our banks. Listening to members from the other side of the House over the last couple of years, one would be led to believe that Government Members are revelling in the goings on in the banks. Nothing could be further from the truth. We are appalled and disgusted at the behaviour of those in control of the banks in recent years. This is our country too, the Ireland our ancestors fought for and where our children will grow up. The only difference between our disgust and that on the other side of the House is that we are in Government and did not have the opportunity to spend the last two years pointing fingers and issuing point scoring soundbites. Rather, we have faced the responsibility of rooting out those who were liable for wrongdoing and setting about fixing the system.

Fixing the system has proved to be laborious and expensive, however. The Government has been repeatedly accused of bailing out the banks and this, unfortunately, has become a populist catchphrase. We would much rather invest more heavily in health, education and services in general to improve the lives of our citizens, householders and businesses than having to stabilise the banking system.

Without a properly functioning banking system, the country we are so proud of would have fallen apart at the seams. It was not and is not a matter of choice. This Government set about responding decisively to the challenging position it was faced with. The Governor of the Central Bank has been replaced and a new head of financial regulation was recruited earlier this year. Stricter regimes have been implemented in the Central Bank, with further enhancements being considered as part of a Bill to be brought forward by Government shortly. Significant changes have also been made at senior levels in all the financial institutions that proved problematic. These enhancements, together with changes already in place, are absolutely vital to ensure that similar events do not ever recur.

At all times, the primary focus of this Government has been to ensure that no financial institution should fail in order to protect depositors and creditors, ensuring that State intervention in any financial institution should protect taxpayers' interests and that credit remains available to the real economy. The bank guarantee scheme took effect in 2008 and was vital for the survival of the economy and the banking system as a whole. Banks were facing closure within days, citizens would have been unable to access their deposits and businesses would have faced obliteration very quickly. Much criticism of the original bank guarantee scheme evolved, partly from the Labour Party, although Ireland led the way in this regard, and the financial experts agreed with the Government at the time and still do. Many other member

states in the EU followed suit quickly after Ireland led the way. An amended bank guarantee scheme was introduced in December 2009 which is in line with the European model that has since been developed.

There have been many further developments with regard to addressing our banking difficulties including the setting up of NAMA. All of these developments have been measured and decisive for the good of our economy and citizens. The Government has set about implementing a strategy for the future of the country. Rather than putting the best interests of our people first, unfortunately we have an Opposition intent on feeding misinformation to the public in an effort to promote its own political agenda. It is disappointing, although not altogether surprising that we do not have a responsible Opposition in this House, one that can see beyond the next general election.

Tough decisions have been made by Government in the past two years and will continue to be made into the future. We do not take any pleasure in implementing any of these tough decisions rather must set aside electoral gains in the interest of the nation. The Labour Party has resisted every single measure introduced by the Government in an effort to stabilise our economy. While recent opinion polls probably excite the Labour Party it is time for it to back up its political sound bites with real costings and alternatives, which they obviously struggle to determine. Our measures are not popular; we do not expect them to be. We may suffer at the polls as a result but we can be content in the knowledge that we did the right thing by our people. We may be unpopular in the short term but the Labour Party too will in time be judged by its populist policies. I look forward to that time.

**Minister of State at the Department of Enterprise, Trade and Innovation (Deputy Billy Kelleher):** Many economic analysts point to the mistakes made in the financial sector as the source of the current world economic crisis. As far as Ireland is concerned, it is clear that mistakes were made and the Irish banking system has endured an unprecedented crisis. What is essential now is that we learn from those mistakes and take the necessary actions to repair the damage.

The Government has responded forcibly and decisively to this challenging position. It is succeeding in rebuilding our domestic banking sector. We now have a fuller understanding of what went wrong and have identified the deficiencies within our regulatory system. We now know the extent of the losses in our banks and the scale of the damage that has been done by the excessive lending and bad practices of recent years. We now have in place a unified and more stringent financial regulatory structure of international standing, which is critically important.

As regards the Office of the Director of Corporate Enforcement, ODCE, and its investigations, the ODCE was set up in 2001 as an independent body to encourage compliance with the companies Acts, to investigate suspected breaches of company law and duty and to take enforcement action where appropriate. In early January 2009, shortly after the resignation of the chairman and chief executive of Anglo Irish Bank, following the bank's acknowledgement of undisclosed bank director loans, the Director of Corporate Enforcement, using his powers under the companies Acts, directed Anglo to produce certain documents. When it later emerged that Anglo had provided loans in 2008 to the so-called Maple 10 to purchase Anglo's own shares, the director authorised three of his officers in February 2009 to obtain from the District Court three search warrants under the companies Acts. These were promptly executed at Anglo premises with the support of officers from the Garda Bureau of Fraud Investigation.

The director has since exercised other legal powers which he possesses to further his investigations. In short, the director and his staff have been very active in dealing with the events which came to public attention at Anglo. The Anglo investigation is a massive and complex



[Deputy Billy Kelleher.]

one; the largest ever undertaken by the Office of the Director of Corporate Enforcement. The Office of the Director of Corporate Enforcement and the Garda Síochána have acquired several million individual documents from Anglo and other parties. As recently indicated by the Garda Commissioner, up to 400 statements have been taken at this stage, some of which are more than 100 typed pages in length. The Director of Corporate Enforcement publicly indicated some months ago that he expected his investigations of suspected company law breaches at Anglo to be substantially completed by the end of this year. This timetable remains on target.

The Garda Commissioner recently made a similar public statement in respect of the investigations being undertaken by the Garda Bureau of Fraud Investigation into various matters at Anglo, including in particular the back-to-back deposit arrangement entered into with Irish Life & Permanent in late September 2008. The Director of Corporate Enforcement and the Garda Commissioner are independent investigating authorities and have been working closely.

No politician or anyone else can interfere with these investigations. We must let them take their course. If I have learned one thing in this House — this matter was also referred to by Deputy Noonan — it is that when politics and justice collide we lose. I urge people when commenting publicly to be conscious of the fact that these independent investigations are ongoing. It would be remiss of us to speak blandly in this House on the need for retribution and so on because naming individuals and entering into specifics could damage investigations as they progress. I urge everybody concerned, when being interviewed or when speaking publicly or in this House, to ensure their utterances are considered and appropriate. It is important they understand the independence of the prosecuting authorities in the context of their establishment under the Constitution and by way of legislation passed by both Houses of the Oireachtas.

Many Deputies made comparisons between our situation and that in the United States. Public comment on the time taken to investigate white collar crime in Ireland makes frequent reference to the position in the US where investigations are said to be concluded quicker. As stated by the Minister for Justice and Law Reform, no one has been indicted in the US arising from the collapse of Lehman's over two years ago. It is true that Mr. Madoff was successfully prosecuted in recent years for operating a Ponzi-type scheme, but he pleaded guilty as part of a plea bargain and did not defend any charges. Moreover, he was not involved in banking.

As outlined by previous speakers, independent investigations are ongoing. We in this House have a duty, even though we would like to see particular actions being taken, not to interfere in that process and to allow justice take its course.

**Deputy Michael McGrath:** I welcome the opportunity to speak in support of the Government amendment to this motion before the House. If one strips away the political claims of the Fine Gael motion, the essence of it is calling on the Government to ensure that the Garda Síochána and the Office of the Director of Corporate Enforcement are adequately resourced so that files may be forwarded to the Director of Public Prosecutions and prosecutions taken where appropriate. There is unanimity in the House on those issues. As I understand it, nobody has said on behalf of the Garda Síochána or the Office of the Director of Corporate Enforcement that they lack resources in processing these particular investigations. In fact, I have heard the Garda Commissioner, Fachtna Murphy, say he had adequate resources. The Office of the Director of Corporate Enforcement has not, on any occasion, claimed a lack of resources was impeding the investigations. Extra resources have been made available by Government. Given the priority afforded to these investigations I am sure further resources would be made available if requested.

We often appear in this House to be trying to outdo each other in terms of who is the most angry at what has happened in the banks and in regard to what we would all like to see happen to the bankers. That level of debate does not serve any purpose. Some say we should treat the bankers as subversives and others say they should be thrown in jail or shot. We must focus on the facts. The fact is that these are major complex criminal investigations. As recently as last week, the Garda Commissioner said that he expects some decisions on the progression of these cases will be made by the end of the year. As the Minister of State, Deputy Kelleher, said approximately 400 statements have been taken so far as part of the investigations, some of which are 150 pages long. I understand that two senior counsel have also been retained to review the evidence gathered and that a mutual assistance hearing will be held in London next month to extradite further evidence from the UK for use in Ireland. We all want to see these investigations concluded as quickly as possible.

Like Deputy Conlon I, too, am angry at this country having to take on an extra €45 billion to €50 billion in national debt as a consequence of the recklessness of bankers who brought the economic future of this country to the brink. We must take a pragmatic view and must ensure that those who were responsible are held to account by the criminal justice system and that these cases are brought forward as quickly as possible. Also, none of us as public representatives should say anything which would in any way prejudice such cases when brought forward and we must identify the causes of the crisis, the subject of the two published preliminary reports by Professor Honohan and Klaus Regling. We must then move to address the clear deficiencies identified in those reports.

I hope it is not the case that when these investigations are concluded a lack of legislation will prevent cases being taken. In other words, it can be found that clear breaches of legislation occurred and that we in this House have not been in any way deficient in our duties to bring forward robust legislation in respect of white collar crime. In that regard I welcome the move by the Minister, Deputy Dermot Ahern, to open up a period of public consultation on the issue of organised and white collar crime. I am sure all of the political parties in this House will contribute proactively to that particular initiative to ensure that in future we have comprehensive and robust legislation to deal with the whole area of white collar crime, which is complex in its nature and will be, in many ways, the crime of the future. I hope we will not be found remiss in that regard.

The Government's strategy in dealing with the banking crisis has been well articulated in the debates over the past two evenings but from the point of view of individual citizens it is important to reassure people that there is a strong deposit guarantee scheme in place, that all deposits up to the first €100,000 in each covered institution is guaranteed in full, and that any deposits with the nationalised bank and An Post, and any element of State savings, is fully guaranteed also.

**Deputy Thomas Byrne:** I want to reiterate the anger that I and everybody else in this House feels on behalf of our constituents that some of these people, and we all know who they are, have not been charged or locked up. The sooner that happens, the better. I am much more angry, however, about the suffering of my constituents because when these people are locked up, and I am confident they will be, the anger of the Opposition and Mr. Joe Public may be satiated but the hunger and thirst of the people outside this House will not be satiated.

I am angry on behalf of my constituents who bought at the top of the boom but who are now heavily mortgaged and in desperate need of help and hope. That is the reason I have put a great deal of effort into working on solutions for mortgages as part of the Joint Committee on Social Protection, along with some of the Leas-Cheann Comhairle's party colleagues.

[Deputy Thomas Byrne.]

I am angry with the leader of the Labour Party who has the brass neck to come into this Dáil and lecture my party on being part of some kind of golden circle or that there were illicit financial goings-on to make money. His finance spokesperson, Deputy Joan Burton, comes into this House and makes insinuations about connections between developers and land owners and money for schools, connecting Fianna Fáil and suggesting cute deals went on but we all know that was false. We all know that the priority and the anger of Fianna Fáil backbenchers is on behalf of our constituents who we meet on a daily basis. They are suffering and they need hope and the expectation that they can put food on the table when all of these prosecutions are put to bed.

I am also angry about this Dáil. We are fiddling while Rome burns. We have spent half the day in this Dáil—

**Deputy Noel J. Coonan:** Fianna Fáil is fiddling.

**Deputy Thomas Byrne:** —talking about by-elections and matters which are properly the realm of prosecutors and the Garda, who have done a very good job since the foundation of the State.

We should look at what the Portuguese Parliament did today. Why can the Labour Party not adopt the approach of the Portuguese Socialist Party which abstained in the budget vote in the national interest? We are not asking the Opposition to support us on these measures. It is a minority Government in Portugal. They are not spending half the day talking about by-elections or matters that are not relevant to securing the economic future of their country, the economic future of the eurozone, getting their people back to work and, in turn, helping to get our people back to work. If that example were followed in this country, we would have a far more productive system and a far more productive Parliament.

This proceedings in this Parliament today have been a waste of time. The only issues we should be discussing between now and the budget is the budget and how we can protect this country, and the eurozone.

**Deputy Joe Carey:** Get Fianna Fáil out of Government.

**Deputy Thomas Byrne:** We have a responsibility in this country not only to protect our people and get them back to work but also to protect the eurozone from which we have benefited in the past year or so.

**Deputy Terence Flanagan:** You can say that again.

**Deputy Thomas Byrne:** We see the hypocrisy of the Opposition, with the Labour Party talking about taxing the Celtic tiger high flyers. I wish there were some more people like the leader of the Labour Party who may be able to contribute if a wealth tax were brought in, but there are not.

My constituents are hung over with debt. They need answers. They need solutions. They will get them if a budget is passed. If we can restore economic confidence to the country and create employment we can restore the hope of the people outside this House. This Dáil is not helping to do that today. The Opposition is not doing it. This side of the House has to rise to the challenge also but we must talk about more relevant and interesting matters.

**Deputy Niall Collins:** I welcome the opportunity to contribute to the debate tonight, which is a follow on from the two day debate held last week on the economy. There is no doubt that there were monumental failures in our society in regard to banking regulation and this side of

the House has taken its share of the blame for that but we must look around and be more inclusive in the blame.

I want to compliment RTE which broadcast a documentary recently entitled “Freefall”. One of the striking aspects that emerged from that documentary for me, as a Government back-bencher, was the absence of any comment or theme from the Opposition parties to the effect that there was no regulation in the banking sector. They did not say it at the time and now they are coming in here and saying it when the game is over. They must accept their part of the blame in regard to that.

**Deputy Noel J. Coonan:** You were told the position in 200, on 17 May 2005.

**An Leas-Cheann Comhairle:** Allow Deputy Collins make his contribution without interruption.

**Deputy Niall Collins:** That programme was independently produced and broadcast by RTE. It was not a Fianna Fáil production. It was an independent production by RTE, and RTE has not been friendly to Fianna Fáil over the years but I will give it credit when it is due it. I can still see the images of the previous regulator, Mr. Neary, sitting in the “Prime Time” studios telling us that the Irish banks were adequately capitalised, etc.

**Deputy Joe Carey:** Who appointed him?

**Deputy Niall Collins:** In regard to the resourcing of the Garda Síochána, at the outset I want to thank and wish the outgoing Garda Commissioner, Fachtna Murphy, and his family, all the best in his retirement. He has done the State some very good service. He has led the force from the front and he leaves it in very good shape.

Regarding the resourcing, I have witnessed him at least twice stating at the Committee of Public Accounts that there is no issue with the resourcing of the Garda Síochána, and he was not asked that question by me or anybody on the Fianna Fáil side. He was asked the question by Opposition members who sit on that committee. I am sure if he felt there was a lack of resources he would not have been slow to say so.

It is true there is an extensive investigation going on in Anglo Irish Bank. That is welcome, and the comments of the Garda Commissioner, Fachtna Murphy, on 29 October are most welcome. He pointed out that there are 40 people working full-time on the investigation. The Director of Public Prosecutions has retained two senior counsel. There are 27 gardaí and 16 officers of the Office of the Director of Corporate Enforcement working on it. A total of 100,000 documents including e-mails, telephone and bank records have been analysed. A total of 400 statements have been taken, some of them up to 150 pages. Inquiries are being made outside the State. There is mutual assistance with the authorities in London. The investigation is headed up by an assistant commissioner in conjunction with the Office of the Director of Corporate Enforcement.

**Deputy Noel J. Coonan:** And zero charges.

**Deputy Thomas Byrne:** If the Members opposite are saying that is not a detailed inquiry, I do not what they can say next. I welcome the Commissioner’s comments on the investigation. I want to see it come to fruition. The Commissioner has said decisions will be taken before the end of the year.

When we contrast the work of the Garda Síochána and the Office of the Director of Corporate Enforcement with what is happening in the Moriarty tribunal, which has been running for 15 years, there is no comparison. We must move away from the tribunal model. It is not fit for

[Deputy Thomas Byrne.]

purpose. I believe its findings will be irrelevant. We can no longer afford it. We must move to the model the Garda Síochána and the Director of Corporate Enforcement are rolling out in regard to the inquiry in Anglo Irish Bank.

If we want to find extra resources for the Garda we should close down the tribunals, examine the McCarthy report and cut from the top down. We should examine the reports of the efficiency review on the local authorities and have debates about those. We should bring in more early retirement packages such as those announced by the Health Service Executive this week. Let us have real debate and move away from the empty blame game because it is getting us nowhere. As pointed out by RTE in its independent production, the Members opposite did not say anything about it at the time. It was not said on this side of the House either and therefore the Opposition can share in the blame.

**Deputy Terence Flanagan:** I wish to share time, and I believe the Leas-Cheann Comhairle has the list.

**An Leas-Cheann Comhairle:** The Deputy wishes to share time with Deputies Joe Carey, Michael D'Arcy, Noel Coonan, Pat Breen, Joe McHugh, Fergus O'Dowd and John Perry. Is that agreed? Agreed.

**Deputy Terence Flanagan:** I thank my colleagues, Deputies Alan Shatter and Michael Noonan, for bringing forward this very important motion. As stated in the motion, the people are clearly angry and upset with the Government's delay in taking action against the bankers who were responsible for bringing this country into the abyss. Every day in the newspapers one can read a story related to banking. The banking crisis has dominated this country in the past two years. We are two years down the road in regard to an investigation specifically related to Anglo Irish Bank yet no one has been prosecuted. No conviction has taken place. It is a complex investigation but two years is a long time. If we look across the Atlantic to America and see the expediency, on behalf of the US Government, in putting bankers in prison and holding people to account, we can see that we have much more to learn in this country.

If the political will existed in Government, the Garda and the Director of Corporate Enforcement would be properly resourced and would have completed this investigation at top speed. That has not happened, however, because the political will is unfortunately not there. What we need is a full statement from the Minister for Justice and Law Reform on why it has taken two years to get to this point. Will the investigation move further afield — will more investigative work be required overseas, for instance? When will the investigation be wrapped up? As other speakers have said, tribunals have dragged on for 15 years. This investigation will not be benchmarked against that, but we need some expediency. The people of Ireland are not willing to move on until there is accountability. To date, as I said, no banker has gone to jail or handed back his or her pension. The golden handshakes that certain individuals were paid have not been returned. Until that happens, the people of Ireland will not be willing to forgive.

In December we will face one of the harshest budgets in this country's history. A total of €50 billion in taxpayers' money has now gone into the banking sector to prop up some of these banks, so we need to see action. The Government must be condemned for its incompetence in dealing with the banking crisis. It has made one bad decision after another since September 2008. If anyone reads the two reports produced by Regling and Watson and Professor Honohan, he or she will see an indictment of the Government. Much of what happened in this country was home-made and resulted from the property market being allowed to go out of control. Professor Honohan's report clearly states that there was an unhealthy relationship

between senior political figures and certain people in Anglo Irish Bank who were well liked within political circles, and this clearly played a role.

There are still 32 directors in some of the Irish banks. If the Minister really wants a fresh start he will get rid of those who were there at the time of the crisis in Irish banking.

**Deputy Joe Carey:** I commend Deputies Shatter and Noonan on bringing this motion before the Dáil for debate.

The tangled web of Government banking regulation and the work of the Central Bank gives some truth to the view that the perceived gravity of an offence in Ireland often depends on the pedigree of the citizen involved. It is my view from the highest office in the land that we do not take white-collar crime seriously.

**Deputy Terence Flanagan:** Hear, hear.

**Deputy Joe Carey:** Harry Truman kept a sign on his desk that said “The buck stops here!”. The motto of this Government is “The buck stops everywhere but here.” Until such time as the Government stands up and takes responsibility for its actions, God help us, but we will never see economic recovery. Time after time I have listened to excuses such as the collapse of Lehman Brothers, the fact that we have a small open economy, and the sluggish worldwide recovery being put forward in a desperate attempt to deflect blame from the Government. As each of these excuses has been trotted out over the past two years, it has been underscored by the pervasive culture of managerial irresponsibility and lack of accountability. There has been a sense that white-collar crime is not real crime and that it is without any real consequence.

We have had many examples of this, including the extortion of young Irish people in the property market in the past ten years. Many of these people now find themselves in negative equity. This was driven by greed and promoted by the Government. I recently watched a re-run of last year’s RTE programme entitled “Aftershock: Ghost Land”. Back then it was estimated that there were approximately 600 unfinished estates in the country; we now know the figure is nearer to 2,800.

In preparing for this debate, I was struck by the comments made on this programme by two men from County Cork. They talked about the advertising they had been presented with prior to buying their house. It screamed “Only One House Remaining: €270,000”. Today, they live in a ghost estate with no neighbours, inadequate services and many dangerous, unfinished houses. As far as I am concerned, those two men might as well have been mugged on the street. Along with many other people all over the country, they have been victims of white-collar crime. Our attitude towards this type of crime must change, and that change must come from the very top.

The civic, ethical and political will to deliver justice is not at all apparent. The Government has spent two years dazzled in the headlights of a recession largely of their own making, yet many perpetrators of white-collar crime still retain their positions of influence. It was an indictment of the Irish economy when, in 2005, the Irish financial markets were described by *The New York Times* as “the Wild West of European finance”. The Department of Finance and others vigorously defended Ireland’s reputation at the time. If we had approached matters differently, would we be in a better position now? Would we be in a better position if we had taken white-collar crime seriously and if we had protected whistleblowers properly? The answer to this question is a resounding “Yes”.

Fine Gael has been accused of being populist in tabling this motion. I have no problem with being populist and being on the side of what is right. It is what the people want in this country. We want to see justice. I support this motion wholeheartedly.

**Deputy Terence Flanagan:** Hear, hear.

**Deputy Michael D’Arcy:** I cannot let it go. The three disciples of Cowenology who have just left the Chamber attempted to blame the Opposition for the mess they and their predecessors created.

On the matter of the previous Financial Regulator, Mr. Neary, I take a different view from that of most people. I agree that he did not do his job. However, we must remember that we are in a single-party State. Fianna Fáil has been in Government in different guises for 23 of the past 25 years. This single-party State appointed people to positions of authority, including the office of the Financial Regulator. Here was a man who should have done his job but chose not to, and we can see the consequences of that. How could he have done his job? The regulator of financial services within the State would have been going against everything the then Taoiseach, Deputy Bertie Ahern, and his first lieutenant, the Minister for Finance, were saying. We must remember these were the people who said some economists should commit suicide rather than commenting adversely on the state of the Irish economy. That was the backdrop beneath which the regulator — a civil servant, a man appointed by a single-party Government — was supposed to operate. There were no circumstances in which he could operate because he would not have been allowed to say what was required. The pity is that the regulator we have now, Mr. Elderfield, was not available at that stage.

A number of our banks are guaranteed by the State, but others are trading under the auspices of the Financial Regulator without being guaranteed by the State. I would like to have information on the credit committees of all those financial institutions. These are the people who lent insane amounts of money to people to buy houses in developments that could never survive. The moment the downturn came and the markets slowed these people were going to fall off the cliff — and, by God, they fell off the cliff.

There has been a certain amount of talk about the Garda. I do not want to prejudice any upcoming case, but I do not believe any Garda Commissioner would go before a Dáil committee and say he or she did not have sufficient resources to deal with this problem — not under any circumstances. However, it is more than 12 months since the headquarters of Anglo Irish Bank were raided by the Garda. Justice delayed is justice denied.

I will finish with a quote from Benjamin Franklin who, 250 years ago, said: “When the people find they can vote themselves money, that will herald the end of the republic.” The auction politics engaged in by Fianna Fáil, particularly in the 2002-2007 Administration, showed that the people were voting themselves money. We had benchmarking, pay rises, social welfare increases and increased funding to every area on the basis of Charlie McCreevy’s “When I have it, I spend it” philosophy. They have spent it in style and now we have nothing left. We should remember the quotation from Benjamin Franklin: “When the people find they can vote themselves money, that will herald the end of the republic.” However, it will not herald the end of this Republic; this nation survived the Famine and we will survive this. There is €100 million of taxpayers’ money in deposit accounts which can be used. There is much negativity and we must show there is a future, but that will not come from the Government side.

**Deputy Noel J. Coonan:** I am delighted to have the opportunity to support the motion tabled by Deputies Noonan and Shatter. I will begin with a quote: “one of the duties of the National Government is to secure that thrifty people shall not be deprived of their savings by any kind of scheme, or any kind of society, or any group of individuals.” That is a quote of the country’s first Minister for Finance, the man who established the country and to whom we should be looking up, Michael Collins. It is a pity the two Brians have not taken heed of those words over the years.

I did not come in here to blame anybody, but I listened patiently to my colleagues admonishing us and putting blame on everybody bar themselves and then in typical Fianna Fáil style they all upped and walked out; they do not listen. They come from the Haughey era and that culture has brought the country to its knees.

**Deputy Joe Carey:** Hear, hear.

**Deputy Noel J. Coonan:** That was a culture of finance for favouritism or favouritism for finance — it can be put either way and means the same thing. As a result many people in very high positions in this country are not fit for the jobs they have but they are there because they are the cronies and friends of that culture. At the very worst one can say they were bought by the Government. We have witnessed billions of euro being transferred from one bank to the other to cover up so that what was happening would not become obvious to the ordinary individual. The Government backbenchers did not blame the regulator or anybody else; they blamed the Opposition, which they regard as a soft touch.

We are now suffering from what happened in the Haughey era. They also speak about the Garda investigation, which will be thorough because gardaí are professional and will get to the bottom of it. However, they were not helped by decisions made by the two Brians to leave Anglo Irish Bank alone, give it an unlimited guarantee and then some months later let in the authorities when those guys had transferred their assets, covered their tracks and are now out in the sunny climes with their bellies up to the sun, laughing at the ordinary people who are paying the price. Deputy Thomas Byrne spoke about anger; by God, is it any wonder that the people are angry? A mother with a couple of children can be jailed for stealing food to feed them, but these guys can travel the world.

I started with a quote from Collins and will end with one. In a letter to Desmond FitzGerald on 12 July 1922 he stated:

What we must aim at is the building of a sound economic life in which great discrepancies cannot occur. We must not have destitution or poverty at one end, and at the other an excess of riches in the possession of a few individuals, beyond what they can spend with satisfaction and justification.

I ask the Minister of State, Deputy Mansergh, to pass that on to the Taoiseach and the Minister for Finance.

**Deputy Pat Breen:** Unfortunately the legacy of the malpractices in our banking systems will be borne for many generations to come. The two banking reports published earlier this year chronicle a series of monumental irregularity and political failures that resulted in the collapse of our banking system, which unfortunately has tainted our financial credibility not just in Europe, but throughout the world. Two years after the taxpayers signed a blank cheque for the bailout of our banks there is considerable anger that nobody has been brought to justice.

I recently read in one of the newspapers that the Financial Regulator had pointed out that 3.6% of all mortgage accounts are in arrears. We all meet people in our constituencies looking for help and they are the human victims of the Irish banking crisis. Young couples who purchased their houses at inflated prices, many of whom have now lost their jobs, are not in a position to meet their mortgage repayments. Statistics provided by the Courts Service reveal that the level of litigation for the recovery of civil debt rose dramatically in 2009. For example, the orders for repossessions in the Circuit Court increased by 35% in 2009 compared to 2008. While ordinary people struggle to pay their personal debts, is it any wonder that we are sickened when we turn on our radios or pick up the newspapers to discover more stories about reckless lending practices in our banks and how billions were loaned to developers and their



[Deputy Pat Breen.]

friends with no questions asked, no collateral and no declarations of credit worthiness sought? It is grotesque and would not happen in a gombeen bank.

A constituent recently told me that even if he negotiated a new deal with the bank and lived for 30 years, he still would not have repaid his debts. There needs to be law and justice on both sides. People used to talk about paying an enormous price for the collapse of the banks and justice needs to be done. Other speakers talked about how soft we are on white-collar crime, which is not the case in the US. The people are angry and will not move on until justice is seen to be done.

While the malpractices in the banks were happening, there was little or no regulation because the political masters were turning a blind eye. I recently read that our former Taoiseach advised EU colleagues in Poland that they should keep a tight control on their financial institutions. It is a pity that he and his Minister for Finance did not do the same when they were in charge of the country. I support the motion and I appeal to the Minister to ensure that the Garda and law enforcement agencies have all the necessary resources to deal with any investigations and that those investigations are finalised as soon as possible.

**Deputy Joe McHugh:** I have a few questions. Is the Garda adequately resourced with financial expertise? Has there been a putting together of brains to ascertain whether there has been malpractice or other misdemeanours within the banking industry, specifically within Anglo Irish Bank? Are there enough accountants involved? Are enough civil servants in the Department of Finance assisting the Garda investigation? During the week a HSE spokesperson stated that 2,000 people were working in HR in the HSE, but that only 800 were needed. With such public service fat, are we diverting all the resources with the skills and expertise to ascertain what went wrong, where it went wrong and how we deal with the obvious outcomes?

Populism was mentioned by the three absentee landlords in charge of the country who have left, but who blame the Opposition.

Some people want blood. They want prosecutions and they want justice to be served. However, I spoke to a gentleman earlier who is in the middle of a house repossession and I asked him whether he wanted blood or a bed to sleep at night. He said, "Blood is not much good to me if I do not have a bed to sleep in".

Ageism is a problem within the Government with Ministers having no appreciation for the level of negative equity facing my generation. These people are affected through no fault of their own. They bought at high prices because they needed a home and now they are in negative equity of between €200,000 and €300,000. There is a vicious circle. Banks need capital and their shareholders will not vote for a package to bail out people facing mortgage default. Mortgages are assets and each month the banks say they have money coming in. On the other hand, they are advertising liabilities, that is, savings through the broadcast media. They are, therefore, promoting liabilities while they need capital. They have what they consider to be assets in mortgages but 300,000 people will default over the next 18 months. The banks will not have capital and they need to realise, along with their shareholders, that their shares will become irrelevant. The reality is it is an ageist problem not to sort out people in negative equity who will not have a pillow to put their heads on within the next 18 months.

**Deputy Fergus O'Dowd:** The quotations of our heroes of the past who set up our society and fought for our freedom are apt. The battle we are about as a country is to keep our sovereignty and independence. Accountants and auditors from the IMF and ECB will visit the Department of Finance and the House shortly. That is what everything has come to and the

motion has been tabled because of the pass the country has been led to. The only way back from this abyss and away from this appalling Government is to have a general election.

The problem is banks are not lending to business. Small businesses up and down the country are starved of capital while the Government stuffs billions of euro into our banks to keep them going. However, they are hoarding the money and they are not lending. Even at this late stage, I ask the Minister of State to consider the two-tier lending system that works in America. When the Government puts money into the banks, a lower rate of interest attaches to the loans if they prove they will lend to small business while a higher rate attaches when money is hoarded.

I refer to an example that goes to the heart of the battle for survival in this country. A hotel in my home town is in receivership. It has been in the town for many years and the current owners have been in business for 20 years. They have low borrowings. They ran the business well and did not borrow during the boom. However, they are going out of business because they cannot compete with the big guys in NAMA who are not repaying their loans. These guys are cutting the market rate and a good, decent, honest hotel cannot survive in the face of such unfair competition. Why should this hotel go to the wall with the loss of 60 jobs because guys in NAMA who owe billions of euro are getting away with murder while their properties remain open?

There are decent, honourable people in our banks and many of them, thankfully, are gainfully employed. However, there were decent people in the past who were whistleblowers. There were two whistleblowers in Allied Irish Banks, one of whom is Eugene McErlean whom I know personally. He stood up to the rip-off in the bank and when he reported it to management, nothing happened. When he then reported this to our famous Regulator, nothing happened either. He was put out of the bank because he insisted on due process and proper accounting. That did not happen and if the Government does nothing else before it leaves office in ignominy, it should put these whistleblowers in our financial institutions to watch what is going on and to ensure integrity is restored to the bank boards through the good changes that are happening. I welcome the new initiative in AIB. Let us have more people who fought the good fight to make sure the banks are accountable, straight and honest. Those are the people we want running our country.

**Deputy John Perry:** It is disappointing that the position we are in could have been minimised, if not avoided. There were several indications that the economic downturn was approaching but the Government stood by and failed to act accordingly. The indicators of this recession were flashing throughout Europe and the world, and Ireland is now one of the worst hit countries due to the Government fiddling while Rome burned.

This crisis is one of the worst in our recent history and questions must be asked as to why it was let go this far. Upon seeing banks abroad collapse, and knowing we too were facing deep financial difficulties, the Government stood by and allowed us to plummet further into this downward spiral. Why were drastic measures not taken to bring in experts from outside to advise us? Why not replace those in senior positions making critical decisions on behalf of the whole country? We needed to change the banking culture in dealing with customers.

While some elements of the economic downturn were unavoidable, alarm bells should have sounded as far back as 2006. Property boom and lending transactions in the banking sector expanded at a rapid pace. The Government parties have admitted themselves that some of the decisions they took were wrong but for every €100 million the banks loaned, the Government got €40 million at payback time. It is important to ensure we do not go further down the same path. We must protect small businesses, as they have a vital part to play in rescuing the economy. The Taoiseach owes the country an apology. I watched the television programme about

[Deputy John Perry.]

ghost estates, ghost shopping centres and ghost hotels. It was an unbelievable programme which put a chill down the back.

The failure of the Government to deal with the banking crisis adequately has led to small businesses being among the hardest hit. Given the amount being invested in the bailout, it means little or no funding can be invested in the development and sustenance of small businesses. There are 1,500 insolvencies annually. The Government has bailed out the banks and one would have assumed they would have supported businesses which, in turn, would have meant business retaining jobs but that is not happening.

We recognise that protecting the banks is important but it is also important to protect people who were not bankers and who have lost their jobs. Many of them were employed in small businesses. It is extremely important to look forward and to focus on putting ourselves back on the right track. The scale of the bailout is the result of slow and inadequate action on behalf of the Government and the effects will be felt by many for the years to come. The mistakes of the few have consequences for many and for the taxpayer who must deal with this mess for the foreseeable future.

The situation is so grave that the world's eyes are on Ireland and how we act. We have not acted quickly or effectively enough. The fear among the people is that we have not yet felt the full force of this bailout. The position changes every week and all we hear about is bankers, bailouts and bonds. The concern is that property prices and wages in Ireland will have to fall even further. Unemployment is at a record high of 14%. The sad truth is that the citizens of Ireland cannot afford to pay for mistakes of the bankers and the Government.

**Minister of State at the Department of Finance (Deputy Martin Mansergh):** The banking crisis has once again given rise to vigorous debate in this House. The crisis, which was triggered internationally, found the banking sector and the entire economy badly exposed, and we have been dealing with the consequences ever since. Particularly since the sovereign debt crisis and the focus that has been trained on Ireland, from August on, what this country does and says is covered almost daily in the financial pages of the international press. For example, on page 4 of this morning's *Wall Street Journal*, an article entitled "Europe's debt worries return" gives some flavour of concerns. It begins:

Borrowing costs of weaker eurozone countries like Ireland and Greece are rising again as fears grow of debt restructurings that could saddle global investors with hefty losses.

Several factors are contributing to the misery of bond markets in countries on the geographic periphery of the 16-nation euro bloc. Ireland's bank bailout is getting ever more costly, and it now looks like taxpayers may have to take control of another large bank.

I do not endorse the accuracy of the report, but I am quoting a typical example of a reporting that is part of the challenge we face. The crisis we are experiencing in the banking sector has been unprecedented in its severity.

The catalogue of events unfolding over the past two and a half years represents a huge challenge not just to the Government but to every party in this House and to the country as a whole.

On 30 September last, the Minister for Finance outlined the Government's policy on banking, set out the position of the financial institutions and brought clarity and certainty to the situation. The costs of the banking crisis are considerable but the Government is confident that they can be managed within the overall context over the coming years. The Governor of the

Central Bank, Professor Patrick Honohan, has also confirmed that this is his assessment of the situation.

The banking crisis grew out of a number of factors, including the over-reliance of the banks in this country on lending to property developers in the belief that the property market would not fall or fall much. The banks, in their reckless competition for profits and market share, abandoned all caution, certainly by the standards of the past, in a manner that seems utterly inexplicable; light touch regulation was woefully inadequate. Being a small open economy, the worldwide recession impacted more heavily in Ireland than in most other countries. This backdrop to our own domestic problems has exacerbated the effects of the banking crisis and made its resolution more difficult.

The Government's policy has at all times been directed to securing the banking system, while as far as possible sparing the taxpayer. There are no precedents in our history for dealing with a crisis of this magnitude. The Government had to develop a number of policies to deal with these problems as they rapidly emerged. The Government has acted expeditiously to address the failings in the structure of financial regulation and supervision that were central to the severity of the banking crisis in Ireland. The Central Bank Reform Act 2010 was signed by the President on 17 July 2010, and was commenced on 1 October. A second Central Bank Bill dealing with the powers of the Central Bank will be published shortly and the consolidation Bill will follow when that Bill has been enacted.

The Central Bank Reform Act implements far-reaching changes in financial regulation. Two new posts — head of financial regulation and head of central banking — have been established. The Central Bank is now a fully integrated structure with a unitary board, the Central Bank commission, chaired by the Governor. The Governor remains solely responsible for the European System of Central Banks-related functions.

New and enhanced accountability and oversight mechanisms have also been included, focusing on accountability for regulatory performance, international peer reviews, and appearance before a committee of the Oireachtas by the Governor and the heads of function. In addition, new statutory powers allow the Central Bank to remove or block the appointment of persons to senior positions in the management or on the boards of banks if they fail to satisfy the bank as to appropriate levels of fitness and probity.

The approach that the Government has taken to managing individual institutions in distress has also been rapid and effective. Having provided for the guarantee scheme in September 2008, the Government moved to set up an asset management agency, NAMA, into which the land and development loans could be transferred and the banks' balance sheets cleared of these exposures. This ensured the upfront recognition of the losses in the Irish banks in a transparent manner. The NAMA process ensures that the banks' balance sheets are being cleansed and the concerns about the level of their losses will diminish over time. The alternative would have been to turn a blind eye to the losses and allow the problems caused by the uncertainty about the banks to continue. The transparency and clarity achieved through the operation of NAMA has been recognised internationally as a significant strong aspect of the Government's strategy for the repair and the restoration of the banking system.

However, the European sovereign debt crisis during the summer necessitated that further clarification and certainty had to be brought to the situation to restore our banking system to health and to secure the long-term sustainability of our fiscal position. The statement by the Minister for Finance on 30 September last confirmed that additional capital support would be required by some of our banks and building societies. The Minister also announced that he would seek a contribution from holders of subordinated debt to support the costs of Anglo Irish Bank. To that end, Anglo Irish Bank has recently undertaken a liability management

[Deputy Martin Mansergh.]

exercise to exchange subordinated debt for one year senior bond at a deep discount. This exercise does not impact on the work that is being undertaken by the Department of Finance and the Attorney General with regards to the reorganisation and resolution legislation to address the issue of burden-sharing with Anglo Irish Bank and the Irish Nationwide Building Society subordinated bond holders. The proposed 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.

**An Leas-Cheann Comhairle:** The Minister of State has one minute remaining.

**Deputy Martin Mansergh:** I thought I had ten minutes.

**An Leas-Cheann Comhairle:** No, the slot was for five minutes.

**Deputy Martin Mansergh:** In that case, I ask the House to take the rest of my script as read.

**Deputy Brian Hayes:** This motion is not about blood letting, it is about ensuring the House lays down a marker for the Government about the appallingly wasteful management of the bank crisis by the Government to date. The reason our deficit adjustment figure has gone from €7.5 billion to €15 billion is the news of the extraordinary cost of the banking bailout on Black Thursday. That is the cost the Irish people must pay over the next four or five years to deal with the crisis.

I remember when the Governor of the Central Bank, Professor Patrick Honohan, before he took up that post, made it abundantly clear that the rules of capitalism are such that those who take a punt and lose must bear the full cost. Under the Government’s scheme, we are bailing them out. It is only late in the day that the Government has accepted that it should seek a contribution from the holders of the subordinated debt to support the cost of Anglo Irish Bank. That was the position of this party 18 months ago, a position that was attacked by the Minister of State and his colleagues, upon which they have now performed a U-turn. There is little comfort for the Irish people that in some form the Government is moving towards a position the Opposition announced 18 months ago.

Mr. Matthew Elderfield, to whom the Government refers in its amendment, gave an important speech three weeks ago. He made a fundamental point, suggesting the Government should introduce legislation to bar individuals from having a number of directorships on various bank boards, one of the key problems in the banking crisis, where the same inside gang were involved in the same insider deals, but the Minister of State did not mention that in his speech tonight, he did not mention if that view would be articulated in law.

We should judge the Government by its actions and its actions have been all over the place on this issue. First, we were told €2 billion, then €8 billion, then €12 billion, then €24 billion and now €32 billion at the last count would be the cost for the bank bailout. Why should the Irish people believe the Minister of State when the Government has constantly changed its story over the past two years?

The Irish people expect two things from the Government — they expect personal security from the gardaí and the Army and that the Government will ensure financial security to ensure money will be in the bank to allow them to pay for goods and services, even in difficult times. When it comes to this security, this Government has been found absolutely wanting. This motion was not tabled to deliberately upset due process. We did not refer to individuals, we referred to the slow pace and lack of transparency of the Government’s action in this area. The Irish people want those responsible for the crash, and the extraordinary cost of the bailout

that a generation will have to pay, to be brought to book. They want to ensure their Government is of a mind to support that. Nothing we have heard in the debate last night or tonight would give people that comfort.

**Deputy Billy Timmins:** The Minister of State's time miscalculation is another example of this Government's inability to get its figures right on the most simple and basic of things.

We are in this difficulty for two reasons — banks were allowed to lend money to unsustainable projects and the Government let our competitiveness fall down the league table. I have heard much talk in recent years about regulators and Central Bank bankers but, ultimately, the responsibility for managing an economy lies with the Government and no one else. It is one of the great failures of the former Taoiseach's era over the past decade that there was no accountability, the buck did not stop anywhere, everyone was responsible so no one was responsible.

This Government has made mistakes at every hand's turn, from the initial bank guarantee to every policy tool it has used in the last two years. Many countries faced the same difficulties as us but they have gone on about their business. The guarantee scheme in Britain was much more effective and did not lead to the country being bogged down the same way that happened here.

When we interact with the public, we encounter confrontational situations. I can generally deal with it and put up a good fight. However, there is a view that two Irelands exist. It is impossible to explain why no action has been taken against those responsible for the current economic difficulties while many a child who swiped an apple off a stall on Moore Street was imprisoned.

Members earlier pointed out this motion is not about bloodletting or looking for heads to roll. However, justice must be done and be seen to be done. One must suffer the consequences for one's actions. The old maxim holds true that if one makes a mistake, one pays for it. If consequences are not accepted for actions, the same difficulties will re-occur in the future.

I regret the Government did not support the motion tabled by my colleagues, Deputies Noonan and Shatter. While I do not agree with giving direction to the Director of Public Prosecutions, a message must go out from this House that action will be taken against any wrongdoing, be it blue, white or religious collar crime, and the perpetrators brought to justice. It is one of the elements necessary to restore the international markets' confidence in this country.

The criminal law system must be re-examined with specific offences established. One should not be allowed to present accounts designed to mislead or deceive. I accept people can make financial mistakes and why they may run for cover subsequently. However, since the bank guarantee many bankers, and some individuals in State positions, have lied to the Minister for Finance. This needs to be followed up. It is one matter to make a mistake but to lie about errors which will be paid for by generations to come is another matter. I also believe the bank bailout will not come to €32 billion or €50 billion but to a far greater amount.

**Deputy Shane McEntee:** Today I walked down Kildare Street to watch our students, some of them my nephews, nieces and neighbours' children, march to this House. While a small group infiltrated them to give their protest a bad name, all were in cheerful humour marching to seek a fair chance in third level education for themselves and their parents and against the re-introduction of third level fees.

If we are going to bail out the banks, the people who Deputy Thomas Byrne referred to in our constituency must also be bailed out. I know his anger about this matter because I have come across the same issue. The people in question cannot make it. They have €350,000 mort-

[Deputy Shane McEntee.]

gages on houses now worth €200,000 and many of them know it will be almost impossible to pay for their children's university education if fees are re-introduced.

Fairness is what is needed and this is where the Garda comes into the equation. It is argued we should not interfere with the Garda but it is also up to this House to introduce laws that ensure fairness. It is not fair the people who caused our banking problems can sun themselves abroad. It is not fair they can hold on to their houses worth €6 million when the parents of many students cannot even feed themselves at times.

The former Taoiseach, Deputy Bertie Ahern, knew his policies were wrong. Instead of standing up to them and protecting Ireland's fiscal position when it began to slip, the then Minister for Finance, Deputy Cowen, did what he was told. I had the height of respect for the Minister for Finance, Deputy Brian Lenihan, when first appointed. I no longer do because of the bank guarantee he introduced in this House 15 months ago. When the banks came to him seeking that guarantee that day, he should have asked them how much they had given out and how much they had on deposit. This was an answer he could easily have received in one hour with modern accounting technology. However, by sitting on the guarantee and not requesting that information for the past 15 months, every small business has been taken to the floor by the banks because their credit has dried up. We are now at a point of no return and no one wants the International Monetary Fund running our country.

Fianna Fáil Members should not follow their leader into the hole as they did in the past with Charles Haughey and Deputy Bertie Ahern. They must acknowledge that no international market will give us a penny as long as the people who caused these economic problems are still in office. The last three Fianna Fáil speakers addressed today's High Court judgment on the Donegal South-West by-election. It should never have gone to court in the first place. Will the four by-elections be called now? Why does the Government not call a general election to clean the decks and seek approval for its four-year plan? That is what the people want.

Most Members can get on all right. All the students protesting outside today wanted was a fair chance for themselves and their parents. If we are going to bail out the banks, we must also help those caught in negative equity, like the parents of those students protesting today. Otherwise, we are going nowhere.

**Deputy Frank Feighan:** I support this motion. There is anger and disbelief at the economic treason carried out by a few in this country. People do not want blood or heads to roll but answers and those responsible to be held accountable. Those responsible were rewarded for their failure and corruption with golden handshakes. A property bubble was in place in which we were selling overpriced houses to one another and felt we were on top of the world while the Government failed to act. When the property market failed, the people suffered.

There were protests by students outside this House today, just like those several years ago by senior citizens. I commend them for this because they are feeling the brunt of the economic hardships brought on us by the Government.

They should also protest outside Anglo Irish Bank's headquarters where the real power was during the property boom. Then, Ireland was not a democracy but an oligarchy, a country run by a cabal of select individuals and groups. We have paid the price for this.

What is needed now is a Parliament that will hold its Members responsible and a democracy in which everyone counts and that will give hope and leadership to everyone. I believe the Taoiseach and the Minister for Finance are decent and honest. All the people want them to do is to put their hands up and admit they got it wrong instead of putting their heads in the sand. Politicians must be accountable and the people want answers from this Parliament.

I received a letter from a constituent today whose business overdraft has been limited to €20,000. Six jobs are now riding on him getting his overdraft extended. While I know the banks must repair their balance sheets, we must assist small businesses such as this. We must also stand up to the vested interests which got us into this economic mess.

I commend the motion to the House.

Amendment put:

The Dáil divided: Tá, 78; Níl, 70.

Tá

Ahern, Bertie.	Kelleher, Billy.
Ahern, Dermot.	Kelly, Peter.
Ahern, Michael.	Kenneally, Brendan.
Ahern, Noel.	Kennedy, Michael.
Andrews, Barry.	Killeen, Tony.
Andrews, Chris.	Kitt, Michael P..
Ardagh, Seán.	Kitt, Tom.
Aylward, Bobby.	Lenihan, Brian.
Behan, Joe.	Lenihan, Conor.
Blaney, Niall.	Mansergh, Martin.
Brady, Áine.	McEllistrim, Thomas.
Brady, Cyprian.	McGrath, Mattie.
Brady, Johnny.	McGrath, Michael.
Browne, John.	McGuinness, John.
Byrne, Thomas.	Moloney, John.
Calleary, Dara.	Moynihan, Michael.
Carey, Pat.	Mulcahy, Michael.
Collins, Niall.	Nolan, M.J..
Conlon, Margaret.	Ó Cuív, Éamon.
Connick, Seán.	Ó Fearghaíl, Seán.
Coughlan, Mary.	O'Brien, Darragh.
Cregan, John.	O'Connor, Charlie.
Cuffe, Ciarán.	O'Dea, Willie.
Curran, John.	O'Donoghue, John.
Dempsey, Noel.	O'Flynn, Noel.
Devins, Jimmy.	O'Hanlon, Rory.
Dooley, Timmy.	O'Keeffe, Edward.
Fahey, Frank.	O'Rourke, Mary.
Finneran, Michael.	O'Sullivan, Christy.
Fitzpatrick, Michael.	Power, Peter.
Fleming, Seán.	Power, Seán.
Flynn, Beverley.	Roche, Dick.
Gogarty, Paul.	Sargent, Trevor.
Gormley, John.	Scanlon, Eamon.
Grealish, Noel.	Smith, Brendan.
Hanafin, Mary.	Treacy, Noel.
Harney, Mary.	Wallace, Mary.
Healy-Rae, Jackie.	White, Mary Alexandra.
Hoctor, Máire.	Woods, Michael.

Níl

Allen, Bernard.	Coonan, Noel J..
Bannon, James.	Costello, Joe.
Barrett, Seán.	Coveney, Simon.
Breen, Pat.	Crawford, Seymour.
Broughan, Thomas P..	Creed, Michael.
Bruton, Richard.	Creighton, Lucinda.
Burke, Ulick.	D'Arcy, Michael.
Burton, Joan.	Deasy, John.
Carey, Joe.	Deenihan, Jimmy.
Clune, Deirdre.	Doyle, Andrew.
Connaughton, Paul.	Durkan, Bernard J..



Níl—continued

English, Damien.	O'Donnell, Kieran.
Feighan, Frank.	O'Dowd, Fergus.
Ferris, Martin.	O'Keeffe, Jim.
Flanagan, Charles.	O'Mahony, John.
Flanagan, Terence.	O'Shea, Brian.
Gilmore, Eamon.	O'Sullivan, Jan.
Hayes, Brian.	O'Sullivan, Maureen.
Hayes, Tom.	Penrose, Willie.
Hogan, Phil.	Perry, John.
Howlin, Brendan.	Quinn, Ruairí.
Lynch, Ciarán.	Rabbitte, Pat.
Lynch, Kathleen.	Reilly, James.
McCormack, Pádraic.	Ring, Michael.
McEntee, Shane.	Shatter, Alan.
McGinley, Dinny.	Sheahan, Tom.
McGrath, Finian.	Sheehan, P.J..
McHugh, Joe.	Sherlock, Seán.
McManus, Liz.	Shortall, Róisín.
Mitchell, Olivia.	Stagg, Emmet.
Morgan, Arthur.	Stanton, David.
Naughten, Denis.	Timmins, Billy.
Noonan, Michael.	Tuffy, Joanna.
Ó Caoláin, Caoimhghín.	Upton, Mary.
Ó Snodaigh, Aengus.	Wall, Jack.

Tellers: Tá, Deputies John Cregan and John Curran; Níl, Deputies Emmet Stagg and Joe Carey

Amendment declared carried

Question put: "That the motion, as amended, be agreed to."

The Dáil divided: Tá, 78; Níl, 70.

Tá

Ahern, Bertie.	Fitzpatrick, Michael.
Ahern, Dermot.	Fleming, Seán.
Ahern, Michael.	Flynn, Beverley.
Ahern, Noel.	Gogarty, Paul.
Andrews, Barry.	Gormley, John.
Andrews, Chris.	Grealish, Noel.
Ardagh, Seán.	Hanafin, Mary.
Aylward, Bobby.	Harney, Mary.
Behan, Joe.	Healy-Rae, Jackie.
Blaney, Niall.	Hoctor, Máire.
Brady, Áine.	Kelleher, Billy.
Brady, Cyprian.	Kelly, Peter.
Brady, Johnny.	Kenneally, Brendan.
Browne, John.	Kennedy, Michael.
Byrne, Thomas.	Killeen, Tony.
Calleary, Dara.	Kitt, Michael P.
Carey, Pat.	Kitt, Tom.
Collins, Niall.	Lenihan, Brian.
Conlon, Margaret.	Lenihan, Conor.
Connick, Seán.	Mansergh, Martin.
Coughlan, Mary.	McEllistrim, Thomas.
Cregan, John.	McGrath, Mattie.
Cuffe, Ciarán.	McGrath, Michael.
Curran, John.	McGuinness, John.
Dempsey, Noel.	Moloney, John.
Devins, Jimmy.	Moynihan, Michael.
Dooley, Timmy.	Mulcahy, Michael.
Fahey, Frank.	Nolan, M.J.
Finneran, Michael.	Ó Cuív, Éamon.

Tá—*continued*

Ó Fearghaíl, Seán.  
 O'Brien, Darragh.  
 O'Connor, Charlie.  
 O'Dea, Willie.  
 O'Donoghue, John.  
 O'Flynn, Noel.  
 O'Hanlon, Rory.  
 O'Keefe, Edward.  
 O'Rourke, Mary.  
 O'Sullivan, Christy.

Power, Peter.  
 Power, Seán.  
 Roche, Dick.  
 Sargent, Trevor.  
 Scanlon, Eamon.  
 Smith, Brendan.  
 Treacy, Noel.  
 Wallace, Mary.  
 White, Mary Alexandra.  
 Woods, Michael.

## Níl

Allen, Bernard.  
 Bannon, James.  
 Barrett, Seán.  
 Breen, Pat.  
 Broughan, Thomas P.  
 Bruton, Richard.  
 Burke, Ulick.  
 Burton, Joan.  
 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.  
 Feighan, Frank.  
 Ferris, Martin.  
 Flanagan, Charles.  
 Flanagan, Terence.  
 Gilmore, Eamon.  
 Hayes, Brian.  
 Hayes, Tom.  
 Hogan, Phil.  
 Howlin, Brendan.  
 Kehoe, Paul.  
 Lynch, Ciarán.  
 Lynch, Kathleen.

McCormack, Pádraic.  
 McEntee, Shane.  
 McGinley, Dinny.  
 McGrath, Finian.  
 McHugh, Joe.  
 McManus, Liz.  
 Mitchell, Olivia.  
 Morgan, Arthur.  
 Naughten, Denis.  
 Noonan, Michael.  
 Ó Caoláin, Caoimhghín.  
 Ó Snodaigh, Aengus.  
 O'Donnell, Kieran.  
 O'Dowd, Fergus.  
 O'Mahony, John.  
 O'Shea, Brian.  
 O'Sullivan, Jan.  
 O'Sullivan, Maureen.  
 Penrose, Willie.  
 Perry, John.  
 Quinn, Ruairí.  
 Rabbitte, Pat.  
 Reilly, James.  
 Ring, Michael.  
 Shatter, Alan.  
 Sheahan, Tom.  
 Sheehan, P.J.  
 Sherlock, Seán.  
 Shortall, Róisín.  
 Stagg, Emmet.  
 Stanton, David.  
 Timmins, Billy.  
 Tuffy, Joanna.  
 Upton, Mary.  
 Wall, Jack.

Tellers: Tá, Deputies John Cregan and John Curran; Níl, Deputies Emmet Stagg and Joe Carey

Question declared carried

### Adjournment Debate

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#### Hospital Services

**Deputy Joe McHugh:** In recent days there has been a conversation through the public domain in my constituency about fears and anxieties concerning future funding for Donegal Hospice.

[Deputy Joe McHugh.]

In the response from the HSE, I hope for confirmation and reassurance for existing patients and those who have contributed in a voluntary capacity through their time and financially over several years. It is equally important that we reassure those directly and indirectly involved in the hospice that there will be an answer to their concerns and reassurance for the wider community in Donegal, which has been extremely active in the genesis of the hospice movement through the continuation of the care and voluntary contributions to the hospice.

There is concern about the reduction in posts at the hospice from January 2011. At present there are three junior doctors working under a consultant along with other staff. We are at a period where we must consider reductions and funding withdrawals as a result of the financial situation. However, in the answer from the Minister of State I hope for reassurance for the people of Donegal, the patients and the volunteers in this movement so that even if there is a withdrawal of staff, we can have proper standards of patient safety. That is the matter I wish to highlight tonight. Will the Minister of State and the HSE reassure the public of Donegal and those involved in the hospice movement? This includes every person who has contributed time or a euro in a bucket in voluntary fund-raising and the organisations that have put their hearts into this movement. A hospice is not part of the Government. It may be a wing of the Government in terms of the Government providing financial input but it is part of the fabric of our society in Donegal. It belongs to the people and the people require answers on future commitments to patient safety. Patient safety is key to my raising this matter. Reassurance can only be provided through the Minister of State and the HSE, for which the Minister of State and the Minister for Health and Children have accountability. I want assurance provided to the families, to the patients and to the wider Donegal community. The Donegal community not only contributes to this but has been an integral part of the hospice movement in Donegal for years and intends to be part of it for years to come.

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran):** I respond to this Adjournment debate on behalf of my colleague, the Minister for Health and Children, Deputy Mary Harney. I thank the Deputy for raising this issue. It provides me with an opportunity to update the House on the matter.

Government policy on palliative care is contained in the report of the national advisory committee on palliative care. The provision of modern, quality services remains high on the Government agenda and is reflected in various significant policy and service developments in recent years. In this context, more than 4,000 patients received palliative care services in 2009, with overall expenditure by the HSE on these services last year approximately €79 million. Expenditure this year will be approximately €74 million when public service pay cuts and so on are taken into account. The investment now directed to palliative care, in the context of the HSE national service plan 2010, allows for the provision of a wide range of supports, including specialist inpatient beds, other palliative supports in acute hospitals and the provision of community-based services. These include 25 palliative care consultants and 26 home care teams nationally.

While robust financial management systems are an essential feature of any health service, our primary focus has to remain on patients. The range of professional and other essential staff involved in each hospital or local health area must aim at all times to provide the best possible service to patients and other clients, in line with available resources.

The palliative care services five year medium-term development framework was published by the HSE in July 2009. It details the actions and initiatives necessary to address the gaps in palliative care service provision, thus adopting a more a patient-centred approach overall in the future. The HSE recently established an implementation and development committee to

monitor progress on the strategy at national level. It is chaired by the HSE and membership includes representatives from organisations previously represented on the national council for palliative care, including the Irish Hospice Foundation and the Irish Association for Palliative Care.

The quality standards for end-of-life care in hospitals were launched in May. These were advanced as part of the hospice friendly hospitals programme. The standards aim to support and enhance the provision of quality patient-centred end of life care within all hospital settings, particularly in acute care facilities.

There are several other initiatives under way at national, regional or local levels. These include, for example the extending access programme being undertaken by the Irish Hospice Foundation and the HSE. This focuses on life-limiting conditions and involves pilot projects to develop best practice models for chronic illnesses.

A bereavement support service has been established in each HSE region. Palliative care has been included as one of the initial national programmes under the Health Service Executive directorate of quality and clinical care. A specific standard is included in the national quality standards for residential care settings for older people relating to end of life care.

The Donegal Hospice is an eight-bedded unit in Letterkenny. The executive has provided funding of just over €2 million towards the service this year. The facility is currently staffed with one consultant in palliative care and three non-consultant hospital doctors, NCHDs. The medical staff is rostered Monday to Friday, with out-of-hours service provided through on-call and overtime. The estimated occupancy figure for the hospice is 70%, with no weekend admissions. The Health Service Executive is reviewing current medical pay costs at the hospice. A significant portion of pay costs is associated with issues such as overtime and on-call arrangements.

The Health Service Executive has indicated that options to provide some of the out-of-hours services via NorthWestDOC, or other doctors at Letterkenny General Hospital, are the subject of detailed and ongoing consideration. I understand that a meeting has been arranged next week between the Health Service Executive and the Irish Hospital Consultants Association, IHCA, to advance matters. While discussions are ongoing on restructuring the service, no decision has been made to suppress posts. The Health Service Executive has no plans to close the hospice inpatient unit in Letterkenny. The suggestion of closure is without foundation and caused regrettable concern for families and patients in the county.

It will be clear to this House from what I have just outlined that the Government's commitment to palliative care is obvious. However, the Deputy will appreciate that the Health Service Executive has operational responsibility for delivering and supporting specific services at local level, including those at the Donegal Hospice.

### **Mental Health Services**

**Deputy Dan Neville:** I thank the Ceann Comhairle for giving me the opportunity to raise this matter. A very serious situation has developed within the mental health services. To date, resources have been cut unfairly and disproportionately with spending reduced by 9.2% between 2006 and 2009. Currently, 5.3% of the overall health budget is allocated to mental health. That is its lowest level in modern history. In 1997, the allocation was 7%. Some years prior to that it was 13%. In the 1960s the allocation was 20%. The allocation on mental health in England and Wales is 13% while it is 18% in Scotland, yet we are down at 5.3%. This is at a time when there is an increase in mental health difficulties resulting from the economic crisis. The effect on public health is severe.

[Deputy Dan Neville.]

Having caused or contributed significantly to the economic crisis the Minister has a responsibility to respond to the resulting needs arising from the difficulties. People are coping with job insecurity, economic uncertainty and strain, loss of income, home repossession and restricted access to credit. That has led to a reduction in mental health well-being and marriage breakdown resulting in divorce. Serious difficulties arise due to tensions caused in families. Families break up because of the strains resulting from the economic situation. People in those positions have a loss of perceived self-worth. They suffer from a loss of daily purpose and structure. People have reduced social contact and they experience an increase in social isolation and suicidal behaviour both in terms of non-fatal self-harm and completed suicide.

It is accepted that suicide rates in 2009 increased by 25% due to the economic crisis. Each of the cases concerned represents a family in crisis. A single suicide is one too many. An increase in the rate of suicide by 25% indicates a significant increase in the level of difficulty created in many families and communities. The Government must respond to the developing situation. To date, 527 deaths have resulted from suicide. It is accepted that such deaths are under-reported for a variety of reasons. A conservative estimate is that more than 600 people died by suicide last year.

There has also been a 10% increase in self-harm. Approximately 11,000 people present at accident and emergency units having self-harmed. It is accepted by the experts that when one adds those who are treated by their general practitioner or whose family hide the fact that they self-harm, the figure rises to 70,000 people who attempt suicide and self-harm in this country every year.

The report of the independent monitoring group on the Government's policy, *A Vision for Change* — a blueprint for improving the psychiatric service — is a severe indictment of the Minister for Health and Children. It is not acceptable that little substantial progress was made in 2009 in implementing *A Vision for Change*. The lack of clarity around the new assistant director for mental health is a serious issue, as it was one of the key recommendations of *A Vision for Change* in terms of developing mental health services.

The monitoring group expressed frustration and confusion about constantly changing management structures in the mental health service. The revenue allocation envisaged for *A Vision for Change* was not delivered in 2009 and 2010 as promised. In the absence of new capital and revenue it is difficult to see how the Health Service Executive and the Government can achieve their objective to implement *A Vision for Change*. The Minister should seriously examine the matter before there are any cuts and ensure that people have some hope of a response from the system in their crisis so that suicides will not increase any further.

**Deputy Michael Finneran:** I am taking this Adjournment on behalf of my colleague, Deputy Harney, Minister for Health and Children. I thank Deputy Neville for raising this issue as it provides me with an opportunity to update the House regarding funding for mental health services. As the Deputy is aware, I worked in psychiatric services for a number of years. I continue as chairman of the Roscommon Mental Health Association so I have a particular interest in the matter.

The Government will consider the 2011 Estimates for the health service over the coming weeks in the context of the strategy for economic recovery and the target to reduce the general Government deficit to 3% of GDP by 2014.

**Deputy Dan Neville:** That means there will be a cut.

**Deputy Michael Finneran:** However, I want to make it clear to the House that our current financial difficulties do not in any way dilute the Government's commitment in the area of mental health. I fully accept that the impact of any cuts to front-line services must be minimised and that we must ensure that the needs of service users remain the highest priority. However, I am confident that this can be achieved, and that staff at all levels will work together to deliver services in a more flexible way. Given the substantial resources already invested in mental health——

**Deputy Dan Neville:** Substantial resources. Is the Minister of State serious?

**Acting Chairman (Deputy Brian O'Shea):** The Minister of State should be allowed to speak without interruption.

**Deputy Michael Finneran:** ——the reconfiguring and remodelling of resources will be the main focus for the immediate future.

**Deputy Dan Neville:** The Acting Chairman knows where I am coming from.

**Deputy Michael Finneran:** Deputies can be assured that this Government is determined to do everything possible to protect services, to respond to priority needs and to support ongoing reform of the public health services within the resources available for health.

We are all too aware that the Health Service Executive must work within limited financial resources. The health sector represents more than 27% of public expenditure so the appropriate management of the public finances means that the Health Service Executive must operate within the approved budget set out at the start of the year. Under the Health Act 2004, the HSE is required to prepare an annual national service plan which must indicate the type and volume of health and personal social services to be provided by the Health Service Executive. This plan must be approved by the Minister for Health and Children. The appropriate management of the health services also means that mental health services must be funded in an equitable and sustainable manner.

There is no doubt that the current economic situation is putting greater stress on individuals, families and communities. In response, the Government has provided additional funding of almost €1 million this year under the dormant accounts fund for a programme of suicide prevention measures to help communities develop integrated local action plans for suicide prevention. The special needs of the mental health service have also been recognised in the context of the 2010 employment control framework for the health service, which provides for an exemption from the moratorium in respect of 100 psychiatric nursing posts.

I should also draw attention to the innovation fund for disabilities and mental health, which was established to help support the transition from institutional to person-centred models of care. Some €3 million in funding has been allocated to Genio, a non-profit organisation that supports self-determination, inclusion and equality for disadvantaged and vulnerable people. Genio has established a fund with support from the Atlantic Philanthropies to support the transition from traditional, expensive group-based services to more effective individualised, person-centred supports. During 2010, 50 projects were awarded grants totalling €3.6 million. Fifteen of those projects were mental health projects with funding of €1.4 million.

It is fair to say that, despite the economic downturn, we are still making tangible progress on the implementation of A Vision for Change. It is important to recognise that in many parts of the country, services are pressing ahead with the implementation of the policy and we should not lose sight of this. Significant progress has been achieved, including shorter episodes of inpatient care, improved child and adolescent mental health services, fewer involuntary admis-

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sions and the involvement of service users in all aspects of mental health policy, service planning and delivery.

Acute admissions to St. Brendan's Hospital, Grangegorman, have ceased following the opening of a new admission facility for north-west Dublin mental health services in Connolly Hospital, Blanchardstown, in September 2010. Construction on a 54-bed unit to replace the current facilities for long stay patients at St. Brendan's Hospital is due to begin later this year. It is also worth noting that plans for the transfer of acute inpatient admissions from St. Ita's Hospital, Portrane, to a new purpose built unit on the Beaumont Hospital campus are proceeding. A tendering process has been completed and the successful contractor has been notified. It is anticipated that construction works will commence in February 2011.

New community nursing units in Ballinasloe and Mullingar have been developed and it is anticipated that two new 20-bed child and adolescent inpatient units in Cork and Galway will be commissioned before the end of the year. Other construction works have commenced around the country, including the development of a new acute psychiatric unit in Letterkenny and a new child and adolescent day hospital and ancillary facilities at Cherry Orchard, Dublin. These developments will be funded from the proceeds of the sale of psychiatric assets. The House will recall that budget 2010 provided for a multi-annual programme of capital investment in high priority mental health projects and an initial investment of €50 million in the mental health capital programme.

The Government is acutely aware that mental health is a resource that needs to be promoted and protected, particularly in times of economic difficulty. I wish to assure the House of the Government's unwavering commitment to developing our mental health services in line with A Vision for Change.

### **Social and Affordable Housing**

**Deputy Michael Moynihan:** I thank the Ceann Comhairle for the opportunity to raise this issue on the Adjournment. I apologise for my voice, as I might not be able to get my message across.

The Freemount Housing Association in north County Cork successfully applied some time ago for funding for the development of social housing units, but a balance was due at the end. I thank the Minister of State, Deputy Finneran, for his considerable help in negotiating the last tranche of funding for the association in recent years. It is almost 12 months since he approved the last amount of funding, so I am pleased he is present to take this debate. He has been involved in many projects in north County Cork during the past year.

We have landed ourselves in a legal dilemma where the transfer of funding from the Department and Cork County Council to the housing association to pay off the debts accruing on the development of the social housing project is concerned. This is causing significant difficulties, as the voluntary housing association wants to clear its account and pay off outstanding bills, which is difficult to do when finances are tight and the times are tough economically. Through the good offices of the Minister of State, the Department has allocated money to Cork County Council to complete the transaction. However, the handing over of the last cheque by the council to the association is in a legal quagmire that involves the Department, the Attorney General's office, the Chief State Solicitor's office and the council. This matter has been ongoing for six or eight months. Will the Minister of State use his influence in Dáil Éireann and beyond to try to ensure that the funding can be provided? The voluntary housing association in Freemount has taken on board this fantastic project, but not without unexpected difficulties.

The last tranche of funding was agreed on 19 or 20 November 2009. Unfortunately, between the Chief State Solicitor's office, the Attorney General's office, the council and the Department, the last instalment is stuck in a logjam. A legal question arose because all of the association's tenants needed to be approved council tenants for the last tranche of funding to be provided.

Will the Minister of State do everything possible to ensure that Cork County Council releases the last tranche of funding to the Freemount Housing Association? I cannot stress enough the amount of work and commitment that has been involved. Like every voluntary organisation, it only comprises one or two people but they need to get the account cleared and pay their outstanding commitments. It is a fright that the money required, despite having been allocated by the Minister of State, is in a legal quagmire between the council and the housing association. The association needs that money to discharge its duties. Will the Minister of State do everything he can to ensure the money is paid to the association?

**Deputy Michael Finneran:** I thank the Deputy for raising this issue. I addressed this matter in the House last June when I outlined the details of my Department's capital funding schemes, which provide up to 100% of the cost of voluntary and co-operative housing projects. Since March 2007, funding under the capital assistance scheme for the provision of voluntary housing covers up to 100% of the capital cost where all prospective tenancies are taken from the local authority housing waiting list. Grant assistance is also available towards site costs and funding towards the cost of communal facilities is provided, through my Department, from national lottery funding.

The Freemount Community Development Association Limited project is composed of 11 units of accommodation for older people at Freemount, County Cork, and was approved for funding of €1,046,466 in November 2002. Following receipt of a submission from Cork County Council advising that all of the tenants would be drawn from the housing waiting list, my Department increased the grant to €1,913,315 in March 2010. In addition, funding of €82,500 was provided toward the cost of associated communal facilities for the project.

A total of €1,817,649, amounting to 95% of the approved amount, has been recouped so far to Cork County Council on foot of payment claims for this project, leaving a balance of €95,666 yet to be claimed. Under the terms of the scheme, expenditure of up to 97.5% of the approved funding may be claimed on a project prior to completion of the accommodation. The balance is paid on the completion of the project and after a mortgage charge has been created on the dwellings. Approved housing bodies are required to enter into a legal agreement with the local authority, creating a mortgage charge on the dwellings provided under the schemes. This is to ensure that the accommodation is used in accordance with the terms of the funding schemes. Pending the completion of the mortgage deed agreement between the local authority and the housing body, an agreement may be made whereby the local authority can accept a letter of guarantee from the housing body, agreeing to sign the mortgage deed on completion of the scheme.

In 2002, my Department circulated a sample mortgage deed for use by local authorities in creating mortgage charges on dwellings. As a result of changes arising from the enactment of the Conveyancing Act of 2009, my Department is liaising with the Chief State Solicitor's Office and awaiting legal advice in regard to any amendments considered necessary to bring the sample mortgage deed into line with the requirements of the Act.

My Department will liaise with Cork County Council with regard to drawing down the outstanding funding on foot of a letter of guarantee, pending the circulation of a revised sample deed.



## Job Losses

**Deputy John O'Mahony:** I thank the Ceann Comhairle for selecting this important topic. Last week, the House spent two days discussing the serious financial position of this country with agreement on all sides on the need to do something about it. There was agreement, too, to offer some hope to people on the employment front in order that any potential growth would not be stifled and that some jobs would be provided. Only a few hours after that debate news began to filter through from Castlebar about 200 job losses in Baxter Healthcare in coming months. These include jobs in administration, manufacturing and people employed on temporary contracts. Baxter has been a fantastic employer in County Mayo for the past 38 years and is committed to keeping the 900 jobs it still has in the county. It is very important that the Government puts everything in place, first, to find new jobs for the people being let go and, second, to support the jobs already in place.

I have a few suggestions. The four multinational companies that directly employ 3,000 people in the county, namely, Baxter Healthcare, Allergan in Westport, Hollister and Coca-Cola in Ballina, appealed to the Taoiseach at a meeting on the need to address the infrastructural deficit of access to and within County Mayo, with particular reference to the N5 and the N26. If I am correct, that meeting was arranged by the Minister of State, Deputy Calleary. One of the reasons given last week for the recent job losses was the need to improve cost competitiveness. One of the points made at that meeting concerned the terrible condition of the N5, the main access road to Mayo, and the urgent need for bypasses in Ballaghderreen and Longford. The leader of one of those companies stated directly to the Taoiseach that because of the poor condition of the road his company has to increase the quality of the packaging on its products in order to have them survive the journey to Dublin. This put €400,000 extra on the costs of one company. I have no doubt if that cost was not there cost competitiveness would be improved.

The availability of broadband in many areas in Mayo is totally deficient. A small business contacted me in recent weeks to say it would be in a position to employ five or six extra staff if it had acceptable broadband reception.

Why can small businesses, which employ 800,000 people in this country, not be supported in protecting the jobs they have and be incentivised to take on extra workers with PRSI relief, or in other ways? Another way would be to get rid of the stifling regulations that hinder and put obstacles in the way of small business. One need only look at any town centre throughout the country and in my county, Mayo.

I urge the Government to create the environment and provide the infrastructure — the N5, N26, broadband, the western rail corridor — to make Mayo an attractive location for inward investment for jobs in the county. Almost 13,000 people are on the live register at present in County Mayo. It needs action now.

I conclude by offering the Minister of State a direct quote from the chief executive officer of one of the companies that give substantial employment in Mayo, taken from a recent newspaper interview. The words are his, not mine.

There just doesn't seem to be any realisation at Government level that failure to address the N5 situation is putting jobs at risk. We are competing with plants in other parts of the world where there is excellent infrastructure and we are at a serious competitive disadvantage. If any one of these companies go they will not be replaced in this part of the world.

This is not a matter of whether we can afford to take on board the outlined suggestions. We cannot afford not to. Three thousand people employed directly provide €350 million annually

to the Exchequer. We need to secure those jobs and improve the situation and attractiveness for new ones.

**Deputy Dara Calleary:** I apologise to the House. I made some late changes to my script and no copy is available. I shall provide one to the Deputy and the House first thing in the morning.

I thank Deputy O'Mahony for raising this issue on the Adjournment. I share his concerns. As he is aware, Baxter Pharmaceuticals announced last Thursday that it planned to seek 150 permanent voluntary redundancies and the conclusion of 50 temporary contracts. As Deputy O'Mahoney indicated, the company stated this position was due to the economic downturn and its subsequent impact on European health care cost saving measures and the ongoing need to improve cost competitiveness. However, it is important to stress that the company will continue to employ almost 900 people when these redundancies are completed and it has committed its future in the Castlebar plant.

I assure the Deputy that the IDA and Enterprise Ireland, together with Mayo County Enterprise Board and Mayo County Council are working to facilitate and support enterprise development in Mayo. Key to the IDA strategy for Mayo within the western region is to progress the development of a knowledge-based economy so that Mayo, and, in particular, the linked hubs of Castlebar and Ballina, with Westport as a priority location, can compete both nationally and internationally for foreign direct investment. IDA's strategy for its west region is to support the growth and development of the region's existing clients by working with them to increase their strategic importance through additional functions and activities, to market the west region to overseas clients in order to secure new greenfield investment, to strengthen the region's product by working with relevant partners, including local authorities, third level institutions and service providers to enhance the region's eco system and to provide property solutions with supporting infrastructure to attract foreign direct investment. In this regard the IDA has invested and continues to invest significantly in the provision of plant and focus property solutions in the west, specifically in County Mayo with the development of business and technology parks in Westport and Castlebar and the purchase of 11.5 hectares of industrial-zoned land on the Sligo road in Ballina.

There are 18 IDA-supported companies in County Mayo employing more than 2,900 people in permanent jobs with a further 500 temporary positions and contract employment. Enterprise Ireland activities focus on the creation of new jobs through supporting entrepreneurs who set up new high-potential start-up companies, the retention and creation of new jobs in existing companies and enhancing the innovation capability of Ireland at national and regional level through supporting research companies in third level institutions. Enterprise Ireland-supported companies in County Mayo in 2009 included Construction Management Software Limited, INTIME Group Limited and the Ovegen Group. Enterprise Ireland also supports community enterprise centres in eight locations, including Ballina, Ballyhaunis, Brickens, Castlebar, Claremorris, Foxford, Killala and Kiltimagh, and funding for the community council has recently been reactivated.

I accept Deputy O'Mahony's concerns in regard to infrastructure. As he stated, we organised a meeting recently with the Taoiseach, specifically in regard to the bypasses he mentioned at Ballaghaderreen and Longford and the completion of the N5. We continue to make the case for those projects. I noted the comments he gave made by a chief executive officer but draw his attention to comments from another CEO who complimented Government enterprise policy in regard to decisions his company came to in announcing expansion of its existing facilities. I also noted commentary in local newspapers by Castlebar town council about its willingness to work on new solutions with the IDA. I would be happy to facilitate that and will facilitate Deputy O'Mahony in any initiative to encourage enterprise in the county and specifically to

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encourage a response to the situation in Baxter Healthcare. Our thoughts are with the workers affected and I am happy to assure the House that the agencies involved will be on hand to support them in any way they can.

The Dáil adjourned at 9.30 p.m. until 10.30 a.m. on Thursday, 4 November 2010.

## Written Answers.

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**The following are questions tabled by Members for written response and the ministerial replies as received on the day from the Departments [unrevised].**

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*Questions Nos. 1 to 6, inclusive, answered orally.*

*Questions Nos. 7 to 41, inclusive, resubmitted.*

*Questions Nos. 42 to 52, inclusive, answered orally.*

### **North-South Implementation Bodies**

53. **Deputy Andrew Doyle** asked the Minister for Community, Equality and Gaeltacht Affairs if he has had discussions with his Northern Ireland counterpart regarding ongoing financial support for North and South agencies; and if he will make a statement on the matter. [39356/10]

**Minister for Community, Equality and Gaeltacht Affairs (Deputy Pat Carey):** My Department supports and co-funds two North/South Implementation Bodies under its remit — Waterways Ireland and An Foras Teanga (comprising Foras na Gaeilge and the Ulster-Scots Agency/Tha Boord o Ulstèr-Scotch). These Bodies were set up under the British-Irish Agreement Act 1999. My Department has ongoing discussions with its co-sponsor Department in Northern Ireland — the Department of Culture, Arts and Leisure — on the funding of the Bodies and in relation to their work programmes.

I participated earlier today in meetings of the North/South Ministerial Council in both Inland Waterways and Language Sectoral formats with my Northern counterpart, Mr. Nelson McCausland, MLA, Minister for Culture, Arts and Leisure, and Minister Ruane, to discuss issues arising from our Departments' joint responsibilities in this area. Issues in relation to draft 2011 business plans and budgets for the two Bodies were discussed at the meetings. We also discussed the current economic and fiscal challenges facing both jurisdictions and how best we can support and promote co-operation in our joint areas of responsibility in these circumstances.

### **Offshore Islands**

54. **Deputy Ruairí Quinn** asked the Minister for Community, Equality and Gaeltacht Affairs the facilities and public services available in each inhabited island off the coast, that is, sewerage, water, electricity, education, recreation and transport to the mainland; the number of

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inhabitants and age profile on each island; and if he will make a statement on the matter.  
[39294/10]

**Minister for Community, Equality and Gaeltacht Affairs (Deputy Pat Carey):** My Department provides subsidies — costing some €5.7m in 2010 — for a range of transport services to and from the main inhabited islands. These services include passenger, cargo, air and connecting bus services. Details of the various services can be found on my Department's website [www.pobail.ie](http://www.pobail.ie) and I am arranging for a copy to be circulated with the Official Report. The number of subsidised services has increased from 7 in 1997 to more than 20 in 2010. In addition, my Department pays grants for the management of the island airstrips on the three Aran islands in order to facilitate the operation of daily scheduled air services under a Public Service Obligation contract.

The traditionally high cost of transport for passengers and cargo to the islands has also been addressed with the capping of passenger fares for islanders on contracted ferries (€8 for adults and €5 for students and children), which has been welcomed by the island communities. There has also been a significant reduction in cargo tariffs, as well as the provision of new heavy cargo services for a number of islands including Toraigh in County Donegal and Cléire, Sherkin, Heir, Long and Whiddy in County Cork.

Over the period 1997 to 2010, almost €120m has been allocated by my Department (and its predecessors) for the improvement of infrastructure for island communities. This unprecedented level of investment has resulted in significant improvements to access infrastructure both on the islands and at mainland locations serving the islands. Examples of the developments undertaken include:

- the construction or improvement of piers and harbours at a locations in Counties Donegal, Sligo, Mayo and Cork;
- the construction of airstrips at Clifden and Inishbofin, and the resurfacing of airstrips on the Aran Islands;
- the provision of new helipads on Árainn Mhór and Cléire;
- coastal protection and pier improvement works on Inishbofin, and
- major pier developments at Caladh Mór and Cill Rónáin on the Aran Islands.

Programmes of work co-funded with local authorities over the years have facilitated improvements to roads, public lighting, village renewal, water schemes and environmental projects. Also in recent years my Department has provided assistance for recreational facilities and other social amenities, including, for example, playgrounds and football pitches on a number of islands. The Deputy will appreciate that the detailed information sought by him in regard to other services would be matters for the relevant Government Departments or local authorities, as appropriate. Information in regard to the number of inhabitants on each island is contained in Table II of the 2006 Census Report, which can be accessed at [www.cso.ie](http://www.cso.ie). I am also arranging for a copy to be sent directly to the Deputy.

Subsidised Transport Services and Airstrip Management for the Islands

	Island	Name of operator	Service Type	Term of Contract	Current Year Subsidy
					€
Ferry Services	Toraigh	Turasmara	Passenger & Cargo	1/7/08 – 30/6/16	263,000
	Toraigh	Comharchumann Thoraí Teo	Heavy Cargo	8/4/08 –	25,000
	Árainn Mhór	Cara na nOileán Teo/Maoin na Farraige	Passenger Roll on/Roll off	1/9/09 – 31/8/14	206,000
	Inis Bigil	Michael Leneghan	Passenger	1/10/07 – 30/9/14	22,609
	Inis Bigil	Comhar Iorrais Teoranta Rural Transport Programme	Bus	1/10/07 – 30/9/14	14,250
	Inishturk	Clare Island Ferry Co. & Clew Bay Cruises	Passenger & Bus	1/12/07 – 30/11/12	341,005
	Clare Island	O'Malley Ferries now O'Malley Ferries (Clare Island) Ltd	Passenger & Bus	1/2/06 – 31/1/11	99,000
	Inishturk/Clare Island	Clare Island Ferry Co. & Clew Bay Cruises	Cargo	1/8/08 – 31/7/13	83,852
	Inishbofin	Inishbofin Island Discovery Ltd	Passenger & Bus	1/2/06 – 31/1/11	246,860
	Inishbofin	Blackshell Farm Ltd	Cargo	1/6/08 – 31/5/13	310,000
	Galway City — Oileáin Árann	Lasta Mara Teo* €27,000 sanctioned to provide 20 extra sailings per year	Cargo	1/1/08 – 31/12/12	950,000*
	Ros an Mhíl — Árainn	Island Ferries Teo	Passenger & Bus	1/2/08 – 31/1/13	42,997
	Ros an Mhíl — Inis Oírr/Inis Meáin	Island Ferries Teo	Passenger & Bus	1/11/07 – 31/10/12	687,240
	Bere Island	Bere Island Ferries Ltd	Passenger Roll on/Roll off	1/11/08 – 31/10/13	83,664
	Bere Island	Murphy's Ferry Service Ltd	Passenger Roll on/Roll off	1/11/08 – 31/10/13	31,872
	Sherkin	Carbery Isle Ferries Ltd	Passenger	1/5/08 – 30/4/16	93,713
	Whiddy	Whiddy Island Ferry Service	Passenger	1/11/07 – 31/10/15	59,760
	Cléire	Tithe Saoire Chléire Teo	Passenger & Cargo	1/3/07 – 28/2/10	243,336
	Cléire	Thar Tonn Teo/Naomh Ciaran II	Passenger	1/3/10 – 30/11/10	209,322
	Long Island	Danny Murphy	Passenger	1/12/06 – 30/11/11	40,000
Heir Island	Camp Roaringwater Ltd	Passenger	1/6/06 – 31/5/11	26,192	
Cléire, Sherkin, Heir Island, Long Island & Whiddy	S.I.D.S.	Heavy Cargo	1/1/10 -	35,000	
Air Services	Tory Helicopter	HSE West Donegal Community Care, Ballybofey, Co. Donegal	Air Service	1/12/07 –	70,000
	Na Mine – Oileáin Árann PSO	Aer Arann Islands	Air Service	1/9/09 – 31/8/13	1,464,960
	Árainn Airstrip Management	Michael T Herson T/A Inis Mór Airport	Airstrip Management	1/3/10 – 28/2/11	185,000
	Inis Meáin Airstrip Management	Comharchumann Inis Meáin	Airstrip Management	1/1/10 – 25/6/10	64,604
	Inis Meáin Airstrip Management	Aer Arann Islands	Airstrip Management	9/7/10 – 28/2/11	160,225
	Inis Oírr Airstrip Management	Comhar Caomhán Teo	Airstrip Management	1/3/10 – 28/2/11	105,000

### Departmental Programmes

55. **Deputy Bernard J. Durkan** asked the Minister for Community, Equality and Gaeltacht Affairs his plans to deal with the issues arising from the economic situation with particular reference to the emerging needs of those in both urban and rural settings who are likely to have a greater reliance on services provided by his Department; and if he will make a statement on the matter. [39451/10]

**Minister for Community, Equality and Gaeltacht Affairs (Deputy Pat Carey):** As the Deputy is aware, in the current economic circumstances, we continue to be faced with difficult decisions. Over the course of the economic downturn, the Government has considered a number of measures to maintain a prudent fiscal outturn for 2009 and 2010 and also to provide the basis for a sustainable approach to the current financial situation. Across Government, our approach has been to do this in as balanced a way as possible.

Notwithstanding these challenges, the Government — and indeed my Department — remain committed to the range of urban, rural, Gaeltacht and island communities we serve. Indubitably, given the prevalent financial circumstances, objectives will have to be pursued with less resources than previously. However, we will continue to strive to achieve good outcomes and value for money against these constraints.

The Deputy will appreciate that the 2011 allocations for my Department will not be decided until the Estimates process is completed within the framework of the forthcoming Budget. However, I can confirm that I will strive to protect, to the greatest extent possible, the daily front-line services provided with funding from my Department, especially those focused on the needs of the most socially deprived communities.

### National Drugs Strategy

56. **Deputy Pat Breen** asked the Minister for Community, Equality and Gaeltacht Affairs his views on the recently published report by an organisation (details supplied) which notes that heroin use is in the increase; and if he will make a statement on the matter. [39341/10]

**Minister for Community, Equality and Gaeltacht Affairs (Deputy Pat Carey):** I welcome the publication of the report outlining the continued extensive work undertaken by the organisation in question in dealing with the drugs problem. Heroin use remains as a major problem in our country. All the indications are that, while the use of heroin is relatively stable in the Dublin region, it has become more widely dispersed around the country, particularly in the major cities and in towns across Leinster. Responding to this problem continues to be a priority under the National Drugs Strategy 2009-16.

It is difficult to establish an accurate baseline of the prevalence of opiate use in the country. A report from the National Advisory Committee on Drugs (NACD) in December 2009 indicated that there were 11,807 known opiate users in 2006, but that there was considerable doubt over the number of unknown users — those who had not come into contact with drug treatment services, hospital services or the Gardaí. A study is currently being carried out on behalf of the NACD to assess how best to estimate overall opiate user numbers.

Meanwhile, new opiate substitution services have opened this year in Cork, Tralee and Wexford, and these will be followed shortly by facilities in Kilkenny, Waterford, Limerick, Dundalk and Drogheda. This is being done by the HSE with financial support from my Department. Further services in the Midlands are being actively considered. My Department has also provided funding for the provision of needle exchange and other services in Drogheda. Services

commenced this month and will cover the North-East region. Also, progress is being made on the expanded provision of rehabilitation services, including detoxification facilities.

The report to which the Deputy refers indicates that 4,092 people availed of the organisation's needle exchange service in 2009. This represents a reduction on the 2008 (4,657) and 2007 (4,705) figures. Also, the number of new needle exchange clients at 642 showed a continued decline from 2007. Overall, it is encouraging that injecting opiate users are making the first steps to access treatment services as this will help to reduce the risks of the spread of blood borne viruses, improve the overall health of individuals and is likely to encourage some opiate users, at least, to engage further with treatment and rehabilitation services.

I am determined that real progress will be maintained to implement the demand reduction actions of the National Drugs Strategy under its prevention, treatment and rehabilitation pillars. This will involve the continued working of all sectors in a co-ordinated and targeted way to achieve the implementation of the agreed actions.

### **Decentralisation Programme**

57. **Deputy Enda Kenny** asked the Minister for Community, Equality and Gaeltacht Affairs the number of departmental and agency staff now decentralised; the amount has spent on interim accommodation for both his Department and agencies under the remit of his Department since the commencement of the decentralisation project; and if he will make a statement on the matter. [39374/10]

**Minister for Community, Equality and Gaeltacht Affairs (Deputy Pat Carey):** As the Deputy will be aware, my Department's headquarters are scheduled to decentralise to Charlestown, Co Mayo, under the Decentralisation Programme. To date, a total of 100 staff have relocated to interim accommodation in Tubbercurry, Co. Sligo. This number has now reduced to 81 owing to recent reductions in staff numbers and also the transfer of the Rural Social Scheme and Community Services Programme to the Department of Social Protection. Two properties are being leased in Tubbercurry by the Office of Public Works (OPW) on behalf of my Department. OPW has advised that the yearly rental costs for both properties is just under €175,000, while fit-out costs of €402,000 have also been incurred to date.

The Deputy will also be aware that in December 2009, in light of the budgetary constraints and affordability issues, the Minister for Finance decided to defer proceeding with permanent accommodation in Charlestown at this time. This location, along with 4 other deferred projects, will be considered as part of an overall review of the Decentralisation Programme in 2011. Under the Decentralisation Programme, 10 staff of my Department were also due to decentralise to Na Forbacha, Co. Galway, and this process has now been completed. The officials in question have been accommodated in an extension to the offices in Na Forbacha, planned prior to decentralisation, and no material extra costs have arisen from this move.

In relation to the bodies that are funded from my Department's Vote Group, I can advise that, in line with the Decentralisation Programme:

- 25 staff relocated with Pobal to offices in Clifden, Co Galway, and that number has now reduced to 19, following staff reductions. Rental and services charges for this accommodation amounted to €475,501 to end-September 2010.
- Foras na Gaeilge have recently relocated 5 staff to Gaoth Dobhair, Co. Donegal. I am advised that no rental costs have been paid as yet in respect of this office.



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- 16 staff have decentralised to offices in Roscrea, Co. Tipperary, with the Equality Authority. OPW are meeting accommodation and rental costs arising.
- 10 staff have relocated to interim accommodation in Portlaoise, Co. Laois, with the Equality Tribunal. OPW are meeting accommodation and rental costs arising.

Each of these projects will be considered further as part of the overall review of the Decentralisation Programme in 2011.

### **Straitéis Fiche Bliain don Ghaeilge**

58. D'fhiafraigh **Deputy Brian O'Shea** den Aire Gnóthaí Pobail, Comhionannais agus Gaeltachta cén dul chun cinn atá déanta leis an dréacht-Straitéis Fiche Bliain don Ghaeilge; agus an ndéanfaidh sé ráiteas ina thaobh. [39299/10]

83. D'fhiafraigh **Deputy Eamon Gilmore** den Aire Gnóthaí Pobail, Comhionannais agus Gaeltachta an bhfuil aon mheastachán déanta ag a Roinn ar cad a chosnóidh sé an Straitéis 20 Bliain don Ghaeilge a chur in áit. [39302/10]

92. D'fhiafraigh **Deputy Eamon Gilmore** den Aire Gnóthaí Pobail, Comhionannais agus Gaeltachta an mó cruinniú a bhí ann i mbliana den Chomhchoiste Rialtais don Ghaeilge, dáta an chruinnithe i ngach cás. [39301/10]

**Minister for Community, Equality and Gaeltacht Affairs (Deputy Pat Carey):** Tógfaidh mé Ceisteanna Uimh 58, 83 agus 92 le chéile.

Mar is eol do na Teachtaí, tá an dréacht-Straitéis 20 bliain don Ghaeilge foilsithe ag an Rialtas ó dheireadh 2009 agus cuireadh os comhair an Chomhchoiste Oireachtais do Ghnóthaí Turasóireachta Cultúir, Spóirt, Pobail, Comhionannais agus Gaeltachta í le breithniú. Tuigtear dom go raibh cruinnithe éagsúla ag an gComhchoiste le páirtithe leasmhara níos luaithe i mbliana agus d'aontaigh an Comhchoiste ar aighneacht le 39 moladh inti. Fuarthas moltaí an Chomhchoiste ar 28 Iúil 2010 agus táthar á mbreithniú ag mo Roinnse i gcomhair le Ranna ábhartha eile. Táthar ag siúl leis an obair seo a thabhairt chun críche go luath.

I bhfianaise na hoibre comhairliúcháin a bhí idir lámha ag an gComhchoiste, ní raibh aon chruinniú den Choiste Rialtais don Ghaeilge agus don Ghaeltacht i rith 2010 go dáta. Táthar ag dréim, áfach, le cruinniú a thionól ar 17 Samhain 2010 ar mhaithe leis an dréacht dheiridh den Straitéis a scrúdú agus, ina dhiaidh sin, tá súil agam, í a thabhairt os comhair an Rialtais le ceadú.

Go dtí go mbeidh glactha leis an Straitéis go críochnúil, ní féidir meastachán costais a chur ar na gníomhaíochtaí a eascróidh as. Beidh costasú le déanamh, ar ndóigh, ar na pleananna earnálacha a eascróidh as an Straitéis. An cur chuige is tábhachtaí ag an bpointe seo, ar ndóigh, ná a chinntiú go bhfuil muid ag baint an luach agus an éifeachtacht is fearr as na hacmhainní atá ar fáil cheana féin agus go bhfuil siad ar aon líne le tosaíochtaí na Stratéise féin.

### **Community Development**

59. **Deputy Ciarán Lynch** asked the Minister for Community, Equality and Gaeltacht Affairs if the Leader programme can provide grant aid for sports clubs wishing to expand their facilities for the benefit of their communities; and if he will make a statement on the matter. [39283/10]

62. **Deputy Ciarán Lynch** asked the Minister for Community, Equality and Gaeltacht Affairs if he has or will allocate funding for the provision of playgrounds in rural communities; and if he will make a statement on the matter. [39284/10]

**Minister for Community, Equality and Gaeltacht Affairs (Deputy Pat Carey):** I propose to take Questions Nos. 59 and 62 together.

The Rural Development Programme (RDP) 2007-2013 has funding of €425m available to be allocated to qualifying projects up to the end of 2013. One of the objectives of the RDP is to identify and provide appropriate cultural and leisure facilities to local communities that would not otherwise be available to them. In principle, therefore, it is possible that the provision of playgrounds and the expansion of sports club facilities for the benefit of rural communities would be eligible for funding under the RDP. The Deputy should be aware, however, that the mainstream activities of sporting clubs and organisations are not eligible under the RDP. Any improvements made to club facilities with assistance from the RDP must be available for the use of all members of the community.

There are 36 Local Action Groups contracted on my Department's behalf to deliver the RDP throughout the country and these groups are the principal decision-makers in relation to the allocation of project funding. Such decisions are made in the context of the local development strategies of the individual groups and in line with my Department's operating rules and EU regulations.

### **Irish Language**

60. **Deputy Thomas P. Broughan** asked the Minister for Community, Equality and Gaeltacht Affairs his plans to promote bilingualism Irish and English in the Gaeltacht; and if he will make a statement on the matter. [39305/10]

**Minister for Community, Equality and Gaeltacht Affairs (Deputy Pat Carey):** In its 2006 Statement on the Irish Language, the Government affirmed its policy to strengthen the Gaeltacht as an Irish-speaking community, with the emphasis being on the transmission of the Irish language to the next generation as a living household language in the Gaeltacht and empowering future generations of young Gaeltacht parents to raise their children through Irish. I am sure that the Deputy shares my view of the importance of Irish survives as the living community language in the Gaeltacht.

While my Department recognises the tremendous advantage of fluency in English, the emphasis in the Gaeltacht will be on the continued transmission of the Irish language from generation to generation. As the Deputy will be aware, the draft 20-year Strategy for Irish was published in draft form in late 2009 and was subsequently referred to the Joint Oireachtas Committee on Tourism, Culture, Sport, Community, Equality and Gaeltacht Affairs in order to allow for a further period of consultation and cross-party debate. The Committee issued its report, including a significant number of recommendations, on 28 July last. These are being examined at the moment in conjunction with the relevant Government Departments and I anticipate that this work will be completed shortly.

I hope to bring the draft Strategy back to Government for approval in the near future. The Strategy, once approved, will provide the basis for future Government support for the Irish language in the Gaeltacht.

### **National Drugs Strategy**

61. **Deputy Seán Sherlock** asked the Minister for Community, Equality and Gaeltacht Affairs

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the number of calls received to date in relation to the dial to stop drug dealing; if figures are available regarding the geographical spread of the calls; if the initiative is based country wide; and if he will make a statement on the matter. [39298/10]

75. **Deputy Mary Upton** asked the Minister for Community, Equality and Gaeltacht Affairs the funding invested in the relaunch of the dial to stop drugs campaign; his views on the last campaign; the new initiatives in this relaunch; and if he will make a statement on the matter. [39276/10]

**Minister for Community, Equality and Gaeltacht Affairs (Deputy Pat Carey):** I propose to take Questions Nos. 61 and 75 together.

The Dial to Stop Drug Dealing campaign ran in three phases — across 15 Local and Regional Drugs Task Force areas — in 2008 and 2009. To the end of last week, there were almost 8,000 calls made to the confidential line. Calls are spread right across the country, including areas that have not directly run a campaign, which highlights the fact that the confidential number is open to all to use, regardless of the area one comes from. Due to the volume of the information involved, I am arranging to send the geographical information requested directly to the Deputies.

A comprehensive evaluation of the original campaign was carried out and this highlighted the benefits of the phone line, e.g., providing valuable drug dealing information to the Gardaí. In addition — and indeed equally important — it noted the intangible benefits of the safe and anonymous contact with Gardaí afforded to concerned citizens and communities. Allied to this is the definite sense of community empowerment that has been cited repeatedly by Drugs Task Forces.

With the positive evaluation, the ongoing support of the Gardaí and the positive community feedback, I decided to relaunch the campaign with a more national focus. In this regard, on 6 October last I announced a two week national promotional campaign, to be followed by local campaigns at Drugs Task Force level. I have made funding of €53,500 + VAT available to support the national campaign and over €100,000 + VAT for participating Drugs Task Forces. Four local campaigns have already commenced with preparatory work on the other campaigns in train. A full evaluation of the current phase of the Dial to Stop Drug Dealing campaign will be carried out on its completion at the end of the year.

*Question No. 62 answered with Question No. 59.*

### **Rural Development**

63. **Deputy Willie Penrose** asked the Minister for Community, Equality and Gaeltacht Affairs his plans to tackle the growing problem of rural isolation; and if he will make a statement on the matter. [39291/10]

**Minister for Community, Equality and Gaeltacht Affairs (Deputy Pat Carey):** The Government is committed to ensuring the economic and social well being of rural communities and to providing the conditions for a meaningful and fulfilling life for all rural dwellers, as part of our key priorities in building an inclusive society and combating poverty. My Department undertakes a range of actions that work to address rural isolation and related social exclusion issues, as well as encouraging and promoting employment and community activity and participation. These include:

- The Local and Community Development Programme, which specifically supports individuals into employment and self-employment through education, training, work experience, job placement, enterprise and the social economy in urban and rural areas;
- The CLÁR Programme, which provides co-funding to help accelerate investment in selected priority developments in areas that have suffered significant depopulation;
- The RAPID Programme, which, through its focus on deprivation and social exclusion, seeks to address the impact of the economic downturn on vulnerable communities and to provide opportunities for social and economic recovery;
- The Seniors Alert Scheme, which is based on the concept of contact with people at local level. Funding is provided to local community and voluntary organisations to assist and stimulate broader community support for older people, specifically through a community-based grant scheme to improve the security of its older members; and
- A specific ‘Social Initiative Scheme’, which we are currently working on with the GAA, which aims to build a social network for older men. As the Deputy may be aware, this initiative has developed from a forum hosted by President McAleese and I am keen to assist it as an example of a community-focussed response to rural isolation.

My Department also initiated the Rural Social Scheme, which transferred recently to the Department of Social Protection. One of its identified benefits has been tackling rural isolation amongst the part-time farmer and fisherpersons who participate in the Scheme. The €425m Rural Development Programme 2007-13 aims to improve the quality of life in rural areas and promote the diversification of the rural economy. Projects funded through the programme have a diverse range of impacts and can directly and indirectly influence the issues of social exclusion and rural isolation. For example, this year the Local Action Group that implements the programme on my Department’s behalf in Co. Clare funded research entitled ‘*The future of Technology in Addressing the Social Exclusion and Isolation of Older Persons, and their Carers in Co Clare*’. Examining rural isolation in the context of how technology can support isolated members of rural communities is an innovative way of looking at a common problem and is the type of analysis promoted and encouraged explicitly by the programme

### **Bóithre Straitéiseacha agus Bóithre Áise**

64. D’fhiafraigh **Deputy Dinny McGinley** den Aire Gnóthaí Pobail, Comhionannais agus Gaeltachta cad é an t-allúntas a cuireadh ar fáil i mbliana: (a) do Bhóithre Straitéiseacha; (b) do Bhóithre Áise, sna ceantair Ghaeltachta; agus an mbeidh allúntas ann don bhliain seo chugainn faoi na scéimeanna céanna. [39271/10]

**Minister for Community, Equality and Gaeltacht Affairs (Deputy Pat Carey):** Tá soláthar de €2m curtha ar fáil i Meastacháin mo Roinne in 2010 le haghaidh feabhsúcháin sa Ghaeltacht, ar a n-áirítear bóithre straitéiseacha agus áise, muirreibreacha, grúpscéimeanna uisce agus a leithéid a chur i gcrích. Baineann €950,000 den soláthar seo le bóithre áise agus bóithre straitéiseacha. Níl aon chinneadh déanta maidir le soláthar 2011 go fóill.

### **Údarás na Gaeltachta**

65. D’fhiafraigh **Deputy Dinny McGinley** den Aire Gnóthaí Pobail, Comhionannais agus Gaeltachta an bhfuil sé ar intinn aige dul ar aghaidh le Bainisteoir Reigiúnach buan a cheapadh d’oifig an Údaráis i nDún na nGall; agus an ndéanfaidh sé ráiteas ina thaobh. [39270/10]

**Minister for Community, Equality and Gaeltacht Affairs (Deputy Pat Carey):** Mar is eol don Teachta, tá moratóir i bhfeidhm maidir le líonadh post i ranna agus in áisínteachtaí Stáit i gcoitinne agus, ach an oiread le gach eagrais Stáit eile, ní mór d'Údarás na Gaeltachta cloí le téarmaí an mhoratóra agus a chuid acmhainní foirne a bhainistiú dá réir.

### Departmental Programmes

66. **Deputy Mary Upton** asked the Minister for Community, Equality and Gaeltacht Affairs the funding provided to RAPID areas this year; his plans to increase this funding; and if he will make a statement on the matter. [39278/10]

**Minister for Community, Equality and Gaeltacht Affairs (Deputy Pat Carey):** The RAPID Programme aims to ensure that priority attention is given to tackling the spatial concentration of poverty and social exclusion within designated RAPID areas nationally. It is a matter for individual Departments to report on the provision of funding and progress on delivery with regard to projects under their responsibility in the different RAPID areas. Nevertheless, it is worth noting that Pobal collects data from each RAPID area in respect of funding allocations received by projects from Government Departments and State agencies. The latest data in respect of the Programme is available on Pobal's website at <http://www.pobal.ie/Funding%20Programmes/Rapid/Pages/Funding.aspx> and the Deputy may find it useful to access this information.

My Department administers the RAPID Leverage Schemes, which are designed to support small-scale projects identified locally by Area Implementation Teams in each of the RAPID areas. These schemes are co-funded by relevant agencies and support projects that focus on estate enhancement, graffiti removal, traffic calming, community closed-circuit television, health and sports facilities and the provision of playgroups. The table lists the funding provided to RAPID areas by my Department in 2010 to date. Funding levels for 2011 for all Programme areas in my Department, including RAPID, are under consideration as part of the estimates preparation process.

Scheme	Paid in 2010 to date
Playgrounds	1,559,995.72
Sports Capital Top-Up	2,190,255.87
Health Co Funded	385,547.25
Schools Capital Grants	212,746.01
CCTV	531,203.00
Total	4,879,747.85

67. **Deputy Liz McManus** asked the Minister for Community, Equality and Gaeltacht Affairs if all the areas awarded with RAPID status have a juvenile diversion programme; and if he will make a statement on the matter. [39288/10]

**Minister for Community, Equality and Gaeltacht Affairs (Deputy Pat Carey):** The Garda Youth Diversion Programme is administered by the Department of Justice and Law Reform. I understand that the programme operates in, or adjacent to, 50 of the 51 RAPID areas. Rathkeale, Co. Limerick, which was newly designated as a RAPID area in 2009, is the sole exception at this time.

### **Dormant Accounts Fund**

68. **Deputy Michael D. Higgins** asked the Minister for Community, Equality and Gaeltacht Affairs the funding available to communities through the dormant accounts; and if he will make a statement on the matter. [39282/10]

**Minister for Community, Equality and Gaeltacht Affairs (Deputy Pat Carey):** The Dormant Accounts Acts provide for an annual transfer by credit institutions and insurance undertakings of monies in accounts determined to be dormant into the Dormant Accounts Fund (DAF). Since its establishment in April 2003, to the end of September 2010, the transfers to the DAF have totalled some €587.5m, which includes interest earned of some €34.4m. Funds reclaimed in that period by account holders amounted to approximately €202m.

Allocations from the DAF — in accordance with Part 6 of the 2005 Act — are focussed on programmes or projects to assist:

1. the personal and social development of persons who are economically or socially disadvantaged;
2. the educational development of persons who are educationally disadvantaged; or
3. persons with a disability.

The value of the DAF at the end of September 2010, net of liabilities, was some €62.4m. This figure excludes €44.4m maintained in a Reserve Account to meet future reclaims by account holders and to cover expenses associated with the operation of the DAF.

In light of the reduced level of funds available for disbursement from the Dormant Accounts Fund — and against the background of the Report of the Special Group on Public Service Numbers and Expenditure Programmes, which recommended the abolition of the Dormant Accounts Board — the Government has approved the Heads of a Bill that will dissolve the Dormant Accounts Board and make appropriate arrangements for the transfer of its functions to my Department. Drafting of the Bill has commenced and I anticipate that it should be published during the current parliamentary session. As soon as the legislation is enacted, I would envisage presenting a new Disbursement Plan to Government for its consideration. Further details of projects to which funding has been allocated to date and a summary of the status of the DAF are available on my Department's website at:

[www.pobail.ie/en/DormantAccounts](http://www.pobail.ie/en/DormantAccounts) .

### **Departmental Programmes**

69. **Deputy Denis Naughten** asked the Minister for Community, Equality and Gaeltacht Affairs the steps he is taking to facilitate the expansion of the role of integrated development companies; and if he will make a statement on the matter. [38984/10]

**Minister for Community, Equality and Gaeltacht Affairs (Deputy Pat Carey):** The Deputy will be aware that my Department has, over the past number of years, been pursuing a process of cohesion of local delivery structures in order to simplify and enhance the effectiveness of the delivery of a range of local development programmes. The realignment of local delivery structures has reduced the overall number of local development bodies from 94 to 52, comprising 15 local development companies (Partnerships) in urban areas and 37 integrated LEADER/Partnership bodies in rural areas and has extended the remit of these companies to all areas of the country. These entities are all independent companies limited by guarantee. The next phase of the reform agenda, which is now underway, is focused on improving and

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‘joining up’ the outputs of programmes, as well as further advancing the consolidation of community and local development structures.

My Department has extensive and ongoing engagement with the local development companies and provides funding to them to implement a number of programmes which enhance their capacity to be key facilitators of development in their respective areas. These programmes include:

- The Local and Community Development Programme (LCDP) which has superseded the Local Development Social Inclusion and the Community Development Programmes. As part of its overall goals, the LCDP supports individuals into employment and self-employment through education, training, work experience, job placement, enterprise and the social economy in urban and rural areas. Funding of €67.5m has been made available in 2010 for the Programme.
- The Rural Development Programme 2007-13 under which funding of some €425m is available over its lifetime for the purpose of improving the quality of life in rural areas and promoting the diversification of the rural economy.

My Department will continue to work closely with the companies over the coming years to assist them in achieving positive outcomes for the communities they serve.

### **Community Development**

70. **Deputy Jack Wall** asked the Minister for Community, Equality and Gaeltacht Affairs the number of projects in County Kildare that have received funding under the equality for women measure; the number of applications from County Kildare; and if he will make a statement on the matter. [39277/10]

**Minister of State at the Department of Community, Equality and Gaeltacht Affairs (Deputy Mary Alexandra White):** The Equality for Women Measure 2008-2013 provides targeted opportunities for women in employment, training, entrepreneurship and decision-making, using ESF and Exchequer funding. To date, two phases of the Measure have been advertised extensively, inviting applications from a wide range of service providers, including community-based not-for-profit groups, recognised training bodies, State agencies, trade unions and employer groups. The 2008-2013 Measure was first advertised in 2008 and focused on initiatives to enable disadvantaged women to acquire skills to prepare them to for employment or to enter mainstream training or education.

Three project applications were submitted by groups based in County Kildare. Each application was appraised on its own merits and none scored highly enough to receive funding. Due to the economic downturn, it was only possible to make funding of €30,000 each available to 37 groups. These groups were offered a second tranche of funding and the total commitment under this two year phase was about €2 million. A new call for proposals was made earlier this year, again with a media campaign. The scope of the Measure was broadened to include additional entrepreneurship initiatives and the advancement of women who are in employment. On this occasion, no applications were received from projects located in County Kildare.

Following the appraisal of 190 applications, completed by Pobal, 43 projects received funding offers of up to €50,000 each, earlier this month. This funding, totalling €1.903 million per annum, may be renewed, subject to conditions. The Measure will be reviewed again in late 2011 and may be refocused and/or re-advertised at that time.

### Juvenile Diversion Programmes

71. **Deputy Liz McManus** asked the Minister for Community, Equality and Gaeltacht Affairs if, under the Garda juvenile diversion programmes, his Department has any input into these programmes; and if he will make a statement on the matter. [39287/10]

81. **Deputy Jan O'Sullivan** asked the Minister for Community, Equality and Gaeltacht Affairs if he has met with other Government Departments in relation to continued anti-social behaviour in communities; if such meetings have included local authorities; and if he will make a statement on the matter. [39289/10]

87. **Deputy Willie Penrose** asked the Minister for Community, Equality and Gaeltacht Affairs if his Department has had a role in the joint policing committee programme in view of the importance of such schemes to our communities; and if he will make a statement on the matter. [39292/10]

**Minister for Community, Equality and Gaeltacht Affairs (Deputy Pat Carey):** I propose to take Questions Nos. 71, 81 and 87 together.

With regard to the National Youth Justice Oversight Group, which monitors the progress of the National Youth Justice Strategy 2008-2010, while my Department is represented on the group, the development of juvenile diversion programmes is a matter for my colleague, the Minister for Justice and Law Reform, and the Garda Síochána. Officials of my Department regularly meet and liaise with other Government Departments and local authorities on a wide range of matters in relation to the programmes we deliver, including those programmes which seek to tackle and reduce anti-social behaviour in communities. This would include meetings related to the RAPID Programme, which nationally supports the development and implementation of locally-led responses to anti-social behaviour and community safety.

Over the past number of years, several innovative measures were introduced to RAPID areas in the area of community safety, including, an anti-graffiti programme supported by the Departments of Justice and Law Reform; Environment, Heritage and Local Government; and my own Department, which facilitated an anti-graffiti impact in a range of cities and towns. Another such measure was the community-based CCTV Programme, funded under the RAPID programme, which was operated by the Department of Justice and Law Reform, in close liaison with my own Department.

As the Deputies will be aware, my Department also has responsibility for the National Drugs Strategy 2009-2016. Given the role of substance misuse as a contributor to anti-social behaviour, such behaviour is a key concern for many of the Drug Task Forces funded by my Department, which liaise on a regular basis with relevant local authorities, agencies and organisations on this issue. In relation to the Joint Policing Committee programme, responsibility for this programme is also a matter for my colleague, the Minister for Justice and Law Reform. My view, however, is that this programme has considerable potential in terms of dealing with problem drug use and this is reflected in the actions relating to the programme outlined in the National Drugs Strategy 2009-2016.

### Security of the Elderly

72. **Deputy Kathleen Lynch** asked the Minister for Community, Equality and Gaeltacht Affairs the number of groups in County Kildare registered under the senior alerts scheme; the location of same; and if he will make a statement on the matter. [39285/10]



**Minister for Community, Equality and Gaeltacht Affairs (Deputy Pat Carey):** To date, eight groups have registered to operate the Seniors Alert Scheme in County Kildare. The details requested by the Deputy are set out in the table.

Community Group	Area of Coverage
Evergreens/Clane Senior Citizens	Clane/Rathcoffey
Lullymore Barnaran Drumsru and Cappanargid Community Alert	Lullymore/Barnaran/Drumsru/Cappanargid
Maynooth Senior Citizens Committee	Maynooth/Ladychapel
SVDP Naas	Laois/Carlow/Kildare
Monasterevin Old Folks	Monasterevin Parish
Naas & District Community Alert	Nass & surrounding areas
Kilcullen Lions Club	Kilcullen/Calverstown/Brannockstown
Newtown/Donadea Senior Citizens ARA	Newtown, Donadea, Ballycalan, Cloncurry, Ballagh

### National Drugs Strategy

73. **Deputy Kathleen Lynch** asked the Minister for Community, Equality and Gaeltacht Affairs if, under the national drugs strategy, his Department has any views on the number of juvenile diversion programmes as operated by the Garda; and if he will make a statement on the matter. [39286/10]

**Minister for Community, Equality and Gaeltacht Affairs (Deputy Pat Carey):** The work of the Garda Juvenile Diversion programmes in all areas where they have been established is seen as being important in the context of the National Drugs Strategy, as it makes a significant contribution to the targeting of youth at risk with respect to drug use. I understand that a total of 100 projects are being operated under these programmes — details are available on [www.iyjs.ie](http://www.iyjs.ie). The important role of the Gardaí in tackling the drug problem on the ground in our communities is reflected in their active participation on Drugs Task Forces across the country.

### Departmental Funding

74. **Deputy Aengus Ó Snodaigh** asked the Minister for Community, Equality and Gaeltacht Affairs his views on whether cuts made to the community and voluntary sector during the course of the economic downturn have been disproportionate considering that in 2009 when Government expenditure increased by 6% his Department's budget, which funds essential community infrastructure decreased by 8% and in 2010 while Government expenditure decreased by 8% his Department's budget was cut by 10%; his plans to reverse this trend and defend the community and voluntary sector from budgetary reductions. [38986/10]

**Minister for Community, Equality and Gaeltacht Affairs (Deputy Pat Carey):** As the Deputy is aware, in the current economic circumstances we continue to be faced with very difficult decisions. Over the course of the economic downturn, the Government has considered a number of measures to maintain a prudent fiscal outturn for 2009 and 2010 and also to provide the basis for a sustainable approach to the current financial situation. Across Government, our approach has been to do this in as balanced a way as possible. Notwithstanding these challenges, the Government — and indeed my own Department — remain committed to supporting the community and voluntary sector.

To the greatest extent possible, savings in this area have been sought through efficiencies, rather than through reductions in services. While the allocations in most expenditure programmes were reduced for 2010, my primary concern has been to make every effort to ensure that the daily front-line services provided with funding from my Department are protected,

especially those focused on the needs of the most socially deprived communities. Clearly, in the prevalent financial circumstances, objectives will have to be pursued with less resources than previously. However, we will continue to strive to achieve good outcomes and value for money, notwithstanding these constraints. The Deputy will appreciate that the 2011 allocations will not be decided until the Estimates process is completed within the framework of the forthcoming Budget.

*Question No. 75 answered with Question No. 61.*

### Constitutional Amendments

76. **Deputy Jim O’Keeffe** asked the Minister for Community, Equality and Gaeltacht Affairs if he will report on his review of the need to hold a referendum to consider amending Article 41.2 of the Constitution, broadening the role of women in the home to one which recognises the role of the parent in the home; and if he will make a statement on the matter. [39273/10]

**Minister of State at the Department of Community, Equality and Gaeltacht Affairs (Deputy Mary Alexandra White):** The language in Article 41.2 of the Constitution has been criticised by the Committee which reviews the implementation of the UN Convention on the Elimination of All Forms of Discrimination against Women. It has also been reviewed by the Constitution Review Group and the All-Party Oireachtas Committee on the Constitution, each of which proposed new formulations to replace the existing language. My Department is currently considering these recommendations and the wider implications of the proposals before bringing a recommendation in this regard to Government.

### Security of the Elderly

77. **Deputy Jack Wall** asked the Minister for Community, Equality and Gaeltacht Affairs the funding provided by his Department under the senior alert scheme to date; the amount per county; and if he will make a statement on the matter. [39274/10]

**Minister for Community, Equality and Gaeltacht Affairs (Deputy Pat Carey):** As the Deputy is aware, the Scheme of Community Support for Older People (CSOP) was replaced by the Seniors Alert Scheme on 24 May 2010. Applications continue to be processed under both schemes and my Department has provided funding of €1.56m to date. Both schemes are demand-led initiatives to help community groups address issues of isolation and the security fears of older people. Expenditure in each county is directly related to the number of applications received from community groups operating in support of older people. My Department does not set county allocations under the Schemes. The table below shows the amount of funding provided per county in 2010 to date.

County	€	County	€	County	€
Carlow	21,699	Kilkenny	35,395	Offaly	51,373
Cavan	93,491	Laois	32,239	Roscommon	3,750
Clare	48,954	Leitrim	15,511	Sligo	32,490
Cork	155,635	Limerick	52,090	Tipperary	68,378
Donegal	36,829	Longford	29,265	Waterford	27,530
Dublin	201,856	Louth	39,607	Westmeath	59,679
Galway	153,020	Mayo	71,511	Wexford	61,733
Kerry	76,317	Meath	38,834	Wicklow	38,573
Kildare	39,143	Monaghan	79,410		

### Departmental Agencies

78. **Deputy Lucinda Creighton** asked the Minister for Community, Equality and Gaeltacht Affairs if he has had any communication with the European Parliament petitions committee regarding funding and staff cuts at the Equality Authority; and if he will make a statement on the matter. [40312/10]

**Minister of State at the Department of Community, Equality and Gaeltacht Affairs (Deputy Mary Alexandra White):** I have not had any communication with the European Parliament Committee on Petitions in this regard.

### Irish Language

79. **Deputy Thomas P. Broughan** asked the Minister for Community, Equality and Gaeltacht Affairs his plans to carry out a cost benefit analysis on the expenditure of his Department on the Irish language; and if he will make a statement on the matter. [39306/10]

**Minister for Community, Equality and Gaeltacht Affairs (Deputy Pat Carey):** As indicated in response to other Questions in the House today, the draft 20-year Strategy for Irish was published in draft form in late 2009 and was subsequently referred to the Joint Oireachtas Committee on Tourism, Culture, Sport, Community, Equality and Gaeltacht Affairs in order to allow for a further period of consultation and cross-party debate. The Committee issued its report, including a significant number of recommendations, on 28 July last. These are being examined at the moment in conjunction with the relevant Government Departments and I anticipate that this work will be completed shortly.

I hope to bring the draft Strategy back to Government for approval in the near future. The Strategy, once approved, will provide the basis for future Government support for the Irish language. In terms of value for money, I should make the point that the focus in implementation of the Strategy will be on ensuring best use and effectiveness of existing resources in terms of positive outcomes for the language. Clearly, the effectiveness of all the programmes and interventions in this area will fall to be assessed afresh in the light of the Strategy, once it has been finalised.

This work will, of course, build also on other relevant value for money assessments undertaken by my Department in recent years, including the Value for Money & Policy Review of Ciste na Gaeilge 2000-05 and the Review of Expenditure Improvement Schemes in the Gaeltacht 2006.

### National Drugs Strategy

80. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Community, Equality and Gaeltacht Affairs his views on whether the absence of community indicators along the lines of those recommended by reports (details supplied) from the national drugs strategy is a shortcoming and the steps he will take to develop and introduce such indicators. [38988/10]

**Minister for Community, Equality and Gaeltacht Affairs (Deputy Pat Carey):** The indicators set out in the report referred to by the Deputy have now been incorporated into the procedures for all projects when requesting interim funding from a Drugs Task Force. This information provides for a significantly increased level of detail on project activity, including the target group involved, methods used, category of project, staffing levels and numbers of people accessing services. In addition, a more rigorous financial feedback system has been developed.

The Drugs Task Forces are charged with creating and maintaining an up-to-date overview on the nature and extent of drug use, and the services available in their area/region, through

the gathering of all relevant information from the organisations and services involved. It is my view that Drugs Task Forces have a good overview of what the key issues facing their communities are with respect to problem drug use.

It is the role of all Drugs Task Force representatives to ensure that all relevant information available to their organisations is provided to the relevant Task Force for the purpose of developing a 'Community Profile.' This could include (as outlined in the NACD Report: A Community Drugs Study: Developing Community Indicators for Problem Drug Use (2006)):

- a profile of the range of drugs being used: information from the HSE (e.g. methadone treatment data) and the Health Research Board (e.g. data from the National Drug Treatment Reporting System);
- a profile of the local housing development (including information on evictions or potential evictions) and use of public spaces;
- a profile of drug-related deaths in the area;
- a profile of crime and community safety in the region (drugs seizures, public order and anti-social arrests and charges, acquisitive crime, seizures/ number of cases sent for forensic analysis, Garda data on known opiate users);
- social capital — informal social support networks, structure, density, size and composition by age, gender, ethnicity etc., including a profile of community participation/ volunteering; and
- school attendance.

The National Drug Treatment Reporting System (NDTRS) has been further developed over the last few years and it now provides for the extraction of information by Drugs Task Force area. This service is expected to be available on-line shortly, which will enable Drugs Task Forces to interrogate data with a view to gaining an understanding of treatment trends in their own areas.

*Question No. 81 answered with Question No. 71.*

### **Interdepartmental Committees**

82. **Deputy Joe Costello** asked the Minister for Community, Equality and Gaeltacht Affairs if he is working with other Government Departments in relation to the growing concerns on the availability of alcohol to our younger population through home delivery services; and if he will make a statement on the matter. [39280/10]

**Minister for Community, Equality and Gaeltacht Affairs (Deputy Pat Carey):** A Steering Group, jointly chaired by my Department and the Department of Health and Children, is currently finalising proposals for a National Substance Misuse Strategy that will align alcohol and drugs policies. The Steering Group includes representatives of various Government Departments and agencies, as well as industry, community and voluntary sector representatives. The issue of distance-sales of alcohol, involving deliveries to various locations, has been discussed in this context with a view to ascertaining if improvements can be made. Meanwhile, the emphasis is on the enforcement of the existing legislation.

*Question No. 83 answered with Question No. 58.*

### National Drugs Strategy

84. **Deputy Lucinda Creighton** asked the Minister for Community, Equality and Gaeltacht Affairs the position regarding the south inner city drugs task force; the progress made on the task force's strategic plan 2008 to 2012; and if he will make a statement on the matter. [40313/10]

**Minister for Community, Equality and Gaeltacht Affairs (Deputy Pat Carey):** Each Task Force is responsible for the development and implementation of its Strategic Plan. These plans are based on the five pillars of the National Drugs Strategy 2009-2016 — Prevention, Rehabilitation, Supply and Reduction, Treatment and Research. The Task Forces routinely report on progress through the Drugs Advisory Group. Arising from its analysis of local conditions and needs, each Task Force including the South Inner City Drugs Task Force, has developed strategic plans based on the five pillars. The South Inner City Task Force is funding 39 projects to deliver its local strategy and it reports that progress has been made under all pillars. I will be meeting the Chairs of all of the Task Forces shortly to review progress.

### Community Development

85. **Deputy Jim O'Keeffe** asked the Minister for Community, Equality and Gaeltacht Affairs the steps taken by him to progress the active citizenship agenda since responsibility for same was transferred to him in May 2010. [39272/10]

**Minister for Community, Equality and Gaeltacht Affairs (Deputy Pat Carey):** I welcome the integration of the Active Citizenship agenda into my Department, which will complement our ongoing efforts to encourage voluntary activity and community development. My Department will be supported in its role by the Steering Group on Active Citizenship, chaired by Ms Mary Davis, whose members have a wealth of experience of working to develop community engagement and encourage greater levels of civic engagement by citizens who are committed to making a positive difference within their communities.

As the Deputy will appreciate, a successful democracy is dependent on the extent to which its citizens become involved in the issues that affect them in their daily lives and generally playing an active part in shaping communities around the country. By maximising the role of my Department to include an Active Citizenship-focussed approach to develop greater citizen engagement, I believe that we can deliver real and lasting benefits to the lives of all members of our communities.

The Government continues to work with communities and organisations to highlight and promote the importance of increasing civic engagement by citizens, including voluntary and philanthropic activities that strengthen the fabric of community life across Ireland. I believe that a strong, vibrant community infrastructure is vital in order to maximise our potential to provide a better quality of life for all, despite the significant economic challenges that we now face.

At EU level, Ireland has been to the forefront of identifying Active Citizenship as a policy area which needs to be addressed and strengthened. Lately I was pleased to chair the inaugural meeting of the Irish Steering Group for the European Year of Volunteering 2011 (EYV2011). Central to the year is the whole concept of Active Citizenship, of which volunteering is just one part.

Progressing the recommendations of the Taskforce is a matter for several Departments as well as my own. I am pleased that a number of the recommendations have been advanced to date, including the following: · Audits of existing community facilities have been completed

and appropriate arrangements are being made by local authorities to make them available at local level. The main purpose of the audits is to establish current level provision and that, in the event of future public funding for community facilities, any applications for such financing support would take account of the results of the audit in terms of identifying needs in specific geographic areas.

The Taskforce recommended the strengthening of local civic participation, which informed the preparation of the Green Paper on Local Government: Stronger Local Democracy — Options for Change. The White Paper on Local Government, which will present settled Government policy on a range of local government matters, including participative democracy measures, is currently being finalised by the Cabinet Committee on Local Government.

The Department of Education and Skills has encouraged schools to make their premises available for community use. In addition, a scheme is currently funded under the Dormant Accounts (Educational Disadvantage Fund) to enable DEIS Band 1 schools in Limerick City to open after school hours to maximise community use of school premises and facilities. All of the DEIS Band 1 schools in Limerick City, a total of 22 schools (16 primary and 6 post primary), are participating in this scheme.

There are approximately 200 new after-school activities running in all 22 schools.

At second level senior cycle, the NCCA (National Council for Curriculum Assessment) is developing a syllabus for a full optional exam subject called 'Politics and Society' as an extension of the current Civic, Social and Political Education (CSPE) subject in Junior Cycle, which currently gives students practical experience of active citizenship.

In relation to the adult education sector, the range of Further and Adult Education programmes are geared towards enabling participants to contribute more fully to the social, cultural and economic life of this country, through education and information courses.

Active Citizenship was a key theme of the Social Inclusion Week arranged by local authorities last week as part of the Irish National Programme of activities supporting the EU Year for Combating Poverty and Social Exclusion 2010. My Department also supported an all-island conference on "Combating Rural Poverty and Social Exclusion" which I addressed last week. In this regard, the Steering Group liaised with my Department and the Department of Environment, Heritage and Local Government and advised on Active Citizenship awareness around the country.

### **Departmental Programmes**

86. **Deputy Pat Rabbitte** asked the Minister for Community, Equality and Gaeltacht Affairs the meetings he has had with other Ministers or his Department with other Departments in relation to amalgamating or transferring funding from the Leader to county enterprise programmes; and if he will make a statement on the matter. [39296/10]

89. **Deputy Denis Naughten** asked the Minister for Community, Equality and Gaeltacht Affairs the steps he is taking to support local enterprise start ups; and if he will make a statement on the matter. [38983/10]

**Minister for Community, Equality and Gaeltacht Affairs (Deputy Pat Carey):** I propose to take Questions Nos. 86 and 89 together.

The main objectives of the Rural Development Programme (RDP) are to improve the quality of life in rural areas and facilitate the diversification of the rural economy. The individual measures under the Programme, including indicative allocations, are as follows:

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- Diversification into non-agricultural activities for farm families — €16.66m e.g. Development of niche tourism and educational services such as arts and crafts, speciality food provision, open farms etc Support for business creation and development — €48.26m e.g.
- Support to start a new business or expand an existing enterprise including the adoption of new technologies.
- Encouragement of tourism activities — €45.4m e.g. Maintenance of vernacular features in a way that protects the heritage of the features such as disused railway lines and canal towpaths.
- Basic services for the economy and rural population — €49.61m e.g. Identification and provision of appropriate cultural and leisure facilities to local communities, not otherwise available to them.
- Village renewal and development — €54.2m e.g. Farmers Markets.
- Conservation and upgrading of the rural heritage — €51.7m e.g. Alternative or renewable energy actions addressing suitability of new technologies to meet community energy needs.
- Training and information on adapted and new skills — €29.45m e.g. Development of training facilities in rural areas (fixed or mobile).
- Implementing co-operation projects — €10.7m.
- Skills acquisition and animation — €34.63m

Details of the expenditure to date under each programme measure is set out in the table. I am pleased with the progress to date under the RDP, which continues to facilitate access to significant financial resources for rural communities. This has resulted in the proliferation of innovative and sustainable development projects around the country, which are providing invaluable support to rural communities in these difficult times, and there is no question of funds being diverted away from the RDP.

Indirect and direct support to start up enterprise is critical for the achievement of the aims of the RDP. The main body of direct funding for enterprise creation is under the Business Creation and Development measure, which has a programme allocation of €48.26 million. This measure provides for a range of assistance types for start-up enterprises and the expansion of existing enterprises. Funding under the measure has already provided direct start-up and development support to rural microenterprises in such diverse sectors as Renewable Energies, Food Processing and Audio & Video production.

Direct support for enterprise development can also be provided through the Diversification into Non-Agricultural Activity Measure (€16.66m) and Encouragement of Tourism Activities Measure (€45.4m). These measures are aimed directly at providing support for the creation of on-farm employment opportunities in non-agricultural activities and services and the provision of support for rural tourism initiatives, respectively. Other measures of the programme are designed to provide indirect support to start up enterprises, including a training measure which aims to develop the capacity of rural dwellers to allow them to avail of funding opportunities under the programme. This includes training to facilitate the development of enterprise ideas into viable business opportunities. Further measures of the programme provide for the development and maintenance of the social, cultural and economic infrastructure to facilitate the

creation of vibrant rural communities, which are necessary for the sustainable economic development of rural Ireland.

The RDP currently has registered project activity of €73 million, with almost €55 million at an advanced stage of development. This activity has the potential to leverage in excess of €43m in private matched funding, with €33m of this linked with the most advanced projects. Expenditure to date amounts to almost €27.7 million, which includes funding for a diverse range of projects from support for micro-enterprise in rural areas to the building and maintenance of community infrastructure and the provision of training in a variety of disciplines for rural dwellers. I am confident that all of the activity funded under the RDP to date is contributing to the creation of the right conditions for the generation of sustainable, long-term job opportunities in rural areas.

I can assure the Deputy that I work closely with my Cabinet colleagues, particularly Minister for Enterprise, Trade and Innovation, Mr Batt O’Keeffe, T.D., to promote increased co-operation between groups promoting LEADER and other agencies either directly or indirectly involved in supporting enterprise — specifically the County Enterprise Boards. Our aim is to ensure that we maximise the impact of all of the funding available and support enterprise and job creation in rural areas to the greatest extent possible, while at the same time ensuring that no unnecessary or inefficient overlaps or duplication occur.

Expenditure to date under each RDP programme measure

RDP Measure	Project Expenditure to Date
	€
Diversification into non-agricultural activities	790,235.25
Business creation and development	4,136,944.22
Encouragement of tourism activities	3,665,205.35
Basic services for the economy and rural population	12,315,137.43
Village renewal and development	2,758,422.22
Conservation and upgrading of the rural heritage	1,961,569.54
Training and information	1,944,052.97
Skills acquisition, animation and implementation of local development strategies	28,255.07
Implementing co-operation projects	162,709.74
Total	27,762,531.79

My Department further supports enterprise through Údarás na Gaeltachta, which has a primary aim of reversing the downward employment trend in the Gaeltacht and seeking to effect the transition from a declining manufacturing sector to employment in services, including Irish-language centred employment. The organisation also provides supports for community-based projects in the areas of language development, childcare, youth services and rural development.

A total of €30 million has been allocated to Údarás na Gaeltachta from my Department’s Vote for the year 2010. It is worth noting also that extra funding of €2m was provided as an additional support to the organization at the end of 2009, bringing the overall allocation for 2009 to €39.6 million. Thus, over the two year period, 2009-2010, an tÚdarás will have received almost €70 million from my Department’s Vote in order to allow it to pursue its objectives.

In addition to Exchequer voted funding, An tÚdarás also has access to other sources of income that enable it to promote and stimulate employment creating initiatives, for example, income generated from schemes, such as the Community Employment Scheme and the Rural



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Social Scheme and income from dividends, fees and the sale and lease of assets. Funding is also made available to An tÚdarás by the Department of Enterprise, Trade and Innovation through the Employment Subsidy Scheme and the Enterprise Stabilization Fund. These supports are important to businesses in the Gaeltacht and help them to continue trading and to protect jobs. Last year, for example, these two schemes safeguarded 605 jobs.

*Question No. 87 answered with Question No. 71.*

### **Irish Language**

88. **Deputy Joan Burton** asked the Minister for Community, Equality and Gaeltacht Affairs his views on whether the €300,000 spent on translating county development plans into Irish (details supplied) could have been spent on developing the use of the Irish language in some other way; and if he will make a statement on the matter. [39303/10]

**Minister for Community, Equality and Gaeltacht Affairs (Deputy Pat Carey):** Since the Official Languages Act was enacted in 2003, my Department has been conscious of the need to operate it in as efficient and cost-effective manner as possible. In relation to the publication of official documents in bilingual format, I am strongly of the view that documents which fall under section 10 of the Act, such as Annual Reports and Statements of Strategy, should be published by way of CDs or the internet, rather than hard copy. I am aware that a number of public bodies already follow this practice. Indeed, the Coimisinéir Teanga specifically advocates this approach to public bodies in the Guidebook on the Act that his Office published and circulated to all bodies in 2008.

There are also other ways in which public bodies can achieve greater cost-effectiveness in the area of translation, for example, by planning for translation earlier in the process and by the greater use of standardised templates for documents such as annual reports. The development by Foras na Gaeilge of a number of support services, including the roll-out of the accreditation system for translators and the development of an Irish Language Translation Memory Resource for public bodies, will also help to ensure that such bodies receive a translation product that is reliable and meets a high standard.

The Official Languages Act requires local authority draft development plans to be produced simultaneously in Irish and English since they are key consultation documents. The requirement to publish official documents in Irish is strictly limited to very specific documents and does not encompass all official documents as often suggested in the media. I would also make the point that the numbers of hard copies of draft development plans in Irish sold to the public is not a measure of their usage since they can be consulted or downloaded free-of-charge from local authority websites. It is important that local authorities encourage the public to engage with them and with the planning process in Irish as well as English. To do otherwise would marginalise the Irish language by excluding it from this important area of public affairs. It is counterproductive to promote Irish as our national language in education and other areas if we do not facilitate its usage by the public in their interaction with the state and its agencies, local authorities included.

*Question No. 89 answered with Question No. 86.*

### **National Drugs Strategy**

90. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Community, Equality and Gaeltacht Affairs in the context of his responsibility for the implementation of the national drugs

strategy, the steps he intends to take to introduce an agreed input model for budgets because of the current difficulties disaggregating the actual spend on drugs across the various Departments and agencies involved. [38987/10]

**Minister for Community, Equality and Gaeltacht Affairs (Deputy Pat Carey):** For some years now Departments and agencies involved in delivering the National Drugs Strategy have provided estimates of their expenditure in combating problem drug use. The figures that are compiled relate to services that are, for the most part, directly aimed at dealing with the drugs issue under the Strategy. Thus the estimates do not include mainstream services that impact positively in varying ways on the overall drugs problem. In these cases it is not feasible at present to accurately disentangle a drug-related element of the overall funding.

Under the Research & Information pillar of the National Drugs Strategy 2009-2016, Action 50 envisages the development and implementation, in association with the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA), of new drugs indicators at national level for three areas, including public expenditure. This is a Europe-wide initiative and the Health Research Board has been allocated the lead role here on this Action. It is envisaged that the matter will be progressed, in association with other EU Member States, over the period of the Strategy.

### Community Development

91. **Deputy Emmet Stagg** asked the Minister for Community, Equality and Gaeltacht Affairs his views on the make up of the new regional forum on integration; if all counties were represented in applications; and if he will make a statement on the matter. [39275/10]

**Minister of State at the Department of Community, Equality and Gaeltacht Affairs (Deputy Mary Alexandra White):** I have established a Ministerial Council on Integration to provide a forum where migrants can speak directly to me regarding their experiences of integration in Ireland and thereby promote better-informed policymaking by identifying any issues and bringing them to attention.

The establishment of the Council is one of the initiatives outlined in the policy statement — *Migration Nation: Statement on Integration Strategy and Diversity Management* — and is part of progressing work around migrant integration policy in Ireland.

Expressions of interest for appointment to the Council were sought through advertisements in both the national and regional press. Applications were invited from persons from the migrant community who are legally resident in Ireland for two or more years or who have acquired Irish citizenship. Some 500 valid applications were received in my Office from persons resident in 26 counties before the closing date of 7 July 2010. In making appointments to the Council, I considered various matters such as the need to have a balance between countries of origin, places of residence in Ireland and the desirability of having an appropriate gender balance.

*Question No. 92 answered with Question No. 58.*

### Departmental Bodies

93. **Deputy Róisín Shortall** asked the Taoiseach if he will provide details of all bodies, committees or groups under his Department or any of the agencies within his Department's remit associated with social partnership established in the past 15 years; the details of all funding allocated to these bodies in that period; the details of all funding provided to social partnership

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bodies or persons associated with such bodies in the period and the purpose of these allocations. [40718/10]

**The Taoiseach:** Having regard to the broad nature of the Deputy's question, the significant time period involved, and the number of Social Partnership organisations in question, it is not possible to compile this information in the period allowed for reply. I will forward this information to the Deputy as soon as it is available.

### School Accommodation

94. **Deputy Michael McGrath** asked the Tánaiste and Minister for Education and Skills the position regarding the provision of an extension at a school (details supplied) in County Cork. [40372/10]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** I am pleased to inform the Deputy that the Design Team, for the school building project to which he refers, was recently given authorisation to proceed to tender.

95. **Deputy Fergus O'Dowd** asked the Tánaiste and Minister for Education and Skills if she has received correspondence from an organisation (details supplied) requesting a new primary school in that area; and if she will make a statement on the matter. [40390/10]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** I wish to confirm that my Department has received correspondence in relation to the establishment of an Educate Together school in the area referred to by the Deputy. As the Deputy may be aware the Commission on School Accommodation is currently reviewing the procedures for the establishment of new primary schools. The Commission is due to report to me shortly at which stage I will have to consider policy matters and necessary arrangements and revised procedures that will need to be put in place. While the review is ongoing it is not intended to establish any new primary schools except in cases where new schools are warranted because of increased demographics. This means that new schools will not be established for reasons unrelated to demographic growth.

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. The study indicated that the requirement for additional primary provision in the short to medium term is likely to be greatest in more than 40 identified locations across the country based on significant changes to the demographics of those areas. The Portobello area was not included in these initial identified areas. 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 school requirements in the area referred to will be considered in this context.

### School Staffing

96. **Deputy Finian McGrath** asked the Tánaiste and Minister for Education and Skills if she will support a matter (details supplied). [40408/10]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** The issues raised by the Deputy primarily relate to the forthcoming budget. The Government is currently working on the estimates process for December's budget. We will also be setting out in some detail our

budgetary plans for the next 4 years. It is only by taking the difficult decisions now that we can ensure that our economy returns to growth again. This will put the delivery of our public services on a more sustainable basis rather than on our current reliance on borrowed money. My Department cannot give any guarantees in relation to budgetary impacts on education. Clearly, my Department as one of the large spending Departments will have to play its part in the budgetary process. However, as a Government we will be doing our best to minimise the impact for front-line public services.

The Deputy also raised issues about the amendment to section 30 of the Teaching Council Act. Section 30 of the Teaching Council Act 2001, which has not yet been commenced, provides that only registered teachers can be remunerated out of moneys provided by the Oireachtas. While it is still the aim of the Minister that all teachers in schools be registered with the Council (and therefore fully qualified), it is apparent that to commence Section 30 as it stands could have a serious negative impact for a small number of schools where, in specific circumstances, unqualified personnel are required in the short term. Section 12 of the Education (Amendment) Bill 2010 is necessary for the amendment of Section 30 of the Teaching Council Act to allow for the employment, only in certain exceptional and limited circumstances, of persons who are not registered teachers under the Act.

It is the policy of my Department that only qualified personnel should be employed by schools. Circular 40/2010, which issued earlier this year, directs schools 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. In addition, my Department recently issued a reminder to school authorities calling on schools to give priority to newly or recently qualified teachers when making appointments for periods of substitution and other temporary appointments.

### Higher Education Grants

97. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Education and Skills when an appeal against a decision to refuse a higher education grant will be made in the case of a person (details supplied) who is currently attempting to go back to education following loss of employment; and if she will make a statement on the matter. [40435/10]

**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.

### Schools Building Projects

98. **Deputy Mary O'Rourke** asked the Tánaiste and Minister for Education and Skills the position regarding the relocation of a primary school (details supplied) in County Westmeath. [40445/10]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** The school authority of the school referred to by the Deputy has recently written to my Department advising that, following meetings with Department officials and senior officials of the County Council, the Patron acquired a site, subject to planning, to facilitate the construction of a new school

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building. My Department will be responding in due course to the issues raised in the correspondence from the school.

In accordance with the published criteria for large scale building projects, the project for this school has been assigned a Band 2 rating. Information in respect of the current school building programme along with all assessed applications for major capital works, including this project, is available on the Department's website at [www.education.ie](http://www.education.ie). The progression of all large scale building projects, including this project, from initial design stage through to construction phase will be considered in the context of the Department's multi-annual School Building and Modernisation Programme. However, in light of current competing demands on the Department's capital budget, it is not possible to give an indicative timeframe for the progression of a project at the school in question at this time.

### Vocational Education Committees

99. **Deputy Fergus O'Dowd** asked the Tánaiste and Minister for Education and Skills the criteria she will apply in deciding the location of the headquarters of the amalgamated vocational education committees; and if she will make a statement on the matter. [40459/10]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** The Government have decided to reduce the overall number of VECs from 33 to 16 and to the merger of particular city and or counties. The location of the headquarters of the new VECs will be determined later. This will require engagement by my Department with the VECs concerned. A number of factors will come into play such as suitability of existing properties; capacity to cater for combined staffing; options for property disposals; relative scale and associated staff numbers of existing VECs; and whether headquarter options in an area are centrally located or at the boundaries of the area.

### Departmental Agencies

100. **Deputy Fergus O'Dowd** asked the Tánaiste and Minister for Education and Skills the number of staff currently employed at FETAC in the area of monitoring training providers' compliance with standards; and if she will make a statement on the matter. [40464/10]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** FETAC monitors and evaluates the effectiveness of each provider's quality assurance system. All FETAC staff have a responsibility to monitor provider activity and a proactive approach to monitoring is taken by staff in all functions of FETAC, including in provider registration and certification and assessment activities supported by external examiners and authenticators. FETAC agrees each provider's procedures for quality assurance and the procedures demonstrate the provider's commitment and capacity to maintain and improve the quality of its programmes and services. Providers are required to develop and document a series of policies and procedures capturing their existing best practice, complemented by an internal monitoring and evaluation system to recognise excellence and facilitate improvement.

Currently there are 1.5 whole time equivalent FETAC staff employed in the area of monitoring provider's compliance with their quality assurance agreements on quality of provision. In 2008 FETAC recruited and trained three contract staff to undertake provider monitoring. The three monitors' contracts expired in early May 2010 and were not renewed due to the moratorium on public sector recruitment. As a result of the non-renewal of the monitors' contracts, FETAC has put in place updated arrangements on provider monitoring. This involves FET-

AC's dedicated monitoring staff being supported by senior staff and staff working in areas such as provider registration as well as through assistance from experienced external authenticators.

### **School Meals Programme**

101. **Deputy Michael Ring** asked the Tánaiste and Minister for Education and Skills if financial assistance will be given to a school (details supplied) in County Mayo in order for the school to continue to provide hot meals to its students. [40472/10]

**Minister of State at the Department of Education and Skills (Deputy Seán Haughey):** The school to which the Deputy refers received once off funding in the amount of €41,000 in 2007 under the Fund for the Development of Targeted Educational Responses to Certain Children at Risk. Payments were made in two instalments €27,072 paid on 31 December 2007 and €14,028 on 29th January 2008. The purpose of this funding was to provide for the infrastructural costs associated with setting up a canteen which were detailed in the schedule attaching to the school's application of 16th May 2007. The day to day running costs for the canteen were not approved for funding. The school was advised in December 2007 that there was no commitment for further funding from the scheme. The scheme has since been terminated and no further applications can be considered.

### **Departmental Transport**

102. **Deputy Simon Coveney** asked the Tánaiste and Minister for Education and Skills the number of State vehicles in use by her Department; if a small pool of vehicles is in use; if so, the number, make and age of these vehicles; the annual cost of fuel, depreciation, staffing for these vehicles; and if she will make a statement on the matter. [40496/10]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** There are no state vehicles in use by my Department.

### **Departmental Bodies**

103. **Deputy Róisín Shortall** asked the Tánaiste and Minister for Education and Skills if she will provide details of all bodies, committees or groups under her Department or any of the agencies within her Department's remit associated with social partnership established in the past 15 years; the details of all funding allocated to these bodies in that period; the details of all funding provided to social partnership bodies or persons associated with such bodies in the period and the purpose of these allocations. [40710/10]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** My Department made funds available to bodies in the Education Sector to assist in the establishment of partnership arrangements in the workplace, aimed at involving staff in the change and modernisation process, delivering improvements in performance and improving the working environment. The funding provided support for staff and facilitation resources, training in partnership skills, communication material, national and regional partnership meetings and administration costs. The provision of funding was contingent on the submission of a Business Case outlining partnership strategy and objectives and was required to be supported by a recommendation from the National Centre for Partnership and Performance, which was consulted in all cases. Details of the funding provided since 2000 are outlined in the attached document.

Details of funding provided to bodies in the Education Sector in support of Partnership in the Workplace

Body	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	Total
	€	€	€	€	€	€	€	€	€	€	€	€
VEC National Partnership Forum		38,982	230,000	214,000	215,000	230,000	230,000	170,000	175,000	175,000	60,000	1,737,982
Institutes of Technology National Partnership Forum		431,711	760,000	730,000	950,000	975,000	17,574					3,864,285
Higher Education Authority	253,948	816										254,764
Marino Institute of Education				50,000	63,000	75,000	120,000	145,000				453,000
Royal Irish Academy of Music			2,700									2,700
St. Angela's College of Home Economics, Sligo			6,750									6,750
St. Catherine's College of Home Economics			1,890									1,890
Dublin Institute for Advanced Studies		5,714										5,714
Oberstown Youth Centre			12,585	1,172								13,757
Total	253,948	477,223	1,013,925	995,172	1,228,000	1,280,000	367,574	315,000	175,000	175,000	60,000	6,340,842

### Pension Provisions

104. **Deputy Paul Kehoe** asked the Tánaiste and Minister for Education and Skills the number of teachers in substitute positions in primary schools that are having pension related deductions made to their payment and the amount of money that was deducted from these teachers during the period September 2009 to September 2010. [40722/10]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** The information requested by the Deputy is being compiled and will be forwarded direct to him.

105. **Deputy Paul Kehoe** asked the Tánaiste and Minister for Education and Skills if the deductions in salary from a person (details supplied) are correct and if they have pension entitlements from the contributions being made. [40723/10]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** Officials of my Department will contact the person referred to by the Deputy in relation to the deductions made from his salary. Generally, since the 2nd June, 2002, a teacher is eligible for the award of superannuation benefits where they have a minimum of 2 years pensionable service. Where a teacher commenced teaching after April 2004, superannuation benefits are payable from their 65th birthday. If a teacher does not have the minimum required service on resignation, the superannuation contributions less appropriate tax are refunded on request.

### Tax Collection

106. **Deputy Seán Ó Fearghaíl** asked the Minister for Finance if an application for a tax rebate will be processed in respect of a person (details supplied); and if he will make a statement on the matter. [40387/10]

**Minister for Finance (Deputy Brian Lenihan):** I have been advised by the Revenue Commissioners that, to ensure compliance with the conditions of the credits claimed, additional information was requested. The application will be processed on receipt of this additional information.

### Flood Relief

107. **Deputy Paul Connaughton** asked the Minister for Finance if a flood assessment has been carried out in respect of persons (details supplied) in County Galway who as a result of a flood were left without a house until two weeks ago; if he will state if the Office of Public Works and Galway County Council have assessed this particular case; if there are any structural changes that can be made that would reduce the chances of such flooding happening to this house in the future; and if he will make a statement on the matter. [40413/10]

**Minister of State at the Department of Finance (Deputy Martin Mansergh):** The event referred to by the Deputy was caused by flooding of the Shiven River, which forms part of the River Suck Joint Drainage District for which Galway County Council and Roscommon County Council have a maintenance responsibility.

Galway County Council carried out an inspection at the location involved in June of this year. However, OPW understands that the Council has been unable to date to identify viable measures to address the flood problem. If mitigation measures are identified by the Council, it would be open to them to apply for funding for these measures under the OPW Minor Flood



[Deputy Martin Mansergh.]

Works scheme. If an application is submitted, it will be considered having regard to the eligibility criteria of the scheme and the overall availability of resources for flood risk management

### **International Agreements**

108. **Deputy Thomas P. Broughan** asked the Minister for Finance if the Irish Government intends to negotiate a settlement with the Swiss Government in relation to Irish tax fugitive funds based in Swiss banks along the lines recently agreed between the UK Chancellor and his Swiss opposite number; and if he will make a statement on the matter. [40420/10]

**Minister for Finance (Deputy Brian Lenihan):** On 25 October the United Kingdom and Switzerland signed a declaration on the initiation of negotiations on the expansion of cross-border cooperation in tax matters and improved market access for banks. These negotiations are expected to commence at the beginning of 2011. Ireland recently concluded negotiations with Switzerland on a Protocol to the Ireland Switzerland Double Taxation Convention. This Protocol includes the new OECD Article on Exchange of Information which will enable information to be obtained by the Revenue Commissioners in relation to bank accounts held by Irish residents in Switzerland. I should state that interest earned on all such accounts are fully taxable in Ireland at the taxpayer's marginal rate of tax.

### **Tax Code**

109. **Deputy Thomas P. Broughan** asked the Minister for Finance if he will report on current tax arrangements between Ireland and offshore banking locations in Europe including the Isle of Man, the Channel Isles, Gibraltar, Switzerland, Liechtenstein and Andorra in relation to offshore bank deposits of Irish tax fugitives; and if he will make a statement on the matter. [40421/10]

**Minister for Finance (Deputy Brian Lenihan):** In order to improve access to bank information held offshore and to promote international co-operation in tax matters I can advise the Deputy that Tax Information Exchange Agreements are in force with the Isle of Man, Jersey, Liechtenstein and Gibraltar. An Agreement with Guernsey has been concluded and ratified by Ireland. It will come into force when it has been ratified by Guernsey. A Tax Information Exchange Agreement has yet to be concluded with Andorra although that jurisdiction has given a commitment to meet the OECD's standards on exchange of information for tax purposes.

In addition, I can also advise the Deputy that a protocol to the Ireland Switzerland Double Taxation Agreement has recently been agreed which incorporates a new article on exchange of information which will permit access to bank information. These new agreements and arrangements allow the Revenue Commissioners to make enquiries in relation to any Irish taxpayer where there is evidence that offshore accounts have been used to facilitate tax evasion.

110. **Deputy Thomas P. Broughan** asked the Minister for Finance if he has investigated any offshore banking arrangements based in Gibraltar organised to evade or avoid Irish employee or contractor tax and PRSI contributions; the steps he is taking to bring such tax avoidance and or evasion to an end; and if he will make a statement on the matter. [40422/10]

**Minister for Finance (Deputy Brian Lenihan):** Ireland has a Tax Information Exchange Agreement with Gibraltar which is in effect from the beginning of this year. This covers direct taxes (income tax, corporation tax and capital gains tax), capital acquisitions tax and value

added tax. It enables the Revenue Commissioners to request information that is relevant to a tax investigation. This includes information in relation to bank accounts and ownership information for companies. I am informed by the Revenue Commissioners that it is not possible, from the information provided, to identify the types of Gibraltar banking arrangements to which the Deputy refers. If the Deputy has any further information, the Revenue Commissioners would be anxious to follow up on it.

### **International Monetary Fund**

111. **Deputy Michael Creed** asked the Minister for Finance if in the event of a further deterioration in the public finances and or a lack of confidence by the international financial markets in the Irish economy consideration has been given within his Department to the likely involvement of the International Monetary Fund in the management of the Irish economy; the practicable implications of its involvement on the day-to-day running of the Department of Finance; if he will publish any draft consideration of this possibility as considered by his Department; and if he will make a statement on the matter. [40446/10]

**Minister for Finance (Deputy Brian Lenihan):** As the Deputy will be aware, this Government has taken firm action over the last two years to tackle the deterioration in the public finances. Those actions are resulting in a stabilisation of the underlying general government deficit this year. We are now preparing a Four-Year Plan for Budgets and Growth which will set out the pathway to stabilising general government debt and to bringing the deficit below 3% of GDP by the end of 2014. This is part of the wider strategy being pursued by Government which has comprehensively addressed the difficulties facing the banking system, which is bringing sustainability to the public finances and which is seeing ongoing improvements in competitiveness. Pursuing these policies is essential for a return to growth, the evidence of which we are already beginning to see. Accordingly, the question posed by the Deputy does not arise. There is no question of seeking the assistance of the International Monetary Fund and no such request has been made.

### **Tax Code**

112. **Deputy Joe Carey** asked the Minister for Finance if he will take into consideration the key recommendation of the tourism renewal group report and abolish the travel tax in the forthcoming budget; and if he will make a statement on the matter. [40452/10]

**Minister for Finance (Deputy Brian Lenihan):** As a matter of policy, taxation measures are reviewed on a regular basis and particularly as part of the Budgetary process. The air travel tax was one of a number of Budgetary measures introduced that was necessary in the context of an overall response to the fiscal challenges we face and represents a genuine effort to broaden the tax base in a fair and equitable manner. I have stated before that the impact of the tax on passenger numbers is being overstated. As the Deputy will be aware, both Germany and Austria have announced plans to introduce an air travel tax with effect from 1 January 2011.

### **Bank Deposits**

113. **Deputy Tom Hayes** asked the Minister for Finance the amount each Department and Government agency has put on deposit with Anglo Irish Bank every year since 2007, including the amount that has been placed for this year; and if he will make a statement on the matter. [40465/10]

**Minister for Finance (Deputy Brian Lenihan):** As the Deputy will be aware, Anglo Irish Bank is run on an arms length commercial basis. The matter of the identity of individuals or entities which hold deposits with the bank is confidential and commercially sensitive.

### Departmental Transport

114. **Deputy Simon Coveney** asked the Minister for Finance the number of State vehicles in use by his Department; if a small pool of vehicles is in use; if so, the number, make and age of these vehicles; the annual cost of fuel, depreciation, staffing for these vehicles; and if he will make a statement on the matter. [40495/10]

**Minister for Finance (Deputy Brian Lenihan):** My Department does not have a pool of state vehicles at its disposal.

### Departmental Staff

115. **Deputy Róisín Shortall** asked the Minister for Finance the number of persons who have commenced apprenticeships with the Office of Public Works who were subsequently offered fixed contracts in the years 2000 to date in 2010 and the subsequent number of those who have been made redundant. [40505/10]

**Minister of State at the Department of Finance (Deputy Martin Mansergh):** I am advised by the Commissioners of Public Works that 91 apprentices commenced employment with the Office of Public Works between 2000 and 2010. Of this number, 51 apprentices were either released on completion or otherwise failed to complete their apprenticeships. At the moment 15 apprentices are still in training. On completion of their apprenticeships, 25 were retained in employment as qualified craftsmen, 3 of these being on a fixed term basis. No apprentices were made redundant.

### Tax Collection

116. **Deputy Bobby Aylward** asked the Minister for Finance if he will allow an outstanding tax debit be paid by instalments in respect of a person (details supplied) in County Laois. [40510/10]

**Minister for Finance (Deputy Brian Lenihan):** This is a matter for the Revenue Commissioners. I am advised by Revenue that they are prepared in this instance to consider payment of the tax debt through an instalment arrangement and that they have tried unsuccessfully to contact the person concerned. The person concerned should now make contact with Mr. Larry Dunne in the Collector General's Office, Government Offices, Nenagh, Co. Tipperary (Phone 067 — 63321 or 63120) so that the matter can be finalised.

### Public Service Contracts

117. **Deputy Jimmy Deenihan** asked the Minister for Finance the number of construction companies working on public sector projects registered outside the Republic of Ireland and not registered with the Construction Industry Federation pension scheme; the number of these companies who are in breach of the registered employment agreement; and if he will make a statement on the matter. [40530/10]

**Minister for Finance (Deputy Brian Lenihan):** The details in relation to construction companies working on public sector projects registered outside the Republic of Ireland and their Pen-

sion Schemes is not held centrally in the Department of Finance; it would be held by individual contracting authorities.

118. **Deputy Jimmy Deenihan** asked the Minister for Finance the approximate percentage of public sector construction related works being awarded to companies registered here; and if he will make a statement on the matter. [40531/10]

**Minister for Finance (Deputy Brian Lenihan):** The percentage of public works contracts awarded to Irish companies in 2009 is approximately 90% as per statistics supplied to the National Procurement Service in the OPW.

### **Tax Code**

119. **Deputy Billy Timmins** asked the Minister for Finance the position regarding a matter (details supplied); and if he will make a statement on the matter. [40683/10]

**Minister for Finance (Deputy Brian Lenihan):** As the Deputy is aware, it is not the usual practice to comment on any possible changes in taxation prior to the annual Budget.

### **Pension Provisions**

120. **Deputy Róisín Shortall** asked the Minister for Finance further to his recent announcement that new public servants will have their pensions calculated on career average earnings, if he will provide figures in respect of future new entrants in tabular form of the gross pension cost as a percentage of pensionable remuneration; if he will provide a breakdown of this cost that is met by pension contributions of the employee, and the net pension cost to the State, with a breakdown for specific public sector employees such as established civil servants, teachers, nurses, gardaí and others and factoring in entitlement to the State pension. [40690/10]

**Minister for Finance (Deputy Brian Lenihan):** The cost effect of the new single pension scheme will depend on the final details of that scheme. These are under active consideration in my Department in the context of the preparation of the necessary legislation to give effect to the new measure and have not yet been decided by Government. While I am not in a position to give the detailed figures requested by the Deputy, I can confirm that the new scheme will reduce the gross pension cost as a percentage of pensionable remuneration. In this connection I would direct the Deputy to the Comptroller & Auditor General's recent Special Report on Public Service Pensions which gives indicative figures based on certain assumptions. I would add that the cost benefits to be delivered by the new scheme will vary depending on levels of future recruitment to the public service, service periods, pay and other factors over the next half century and comparison is not straightforward.

### **Departmental Bodies**

121. **Deputy Róisín Shortall** asked the Minister for Finance if he will provide details of all bodies, committees or groups under his Department or any of the agencies within his Department's remit associated with social partnership established in the past 15 years; the details of all funding allocated to these bodies in that period; the details of all funding provided to social partnership bodies or persons associated with such bodies in the period and the purpose of these allocations. [40713/10]

**Minister for Finance (Deputy Brian Lenihan):** The details requested by the Deputy for the period requested are set out in the following table.

[Deputy Brian Lenihan.]

Department of Finance

Name of Body, Committee or Groups associated with Social Partnership	Date Established	Details of funding allocated to the body	Details of funding provided to social partnership bodies or persons associated with such bodies in the period and purpose of these allocations
Informal Forum on issues arising in Community and Voluntary Sector	2006	None	None

Name of Body, Committee or Groups associated with Social Partnership	Date Established	Details of funding allocated to the body	Details of funding provided to social partnership bodies or persons associated with such bodies in the period and purpose of these allocations
Central Monitoring Committee for the NDP 2007-2013 (the Committee included Social Partners).	September 2007	€18,137.46 being the cost of hosting three Monitoring Committee meetings in November 2007, May 2008 & January 2009.	NIL — no funding was provided to Social Partnership bodies or persons associated with such bodies.

Name of Body, Committee or Groups associated with Social Partnership	Date Established	Details of funding allocated to the body	Details of funding provided to social partnership bodies or persons associated with such bodies in the period and purpose of these allocations
Public-Private Informal Advisory Group (on PPPs)	1999	Nil	N/A

During the period referred to by the Deputy, technical assistance funding was provided for Public Private Partnerships as part of co-financing to Structural Fund-aided activities under the Economic and Social Infrastructure Operational Programme. Some of the funding under this programme was paid to the social partners as detailed in the table below:

Date of Payment	Social Partner in Receipt of Funding	Details of funding allocated to the body	Purpose of these allocations
06/12/2002 31/12/2003 28/04/2005	ICTU ICTU ICTU	23,729 20,391 11,831	50% contribution to fund information, training and awareness activities. These activities were intended to support the broadest dissemination of appropriate information and to develop a deeper understanding among Trade Union members of the issues involved in Public Private Partnerships.
30/08/2005	ICTU	15,383	50% contribution to the costs associated with the publication, launch and dissemination of Congress guidance entitled Guidelines for Unions on Consultations with State Agencies and Public Authorities in the Republic of Ireland concerning Public Private Partnerships.
08/05/2002	Construction Industry Federation	30,775	50% contribution to fund information, training and awareness activities to ensure effective engagement with PPPs in the construction sector.

### *Special EU Programmes Body*

Downloads of the relevant Programme databases have confirmed that a number of bodies involved in social partnership have received support under the following European Funding Programmes over the last 15 years: PEACE (1995-1999), PEACE II (2000-2006), INTERREG IIIA (2000-2006) and INTERREG IVA (2007-2013).

Tables 1 and 2 provide detail on the projects that have received funding. Please note that these tables should be read in conjunction with the caveats outlined below. Please also note that the SEUPB does not hold the database relating to projects funded under the INTERREG IIA (1995-1999) Programme and access to this information has not been possible within the required timeframes.

### *PEACE III and INTERREG IVA CAVEATS (2007-2013)*

The information presented is based on a download from the Systems 2007 database on 21.10.10. The database is live and dynamic and is reliant on funding bodies to provide and update information. Where required an exchange rate of £1 = €1.1 has been used. This information is based on a download of the central database on 30.09.10. The database is live and subject to change and is reliant of funding bodies to provide and update information. For INTERREG IIIA, an exchange rate of £1=€1.55 has been used for commitment and £1=€1.45 for payment. For Peace II and Peace II extension, an exchange rate of £1=€1.55 has been used for Peace II and £1=€1.45 for the Peace II extension where required.

[Deputy Brian Lenihan.]

*PEACE (1995-1999)*

Information presented is taken from the Special Support Programme for Peace and Reconciliation (SSPPR) Database, which was wholly reliant on funding bodies to provide information. The amounts awarded to each project have been recorded in sterling on this database and although a data cleansing exercise was conducted upon closure of the programme, it is important to note that some inaccuracies may still exist.

Table 1: Funding to Social Partnership Groups — INTERREG IVA, INTERREG IIA, PEACE II Programmes

Funding Programme	Organisation Name/ Project Title	Description	Total Award	Letter of Offer Issued
INTERREG IVA	IBEC-CBI Joint Business Council IBEC-CBI JBC Programme 2007 to 2013	The JBC Programme 2007 to 2013 proposes to deliver benefits for SME's which will involve over 40 Strategic Initiatives focused in 3 main areas of People / skills; Infrastructure; and Innovation, R&D.	€ 1,745,462	06/04/2009
INTERREG IIIA	IBEC-CBI Joint Business Council SME Development Programme 2002 to 2006	The aim of the project was to increase cross-border SME economic development and competitiveness in the INTERREG region.	1,457,078	15/03/2004
INTERREG IIIA	Irish Farmers Association Growing Relationships — leadership programme for farm women	The Leadership Programme for farm women focuses on giving rural women enhanced confidence, communication skills, networking ability and an understanding of policy making processes.	41,626	16/02/2004
INTERREG IIIA	Age Action Ireland Positive Ageing	The purpose of the project is to improve the quality of life of all older people and their family carers in all the border counties, combating age discrimination and promoting equality and diversity.	513,713	22/05/2006
PEACE II	St Vincent de Paul Society Vincent's Minibus Service	Provision of a minibus in the Ballymote/flying Horse Area of Downpatrick to facilitate all the groups in that particular area.	123,165	24/09/2003
PEACE II	St Vincent de Paul Society De-Paul Development Project	The project will raise employment prospects due to qualifications gained through different courses. The capacity building programme for people of all ages will improve the chance of employment of low achievers and parents returning to the workforce. These courses encourage networking among all ages and both sides of the community.	15,500	28/11/2003



Table 1: Funding to Social Partnership Groups — INTERREG IVA, INTERREG IIA , PEACE II Programmes — *continued*

Funding Programme	Organisation Name/ Project Title	Description	Total Award	Letter of Offer Issued
PEACE II	St Vincent de Paul Society The Children of Oz Summer Scheme 2003	The project is to provide a summer scheme for the 4-7 year old members of the Flying Horse community. It will also provide a summer school to cater for the needs of children entering primary seven who are due to sit their eleven plus examination and children from P3 — P6 who have been identified as needing extra help.	€ 8,940	10/07/2003
PEACE II	St Vincent de Paul Society Location Enhancement Project	Put in place flowers, window boxed shrubs and communal flower beds to meet recreation needs of 14 house schemes for senior citizens and other socially excluded persons.	11,000	30/09/2003
PEACE II	St Vincent de Paul Society S.V.P. Mountainview Centre Out of School Project	Assisting people in need with second hand furniture visits and other help. operating our community action project: breakfast club, afterschool club, ply/child care. Mentoring scheme, family learning.	16,275	09/04/2004
PEACE II	St Vincent de Paul Society Ozanam Multi-purpose Community Centre	Phase II — Recreational Meeting facility	70,000	05/06/2004
PEACE II	Irish Rural Link  Irish Rural Link	To support short-term contract employment and associated programme costs including the update print and distribution of Community Networks Directory.  Organise and facilitate consultation meetings in cross-border region with community groups/networks and with appropriate development agencies.	29,085	13/12/2000
PEACE II EXT	St Joseph's Conference, St. Vincent De Paul, Rathmullan Ozanam Social Activity Centre Rathmullan	No description provided.	66,497	24/03/2006
PEACE II EXT	St Vincent de Paul Society St.Vincent de Paul Holiday Home Bundoran	No description provided.	66,500	24/03/2006

Table 2 — Funding to Social Partnership Groups — Peace Programme — SSPPR Database

Date Approved	Applicant	Project	Description	Approved
				£
05/02/1997	Carers National Association	Carers National Association	Carers National Association N.I.	60,600
04/02/1999	Carers National Association	Carers National Association	Continuation — Information and Development Project	15,000
14/08/1996	Cushendall Conference of SVDP	Community transport accessibility.	Grant will be used to expand the already extensive transport scheme offered by the group to allow for usage by rural elderly.	1,500
25/09/1997	IBEC / CBI	TradeNet	TradeNet is aimed at supporting SME's in the Border Regions and in the Belfast-Dublin Corridor	360,000
13/11/1996	IBEC / CBI Joint Business Council	The Belfast / Dublin Economic Corridor	The project is designed to highlight the benefits of the development of the corridor.	10,000
06/01/1999	IBEC/CBI Joint Business Council	SME Supply Chain Networking Conference	The proposed conference will bring together SMEs by promoting best practice in the area of supply chain management.	17,385
01/01/2000	IBEC-CBI Joint Business Council	IBEC/CBI Trade Development Programme	The objectives include identifying barriers to North/South trade and taking action to remove them.	83,250
24/02/1997	Irish Congress of Trade Unions	Irish Congress of Trade Unions	To support the youth section of the ICTU to research the possibility of developing a network of marginalised young people North and South.	2,915
13/12/2000	Irish Rural Link	Irish Rural Link	Update print and distribution of Community Networks Directory.	11,500
01/10/1996	Irish Rural Link	Irish Rural Link	Feasibility of networking in the border region with umbrella organisation.	3,000
08/11/1996	IRL Cross-border Networking Project	Irish Rural Link	To employ a community link person to facilitate the networking of rural community groups on a cross-border basis.	95,929

Table 2 — Funding to Social Partnership Groups — Peace Programme — SSPPR Database — *continued*

Date Approved	Applicant	Project	Description	Approved
26/06/1996	N.I. Committee I.C.T.U./Belfast Unemployed Resource	N.I. Committee I.C.T.U./Belfast Unemployed Resource	Northern Ireland Low Pay Unit	£ 2,750
04/02/1997	Newcastle conference of St. Vincent De Paul Society	Sup-Short breaks scheme	To acquire a mobile home which accommodates low income facilities for providing holidays for disadvantaged families and the elderly.	9,000
08/12/1996	Ozanam Daycare SVDP	Development of a PlayCare project.	Development of a PlayCare project.	35,000
03/08/1999	Promoting Cross Border Networking/Irish Rural Link	Nurturing New Links	Promote cross border networking between rural communities.	10,000
13/12/1999	Regional Employment Service	Regional Employment Service	Development of the Regional Employment Service offering practical, ongoing support for the expansion of services to unemployed people and other disadvantaged people.	19,995
13/09/1996	Saint Vincent de Paul Society (Dungannon)	Saint Vincent de Paul Society (Dungannon)	SVDP Community Centre	2,500
24/02/1999	Society of St Vincent De Paul	Thrift Shop Improvements	To improve and increase the retail selling space of the existing outlet	5,000
22/10/1996	Society of St Vincent de Paul	Vincents Manufacturing Services Ltd	Training and Manufacturing of Recycled Electrical Appliances	87,000
20/10/1998	Society of St Vincent de Paul (Coalisland)	Holy Family Conference — Just For Me	No Information available.	800
07/02/1997	Society of St Vincent de Paul (Downpatrick)	Vincents Community Initiative	To investigate the feasibility of a electrical service repair, home help and furniture restoration service.	3,000

Table 2 — Funding to Social Partnership Groups — Peace Programme — SSPPR Database — *continued*

Date Approved	Applicant	Project	Description	Approved
21/10/1996	St Patrick's Conference (Society of Saint Vincent)	St Patrick's Conference (Society of Saint Vincent)	Vincent's Community Initiative Downpatrick	£ 2,300
09/12/1998	St Vincent De Paul	Action Vincent	Skills Development in home care child care etc & Programme of personnel development.	5,000
11/02/1998	St Vincent De Paul	St Vincent de Paul Resource centre	Establish a resource and training centre in Enniskillen	20,000
03/01/1997	St Vincent de Paul Society	6 week series of talks.	Talks will address issues of personal development and home management.	1,400
29/01/1997	St Vincent de Paul Society	Furniture Removal Van	Furniture removal van to help the organisation to transport furniture etc	12,000
26/10/1999	St Vincent De Paul Society	Home Management For Single Parents	Toys and equipment for creche, cookery books, cooking utensils, video and TV rental etc. To include an incentive scheme of £20.00 to those who finish.	3,000
27/07/1999	St. Mary's Conference	St. Mary's Conference	To renovate a derelict house to provide a drop in centre, recreation room and meeting room to respond to the needs and requirements of the wider community.	1,850
27/04/1999	St. Vincent De Paul "Thrift Shop"	St. Vincent De Paul "Thrift Shop"	Proposal to build a furniture store in a derelict yard purchased from Donegal Co. Council to store furniture for low income families being rehoused.	7,500
01/06/1998	The Society of St. Vincent De Paul	Vincent's Community initiative	Launderette services second-hand furniture	16,000

[Deputy Brian Lenihan.]

*Revenue Commissioners*

In regard to Social Partnership Revenue meets the cost of a clerical officer (on the max of the Clerical Officer scale €36,267) who has been seconded to the Ballymun Partnership since 1993. This arrangement was requested and supported by the Department of the Taoiseach in response to the nomination of the individual by the Irish congress of Trade Unions to represent the Ballymun Partnership Company.

**Tax Code**

122. **Deputy Paul Kehoe** asked the Minister for Finance the options available to a person (details supplied); and if he will make a statement on the matter. [40724/10]

**Minister for Finance (Deputy Brian Lenihan):** The query relates to a farmer transferring his property to his sons. I am advised by the Revenue Commissioners that the following would be the position for Capital Gains Tax (CGT), Capital Acquisitions Tax (CAT) and Stamp Duty.

*Capital Gains Tax (CGT)*

The transfer from father to sons would be a disposal for CGT purposes, but the person making the disposal may be entitled to “retirement relief”. If at the time of transfer, the farmer was aged 55 years or more and had owned and farmed the land for the ten years immediately preceding the transfer, the disposal to his sons would be entirely free from CGT.

Retirement relief would also apply, to a transferring farmer aged 55 years or more, in two other circumstances — if the land had been let at any time in the period of 15 years ending with the disposal, and immediately before the land was first let in that period of 15 years, the land had been owned and farmed by the farmer for the period of ten years immediately preceding the date of first letting, or the land had been subject to the Scheme of Early Retirement from Farming and immediately before entering the scheme, the land had been owned and farmed by the farmer for the preceding ten years.

If retirement relief was available to the farmer and the sons disposed of the assets transferred within six years of acquisition, then the sons would be charged on the relieved gain of the father, in addition to any gain of their own on the disposal.

*Capital Acquisitions Tax (CAT)*

CAT includes both gift and inheritance tax. The transfer of a farm by a farmer to his two sons is a gift and a charge to CAT may therefore arise on the gift taken by the sons. The current rate of gift and inheritance tax is 25%.

The CAT code, however, includes tax-free thresholds based on the relationship between the person who provides the gift or inheritance (the disponent) and the person who receives the gift or inheritance (the beneficiary), below which no CAT is payable. The tax-free threshold applying to a gift taken by a child from a parent in 2010 is €414,799. Each child is separately entitled to receive up to this amount from parents before any CAT would be payable. Any other gifts or inheritances received by a child from his parents since 5 December 1991 are also taken into account when applying the tax-free thresholds for the purpose of calculating CAT.

The CAT tax-free thresholds are adjusted on an annual basis by reference to the Consumer Price Index as published by the Central Statistics Office.

The sons, apart from their separate CAT tax-free threshold of €414,799, may also each be entitled to CAT agricultural relief, which reduces the value of agricultural property for CAT purposes by 90%. In order to qualify for CAT agricultural relief, 80% of each child's total assets, after having received their gift, must consist of agricultural assets.

Therefore, overall, if each of the sons is entitled to claim CAT agricultural relief, each son can effectively take a gift of agricultural property up to the value of €4,147,990 from his father before any CAT would arise on the gift. The value of €4,147,990 would be reduced by 90% Agricultural Relief to a net value of €414,799 and each of the sons would also then be separately entitled to claim their CAT tax-free threshold of €414,799 from parent to child and thus no CAT would be payable.

Therefore, if the sons were entitled to Agricultural Relief on the lands transferred to them by their father, no CAT would arise on either son once the value of the lands received by each son was below €4,147,990. This also assumes no other gifts or inheritances were received by either child from the parents since 5 December 1991.

Other reliefs from CAT may apply in certain circumstances — for example, if part of the property transferred is a dwelling house occupied by one of the sons as his only or main residence, he may be able to claim dwelling house relief.

Finally, in the event that a charge to both CAT and CGT arose on the gift of agricultural property by the father to the sons, then a credit for the CGT paid by the father would be allowed against the CAT payable by the sons to avoid double taxation on the same event.

### *Stamp Duty*

A gift of land attracts a stamp duty liability based on the market value of the land transferred. The rates of stamp duty which apply are set out in the table below. The stamp duty payable is reduced by 50% in the case of a property transfer from a parent to his children.

Section 81AA of the Stamp Duties Consolidation Act 1999 provides for an exemption from stamp duty on the transfer of agricultural land to a farmer who is under 35 years of age and who is the holder of certain educational qualifications which are listed in Schedule 2B of the Act.

Market Value	Rate of Duty
Up to €10,000	Exempt
€10,001 to €20,000	1%
€20,001 to €30,000	2%
€30,001 to €40,000	3%
€40,001 to €70,000	4%
€70,001 to €80,000	5%
Over €80,000	6%

### **Mental Health Services**

123. **Deputy Billy Timmins** asked the Minister for Health and Children the position regarding a matter (details supplied). [41005/10]

157. **Deputy Billy Timmins** asked the Minister for Health and Children the position regarding a matter (details supplied). [40692/10]

**Minister of State at the Department of Health and Children (Deputy John Moloney):** I propose to take Questions Nos. 123 and 157 together.

The HSE is working within limited financial resources. The appropriate management of the public finances means that the health sector, which represents over 27% of public expenditure, must operate within the approved budget set out at the start of the year. Under Section 31(1) of the Health Act, 2004, the HSE is required to prepare an annual National Service Plan. The Plan, which must indicate the type and volume of health and personal social services to be provided by the HSE, is submitted to the Minister for Health and Children for approval. The appropriate management of the health services also means that the mental health services must be funded in an equitable and sustainable manner.

The estimated cost of the implementation of ‘*A Vision for Change*’ is €150m over 7-10 years. Development funding totalling €54 million has been allocated to the HSE since the launch of the Report in 2006. In addition, almost €1 million was allocated this year under the Dormant Accounts Fund for a programme of suicide prevention measures to help communities to develop integrated local action plans for suicide prevention. To further the implementation of ‘*A Vision for Change*’, the 2010 Employment Control Framework for the health service provided an exemption from the moratorium on recruitment and allowed 100 psychiatric posts to be filled by nurses or therapists.

There are substantial resources already invested in mental health. The reconfiguring and remodelling of these resources will be the main focus for the immediate future. While implementation of ‘*A Vision for Change*’ has been somewhat slower than originally anticipated it is important to say that in many parts of the country, services are pressing ahead with the implementation of the policy. Significant progress has been achieved including: shorter episodes of inpatient care, improved child and adolescent mental health services, fewer involuntary admissions and the involvement of service users in all aspects of mental health policy, service planning and delivery. Acute admissions to St Brendan’s Hospital have ceased. Plans for the transfer of acute inpatient admissions from St Ita’s Hospital to a new purpose built unit on the Beaumont Hospital Campus are proceeding. New Community Nursing Units in Ballinasloe and Mullingar have been developed. The number of child and adolescent inpatient beds will increase from 30 to 52 before the end of 2010. This together with the Mental Health Commission code of practice relating to the admission of children under the Mental Health Act 2001 will greatly reduce the need to admit children to adult units.

The specific question in relation to a named individual has been referred to the Health Service Executive for direct reply, as it is a service matter.

### **Departmental Funding**

124. **Deputy Mary Upton** asked the Minister for Health and Children if she will ensure that an organisation (details supplied) will continue to be funded; and if she will make a statement on the matter. [40368/10]

**Minister for Health and Children (Deputy Mary Harney):** I am a strong supporter of health research and believe that it makes significant contributions not only to the achievement of health research goals but to broader social and economic ones. This has been acknowledged in the Renewed Programme for Government and also in the Action Plan for Health Research. That Action Plan recognises the significant level of investment made by this organisation in health research in this country.

In recent years funding has been made available from the allocation to the Health Research Board towards the joint funding research scheme operated in conjunction with the organisation. However, the allocation to health agencies for 2011, including the Health Research Board, will be determined after the Budgetary process is concluded and I am not in a position to provide details of any funding which might be available to the organisation at this stage of the process.

### Health Services

125. **Deputy Pat Breen** asked the Minister for Health and Children if a person (details supplied) in County Clare will be facilitated; and if she will make a statement on the matter. [40391/10]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter it has been referred to the HSE for direct reply.

### Health Service Staff

126. **Deputy Dan Neville** asked the Minister for Health and Children her views on the fact that more than half of all the staff cut from the Health Service Executive, HSE, in 2009 came from the mental health services despite the fact that they only represent 9% of the HSE's workforce; and if she will make a statement on the matter. [40393/10]

**Minister for Health and Children (Deputy Mary Harney):** The Government has made clear that a critical part of its strategy to restore the public finances is to achieve sustainability in the cost of delivering public services relative to State revenues. To help achieve this goal, it will be necessary to restructure and reorganise the public service and to reduce public service numbers over the coming years. This requires that the moratorium on recruitment and promotion in the health service will continue to apply until the numbers have fallen to the level set out in the Employment Control Framework for the health sector. The Framework for 2010-2012 gives effect to the Government decision on employment policy in the public sector and provides that there will be a net reduction in employment to 2012. This includes a target reduction in numbers in 2010 to achieve the overall reduction of 6,000 from March 2009 to the end 2012 and consequential pay roll savings. Based on numbers reductions already achieved in 2009, the net target reduction to end 2012 is 4,560 WTE (or 1,520 per annum). While there is provision in the HSE's Employment Control Framework for some exemptions and exceptions these are limited because of the need to achieve the required payroll savings.

Under the ECF 2010-2012 grades exempted from the moratorium/special provisions include: clinical Psychologist, Behavioural Therapist, Counsellor — replacement posts and up to 230 in addition to the Dec 09 outturn; and up to 100 Psychiatric Nurses vacancies where they are required to support the implementation of *A Vision for Change*. The HSE's Health Service Personnel Census indicates that the change in the numbers employed, in the public health service of 1,272 wholetime equivalents, between end 2008 and end 2009 by grade category is as follows:



[Deputy Mary Harney.]

Numbers (WTE exclud career break) employed in the public health service, by grade category

Grade category	31/12/2008	31/12/2009	Change between Dec 08 and Dec 09	% Change between Dec 08 and Dec 09
Medical/ Dental	8,109	8,083	-26	-0.32%
Nursing	38,108	37,466	-642	-1.68%
Health & Social Care Professionals	15,980	15,973	-7	-0.04%
Management/ Admin	17,967	17,611	-356	-1.98%
General Support Staff*	12,631	11,906	-725	-5.74%
Other Patient & Client Care*	18,230	18,714	484	2.65%
<b>Total</b>	<b>111,025</b>	<b>109,753</b>	<b>-1,272</b>	<b>-1.15%</b>

*Notes:*

(1) Excludes Home Helps. (2) Student nurses are included in the 2008 employment ceiling on the basis of 3.5 students equating to 1 wholetime equivalent. The employment level adjusted for student nurses on the above basis is 111,001 WTEs. (3) Student nurses are included in the 2009 figures on the basis of 2 students equating to 1 wholetime equivalent — the figures above are already adjusted.

\*The data for Other Patient and Client Care and General Support Staff may have been affected by reclassification between grade categories.

The census also indicates that between year end 2008 and year end 2009, the number of mental health nurses decreased by 4% but the number of clinical psychologists increased by 3.5%. It is clear, therefore, that the Deputy's assertion that half of the reduction of health service staffing in 2009 came from the mental health services is incorrect. As I have already outlined, the target reductions in the Employment Control Framework are necessary to restructure the public service and to reduce public service numbers, and to support the Government's strategy to restore the public finances.

### Medical Cards

127. **Deputy Bobby Aylward** asked the Minister for Health and Children if a medical card has issued to a person (details supplied) in County Kilkenny. [40395/10]

**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

128. **Deputy Pat Breen** asked the Minister for Health and Children the reason a person (details supplied) in County Clare has not been facilitated; and if she will make a statement on the matter. [40423/10]

**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.

129. **Deputy Bernard J. Durkan** asked the Minister for Health and Children if an increase in home help hours can be organised in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [40428/10]

**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.

### Medical Cards

130. **Deputy John Browne** asked the Minister for Health and Children if she will arrange to have an entitlement to a medical card reviewed in respect of a person (details supplied) in County Wexford. [40442/10]

**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

131. **Deputy Ciarán Lynch** asked the Minister for Health and Children her plans to set up a national foot screening programme for persons with diabetes considering that early detection can help avoid the distress and cost entailed in medical treatment and possible amputation; and if she will make a statement on the matter. [40450/10]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter, it has been referred to the Health Service Executive for a direct reply.

132. **Deputy Olivia Mitchell** asked the Minister for Health and Children if she will examine the case of a person (details supplied) in Dublin 16; and if she will make a statement on the matter. [40508/10]

**Minister of State at the Department of Health and Children (Deputy John Moloney):** As this is a service matter the question has been referred to the HSE for direct reply.

133. **Deputy Paul Connaughton** asked the Minister for Health and Children if her attention has been drawn to the support from the public, patients and staff for the retention of a home (details supplied) in County Galway; if this home will be kept open for the immediate future; and if she will make a statement on the matter. [40511/10]

**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.

### Health Service Staff

134. **Deputy Jan O'Sullivan** asked the Minister for Health and Children the cost of the use of agency nurses in each of the Health Service Executive regions to date in 2010; and if she will make a statement on the matter. [40513/10]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter it has been referred to the HSE for direct reply.

135. **Deputy Jan O'Sullivan** asked the Minister for Health and Children if there has been a curtailment in providing early scans to pregnant women because of a shortage of staff in maternity hospitals; and if she will make a statement on the matter. [40514/10]

**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.

### Proposed Legislation

136. **Deputy Jan O'Sullivan** asked the Minister for Health and Children when she will publish her plans regarding amending the legislation on the use of ECT on patients; and if she will make a statement on the matter. [40515/10]

**Minister of State at the Department of Health and Children (Deputy John Moloney):** Following detailed consideration of the issue, I intend to bring forward proposals for legislative amendment to Government. Heads of a Mental Health (Amendment) Bill 2010 are close to finalisation and will be submitted to Government very shortly.

#### **Health Service Staff**

137. **Deputy Jan O'Sullivan** asked the Minister for Health and Children the number of consultant dermatologists in each of the Health Service Executive regions; her plans to appoint any further such consultants this year; and if she will make a statement on the matter. [40516/10]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter, it has been referred to the HSE for direct reply.

#### **Hospital Waiting Lists**

138. **Deputy Jan O'Sullivan** asked the Minister for Health and Children, further to Parliamentary Question No. 95 of 31 March 2009, if she will provide information on the out-patient waiting time for appointment with a consultant dermatologist in each of the acute public hospitals which have such a service; and if she will make a statement on the matter. [40517/10]

**Minister for Health and Children (Deputy Mary Harney):** My Department has been informed that a reply has issued to the Deputy from the HSE on this matter.

#### **Health Services**

139. **Deputy Pat Breen** asked the Minister for Health and Children when an application will be processed in respect a person (details supplied) in County Clare; and if she will make a statement on the matter. [40520/10]

**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.

#### **Children in Care**

140. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children, further to Parliamentary Question No. 119 of 24 June 2010, when a reply will issue from the Health Service Executive. [40665/10]

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** I understand that the Health Service Executive (HSE) are still awaiting information back from a number of areas. I have asked the HSE to respond to you directly as a matter of urgency.

141. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children, further to Parliamentary Question No. 122 of 24 June 2010, when a reply will issue from the Health Service Executive. [40666/10]

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** I understand that the Health Service Executive (HSE) are still awaiting information back from a number of areas. I have asked the HSE to respond to you directly as a matter of urgency.

#### **General Medical Services Scheme**

142. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children, further to

Parliamentary Question No. 127 of 24 June 2010, when a reply will issue from the Health Service Executive. [40667/10]

**Minister for Health and Children (Deputy Mary Harney):** I am advised by the Health Service Executive (HSE) that general practitioners are paid in accordance with their contract and there are no moneys outstanding. Where claims are made on a timely basis in accordance with the rules, payments are issued on time and in full.

### Hospital Services

143. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children, further to Parliamentary Question No. 129 of 24 June 2010, when a reply will issue from the Health Service Executive. [40668/10]

**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

144. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children, further to Parliamentary Question No. 160 of 29 June 2010, when a reply will issue from the Health Service Executive. [40669/10]

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** I understand that the Health Service Executive (HSE) are still awaiting information back from a number of areas. I have asked the HSE to respond to you directly as a matter of urgency.

145. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children, further to Parliamentary Question Nos. 161, 162 and 245 of 29 June 2010, when a reply will issue from the Health Service Executive. [40670/10]

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** I understand that the Health Service Executive (HSE) are still awaiting information back from a number of areas. I have asked the HSE to respond to you directly as a matter of urgency.

146. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children, further to Parliamentary Question No. 164 of 29 June 2010, when a reply will issue from the Health Service Executive. [40671/10]

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** I understand that the Health Service Executive (HSE) are still awaiting information back from a number of areas. I have asked the HSE to respond to you directly as a matter of urgency.

147. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children, further to Parliamentary Question No. 166 of 29 June 2010, when a reply will issue from the Health Service Executive. [40672/10]

**Minister for Health and Children (Deputy Mary Harney):** I understand that the HSE will reply directly to the Deputy this week in relation to this matter.

148. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children, further to Parliamentary Question No. 167 of 29 June 2010, when a reply will issue from the Health Service Executive. [40673/10]

**Minister for Health and Children (Deputy Mary Harney):** I understand that the HSE will reply directly to the Deputy this week in relation to this matter.

149. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children, further to Parliamentary Question No. 172 of 29 June 2010, when a reply will issue from the Health Service Executive. [40674/10]

**Minister for Health and Children (Deputy Mary Harney):** As stated in my previous response, the information sought by the Deputy is not provided by the Health Service Executive to my Department as a matter of routine. Therefore, my Department has again requested the Parliamentary Affairs Division of the Executive to arrange to address this matter and to have a reply issued directly to the Deputy.

150. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children, further to Parliamentary Question No. 221 of 29 June 2010, when a reply will issue from the Health Service Executive. [40675/10]

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** I am informed by the Health Service Executive (HSE) that a reply issued to the Deputy on 14th October 2010. I have asked the HSE to re-issue this response to the Deputy.

151. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children, further to Parliamentary Question No. 222 of 29 June 2010, when a reply will issue from the Health Service Executive. [40676/10]

**Minister of State at the Department of Health and Children (Deputy John Moloney):** My Department has written to the HSE requesting a progress report on the matters referred to and a response is awaited.

#### **Health Service Staff**

152. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children, further to Parliamentary Questions Nos. 236, 237, 238 and 239 of 29 June 2010, when a reply will issue from the Health Service Executive. [40677/10]

**Minister for Health and Children (Deputy Mary Harney):** The HSE has confirmed that the detailed information requested by the Deputy regarding Social Workers has been sought nationally and is currently being collated. This involves the examination of considerable documentation, due to the detailed nature of the information requested, and it is anticipated that this information will be available at the end of November.

#### **Health Services**

153. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children, further to Parliamentary Question No. 242 of 29 June 2010, when a reply will issue from the Health Service Executive. [40678/10]

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** I am informed by the Health Service Executive (HSE) that a reply issued to the Deputy on 13th September 2010. I have asked the HSE to re-issue this response to the Deputy.

154. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children, further to Parliamentary Question No. 243 of 29 June 2010, when a reply will issue from the Health Service Executive. [40679/10]

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** I understand that the Health Service Executive (HSE) are still awaiting information back from a number of areas. I have asked the HSE to respond to you directly as a matter of urgency.

155. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children, further to Parliamentary Question No. 223 of 6 July 2010, when a reply will issue from the Health Service Executive. [40680/10]

**Minister for Health and Children (Deputy Mary Harney):** As stated in my previous response, the information sought by the Deputy is not provided by the Health Service Executive to my Department as a matter of routine. Therefore, my Department has again requested the Parliamentary Affairs Division of the Executive to arrange to address this matter and to have a reply issued directly to the Deputy.

156. **Deputy Billy Timmins** asked the Minister for Health and Children the position regarding the case of a person (details supplied) in County Wicklow; and if she will make a statement on the matter. [40681/10]

**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.

*Question No. 157 answered with Question No. 123.*

### **Preschool Services**

158. **Deputy Bernard J. Durkan** asked the Minister for Health and Children if any grant or assistance can be offered to a person (details supplied) in County Kildare; and if she will make a statement on the matter. [40698/10]

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** I understand from a clarification given by the Deputy, that this question relates to a pre-school service provider who wishes to participate in the free Pre-School Year in Early Childhood Care and Education (ECCE) scheme, implemented by my Office.

Some 4,300 pre-school services, or 95% of those in the State, are participating in the ECCE scheme. Some 3,800 services entered the scheme from January 2010 and a further 500 entered it in September. The closing date for receipt of applications from new entrants to the scheme in September 2010, was 30 April 2010. Applications were made, in the first instance, to the local City or County Childcare Committee (CCC) and were then forwarded to my Office for approval and entry into contract. I understand that neither the local County Childcare Committee nor my Office has any record of an application having been made by the provider in question.

A call for applications to enter the scheme from September 2011, is expected to be made in early 2011 and the provider in question may wish to contact Kildare County Childcare Committee for further information at that time.

### Medical Cards

159. **Deputy Bernard J. Durkan** asked the Minister for Health and Children if full medical cards will be re-awarded to a family (details supplied) in County Kildare; and if she will make a statement on the matter. [40700/10]

**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 Agencies

160. **Deputy Róisín Shortall** asked the Minister for Health and Children if she will provide details of all bodies, committees or groups under her Department or any of the agencies within her Department's remit associated with social partnership established in the past 15 years; the details of all funding allocated to these bodies in that period; the details of all funding provided to social partnership bodies or persons associated with such bodies in the period and the purpose of these allocations. [40715/10]

**Minister for Health and Children (Deputy Mary Harney):** In common with all Government Departments, my Department has set up and developed partnership structures to engage management, unions and staff at all levels in progressing the modernisation agenda of the civil service and as a means of involving staff in the ongoing business of the Department, including identifying and addressing organisational and work-related issues and challenges generally. While these partnership structures have been involved in the administration of certain schemes in my Department, e.g. the Merit Award Scheme, no funding was ever directly allocated to the different partnership groups.

As was the case with each sector of the public service, the health sector was required to establish a performance verification group, the Health Sector Performance Verification Group (HSPVG), in order to verify compliance to commitments under the relevant national partnership agreements (initially under Sustaining Progress and then under Towards 2016). This Department paid a total of €127,799.94 in fees and expenses to the Chairs and independent members of the HSPVG between 2003 and 2008. The work of this group has since concluded and is no longer in operation.

The Health Services National Partnership Forum (HSNPF) was also established as a joint management / trade union steering committee for workplace partnership in the Irish health service. The HSNPF was established in 1999 on foot of the provisions of Partnership 2000, the national agreement on social partnership then in place. It continued to promote a partnership approach to change and problem solving in the health services under the subsequent national partnership agreements, the Programme for Prosperity and Fairness, Sustaining Progress and Towards 2016. The Forum was originally funded by way of a grant from this Department through certain former Health Boards.

At the request of the Secretary General, in the context of the review of the SKILL programme, my Department has prepared a report on travel associated with Management-Union Partnership activities and in which Department officials participated; and Funding for Management-Union Partnership activities other than SKILL. A full copy of this report is available on my Department's website, [www.dohc.ie](http://www.dohc.ie). According to this report, the following amounts of relevant funding were identified between the years 2000 and 2004:

	Health Sector National Partnership Forum	Office of Health Management (OHM)	Other	Totals
	€m	€m	€m	€m
2000	3.555	.463	1.613	5.631
2001	3.915	.549	.102	4.566
2002	3.864	.99	.8	5.654
2003	3.844	.69	1.38	5.914
2004	4.084	1.22	1.27	6.574

It should also be noted that the report clarified that the above funding supported a range of activities by bodies such as the Office for Health Management and the Health Service Employers Agency, including, but not confined to management-union partnership. It was not possible to reliably separate management-union partnership funding from funding for other purposes. Since the establishment of the HSE, under the Health Act 2004, the Health Vote became the responsibility of the Executive from 2005 onwards. As such, I have referred your query in relation to funding of the Forum from 2005 to the HSE for direct reply.

### Road Network

161. **Deputy Joe Carey** asked the Minister for Transport the amount of money that was granted to each local authority in County Clare in response to the exceptional road related costs associated with repairing the damage sustained in late 2009 and early 2010; the amount of this money that remains to be drawn down by each local authority in County Clare as at the end of October 2010, in tabular form; and if he will make a statement on the matter. [40447/10]

**Minister for Transport (Deputy Noel Dempsey):** The improvement and maintenance of regional and local roads is the statutory responsibility of each local authority, in accordance with the provisions of Section 13 of the Roads Act 1993. Works on those roads are funded from local authorities own resources and are supplemented by State road grants paid by my Department.

Local authorities provided details of exceptional road related costs, which fell outside the normal financial provision for winter maintenance as a direct result of the damage sustained in late 2009/early 2010. I took account of this information received when deciding on the allocations to local authorities of €411million for 2010. I decided to defer the planned rehabilitation works on regional and local roads in 2010, in order to provide greater flexibility to local authorities to address the damage sustained and I requested that they carefully target resources to address, on a priority basis, the most urgently required repairs.

It is not, therefore, possible to isolate specific amounts of money from the funds allocated to each local authority in County Clare in the manner sought by the Deputy, but I understand that all of the funding allocated to these local authorities for regional and local roads in 2010 will be drawn down by year-end. However, the following table shows for information the amount allocated to each local authority in County Clare, the amount paid to date and the balance remaining to be paid at end October 2010.



[Deputy Noel Dempsey.]

Local Authority	Allocation	Payment to end October 2010	Allocation Remaining
Clare County Council	15,586,498	9,194,859	6,391,639
Ennis Town Council	410,000	127,716	282,284
Kilrush Town Council	139,000	111,250	27,750

### Departmental Transport

162. **Deputy Simon Coveney** asked the Minister for Transport the number of State vehicles in use by his Department; if a small pool of vehicles is in use; if so, the number, make and age of these vehicles; the annual cost of fuel, depreciation, staffing for these vehicles; and if he will make a statement on the matter. [40493/10]

**Minister for Transport (Deputy Noel Dempsey):** The Minister has the use of a State car, the details of which are available from the Department of Justice, Equality and Law Reform. Details of the State cars in use by Air Accident Investigation Unit and the Irish Coast Guard are set out below:

#### State Vehicles — Air Accident Investigation Unit

Make	Age	Annual Fuel cost	Description of use	Depreciation (if known)	No of Staff involved in staffing of these vehicles
Toyota Landcruiser	5 years	€3,600 approx	Immediate response vehicle for air accident investigation — carries specialised investigative, safety and survival equipment	60%	Vehicles used by duty Inspectors in response to callouts
ISUZU D-Max	1 year	€2,000 approx	Immediate response support vehicle for air accident investigation — carries personnel specialised investigative, safety and survival equipment	10%	Vehicles used by duty Inspectors in response to callouts

#### State Vehicles — Irish Coast Guard

Make	Age	Annual Fuel cost	Description of use	Depreciation (if known)	No of Staff involved in staffing of these vehicles
FIAT DUCATO 1.4 TON × 3	9	See total below	*See note 1	n/a	Volunteer
FORD RANGER × 5	3	See total below	*See note 1	n/a	Volunteer
FORD TRANSIT × 21	8	See total below	*See note 1	n/a	Volunteer
FORD TRANSIT 280 MWB 75PS	7	See total below	*See note 1	n/a	Volunteer
HONDA Quad bikes × 9	4	See total below	*See note 1	n/a	Volunteer
HONDA QUAD bikes × 4	5	See total below	*See note 1	n/a	Volunteer
HONDA Quad bikes × 6	3	See total below	*See note 1	n/a	Volunteer
ISUZU DMAX × 4	5	See total below	*See note 1	n/a	Volunteer
ISUZU TROOPER VAN × 3	7	See total below	*See note 1	n/a	Volunteer
LAND ROVER DISCOVERY × 5	12	See total below	*See note 1	n/a	Volunteer
LAND ROVER DISCOVERY × 2	11	See total below	*See note 1	n/a	Volunteer

Make	Age	Annual Fuel cost	Description of use	Depreciation (if known)	No of Staff involved in staffing of these vehicles
MERCEDES BENZ VAN × 3	2	See total below	*See note 1	n/a	Volunteer
MERC-UNIMOG × 1	24	See total below	*See note 1	n/a	Volunteer
SAME 4X4 TRACTOR × 1	18	See total below	*See note 1	n/a	Volunteer
SUZUKI QUAD × 5	6	See total below	*See note 1	n/a	Volunteer
SUZUKI QUAD × 13	8	See total below	*See note 1	n/a	Volunteer
TOYOTA HI-LUX × 5	2	See total below	*See note 1	n/a	Volunteer
TOYOTA HI-LUX × 5	1	See total below	*See note 1	n/a	Volunteer
TOYOTA HILUX × 8	7	See total below	*See note 1	n/a	Volunteer
TOYOTA HILUX × 1	3	See total below	*See note 1	n/a	Volunteer
TOYOTA HILUX D4D DOUBLE CAB × 2	7	See total below	*See note 1	n/a	Volunteer
TOYOTA LANDCRUISER × 9	2	See total below	*See note 1	n/a	Volunteer
TOYOTA LANDCRUISER × 1	5	See total below	*See note 1	n/a	Volunteer
TOYOTA LANDCRUISER × 2	6	See total below	*See note 1	n/a	Volunteer
TOYOTA LANDCRUISER × 12	9	See total below	*See note 1	n/a	Volunteer
FORD MONDEO × 1	5	See total below	*See note 2	n/a	Pool stores
FORD MONDEO × 2	3	See total below	*See note 2	n/a	Pool HQ
FORD TRANSIT × 1	7	See total below	Fulltime staff use	n/a	2
TOYOTA LANDCRUISER × 5	4	See total below	Fulltime staff use	n/a	1
TOYOTA LANDCRUISER TDI × 1	9	See total below	Fulltime staff use	n/a	1
Total fuel costs from Jan 2010 to Oct 2010		€71,450.49			

*Note 1:* Where a vehicle is described as 'Volunteer', this vehicle can be driven by any Irish Coast Guard volunteer or full time member provided they have a clean driver's license appropriate to the vehicle type and have been approved to do so by their Officer in Charge.

*Note 2:* Where a vehicle is described as 'pool', it is for use by fulltime staff of the IRCG so upwards of 5 people may use it.

### Departmental Agencies

163. **Deputy Róisín Shortall** asked the Minister for Transport if he will provide details of all bodies, committees or groups under his Department or any of the agencies within his Department's remit associated with social partnership established in the past 15 years; the details of all funding allocated to these bodies in that period; the details of all funding provided to social partnership bodies or persons associated with such bodies in the period and the purpose of these allocations. [40719/10]

**Minister for Transport (Deputy Noel Dempsey):** Since the established of the Department of Transport in January 2002, the groups established for Social Partnership purposes were a Public Transport Partnership Forum and an internal management-union group. My Department did not award any money to these groups. With regard to Agencies under the aegis of my Department, this is a matter for the Agencies themselves.

### Garda Deployment

164. **Deputy Thomas P. Broughan** asked the Minister for Justice and Law Reform his plans to enhance the security of public transport commuters and staff through a separate transport policing unit or any other mechanism in view of the recent spate of anti-social and violent attacks on the Luas tram and other public transport systems; his views regarding this alleged recent rise in anti-social and criminal attacks on public transport staff and commuters and if

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he has been briefed by the Department of Transport or the Railway Procurement Agency on this matter; and if he will make a statement on the matter. [40416/10]

**Minister for Justice and Law Reform (Deputy Dermot Ahern):** I am informed by the Garda authorities that liaison mechanisms are in place between An Garda Síochána and transportation services, including Luas, Dublin Bus and Iarnród Éireann in the Dublin Metropolitan Region at both senior management and local level. Designated Inspectors from the Dublin Metropolitan Region Traffic Corps have been nominated to liaise with each of the service providers to address any policing issues which arise.

I am further informed that policing measures, including high-visibility patrols and covert operations, are in place in Garda Districts and Divisions along the Luas and Iarnród Éireann lines to support security measures put in place by Luas and Iarnród Éireann management. This includes dedicated initiatives, particularly at night, during festivities and other occasions when there is a high volume of traffic. Crime trends relating to public disorder and other anti-social behaviour associated with public transportation are closely monitored by senior Garda management within the Dublin Metropolitan Region and appropriate action is undertaken as necessary.

There are ongoing contacts at senior level between my Department and the Department of Transport. Garda management liaises on an ongoing basis with the Railway Procurement Agency. Responsibility for the allocation of resources within An Garda Síochána rests with the Garda Commissioner, in consultation with his senior management team. It is currently not considered necessary to establish a dedicated transport policing unit.

### Organised Crime

165. **Deputy Bernard J. Durkan** asked the Minister for Justice and Law Reform the number of criminal gangs operating in this jurisdiction at present; and if he will make a statement on the matter. [40436/10]

**Minister for Justice and Law Reform (Deputy Dermot Ahern):** I am informed by the Garda authorities that there are two categories of organised crime groups operating in this jurisdiction. The first category consists of individuals / groups that are well established and tightly structured involved in drug trafficking, armed robbery and firearms offences. The second category involves groups whose activities are characterised by less cohesive group structures and criminal activities which are mainly confined to Ireland. I am further informed that information regarding such criminal groups is disseminated on a regular basis to Europol.

Membership of organised crime gangs tends to be fluid and the nature of criminal activity is such that offences committed by members of gangs may or may not be connected with the individual's membership of such gangs. It is not therefore possible to ascertain the precise number of criminal gangs operating in this jurisdiction. Members of An Garda Síochána are utilising all available legislation, including legislative provisions introduced by the Oireachtas in 2009 amending the Criminal Justice Act, 2006 with regard to organised crime. In addition, An Garda Síochána will continue to develop and implement strategies to dismantle and disrupt criminal networks, utilising advanced analytical and intelligence methods to facilitate targeted operations to enable early intervention and prevention of such crimes. Specific initiatives are regularly undertaken alongside standard policing duties where the responsibility of enforcing all aspects of the criminal law lies with each member of An Garda Síochána.

### Crime Levels

166. **Deputy Bernard J. Durkan** asked the Minister for Justice and Law Reform the number of reported gun crimes including killings in each of the past three years; the extent to which successful prosecutions have followed; and if he will make a statement on the matter. [40437/10]

**Minister for Justice and Law Reform (Deputy Dermot Ahern):** In the time available it has not been possible for the Garda authorities to supply the information requested by the Deputy. I will be in contact with the Deputy when the information is to hand.

### Citizenship Applications

167. **Deputy Bernard J. Durkan** asked the Minister for Justice and Law Reform the position regarding an application for citizenship in the case of a person (details supplied) in Dublin 1; and if he will make a statement on the matter. [40438/10]

**Minister for Justice and Law Reform (Deputy Dermot Ahern):** A valid application for a certificate of naturalisation from the person referred to in the Deputy's Question was received in the Citizenship Division of my Department in November 2007. The application is now in the final stage of processing and the person in question was requested to submit documentation required to complete processing of the application in a letter issued on 18 October, 2010. Upon receipt of the required documentation the application will be finalised.

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.

### Residency Permits

168. **Deputy Bernard J. Durkan** asked the Minister for Justice and Law Reform the position regarding an application for residency in the case of a person (details supplied); and if he will make a statement on the matter. [40439/10]

**Minister for Justice and Law Reform (Deputy Dermot Ahern):** I refer the Deputy to the Reply given to his Parliamentary Question No. 218 on 2 December 2009. The status of the person concerned is as set out in that Reply. The Deputy might wish to note that the person concerned is the subject of a Deportation Order, is evading deportation, and is therefore illegally present in the State. Should she come to the notice of the Gardaí, she would be liable to arrest and detention. The person concerned should, therefore, present herself to the GNIB without any further delay.

I should remind the Deputy that queries in relation to the status of individual Immigration cases may be made directly 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.

### Victims' Commission

169. **Deputy Terence Flanagan** asked the Minister for Justice and Law Reform if he will support the case of a person (details supplied) in Dublin 13. [40451/10]

**Minister for Justice and Law Reform (Deputy Dermot Ahern):** Since its inception in 2005, the Commission for the Support of Victims of Crime has provided €268,500 in grant assistance to the Court Support Services and it continues to provide grant assistance in 2010. The Commission has devoted considerable time and energy over a number of years to addressing long-standing governance issues in the Court Support Services. Since June 2009, the Management Board of the service has been actively working to resolve these issues.

An independent report on the governance of the service made a number of recommendations, including in relation to unvouched expenses, which the Management Board is in the process of implementing. A service continues to be available from the Court Support Services. I am assured that the Board of the Court Support Services is fully committed to providing the best possible service to victims of crime on a sustainable basis and that a full resumption of service will follow as soon as possible.

### **Garda Stations**

170. **Deputy Jack Wall** asked the Minister for Justice and Law Reform the position regarding the refurbishment of a Garda station in County Kildare (details supplied); and if he will make a statement on the matter. [40487/10]

**Minister for Justice and Law Reform (Deputy Dermot Ahern):** The programme of refurbishment of Garda accommodation around the country is based on agreed priorities established by An Garda Síochána and it is progressed in close co-operation with the Office of Public Works, who have responsibility for the provision and maintenance of Garda accommodation. I am advised by the Office of Public Works that refurbishment works at the Garda Station referred to by the Deputy have commenced and it is expected that the work should be completed by the second quarter of 2011.

### **Departmental Transport**

171. **Deputy Simon Coveney** asked the Minister for Justice and Law Reform, further to Parliamentary Question No. 347 of 12 October 2010 in reference to the small pool of vehicles, the number, make and age of these vehicles; the annual cost of fuel, depreciation, staffing for these vehicles; if they are solely for use within the Department of Justice and Law Reform; and if he will make a statement on the matter. [40491/10]

**Minister for Justice and Law Reform (Deputy Dermot Ahern):** As I indicated in my answer to the PQ in question on 12 October, the two multipurpose vehicles are available for transportation of official post, documents, files and other materials. They may also be used on occasion to transport officials where otherwise a taxi may be required. The two diesel engined multipurpose vehicles in question (Ford Galaxy and Ford Tourneo) are almost four years old; they can be configured as the need arises for use as people carriers or for carrying materials. No precise details are available on the fuel spend, but it is around €80 per month per vehicle.

The driving of these vehicles is part of the regular duties of a number of departmental Service Officers and as such, additional staffing costs where they arise are nominal. For the sake of completeness, I should also add that in addition to the use of these vehicles in assisting the efficient discharge of departmental business, they also give rise to significant savings in taxi costs which would otherwise be required in the absence of such a facility.

172. **Deputy Simon Coveney** asked the Minister for Justice and Law Reform if the Department of Justice and Law Reform has sole responsibility for issuing State vehicles; the guidelines for same; and if he will make a statement on the matter. [40492/10]

175. **Deputy Lucinda Creighton** asked the Minister for Justice and Law Reform if there are guidelines in place regarding the use of State cars; if he will outline any such guidelines; and if he will make a statement on the matter. [40684/10]

**Minister for Justice and Law Reform (Deputy Dermot Ahern):** I proposed to take Questions Nos. 172 and 175 together.

Office Holder cars are provided to the Taoiseach, Tánaiste, Government Ministers, President, Chief Whip, Ceann Comhairle, Attorney General, Director of Public Prosecutions, Chief Justice, former Taoisigh and Presidents pursuant to a long standing arrangement maintained by successive Governments. Office Holder vehicles form part of the Garda fleet and as such are operated by An Garda Síochána.

### Cash for Gold Schemes

173. **Deputy Thomas P. Broughan** asked the Minister for Justice and Law Reform if his attention has been drawn to the concerns that have been raised at recent community meetings at the proliferation of gold shops and gold trader operations across the Dublin region; if there is any licensing procedure in place for the establishment and operation of gold shops, on-street or door-to-door gold trading operations; if there is no licensing procedure in place if he will introduce legislation to facilitate a licensing system for this trade; if there is an invigilation procedure in place for the items of jewellery and other gold products that are received by these businesses as it has been alleged that the proceeds of house break-ins are perhaps turning up in this trade; the procedures in place to compel the owners and vendors of gold operations to clarify that all their items have been legally acquired; if he will organise spot checks to be carried out by An Garda Síochána on gold trading operations in relation to jewellery and other gold items that have allegedly been stolen in house burglaries and notified to An Garda Síochána by householders; and if he will make a statement on the matter. [40506/10]

**Minister for Justice and Law Reform (Deputy Dermot Ahern):** As I have previously advised the House, neither my Department nor An Garda Síochána have any function in relation to the regulation of legal transactions in jewellery and gold. With regard to the general regulation of business, registered companies are governed by the Companies Acts 1963 to 2009 and related EU legislation which is enforced primarily by the Director of Corporate Compliance.

Insofar as the issue relates to possible criminality associated with the 'cash-for-gold' industry, An Garda Síochána enforce the provisions of the criminal law in respect of theft and robbery, including the theft and robbery of jewellery and gold. I am informed that provisional indications are that burglaries involving jewellery are running at levels similar to last year. Garda management is aware that a number of outlets have been established in various areas that are buying gold for cash. A number of established jewellers are also buying gold and jewellery for cash.

While the informal purchase of jewellery and precious items is not specifically regulated in criminal legislation, the circumstances under which they are bought or sold may indicate the commission of certain offences. For example the handling of stolen property and or the possession of stolen property, which are offences under sections 17 and 18 of the Criminal Justice (Theft and Fraud Offences) Act, 2001 respectively, may be indicated through the specific circumstances under which transactions are effected. If members of the public have suspicions that goods being sold or traded may have been stolen, the correct action is for these suspicions to be referred to An Garda Síochána for investigation.

### Residency Permits

174. **Deputy James Bannon** asked the Minister for Justice and Law Reform the position

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regarding a person (details supplied) in County Westmeath currently undertaking a training course which is due to end in 2012; and if he will make a statement on the matter. [40525/10]

**Minister for Justice and Law Reform (Deputy Dermot Ahern):** I have been informed by the Irish Naturalisation and Immigration Service that they have not received an application for further leave to remain in the State from the person mentioned by the Deputy. The person concerned should be advised to write to the General Immigration Division of my Department, which is located at 13-14 Burgh Quay, Dublin 2, providing full details and documentation of his plans to stay in Ireland to enable my officials to decide on his case.

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.

*Question No. 175 answered with Question No. 172.*

### Prison Education Service

176. **Deputy Lucinda Creighton** asked the Minister for Justice and Law Reform the cost of providing work, training and education programmes in each prison here in tabular form; and if he will make a statement on the matter. [40685/10]

**Minister for Justice and Law Reform (Deputy Dermot Ahern):** I wish to inform the Deputy that due to the multiplicity of staffing arrangements involved in the provision of education, work and training, it is not possible to disaggregate, with any degree of accuracy, the costs that relate solely and exclusively to the provision of these activities. The number of authorised posts directly involved in providing education, work and training in each of the prisons is set out in the table.

Staff in the education area are teachers employed by the relevant Vocational Education Committee and are funded by the Department of Education and Skills. The table reflects the number of personnel in the context of teaching hours provided. Staff in the work and training area are employees of the Irish Prison Service.

Institution	Education (Wholetime Equivalents)	Work and Training
Arbour Hill	10.05	14
Castlerea	16.23	20
Cloverhill	8.00	13
Cork	19.10	15
Dóchas	7.00	7
Loughan House	9.52	9
Limerick	16.05	17
Midlands	34.20	29
Mountjoy	17.23	50
Shelton Abbey	7.41	8
Portlaoise	19.64	10
St Patrick's Institution	20.05	19
Training Unit	7.50	10
Wheatfield	20.10	37

### Asylum Support Services

177. **Deputy Lucinda Creighton** asked the Minister for Justice and Law Reform the number of direct provision centres here; the number of asylum seekers in each centre in the years 2006, 2007, 2008, 2009 and to date in 2010; the cost of running each centre in each of those years; the number of bedrooms in each centre in tabular form; and if he will make a statement on the matter. [40687/10]

**Minister for Justice and Law Reform (Deputy Dermot Ahern):** It has not been possible to compile the information requested in the time available to answer the question but it will be forwarded direct to the Deputy under separate cover, as soon as possible. In the meantime, I would like to refer the Deputy to the website of the Reception and Integration Agency (RIA) — [www.ria.gov.ie](http://www.ria.gov.ie) — where the agency publishes monthly statistics on a range of matters, including information on the current list of centres. The website provides statistics on the number of asylum seekers resident in centres from December 2008 and she may find this of use to her pending receipt of the information sought.

### Asylum Applications

178. **Deputy Bernard J. Durkan** asked the Minister for Justice and Law Reform the position regarding an application for asylum in the case of a person (details supplied) in County Clare; and if he will make a statement on the matter. [40701/10]

**Minister for Justice and Law Reform (Deputy Dermot Ahern):** I refer the Deputy to his Parliamentary Question No. 508 of Tuesday, 20 April, 2010 and the written Reply to that Question. The position in the State of the person concerned now falls to be considered for Subsidiary Protection in accordance with the European Communities (Eligibility for Protection) Regulations 2006 (S.I. No. 518 of 2006) and this application is under consideration at present. When consideration of this application has been completed, the person concerned will be notified in writing of the outcome.

In the event that the application for Subsidiary Protection is refused, the position in the State of the person concerned will then be decided by reference to the provisions of Section 3 (6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement. All representations submitted will be considered before the file is passed to me for decision. Once a decision has been made, this decision and the consequences of the decision will be conveyed in writing to the person concerned.

I should remind the Deputy that queries in relation to the status of individual immigration cases may be made directly 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.

### Departmental Bodies

179. **Deputy Róisín Shortall** asked the Minister for Justice and Law Reform if he will provide details of all bodies, committees or groups under his Department or any of the agencies within his Department's remit associated with social partnership established in the past 15 years; the details of all funding allocated to these bodies in that period; the details of all funding provided to social partnership bodies or persons associated with such bodies in the period and the purpose of these allocations. [40716/10]



**Minister for Justice and Law Reform (Deputy Dermot Ahern):** No bodies, committees or groups associated with Social Partnership were established within the remit of my Department or agencies of my Department during the period of time in question (other than the Performance Verification Groups established under the Social Partnership Agreement *Sustaining Progress* for the purpose of verifying progress under the Agreement).

### **Garda Training**

180. **Deputy Richard Bruton** asked the Minister for Justice and Law Reform if he will provide details of the training modules for Garda recruits and the time devoted in their training programme to each module; if he is satisfied that enough training is given to prepare gardaí for hardline violent situations on the streets. [40721/10]

**Minister for Justice and Law Reform (Deputy Dermot Ahern):** The student/probationer programme which is of two years duration aims to develop student gardaí into probationer gardaí that are competent in a wide range policing duties including violent situations. The training consists of separate but integrated phases.

In 2008 the Garda Commissioner established An Garda Síochána Training and Development Group to review all training and development for Garda and civilian staff in An Garda Síochána to equip the organisation to deliver an effective and efficient professional service in line with best practice. The report, published in May 2009, made a number of key recommendations including a recommendation that a new training and development model should be put in place and that the student/probationer training programme should be radically restructured into 3 phases. Phase I would be for 32 weeks at the Garda College, at the end of which successful students would be attested (i.e. become members of the Garda Síochána with full police powers). Phase II would be for 65 weeks based in Garda stations, and Phase III would consist of 7 weeks of exam preparation, exams and assessments.

The implementation of these recommendations is of course a matter for the Commissioner in full consultation with all interested parties. This student and probationer training and continuous on the job training are intended to provide Gardaí with the academic and experiential skills to meet the challenging demands of modern policing. The full report is available online at the Publications section of the Garda web site — [www.garda.ie](http://www.garda.ie).

### **Coroners Service**

181. **Deputy Paul Kehoe** asked the Minister for Justice and Law Reform the position regarding the following matter (details supplied); and if he will make a statement on the matter. [40725/10]

**Minister for Justice and Law Reform (Deputy Dermot Ahern):** Under the Coroners Act, 1962, a Coroner is an independent office holder with responsibility under the law for the medicolegal investigation of the circumstances of sudden, unexplained, violent and unnatural deaths. Neither I nor my Department have any role in individual cases but I have asked the Coroner to expedite this matter.

### **Deportation Orders**

182. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Justice and Law Reform when deportations are effected and if arrangements are made by his Department for transport at the arrival airport to take people to their accommodation in their home country, or if they are left to their own devices upon arrival. [40727/10]

**Minister for Justice and Law Reform (Deputy Dermot Ahern):** The Garda National Immigration Bureau is responsible for effecting removals from the State including the escorting of deportees while on flights. I am informed by the Garda National Immigration Bureau that prior to all such flights, contact is made with the relevant Embassies and they are made aware of names of all deportees and any other relevant information. It has been the experience to date that deportees are, in most circumstances, met upon arrival by family members.

### Departmental Bodies

183. **Deputy Róisín Shortall** asked the Minister for Foreign Affairs if he will provide details of all bodies, committees or groups under his Department or any of the agencies within his Department's remit associated with social partnership established in the past 15 years; the details of all funding allocated to these bodies in that period; the details of all funding provided to social partnership bodies or persons associated with such bodies in the period and the purpose of these allocations. [40714/10]

**Minister for Foreign Affairs (Deputy Micheál Martin):** No bodies, committees or groups associated with Social Partnership have been established under my Department during the past 15 years. There are no agencies operating under the aegis of my Department.

### Social Welfare Appeals

184. **Deputy Dan Neville** asked the Minister for Social Protection if the appeals office will now accept an application for habitual residency as an appeal in respect of a person (details supplied) in County Limerick. [40371/10]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** I am informed by the Social Welfare Appeals Office that a form for the opening of an appeal has been forwarded to the person concerned and requesting her to state the grounds for her appeal. On receipt of her reply the appeal will be opened and processed in the normal manner. The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

185. **Deputy Dan Neville** asked the Minister for Social Protection if a carer's allowance application which is on appeal will be dealt with as soon as possible in respect of a person (details supplied) in County Limerick and if the person will be given the opportunity of an oral hearing. [40373/10]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** The Social Welfare Appeals Office has advised me that an appeal by the person concerned was registered in that office on 11 September 2010. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by the Social Welfare Services on the grounds of appeal be sought. When received, the appeal in question will be referred to an Appeals Officer for consideration. As part of this consideration, the Appeals Officer will decide if an oral hearing is appropriate in this case. The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

186. **Deputy Bernard Allen** asked the Minister for Social Protection when a decision will be reached on the appeal in respect of a person (details supplied) in County Cork, against the decision to disallow their family income supplement on the grounds that they do not work 38 hours per fortnight. [40382/10]

**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 19 August 2010. The Family Income Supplement section issued a clarification letter to the person concerned on 28 October 2010. There has been no response from the appellant. The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

### Social Welfare Benefits

187. **Deputy Joanna Tuffy** asked the Minister for Social Protection if he will give details of the number of persons in receipt of farm assist for the years 2005, 2006, 2007, 2008, 2009 and to date in 2010; the amount paid out for farm assist for the years 2005 to 2010, in tabular form on a county basis; and if he will make a statement on the matter. [40384/10]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** The number of recipients of Farm Assist, together with expenditure on the scheme, is contained in the table below. Information on expenditure is not recorded on a county basis.

Farm Assist	Participants	Expenditure
		€m
Dec 2005	7,824	67.3
Dec 2006	7,480	71.1
Dec 2007	7,376	78.7
Dec 2008	7,496	84.9
Dec 2009	8,972	93.3
Sep 2010	10,325	81.8

### Social Welfare Code

188. **Deputy Seán Barrett** asked the Minister for Social Protection if it is a condition of receiving rent supplement that the tenancy be registered with the Private Residential Tenancies Board, and that the non-principal private residence charge has been paid on the rented property; and if he will make a statement on the matter. [40386/10]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** It is not a requirement of the rent supplement scheme that the landlord has paid the non-principal private residence charge on the property or that landlords must be registered with the Private Residential Tenancies Board (PRTB) before a rent supplement is paid to a tenant. The Department provides details of all current rent supplement recipients and landlords to the Department of Environment, Heritage and Local Government on a quarterly basis, with a view to assisting local authorities with a range of housing issues, including the transfer of rent supplement recipients to the rental accommodation scheme and inspections of standards for private rented houses.

Under the Residential Tenancies Act 2004, landlords are legally obliged to register tenancies with the PRTB. The Department is also working closely with the PRTB to ensure that all

tenancies where rent supplement is in payment are registered with the PRTB. To that end, the Department provides details of new rent supplement payments to the PRTB to enable them identify tenancies that are not registered and to take any follow-up action necessary.

Landlords are legally obliged to register tenancies with the PRTB within one month from the start date of the tenancy or at a later date on payment of an increased fee. For this reason, it is not practicable for the Department to insist that a tenancy be registered with the PRTB before payment of rent supplement can be made. There are also instances where a rent supplement tenancy need not be registered with the PRTB, for example, in the case of renting a room in a house or where a premises is owner occupied.

### **Social Welfare Appeals**

189. **Deputy Dan Neville** asked the Minister for Social Protection if an application for illness benefit which is on appeal will be dealt with as soon as possible in respect of a person (details supplied) in County Limerick. [40389/10]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** Payment of illness benefit, to the person concerned, was disallowed by a Deciding Officer following an examination by a Medical Assessor of the Department who expressed the opinion that she was capable of work. An appeal was opened on 23 October 2010 and the Social Welfare Appeals Office has advised me that, in accordance with statutory requirements, the Department was asked for the documentation in the case and the Deciding Officer's comments on the grounds of the appeal. In that context, an examination by another Medical Assessor will be carried out. The person concerned will be notified when arrangements for the examination have been completed. The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

### **Social Welfare Benefits**

190. **Deputy Bernard J. Durkan** asked the Minister for Social Protection when social welfare payment will be reviewed in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [40429/10]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** A social welfare inspector will interview the person concerned in the next week concerning her request for a review of her means. On completion of this review, the file will be passed to a deciding officer for decision.

### **Social Welfare Code**

191. **Deputy Bernard J. Durkan** asked the Minister for Social Protection if entitlement to a payment such as widow's pension or attendant payments apply from the date of application or the date of death of a spouse where application in either case was not made at time of death; if the Ombudsman has ruled in respect of such cases; and if he will make a statement on the matter. [40431/10]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** All late claims for social welfare benefits are determined in accordance with the legislative provisions set out in Section 241 of the Social Welfare Consolidation Act 2005 and in Regulations made under that section. Where a person applies within 12 months of the date of death of a spouse, the claim is backdated for the full 12 months. Where the date of application is later than this, proportional backdating of

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payment is applied. Further backdating may be applied in certain circumstances where the customer provides additional relevant information.

It is not clear what the Deputy means by attendant payments, but a widowed person aged between 60 and 65 whose late spouse was in receipt of the household benefits package may continue receiving the package if he or she is receiving State pension (transition), widow's/widower's (contributory) pension, widow's/widower's (non-contributory) pension, one-parent family payment (widows/widowers), widow's or widower's pension under the occupational injuries benefits scheme, an equivalent social security pension/benefit from a country covered by EU Regulations or from a country with which Ireland has a bilateral social security agreement or an ordinary Garda widow's pension from the Department of Justice and Law Reform. There has been no ruling made by the Ombudsman in relation to the late claim of widow or widower's pension.

192. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the reason a person (details supplied) in County Kildare was deemed ineligible under the habitual residency clause by his Department but granted on appeal by the Health Service Executive under the same legislation; if he is aware that they have been deemed to have established centre of interest on foot of the full extent of their residency here; and if he will make a statement on the matter. [40432/10]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** The person concerned originally applied for disability allowance on 26 February 2008. His claim was assessed by a medical assessor who was of the opinion that he was not medically suitable for disability allowance. The deciding officer accepted that medical opinion and further decided that the person in question was not habitually resident in the State. As he failed to satisfy the medical and habitual residence conditions, his claim was refused. A letter issued to him on 7th August 2008 advising him of this decision and of his right of appeal to the Social Welfare Appeals Office.

The person applied again for disability allowance on 27 November 2008. While the medical assessor gave the opinion that the medical condition was satisfied on the basis of the medical evidence supplied with that application, it was decided that he was not entitled to disability allowance as he did not satisfy the habitual residence condition. A letter issued to him on 29th January 2009 advising him of this decision and of his right of appeal to the independent Social Welfare Appeals Office.

The person subsequently appealed this decision. The appeals officer decided that the person was not habitually resident in the State and the appeal was disallowed on 12 August 2009. At the time of the appeal the appeals officer was aware of the Health Service Executive's decision to award rent allowance and supplementary welfare allowance to the person.

An appeals officer's decision is final and conclusive in the absence of any fresh facts or evidence. It is open to the person concerned to send any evidence which he sent to the Health Service Executive to the Social Welfare Appeals Office for review or he can reapply for disability allowance and his claim will be assessed from a current date.

### **Social Welfare Appeals**

193. **Deputy Seán Ó Feargháil** asked the Minister for Social Protection if he will expedite a review of the case of a person (details supplied) who has applied for a non-contributory old age pension, having been in receipt of widow's pension; and if he will make a statement on the matter. [40486/10]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** The Social Welfare Appeals Office has advised me that an appeal by the person concerned was registered in that office on 25 August 2010 together with the relevant Departmental papers and comments by or on behalf of the Deciding Officer on the grounds of appeal. The appeal will be referred in due course to an Appeals Officer who will decide whether the case can be decided on a summary basis or whether to list it for oral hearing.

There was a 46% increase in the number of appeals received by the Social Welfare Appeals 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. These increases have caused delays in the processing of appeals. In order to be fair to all appellants, oral hearings are arranged in strict 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:

- 3 additional Appeals Officers were assigned to the Office since January 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 Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

194. **Deputy Pat Breen** asked the Minister for Social Protection the number of persons from County Clare who are awaiting an appeal decision for carer's allowance, domiciliary allowance, jobseeker's allowance and disability allowance as of 28 October 2010; the length of time it is taking to process these appeals; and if he will make a statement on the matter. [40502/10]

195. **Deputy Pat Breen** asked the Minister for Social Protection the number of persons from County Clare who are awaiting an oral hearing following their appeal for carer's allowance, domiciliary allowance, jobseeker's allowance and disability allowance as of 28 October 2010; the length of time they are awaiting an oral hearing; the length of time it is taking to process oral hearings; and if he will make a statement on the matter. [40503/10]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** I propose to take Questions Nos. 194 and 195 together

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I am advised by the Social Welfare Appeals Office that statistics are not maintained on a county by county basis and it is not in a position to supply the information sought by the Deputy in relation to Co. Clare.

196. **Deputy Róisín Shortall** asked the Minister for Social Protection, further to Parliamentary Question No. 1314 of 29 September 2010, if he will provide an update regarding this appeal, which was originally lodged with the appeals office over a year ago and when this appeal will be heard. [40512/10]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** Further to my response to PQ 33256/10 on 29 September 2010, I am advised by the Social Welfare Appeals Office that there is no update to the information given previously. The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

### Social Welfare Benefits

197. **Deputy James Bannon** asked the Minister for Social Protection the position regarding an application for domiciliary care allowance in respect of a person (details supplied) in County Westmeath; and if he will make a statement on the matter. [40527/10]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** An application for domiciliary care allowance was received on 21 June 2010. This application was referred to one of the Department's Medical Assessors who found that the child was not medically eligible for domiciliary care allowance. A letter issued to the person concerned on 3 September 2010 advising her of the decision to refuse domiciliary care allowance. Where a person is not satisfied with the decision of a Deciding Officer they may appeal the decision to the Social Welfare Appeals Office. As yet, no appeal has been registered in this case.

198. **Deputy Róisín Shortall** asked the Minister for Social Protection the way the 30 hour rule in respect of rent and mortgage interest supplement is operated in the circumstances where a person is availing of the back to work enterprise allowance in view of the fact that the participant will be working at his or her new business for over 30 hours a week. [40688/10]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** Rent or mortgage interest supplement is not normally payable where a person or their spouse or partner is in full-time employment, that is for 30 hours or more a week. However, provision was made in 2007 whereby a person on rent supplement participating on the back to work enterprise allowance scheme, who is accepted as eligible for accommodation under the rental accommodation scheme ("RAS"), may return to full-time work, subject to a means test, without losing the entire rent supplement payment. Those who transfer to RAS and engage in employment will have the advantage of the differential rent scheme which is administered by the various local authorities.

Arrangements are also in place to allow a person to participate in the back to work enterprise allowance or to engage in full-time employment and retain entitlement to mortgage interest supplement for up to 4 years on a tapered basis. If a claimant is on an approved scheme they can retain 75% of their mortgage interest supplement in year 1, 50% in year 2, and 25% in years 3 and 4. This arrangement is subject to the claimant's income being below an income threshold, currently €317.43. Any amount of back to work allowance payable and family income

supplement is disregarded in the assessment of household income. PRSI and reasonable travelling expenses are also disregarded.

### Proposed Legislation

199. **Deputy Róisín Shortall** asked the Minister for Social Protection his plans, if any, to delete section 246 of the Social Welfare Consolidation Act 2005 or to otherwise change the two year rule in respect of the qualifying criteria for the habitual residency condition. [40689/10]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** The requirement to be habitually resident in Ireland was introduced as a qualifying condition for certain social assistance schemes and child benefit with effect from 1st May 2004. A person who does not satisfy the habitual residence condition is not eligible for specified social welfare payments, regardless of citizenship, nationality, immigration status or any other factor. The purpose of this condition is to safeguard the social welfare system from abuse by restricting access for people who are not economically active and who have little or no established connection with Ireland.

Determination of a person's habitual residence is made in accordance with Section 246 of the Social Welfare Consolidation Act 2005, as amended. I have been advised of the points made at the Joint Oireachtas Committee on Social Protection at their meeting on 27th October which examined this topic, particularly regarding the confusion in understanding the 2 year rebuttable presumption clause in subsection (1). My Department is examining the implications of amending the legislation in this regard.

### Social Welfare Benefits

200. **Deputy Bernard J. Durkan** asked the Minister for Social Protection if a person (details supplied) in County Kildare currently receiving jobseeker's benefit will be awarded jobseeker's assistance; and if he will make a statement on the matter. [40694/10]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** Jobseeker's allowance will be awarded to the person concerned when her jobseeker's benefit claim expires on 6th November 2010.

201. **Deputy Bernard J. Durkan** asked the Minister for Social Protection when arrears of rent allowance will be paid in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [40696/10]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** The Health Service Executive (HSE) has advised that it is currently assessing the entitlement to arrears and will contact the person concerned directly when the decision has been made.

### Departmental Bodies

202. **Deputy Róisín Shortall** asked the Minister for Social Protection if he will provide details of all bodies, committees or groups under his Department or any of the agencies within his Department's remit associated with social partnership established in the past 15 years; the details of all funding allocated to these bodies in that period; the details of all funding provided to social partnership bodies or persons associated with such bodies in the period and the purpose of these allocations. [40717/10]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** The information requested is currently being compiled within the Department and will be made available to the Deputy as soon as possible.



### Departmental Funding

203. **Deputy Finian McGrath** asked the Minister for Tourism, Culture and Sport if she will support a matter (details supplied). [40410/10]

**Minister for Tourism, Culture and Sport (Deputy Mary Hanafin):** My Department has not received an application for support from or on behalf of this exhibition.

### Departmental Bodies

204. **Deputy Róisín Shortall** asked the Minister for Tourism, Culture and Sport if she will provide details of all bodies, committees or groups under her Department or any of the agencies within her Department's remit associated with social partnership established in the past 15 years; the details of all funding allocated to these bodies in that period; the details of all funding provided to social partnership bodies or persons associated with such bodies in the period and the purpose of these allocations. [40720/10]

**Minister for Tourism, Culture and Sport (Deputy Mary Hanafin):** Since its establishment in June 2002, my Department has not established any specific bodies, committees or groups to deal with matters arising from the social partnership agreements. However, the Department's internal Partnership Committee has a role in the implementation, in the organisation, of the Civil Service modernisation agenda which forms part of the social partnership agreements. The Partnership Committee formed Sub-Groups to progress specific aspects of this agenda, including in the areas of human resources, communications and information technology. No funds have been provided to the Committee or its Sub-Groups. The modalities of the implementation of social partnership agreements in the agencies under the aegis of my Department are a matter for the agencies themselves.

### Local Authority Charges

205. **Deputy Seán Barrett** asked the Minister for the Environment, Heritage and Local Government the rationale for landlords who sign up to the rental assistance scheme not being required to pay the non-principal private residence charge; and if he will make a statement on the matter. [40385/10]

222. **Deputy Ciarán Lynch** asked the Minister for the Environment, Heritage and Local Government the basis on which landlords who have signed up to the rental accommodation scheme are not required to pay the non-principal private residence charge; and if he will make a statement on the matter. [40726/10]

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran):** I propose to take Questions Nos. 205 and 222 together.

All properties provided to meet social housing need (including Rental Accommodation Scheme properties) are excluded from the application of the Non Principal Private Residence charge on the basis that the costs of providing such housing is borne by local authorities with the support of the Exchequer.

### Water and Sewerage Schemes

206. **Deputy Brian O'Shea** asked the Minister for the Environment, Heritage and Local Government the position regarding the various sewerage schemes in County Waterford; and if he will make a statement on the matter. [40396/10]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):**

The Water Services Investment Programme 2010 — 2012, a copy of which is available in the Oireachtas Library, provides for the development of a comprehensive range of new water services infrastructure in County Waterford. The Programme includes contracts under construction and to commence to the value of some €75 million in County Waterford during the three year period of the Programme.

The current position in relation to the provision of new sewerage infrastructure in County Waterford is set out on a scheme by scheme basis in the following tables.

## Waterford County Council Sewerage Schemes

## Water Services Investment Programme 2010-2012: Contracts to Start

Scheme	Current Position
Ballinroad Sewerage Scheme (SLI)	<ul style="list-style-type: none"> <li>Rising main complete and pumping station to be constructed.</li> </ul>
Cheekpoint Sewerage Scheme	<ul style="list-style-type: none"> <li>Wastewater Treatment — Design Build Contract Documents currently being prepared by Council.</li> </ul>
Clonea Power Sewerage Scheme	<ul style="list-style-type: none"> <li>Contract 2 (Network &amp; Treatment) Design brief is awaited from Council.</li> </ul>
Lismore Sewerage Scheme (SLI)	<ul style="list-style-type: none"> <li>Wastewater Treatment Plant Upgrade. Design Brief being prepared by Council.</li> </ul>
Waterford Grouped Towns & Villages Sewerage Scheme (Ardmore, Tallow, Stradbally, Cappoquin, Dunmore East, Kilmacthomas, and Ballyduff/Kilmeaden)	<ul style="list-style-type: none"> <li>Tallow Collection System — Complete.</li> <li>Kilmacthomas Collection System — Complete.</li> <li>Cappoquin Collection System — At construction since March 2010.</li> <li>Ardmore Advance Works — At construction since March 2010.</li> <li>Stradbally Collection System — At construction since September 2010.</li> <li>Dunmore East Collection System — Revised contract documents are awaited from Council.</li> <li>Ardmore Collection System — Council expect to invite tenders shortly.</li> <li>Ballyduff/Kilmeaden Collection System — Council expect to invite tenders shortly.</li> <li>Wastewater Treatment Plants DBO Contract — The Wastewater Treatments Plants for the 7 Villages are to be procured by way of a Design Build Operate Contract (DBO). Revised contract documents are awaited from Council.</li> </ul>

## Water Services Investment Programme 2010-2012: Schemes at Planning

Scheme	Current Position
Ballyduff Upper Sewerage Scheme	<ul style="list-style-type: none"> <li>Preliminary Report being assessed by Council.</li> </ul>
Passage East Sewerage Scheme	<ul style="list-style-type: none"> <li>In the early stages of planning.</li> </ul>
Tramore Sewerage Scheme (Collection System)	<ul style="list-style-type: none"> <li>Preliminary Report currently being prepared by Council.</li> </ul>

**Planning Issues**

207. **Deputy Seán Power** asked the Minister for the Environment, Heritage and Local Government if it is appropriate for a local authority to attach a condition to the granting of a planning application seeking full payment of levies where a change of use is sought, planning permission was previously granted, all conditions attaching to that planning permission were

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complied with, no further improvement to the local infrastructure is required, no further expenditure is required from the local authority; and if he will make a statement on the matter. [40404/10]

215. **Deputy Seán Ó Fearghaíl** asked the Minister for the Environment, Heritage and Local Government if the publication of a draft development levy scheme is a reserved function of a local authority; and if he will make a statement on the matter. [40462/10]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I propose to take Questions Nos. 207 and 215 together.

The adoption of individual development contribution schemes is a reserved function of the locally elected members of each planning authority. It is a matter for the members to determine the level of contribution and the types of development to which they apply. Section 149 of the Local Government Act, 2001 provides that every function of a local authority which is not a reserved function is an executive function of the local authority. The publication of a draft development contribution scheme is an executive function of the local authority.

A development contribution must be attached to a permission for a change of use where this is specified in the relevant development contribution scheme, subject to any waivers provided in the scheme. If the elected members consider that this is inequitable, it is open to them to amend the scheme when it comes up for review.

### **Wildlife Protection**

208. **Deputy Joe McHugh** asked the Minister for the Environment, Heritage and Local Government if he will provide advice regarding conservation regulations that apply to agricultural land bordering rivers that have become habitats for wild geese and wild ducks in the past ten years; to direct this information towards farms whose annual crops are damaged by the forage of such wild birds; and if he will make a statement on the matter. [40406/10]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** Under the Wildlife Acts and the EU Birds Directive I have certain responsibilities relating to the protection of wild birds and their habitats. The Wildlife Acts 1976 and 2000 provide for the making of orders relating to the provision of open seasons for the hunting of protected game birds and mammals. The game birds in question include various species of geese and duck. The hunting season for these game birds varies depending on the species but does not extend outside the period from 1 September to 31 January. These orders are reviewed from time to time, taking account of the conservation needs of the individual species. For example, during the freeze which occurred last winter, I considered it necessary to curtail the Open Season for waterfowl for approximately two weeks.

Although the hunting of birds is covered in general by the orders providing for open seasons, individual licences are required under Section 30 of the Wildlife Act 1976 (as amended) for hunting on foreshore, lakes and inland waters belonging to the State. While such licences are applicable to the hunting of fauna generally, they are in practice obtained for the hunting of wildfowl, and are subject to the provisions of the open season orders.

Separately, under the terms of the EU Birds Directive Member States are allowed to make derogations from its protective measures where certain wild bird species, including crows, magpies and pigeons, are causing damage to crops, livestock and fauna or represent a threat to public health or to air safety. I make declarations which renew these derogations every four months. The current declarations are for the period September to December 2010. These dec-

larations are given wide publicity by my Department. Notices relating to the current period were placed in the national newspapers as well including in publications such as the Irish Farmers Journal and the Irish Shooters Digest. In addition, the various declarations were also placed on my Department's website and on the website of the National Parks and Wildlife Service.

The current declarations include amended provisions deleting the use of non-meat based poisoned or anaesthetic bait for the control of grey crows and magpies. This is to reflect the current legal position whereby there is no poison which can be lawfully used against birds. General advice in relation to wild bird conservation is available on the website of the National Parks and Wildlife Service of my Department at [www.npws.ie](http://www.npws.ie). Local offices of the National Parks and Wildlife Service will be happy to offer advice in specific cases.

### **Special Areas of Conservation**

209. **Deputy Joe McHugh** asked the Minister for the Environment, Heritage and Local Government if his Department and or its national parks and wildlife section envisages any special protection areas or special areas of conservation designations in an area (details supplied); to provide maps of any such cases; and if he will make a statement on the matter. [40407/10]

224. **Deputy Joe McHugh** asked the Minister for the Environment, Heritage and Local Government if he will support the following matter (details supplied); and if he will make a statement on the matter. [40729/10]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I propose to take Questions Nos. 209 and 224 together.

My Department is reviewing the suitability of lands in the area in question for designation as a Special Protection Area (SPA). If I decide that lands should be formally proposed for designation then my Department will notify, and consult with, landowners and land users in the area. Maps of the proposed lands will be made available as part of this process.

### **Building Regulations**

210. **Deputy Finian McGrath** asked the Minister for the Environment, Heritage and Local Government if he will support a matter (details supplied). [40409/10]

**Minister of State at the Department of Environment, Heritage and Local Government (Deputy Ciarán Cuffe):** I refer to the reply to Question No. 199 of 14 October 2010 which sets out the position in this matter.

### **Local Authority Lands**

211. **Deputy Thomas P. Broughan** asked the Minister for the Environment, Heritage and Local Government, further to Parliamentary Question No. 506 of 27 October 2010, if he will indicate the location of the 32 acres of land on the Malahide Road; and if he will make a statement on the matter. [40417/10]

212. **Deputy Thomas P. Broughan** asked the Minister for the Environment, Heritage and Local Government, further to Parliamentary Question No. 506 of 27 October 2010, to confirm if the lands (details supplied) have been transferred to the Housing and Sustainable Communities Ltd; if that body has the right to dispose of those lands as it so wishes whether for housing or other purposes; and if he will make a statement on the matter. [40418/10]

**Minister of State at the Department of the Environment; Heritage and Local Government (Deputy Michael Finneran):** I propose to take Questions Nos. 211 and 212 together.

In the information provided by Dublin City Council as part of the land audit carried out in April 2010, the site in question is referred to as Ayrefield/Malahide Road. My Department has no further details as regards the location of the site. My Department has not received an application from Dublin City Council, seeking inclusion of this site or the others named above in the Land Aggregation Scheme.

Land transferred to Housing and Sustainable Communities (HSC) Ltd. under the Land Aggregation Scheme will continue to be available for social housing if housing projects are advanced by authorities under the Social Housing Investment Programme. Land may also be made available for alternative use, including non-housing and community infrastructure purposes. Any disposal of land by HSC Ltd. will be subject to consultation with relevant bodies, including the local authority concerned, to ensure the best use of land from planning and value for money perspectives.

### **Departmental Agencies**

213. **Deputy Thomas P. Broughan** asked the Minister for the Environment, Heritage and Local Government if he will report on the mandate and activities of the Housing and Sustainable Communities Ltd.; and if he will make a statement on the matter. [40419/10]

**Minister of State at the Department of the Environment; Heritage and Local Government (Deputy Michael Finneran):** In July 2010 Housing and Sustainable Communities Ltd. was established as a subsidiary of the National Building Agency. The Constitution of the Company, including the Memorandum of Association, is available on the website of the Housing and Sustainable Communities Agency — [www.housing.ie](http://www.housing.ie). At present the company is involved in the management of land transferred to it from local authorities under the Land Aggregation Scheme. Other tasks envisaged for the company and provided for in its legal basis would include support of housing authorities in delivering housing units under the social housing leasing initiative.

### **Local Authority Housing**

214. **Deputy Joe Carey** asked the Minister for the Environment, Heritage and Local Government the amount of money granted to Clare County Council for the purposes of providing energy efficient homes in the local authority housing stock in 2010; the number of homes which have benefited from these improvement works to date; the plans to provide funding for such purposes in the 2011 budget; and if he will make a statement on the matter. [40449/10]

**Minister of State at the Department of the Environment; Heritage and Local Government (Deputy Michael Finneran):** Clare County Council was allocated €500,000 in 2010 under the scheme for retrofitting of energy efficiency improvements to social housing stock. The Council is currently undertaking a programme of works under this scheme and will submit a claim for recoupment of appropriate costs before the end of 2010. The works being undertaken are a matter for Clare County Council having regard to the conditions of the scheme, the particular works required to its social housing stock and their prioritisation. Until Clare County Council has submitted its 2010 recoupment claim my Department will not be in a position to confirm the number of units on which works have been carried out. The matter of Clare County Council's 2011 allocation for this scheme will as usual be considered in the context of the Social Housing Investment Programme allocations following the annual Estimates process.

*Question No. 215 answered with Question No. 207.*

### **Planning Issues**

216. **Deputy Seán Ó Feargháil** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the difficulties being experienced by potential planning applicants seeking to arrange pre-planning meetings with Kildare County Council planners; if he is further aware that it can take three months or more to arrange a pre-planning consultation; his views on whether this situation is detrimental to investment and good planning in the county; the way this arrangement complies with the models of best practice which he would wish to see in place; and if he will make a statement on the matter. [40509/10]

**Minister of State at the Department of Environment, Heritage and Local Government (Deputy Ciarán Cuffe):** Section 247 of the Planning and Development Act 2000 provides that an applicant who has an interest in land may request a pre-application consultation regarding a proposed development and that the planning authority should not unreasonably withhold agreement to enter into such a consultation. My Department's Development Management Guidelines (June 2007) state that every effort should be made to facilitate, as far as is practicable, reasonable demands for pre-application consultations, and planning authorities should use whatever format is considered appropriate to their circumstances to facilitate such requests. The Guidelines, in addition, also state that efforts should also be made to provide consultation in the form requested and that planning authorities should aim to facilitate such requests as soon as possible, but in any event within 2-3 weeks.

The above-mentioned Guidelines were issued under section 28 of the Planning and Development Act 2000 and planning authorities are required to have regard to them in the exercise of their planning functions. I understand that Kildare County Council prioritise applications for pre-application consultations, having regard to employment generation potential, and make every effort to facilitate such requests within 1-2 weeks.

### **Social and Affordable Housing**

217. **Deputy Denis Naughten** asked the Minister for the Environment, Heritage and Local Government if there is any restriction on a person being an applicant for social housing in more than one county; and if he will make a statement on the matter. [40518/10]

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran):** It is open to any person or household to apply to any housing authority for an assessment of their housing need. Under existing legislation, households can apply to multiple authorities. The social housing reform programme, which was given legislative effect by the Housing (Miscellaneous Provisions) Act 2009, provides for a new process of housing needs assessment. Regulations will be made shortly, which will give detailed effect to the provisions of the Act, and will provide for a single application (that is a person or household may only apply once to one housing authority but with the option of indicating other areas in which offers of accommodation would be acceptable) in order to access social housing support.

### **Waste Disposal**

218. **Deputy Paul Kehoe** asked the Minister for the Environment, Heritage and Local Government the rate of landfill tax per tonne from 1 January 2011; and if he will make a statement on the matter. [40521/10]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):**

The current rate of landfill levy is €30 per tonne. It has been agreed by Government that this rate should be increased to €50 per tonne in 2011. As the Waste Management Acts limit any increase in the landfill levy to a maximum of €5 in any financial year it will be necessary to enact new legislation to implement the agreed increase to €50 in 2011.

In March 2010 I published for public consultation draft sections of a new Bill, the Environment (Miscellaneous Provisions) Bill, which included provision to allow for such an increase. On foot of this consultation a number of submissions were received and are being considered. It is my intention to publish the Environment (Miscellaneous Provisions) Bill in the current session. The date of implementation for the increase in the landfill levy to €50 will be set out in Regulations which will be made following enactment of the Bill.

**Departmental Bodies**

219. **Deputy James Bannon** asked the Minister for the Environment, Heritage and Local Government the position regarding an application for Heritage Council funding on behalf of a group (details supplied); if he will advise on other heritage grants available; and if he will make a statement on the matter. [40526/10]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):**

The significant places of public worship grants scheme is funded under the built heritage capital programme of my Department. The Heritage Council is responsible for the administration of grants under the scheme including the call for applications, assessment of applications and awarding of grants. I understand from the Heritage Council that the application for funding in respect of the Kilbixy Church restoration project submitted in May 2010 was deemed incomplete by the Council. As such, the project was not considered for funding this year.

Details of the relevant grant schemes funded through my Department's built heritage capital programme are set out in the table.

Grant Scheme	2010 Provision	Description
Civic Structures Conservation Grants Scheme	€1.38 million	The scheme is administered directly by the Department. It provides grants for the restoration and conservation of buildings of significant architectural heritage merit which are in civic ownership or occupation and generally open to the public.
Significant Places of Public Worship Grants Scheme	€0.50 million	The scheme is administered by the Heritage Council on behalf of the Department. It provides grant assistance for major conservation works to places of public worship which are of national or greater importance, are protected structures and generally open to the public. Information in relation to this scheme is available from the Heritage Council.
Local Authority Conservation Grants Scheme	€3.75 million	The scheme is administered by local authorities on behalf of the Department. It provides grant assistance for the conservation of protected buildings i.e. those buildings which are on the Record of Protected Structures (RPS) maintained by each planning authority. Information in relation to this scheme is available from the relevant local authority.

The Heritage Council also administers a programme of grants, which is funded through my Department, in the areas of Heritage Research, Heritage Management, and Heritage Edu-

cation, Community and Outreach. Information in relation to this grants programme is available from the Heritage Council.

### **National Spatial Strategy**

220. **Deputy Finian McGrath** asked the Minister for the Environment, Heritage and Local Government the amount of money spent under the gateway innovation fund, GIF, for the years 2008, 2009 and 2010; the locations where money was spent and projects funded; if there are moneys earmarked in 2010, 2011 and 2012 under the GIF; and, if so, the proposed projects and their locations. [40533/10]

**Minister of State at the Department of Environment, Heritage and Local Government (Deputy Ciarán Cuffe):** The Gateway Innovation Fund was originally provided for under the National Development Plan 2007-2013 to stimulate and support innovative and locally co-funded projects that will prioritise gateway development in line with the National Spatial Strategy. The Fund was deferred in 2008 with no allocations having been made.

The Department of Finance report Infrastructure Investment Priorities 2010-2016: A Financial Framework, which was approved by Government in July 2010, makes provision for the re-establishment of the Gateway Innovation Fund with an indicative level of funding of €200 million from 2012. A copy of the investment priorities report is available on the Department of Finance website at [www.finance.gov.ie](http://www.finance.gov.ie). My Department intends to liaise with the lead local authorities in the gateways on the matter in early 2011.

### **Departmental Bodies**

221. **Deputy Róisín Shortall** asked the Minister for the Environment, Heritage and Local Government if he will provide details of all bodies, committees or groups under his Department or under any of the agencies within his Department's remit associated with social partnership which were established in the past 15 years; the details of all funding allocated to these bodies in that period; and the details of all funding provided to social partnership bodies or persons associated with such bodies during the period and the purpose of these allocations. [40712/10]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** My Department provides support to various groups involved in social partnership. Grants are provided towards the administrative and general expenses of a number of organisations and bodies that provide information, research or representative services in the housing area. This funding assists such organisations in the delivery of housing objectives and services.

Funding is provided through the Irish Environmental Network for ecological, environmental non-governmental organisations in respect of core activities, capacity building, research, training and participation in social partnership (the Environment Pillar of social partnership was established formally in 2009). The Network also receives funding to support its role during Biodiversity Week.

Grant aid is provided to An Taisce as a contribution towards the administration costs of the Blue Flags scheme, the international award for water quality and beach excellence, and for the operation of the Green Coast Awards, which recognise beaches of high environmental quality. Funding is provided for Coastwatch Ireland which is an environmental NGO working towards informed public participation in planning, protecting and managing the coastal zone.

In addition, under the various national social partnership agreements, workplace partnership was introduced and implemented successfully in the local government sector. To assist in this process and support a range of initiatives, funding was provided on an annual basis at central



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level to, and disbursed by, the Local Authority National Partnership Advisory Group (LANPAG) that is comprised of management, trade union and Department of the Environment, Heritage and Local Government representatives.

Details of funding of these bodies are set out in the following table.

	2004	2005	2006	2007	2008	2009	2010
	€m	€m	€m	€m	€m	€m	€m
National Association of Building Co-operatives (NABCo)	0.180	0.192	0.195	0.230	0.255	0.217	0.206
Irish Council for Social Housing	0.370	0.395	0.410	0.602	0.531	0.451	0.429
Society of St. Vincent De Paul	—	0.080	0.067	0.065	0.060	0.060	0.051
Irish Environmental Network	0.245	0.219	0.331	0.332	0.988	0.702	0.922
Irish Environmental Network (Biodiversity Week)	0.000	0.000	0.075	0.000	0.000	0.068	0.090
An Taisce — Blue Flag	0.123	0.038	0.086	0.185	0.125	0.096	0.039
An Taisce — Clean Coast / Green Coast	0.005	0.000	0.000	0.000	0.115	0.104	0.066
Coastwatch Ireland	0.004	0.005	0.000	0.000	0.017	0.000	0.005
Local Authority National Partnership Advisory Group (LANPAG)	3.400	3.500	4.600	4.800	4.100	3.100	1.005
Allocation Drawn down	3.408	3.500	4.350	3.000	4.100	3.100	0.000

Data are provided above in respect of 2004 to 2010. My Department introduced a new financial accounting system in 2004 and the extraction of information from the previous accounting system in respect of the expenditures involved would involve a disproportionate amount of time and work.

*Question No. 222 answered with Question No. 205.*

### Road Network

223. **Deputy Niall Collins** asked the Minister for the Environment, Heritage and Local Government the definition, if any, of a sub-standard road in the Planning and Development Acts, Sustainable Rural Housing Guidelines for Planning Authorities, or any other planning regulations; and if he will make a statement on the matter. [40728/10]

**Minister of State at the Department of Environment, Heritage and Local Government (Deputy Ciarán Cuffe):** While roads and transportation issues are addressed in planning legislation, regulations and guidelines, there is no definition of a sub-standard road contained in these.

*Question No. 224 answered with Question No. 209.*

### Alternative Energy Projects

225. **Deputy Emmet Stagg** asked the Minister for Communications, Energy and Natural Resources, further to Parliamentary Question No. 190 of 27 May 2009, the status of the proposed biomass district heating scheme under the Dundalk 2020 project; the reason no preferred bidder was appointed; the reason no update has been sent to the final tenderers; the amount that has been spent on consultants and legal advisers by Sustainable Energy Authority of Ireland on this project; the amount of a CONCERTO grant that was allocated to this project; if this grant has now been foregone or can be reallocated to another project in Ireland. [40411/10]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** The final tender submissions in relation to the Dundalk biomass district heating scheme were received in late 2009. The principal reason for the delay in finalising the Competition is the necessity to ensure demonstrable value for money for the Contracting Authorities, the (HSE, Dundalk Institute of Technology (DkIT), and Louth VEC/Department of Education and Skills) in awarding any such contract. No decision has been made with respect to any of the Final Tenders. An update will be sent to the Tenderers before the end of November.

Approximately €90,000 has been spent since 2008 on legal advice and a similar amount on technical consultancy in providing support to the three Contracting Authorities and the Sustainable Energy Authority of Ireland. As a result of this work, model contracts and technical support have been developed to support any future district heating projects.

The amount of EU CONCERTO funding allocated to this project is dependent on the size of biomass installation, and is still available up to a potential maximum of €600,000. The funding would be allocated to the preferred bidder (Energy Supply Company — ESCO) on agreement between EU Commission and the ESCO. No funding for the district heating project has been spent to date. The CONCERTO fund is available for this project for 5 years (from 2007) and can be reallocated within the project but not to any other projects in Ireland.

### **Broadcasting Services**

226. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources his policy in the area of local radio broadcasting. [40434/10]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** Government policy in relation to the area of local radio broadcasting is set out in the Broadcasting Act, 2009. This recognises the continued importance and need for community broadcasting, and provides for the Broadcasting Authority of Ireland, BAI, to prepare a scheme for the granting of funds to support certain categories of new sound broadcasting programmes. One of the objectives of the scheme is to develop local and community broadcasting. The funds are granted through the Broadcasting Fund which is administered by the BAI. Under the 2009 Act the allocation for the Fund was increased from 5% to 7% of net television licence fee receipts.

The Act also requires the BAI to facilitate the transmission of community broadcasting services by entering into “community content provision contracts” with community interests. The BAI may also, of its own initiative, or at the request of a local community or a community interest, carry out an assessment of the needs of a community in respect of broadcasting. My colleague the Minister for Community, Rural and Gaeltacht Affairs oversees the Community Services Programme, which can also provide funding to community radio.

The Broadcasting Act also sets out the conditions under which licences are granted. Responsibility for the award of sound broadcasting contracts to radio stations, including local radio stations, rests with the BAI. Further information on such issues is obtainable from the Broadcasting Authority of Ireland. Appropriate information and contact details are on their website [www.bai.ie](http://www.bai.ie).

### **Alternative Energy Projects**

227. **Deputy Liz McManus** asked the Minister for Communications, Energy and Natural Resources if he will provide an update on the new biomass tariffs; if he will confirm whether a State aid submission has been sent to the European Commission; and if he will make a statement on the matter. [40488/10]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** In May of this year, I announced a Renewable Energy Feed In Tariff (REFIT) Scheme for electricity generated from biomass, ranging from 8.5 cent per kilowatt hour to 15 cent per kilowatt hour depending on the technology deployed. State Aid Clearance from the European Commission is required before the new feed in tariffs can be implemented. My Department is currently finalising the State Aid submission together with the Sustainable Energy Authority of Ireland and this will be forwarded to the Commission today.

228. **Deputy Bobby Aylward** asked the Minister for Communications, Energy and Natural Resources if he will guarantee a REFIT rate of €0.15 cent per kW-h to a person (details supplied) in County Kilkenny to allow them to proceed with the development of an anaerobic digester; and if he will make a statement on the matter. [40532/10]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** Anaerobic Digestion plants will be supported under new Renewable Energy Feed In Tariffs (REFIT) scheme for electricity generated from biomass. This scheme is not yet open to applications, and therefore no commitment can be made in relation to individual projects. State Aid Clearance from the European Commission is required before the biomass tariffs can be implemented. My Department is finalising the State Aid submission with Sustainable Energy Authority of Ireland for transmission to the Commission today. There will be a number of criteria to be met by applicants under the scheme including compliance with High Efficiency CHP standards.

#### **Departmental Bodies**

229. **Deputy Róisín Shortall** asked the Minister for Communications, Energy and Natural Resources if he will provide details of all bodies, committees or groups under his Department or under any of the agencies within his Department's remit associated with social partnership which were established in the past 15 years; the details of all funding allocated to these bodies in that period; the details of all funding provided to social partnership bodies or persons associated with such bodies in this period; and the purpose of these allocations. [40707/10]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** The Social Partnership Agreement, Partnership 2000, provides for the creation of Partnership Committees in every Government Department. Such a Committee, which was in existence on the formation of my Department in June 2007, continues to function. No funding has been allocated to that Committee or persons associated with that Committee. Social partnership bodies in agencies under the aegis of my Department are the matter for the agencies in question.

#### **Grant Payments**

230. **Deputy Michael McGrath** asked the Minister for Agriculture, Fisheries and Food the position regarding an area aid grant in respect of a person (details supplied) in County Cork. [40369/10]

231. **Deputy Michael McGrath** asked the Minister for Agriculture, Fisheries and Food the position regarding a single farm payment in respect of a person (details supplied) in County Cork. [40370/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** I propose to take Questions Nos. 230 and 231 together.

An application under the 2010 Single Payment Scheme/Disadvantaged Areas Scheme was received from the person named on 20 April 2010. The advance payments under the Single

Payment Scheme and the Disadvantaged Areas Scheme, issued on 28 October and 29 September, respectively. This application was subject to a random satellite eligibility inspection, on foot of which a ground inspection was conducted. The ground inspection confirmed that a significant portion of the area declared by the person named was ineligible for payment, which resulted in penalties being proposed. My officials will shortly write to the person named in this regard, outlining the level of penalty proposed and identifying the breaches of Scheme rules in question.

### **Animal Feedstuffs**

232. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food if he will consider reviewing the licensing requirements for compound feed manufacturers where sales are confined to a local geographical area and where volumes of sales are restricted in view of the requirement to support primary producers in the tillage sector and the desirability of farm-to-farm sales; and if he will make a statement on the matter. [40374/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** EU Regulation 1831/2003 on Feed Hygiene Regulations stipulates, *inter alia*, that all operators involved in the manufacture of compound feed must be registered with or approved by the competent authority in each Member State and must comply with its provisions to ensure feed safety. The Regulation does not contain any provision to allow Member States derogate from this requirement.

### **Grant Payments**

233. **Deputy Phil Hogan** asked the Minister for Agriculture, Fisheries and Food when a single farm payment will issue to a person (details supplied) in County Kilkenny; and if he will make a statement on the matter. [40377/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** An application under the 2010 Single Payment Scheme was received from the person named on 14 May 2010. The 50% advance payment, which issued 18 October, was in respect of those parcels cleared for payment at that stage. A number of parcels listed on the application of the person named required digitisation; immediately this process is complete, provided no errors are identified, the application will be further processed, with a view to the further payment due issuing shortly thereafter.

234. **Deputy Michael Lowry** asked the Minister for Agriculture, Fisheries and Food the position regarding an application for a forestry planting grant in respect of a person (details supplied) in County Tipperary; when payment will issue; and if he will make a statement on the matter. [40397/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** An application from the person in question for afforestation grant aid is currently being processed by my Department. I understand that there is an issue with Provenance Certificates which is the subject of correspondence between my Department and the applicant's registered forester.

235. **Deputy Paul Connaughton** asked the Minister for Agriculture, Fisheries and Food the reason a single farm payment and an area-based payment have not been paid to a person (details supplied) in County Galway; and if he will make a statement on the matter. [40399/10]

**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

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named on 29 April 2010 with a claimed area of 8.90 hectares. On processing the application a parcel of land declared by the person named overlapped with another applicant's claimed area and both parties were written to in this regard. The person named incorrectly claimed the area in overlap, as it did not form part of the folio submitted by that person. The issue is now resolved and the Single Payment Scheme/Disadvantaged Areas for the person named has been fully processed and payment will issue shortly on the reduced area of 8.66 hectares.

236. **Deputy Paul Connaughton** asked the Minister for Agriculture, Fisheries and Food the reason a single farm payment has not been paid to a person (details supplied) in County Galway; if his attention has been drawn to the fact that the payment issued only on behalf of 12 entitlements when the applicant has 19.2 entitlements; and if he will make a statement on the matter. [40400/10]

**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 07 May 2010. Payments under the Single Payment Scheme commenced on 18 October, with an advance payment of 50% issuing in respect of those parcels cleared for payment at that stage. A number of parcels listed on the application required digitisation, immediately this process is complete, provided no errors are identified, payment due in respect of the Single Payment Scheme will issue to the person named.

237. **Deputy Denis Naughten** asked the Minister for Agriculture, Fisheries and Food when a payment will issue to a person (detail supplied) in County Roscommon; the reason for the delay; and if he will make a statement on the matter. [40405/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** An application under the 2010 Disadvantaged Areas Scheme/Single Payment Scheme was received from the person named on 13 April 2010. Payments under the 2010 Disadvantaged Areas Scheme and Single Payment Scheme have commenced nationally on 22 September 2010 and 18 October 2010 respectively. The person named submitted their application with 7 land parcels requiring re-digitisation. My Department has now completed this process. However, a response from the person named with regard to an over-claim is currently being processed. Immediately this process is complete, provided no further errors are identified, the application will be processed in full with a view to payments due issuing shortly thereafter.

238. **Deputy Billy Timmins** asked the Minister for Agriculture, Fisheries and Food the position regarding a person (details supplied); and if he will make a statement on the matter. [40425/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** An application under the Single Payment Scheme/Disadvantaged Areas Scheme was received from the person named on the 21 April 2010. This application was selected for and was the subject of a Ground Eligibility and Animal Identification Inspection. The inspection process is complete and the results are now being processed. Under EU regulations governing the Disadvantaged Areas Scheme and the Single Payments Scheme all Ground Eligibility Inspections must be completed before any payment can issue to any applicant under either scheme, including those not selected for a Ground Eligibility Inspection.

In 2010 some 3,500 farmers were selected for Ground Eligibility Inspections and all of these inspections were completed in advance of the first payments made under the Disadvantaged Areas Scheme and the Single Payment Scheme. A further 4,200 inspections were conducted by

remote sensing without the need to visit the farm. In the vast majority of cases that were inspected amendments have had to be made to the maps in order that the Land Parcel Identification System that is used for making payments to farmers is kept up-to-date. Processing of these changes is continuing with priority being given to applications that were the subject of a Ground Eligibility Inspection.

### Wildlife Conservation

239. **Deputy John Cregan** asked the Minister for Agriculture, Fisheries and Food when he expects the discussions between his Department and the national parks and wildlife service on the effects of afforestation and wind farms on the habitat of the hen harrier to conclude; and if he will make a statement on the matter. [40427/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** My Department is currently involved in discussions with the National Parks and Wildlife Service in relation to the potential impact of proposed afforestation projects in a number of Special Protection Areas (SPAs), which have seen significant wind farm development in recent years. The discussions, which are examining the combined effect of afforestation and wind farms on hen harrier habitats within the SPAs, are expected to conclude before the end of 2010.

### Grant Payments

240. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food the proposal, if any, his Department is going to introduce to compensate farmers for higher bank interest charges on their bank loans to participate in the farm waste management scheme arising from the Government's decision to pay the grants due on a phased basis; and if he will make a statement on the matter. [40444/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The arrangements for payment of the remaining grants under the Farm Waste Management Scheme on a phased basis were confirmed in early 2009 with 40 per cent being paid in that year as claims were approved. A further instalment of 40 per cent was paid early in 2010 and the final instalment of 20 per cent is due to be paid in early 2011. I also announced that a special ex-gratia payment not exceeding 3.5 per cent of the value of the deferred amount would be made to farmers whose Farm Waste Management grants were partially deferred in the manner set out above. This payment will also be made in 2011. I have no plans to alter these arrangements.

241. **Deputy Edward O'Keefe** asked the Minister for Agriculture, Fisheries and Food when payment will issue to a person (details supplied) in County Cork. [40454/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** Earlier this year, in response to the widespread frost which damaged the crops of potato and vegetable growers, I introduced an emergency, targeted aid scheme, designed to give a level of support to those affected. The conditions attaching to the scheme included the following:

- Financial aid will only be paid in instances where genuine damage to crops was caused by the severe frost in January 2010.
- All applications will be subject to an on-farm inspection and the damaged crops must be evident.
- Aid will not be payable where frost damage to crops is covered by the farmer's insurance policy.

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- Decisions on applications will be made on a case-by-case basis taking into account the overall crops enterprise operated by the grower.

I am pleased to say that the application of the person named has now been fully processed and payment of the aid will issue shortly.

242. **Deputy Niall Collins** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) will receive their payments under the single farm payment scheme and under the disadvantaged area scheme; and if he will make a statement on the matter. [40463/10]

**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 27 April 2010. While the advance payments under both Schemes have issued to the person named, these have been based on those parcels cleared for payment at that stage. A number of parcels listed on the application required digitisation; immediately this process is complete, provided no errors are identified, the application will be further processed with a view to the payments due issuing shortly thereafter.

243. **Deputy Edward O’Keeffe** asked the Minister for Agriculture, Fisheries and Food when payment in respect of two separate schemes will issue to a person (details supplied) in County Cork. [40466/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** An application under the 2009 Single Payment/Disadvantaged Areas Scheme was received from the person named on 16 April 2009. This application was fully processed and payment in full issued. Subsequently, however, a Cross Compliance penalty of 5% was applied, which has consequences for the Single Payment Scheme, Disadvantaged Areas Scheme and REPS. While the person named was advised of this penalty in writing, I have arranged for an official of my Department to make direct contact with the person named regarding this matter.

244. **Deputy Edward O’Keeffe** asked the Minister for Agriculture, Fisheries and Food when payments will issue to a person (details supplied) in County Cork. [40467/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** My Officials have been in contact with the person named and are awaiting additional information from him in order to process his application for payment.

245. **Deputy Edward O’Keeffe** asked the Minister for Agriculture, Fisheries and Food when payment will issue to a person (details supplied) in County Cork. [40468/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The person named submitted an adjusted plan in order to be admitted to the REPS 4 Scheme. My officials have been in touch with the applicants REPS Planner in the matter and will be writing to the applicant shortly regarding the outcome of his application.

246. **Deputy Edward O’Keeffe** asked the Minister for Agriculture, Fisheries and Food when payment will issue to a person (details supplied) in County Cork. [40469/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** An application under the 2010 Single Payment Scheme was received from the person named on 14 May 2010. As a

number of the land parcels declared by the applicant required digitisation, the advance payment, which issued to the person named, was calculated on the basis of the land clear at that stage. Immediately the re-digitising process is complete, provided no errors are identified, the application will be further processed, with a view to the further payments due issuing shortly thereafter.

247. **Deputy Edward O’Keeffe** asked the Minister for Agriculture, Fisheries and Food when payment will issue to a person (details supplied) in County Cork. [40470/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** An application under the 2010 Single Payments Scheme/Disadvantaged Areas Scheme was received from the person named on 6 May 2010. An advance payment under the Disadvantaged Areas Scheme issued to the person named on 21 September and the balancing payment issued on 20 October 2010. The advance payments under the Single Payment Scheme issued to the person named on 18 October. Balancing payments under the Single Payment Scheme are scheduled to commence issuing as and from 1 December 2010.

### **Animal Welfare Bodies**

248. **Deputy Michael Ring** asked the Minister for Agriculture, Fisheries and Food if he will provide funding to an organisation (details supplied); if he will allocate either similar funding as in 2009 or an increased amount in view of the necessary work it carries out and the substantial increase in its costs since 2009. [40478/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** An application for ex-gratia funding has been received from the organisation in question. Provision of ex-gratia assistance this year is subject to the availability of funds and the application will be considered in this context and having regard to competing claims for financial assistance submitted by other animal welfare bodies.

### **Grant Payments**

249. **Deputy Michael Moynihan** asked the Minister for Agriculture, Fisheries and Food the reasons for the delay in issuing the payment for the single payment scheme to a person (details supplied) in County Cork; and when payment will issue. [40479/10]

**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 the 31 March 2010. The person named received an advance payment under the Single Payment Scheme on 18 October on the basis of the land cleared at that time, as a number of parcels listed on the application required re-digitisation. While this process is now complete, it was found that the reference areas on a number of parcels had been over-claimed by the applicant in his application form. This required correspondence with the person named in order to clear the error and resolve the matter. Immediately this issue is resolved the application will be further processed, with a view to payment at an early date.

250. **Deputy Michael Moynihan** asked the Minister for Agriculture, Fisheries and Food the reasons for the delay in issuing the payments for the disadvantaged area scheme and the single payment scheme to a person (details supplied) in County Cork and when he expects payments to issue. [40480/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** An application under the Single Payment Scheme/Disadvantaged Areas Scheme was received from the person named



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on 19 April 2010. Advance payments under the Disadvantaged Areas Scheme issued on 21 September and under the Single Payment Scheme on 18 October, in both cases based on the land cleared at that stage. A number of parcels listed on the application of the person named requires re-digitisation; immediately this process is complete, provided no errors are identified, the application will be further processed, with a view to the further payments due issuing shortly thereafter.

251. **Deputy Michael Moynihan** asked the Minister for Agriculture, Fisheries and Food the reasons for the delay in issuing the payments for the disadvantaged area scheme and the single payment scheme to a person (details supplied) in County Cork and when he expects payments to issue. [40481/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** An application under the 2010 Single Payments Scheme/Disadvantaged Areas Scheme was received from the person named on 20 April 2010. The advance payments under the Disadvantaged Areas Scheme and the Single Payment Scheme, which issued on 20 October and 18 October respectively, were on the basis of the declared land clear at that stage. While a number of parcels listed on the application required digitising, as this process is now complete, the further payments due will issue shortly. Balancing payments under the Single Payment Scheme are scheduled to commence issuing from 1 December 2010.

252. **Deputy Michael Moynihan** asked the Minister for Agriculture, Fisheries and Food the reasons for the delay in issuing payments for the disadvantaged area scheme and the single payment scheme to a person (details supplied) in County Cork and when he expects payments to issue. [40482/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** An application under the 2010 Single Payments Scheme/Disadvantaged Areas Scheme was received from the person named on 12 May 2010. All of the land parcels declared required digitisation; immediately this process is complete, and providing no errors are identified, the application will be further processed, with a view to the payment due under both Schemes issuing shortly thereafter.

253. **Deputy Michael Moynihan** asked the Minister for Agriculture, Fisheries and Food the reasons for the delay in issuing payments for the disadvantaged area scheme and the single payment scheme to a person (details supplied) in County Cork and when he expects payments to issue. [40483/10]

**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. As a number of the land parcels declared by the applicant required digitisation, the advance payments under the Disadvantaged Areas Scheme and the Single Payment Scheme, which issued to the person named on 21 September and 18 October, respectively, were calculated on the basis of the land clear at that stage. Immediately the re-digitising process is complete, provided no errors are identified, the application will be further processed, with a view to the further payments due issuing shortly thereafter.

254. **Deputy Michael Moynihan** asked the Minister for Agriculture, Fisheries and Food the reasons for the delay in issuing payment for the single payment scheme to a person (details supplied) in County Cork and when he expects payment to issue. [40484/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** An application under the 2010 Single Payments Scheme/Disadvantaged Areas Scheme was received from the person named on 26 April 2010. A number of parcels on the application required digitising and this process is now complete. Payment under the Disadvantaged Areas scheme issued to the person named on 20 October. The person named received advance payments under the Single Payment Scheme on the 18 October. Balancing payments under the Single Payment Scheme are due to commence on 1 December 2010.

255. **Deputy John O'Mahony** asked the Minister for Agriculture, Fisheries and Food the number of the 2,897 Mayo farmers currently in REPS 4 that have received payment; and if he will make a statement on the matter. [40497/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** Payments in respect of the REPS 4 2010 scheme have not yet commenced. The EU Regulations governing REPS 4 and other area-based schemes provide that payments issue in two installments. The first installment of 75% may be paid once all administrative checks on all applications, as well as cross-checks against areas declared on Single Payment Scheme applications, have been completed. This process is under way and while my objective is to make all payments for 2010 as soon as possible, the checks are likely to take some weeks to complete. The balancing payment of 25% can issue once all on-the-spot inspections for the year have taken place. The programme of inspections is well advanced at this stage.

256. **Deputy John O'Mahony** asked the Minister for Agriculture, Fisheries and Food the number of the 1,468 Roscommon farmers currently in REPS 4 that have received payment; and if he will make a statement on the matter. [40498/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** Payments in respect of the REPS 4 2010 scheme have not yet commenced. The EU Regulations governing REPS 4 and other area-based schemes provide that payments issue in two installments. The first installment of 75% may be paid once all administrative checks on all applications, as well as cross-checks against areas declared on Single Payment Scheme applications, have been completed. This process is under way and while my objective is to make all payments for 2010 as soon as possible, the checks are likely to take some weeks to complete. The balancing payment of 25% can issue once all on-the-spot inspections for the year have taken place. The programme of inspections is well advanced at this stage.

257. **Deputy John O'Mahony** asked the Minister for Agriculture, Fisheries and Food the number of the 2,926 Galway farmers currently in REPS 4 that have received payment; and if he will make a statement on the matter. [40499/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** Payments in respect of the REPS 4 2010 scheme have not yet commenced. The EU Regulations governing REPS 4 and other area-based schemes provide that payments issue in two instalments. The first instalment of 75% may be paid once all administrative checks on all applications, as well as cross-checks against areas declared on Single Payment Scheme applications, have been completed. This process is under way and while my objective is to make all payments for 2010 as soon as possible, the checks are likely to take some weeks to complete. The balancing payment of 25% can issue once all on-the-spot inspections for the year have taken place. The programme of inspections is well advanced at this stage.

258. **Deputy John O'Mahony** asked the Minister for Agriculture, Fisheries and Food the number of farmers in County Mayo who are entitled to disadvantaged area payment; the number who have received their correct payment; the reason the correct payment has not been made; when will all farmers receive their payments; and if he will make a statement on the matter. [40500/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** In relation to the 2010 Disadvantaged Areas Scheme, I have exercised the option of making an advance payment of 75 per cent of DAS beginning on 22 September, with the balancing 25 per cent payment commencing 20 October. I have taken this option because of the EU requirement to entirely process applications before payment can be made in full. However, this approach will ensure the maximum number of farmers will get an advance payment, whereas a far fewer number of farmers could be paid in full if an alternative option were taken. The rate of payment under Disadvantaged Areas Scheme is unchanged from last year and I am confident that all applicants will receive their full entitlement when their maps and applications are fully processed.

A total of 11,646 applications were received from County Mayo under the 2010 Scheme, of which, 9,646 have received payment. It should be appreciated, however, that annually in the region of 1,000 applicants, who are identified as having declared DAS-eligible land, do not qualify for payment, due to not otherwise meeting the Scheme requirements, principally either the requirement as regards the minimum stocking density (0.15 livestock units per forage hectare for a three consecutive month period), or the minimum holding size of three hectares. Payments under the 2010 Scheme are continuing to issue as individual cases are processed.

259. **Deputy John O'Mahony** asked the Minister for Agriculture, Fisheries and Food the number of farmers in County Mayo who are entitled to the single farm payment; the number who have received their correct payment; the reason the correct payment has not been made; when will all farmers receive their payments; and if he will make a statement on the matter. [40501/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The earliest permissible date for payment under the EU Single Payment Scheme is 1st December. However, in 2010 I made a special case to the European Commission and secured agreement to make an advance payment of 50% from 18th October. As in the case of the Disadvantaged Areas Scheme, I arranged for payments to be made to applicants, where the only outstanding issue was non-digitised maps. In addition, for the first time I made provision this year to have supplementary amounts paid to farmers who did not receive their full advance payment because all of their land was not clear at the time of the advance.

The balancing SPS payments of 50% will commence on 1st December. My Department received, from applicants in County Mayo, a total of 11,176 Single Farm Payment applications. Since payments commenced two weeks ago, 9,709 farmers of these have received an advance payment. There are 856 farmers remaining that have received a partial payment as they have submitted maps, which require re-digitising. Advance payments under the 2010 Scheme are continuing to issue as individual cases are processed and the errors that are currently holding-up payments are cleared. In addition, those who have received partial advance payments will receive supplementary amounts as their applications are fully processed provided that there are no other errors involved.

260. **Deputy Willie Penrose** asked the Minister for Agriculture, Fisheries and Food the steps he will take to have payments due under the single farm payments scheme, disadvantaged areas

scheme and the REP scheme paid to a person (details supplied) in County Westmeath; if this payment can now be expedited; and if he will make a statement on the matter. [40664/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** An application under the 2010 Single Payments Scheme/Disadvantaged Areas Scheme was received from the person named on 10 May 2010. A number of parcels listed by the person named required re-digitisation and this process is now complete. Full payment of the Disadvantaged Area Scheme will issue to the person named in the coming days while the 50% advance on the Single Farm Payment will also issue shortly. Balancing payments of the Single Payment Scheme are due to commence on 1 December.

The EU Regulations governing REPS 4 and other area-based schemes provide that payments issue in two instalments. The first instalment of 75% may be paid once all administrative checks on all applications, as well as cross-checks against areas declared on Single Payment Scheme applications, have been completed. This process is under way and while my objective is to make all payments as soon as possible, the checks are likely to take several more weeks to complete. The person named will receive his 75% REPS 4 payment at this stage, provided that his application has cleared all checks. The balancing payment of 25% can issue once all on-the-spot inspections for the year have taken place. The programme of inspections is well advanced at this stage.

261. **Deputy Seymour Crawford** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Cavan will receive their area aid single farm premium and their suckler cow grant; and if he will make a statement on the matter. [40703/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The person named registered 63 animals under the 2008 Suckler Welfare Scheme and was paid in full. 40 animals were registered under the 2009 Suckler Welfare Scheme. Payment has issued on three animals and the remaining animals have been processed for payment, which will issue shortly. An application under the Single Payment Scheme/Disadvantaged Areas Scheme was received from the person named on 12 May 2010. One of the parcels listed on the application of the person named requires re-digitisation; immediately this process is complete, provided no errors are identified, the application will be further processed, with a view to the payment due issuing shortly thereafter.

### Departmental Bodies

262. **Deputy Róisín Shortall** asked the Minister for Agriculture, Fisheries and Food if he will provide details of all bodies, committees or groups under his Department or any of the agencies within his Department's remit associated with social partnership established in the past 15 years; the details of all funding allocated to these bodies in that period; the details of all funding provided to social partnership bodies or persons associated with such bodies in the period and the purpose of these allocations. [40706/10]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** It was not possible to provide the information requested within the required timeframe. However, I have arranged for this information to be provided to the Deputy as soon as possible.

### Departmental Correspondence

263. **Deputy Ruairí Quinn** asked the Minister for Enterprise, Trade and Innovation to confirm that he personally, or a member of the staff in his ministerial office or a member of his Department's staff, acting as his representative or on his behalf, received a letter, sent by

[Deputy Ruairí Quinn.]

registered post, addressed to him and marked personal, from a person (details supplied) on 6 September 2010; where this letter is currently residing within his Department; if he will instruct his officials to formally acknowledge the receipt of this letter by return post; if he will personally read and reply to the letter so that the serious matter between his Department and this person can be dealt with; and if he will make a statement on the matter. [40412/10]

**Minister for Enterprise, Trade and Innovation (Deputy Batt O’Keeffe):** This correspondence was received in my Office and a reply will issue to the individual concerned as soon as possible.

### Departmental Transport

264. **Deputy Simon Coveney** asked the Minister for Enterprise, Trade and Innovation the number of State vehicles in use by his Department; if a small pool of vehicles is in use; if so, the number, make and age of these vehicles; the annual cost of fuel, depreciation, staffing for these vehicles; and if he will make a statement on the matter. [40494/10]

**Minister for Enterprise, Trade and Innovation (Deputy Batt O’Keeffe):** My Department has only one small 1.5 cc Renault van which is used for the collection and delivery of documents etc for the Department within Dublin where the Department and its Offices are located in 6 different buildings. The Renault van was purchased new in June 2008 and is not due for replacement for some years. Last year the total cost of diesel fuel for the Renault van was €668.61 and the depreciation came to €2,718. The Service Officers who drive the 2008 Renault van for the Department do so as part of their normal duties.

### Job Losses

265. **Deputy Enda Kenny** asked the Minister for Enterprise, Trade and Innovation if he had been contacted by a company (details supplied) in County Mayo in advance of the 200 redundancies announced this week; his views on the announcement of these redundancies; his plans to liaise with the company in respect of possibly avoiding these redundancies and safeguarding the remaining 800 positions; and if he will make a statement on the matter. [40528/10]

266. **Deputy Enda Kenny** asked the Minister for Enterprise, Trade and Innovation if his attention has been drawn to any proposals by the Industrial Development Authority to ensure new employment is provided to replace the 200 positions being made redundant at a company (details supplied) in County Mayo; if the IDA has been contacted by the company in respect of the announced 200 redundancies; the activity that has been undertaken by the IDA to promote employment within County Mayo during 2010; and if he will make a statement on the matter. [40529/10]

**Minister for Enterprise, Trade and Innovation (Deputy Batt O’Keeffe):** I propose to take Questions Nos. 265 and 266 together.

IDA Ireland is in constant contact with Baxter Pharmaceuticals, one of its key client companies in County Mayo. The Agency works on an ongoing basis with the company, and in particular was closely involved with the company in developing its transformation programme, which was announced 3 years ago. In November 2007, Baxter announced a €75m investment programme to transform its operations /manufacturing plants at Castlebar and Swinford, County Mayo, strengthening the future of both plants. The investment was made to develop new technologies and higher value products, improve manufacturing processes, upgrade facilities and re-skill staff. At the time the company employed 900 full time staff plus 100 temporary employees at its Mayo plants.

On the 28th October 2010 the company announced that it planned to seek 150 permanent voluntary redundancies, and the conclusion of 50 temporary contracts. According to the company the decision to seek redundancies was taken following the economic downturn, the subsequent impact on European healthcare cost-savings measures and the ongoing need to improve cost competitiveness. It ensures the manufacturing operations in Mayo are strengthened. The company remains committed to its Mayo plants, which remain a central part in the global Baxter manufacturing network, and will continue to invest in process and technology improvements at the plants. The company will continue to employ circa 900 people when the redundancies are completed.

Key to IDA Ireland's Strategy for County Mayo within the West Region is to progress the development of a knowledge based economy so that the county and particularly the linked hub of Castlebar and Ballina with Westport as a priority location can compete both nationally and internationally for foreign direct investment. IDA Ireland's strategy for the West region is to:

- Support the growth and development of the Region's existing clients by working with them to increase their strategic importance through additional functions and activities
- To market the West region to overseas clients in order to secure new Greenfield investment.
- Strengthen the West Region's product offering by working with relevant partners, including Local Authorities, third level institutions and service providers to enhance the region's Ecosystem.
- Provide property solutions with supporting infrastructure to attract foreign direct investment.

In this regard, IDA has and is investing significantly in the provision of planned and focused property solutions in the West region and specifically in Mayo with the development of Business and Technology Parks in Westport and Castlebar and the purchase of c.11.55ha of industrial zoned land on the Sligo Road in Ballina from Mayo County Council. There are 18 IDA supported companies in Mayo employing over 2,918 in permanent jobs and circa 500 in temporary and contract employment.

IDA Ireland recognises the need to provide high value employment opportunities in Mayo which will provide sustainable long-term jobs. IDA Ireland's strategies have proved successful to date in Ireland, despite the difficult and ever changing global economy. The level of foreign direct investment in Ireland, relative to the size of the economy, is one of the highest in Europe. IDA Ireland is confident that the strategies and policies being pursued in County Mayo together with the ongoing commitment to regional development, will bear fruit in terms of overseas investment and jobs. The most recent example of this was the announcement last month by healthcare company Hollister to create a further 250 jobs in Ballina.

### **Employment Support Services**

267. **Deputy John Deasy** asked the Minister for Enterprise, Trade and Innovation the number of jobs being supported in Waterford city under the employment subsidy scheme; and if he will make a statement on the matter. [40660/10]

268. **Deputy John Deasy** asked the Minister for Enterprise, Trade and Innovation the number of jobs being supported in Waterford county under the employment subsidy scheme; and if he will make a statement on the matter. [40661/10]

**Minister for Enterprise, Trade and Innovation (Deputy Batt O’Keeffe):** I propose to take Questions Nos. 267 and 268 together.

Due to confidentiality reasons and the potential to identify individual companies, Employment Subsidy Scheme (Temporary) approvals for any county are not broken down into city and county approvals. Under the first call of the Employment Subsidy Scheme, 8 companies in Waterford City and County were approved €2,310,400 towards 254 subsidies. These companies committed to maintain 2,624 employees to 30 November 2010. Under the second call of the Employment Subsidy Scheme, 29 companies in Waterford City and County were approved €1,290,380 towards 161 subsidies. As a result of being approved these subsidies, these companies committed to maintain 1,612 employees to 30 November 2010.

### **Departmental Bodies**

269. **Deputy Róisín Shortall** asked the Minister for Enterprise, Trade and Innovation if he will provide details of all bodies, committees or groups under his Department or any of the agencies within his Department’s remit associated with social partnership established in the past 15 years; the details of all funding allocated to these bodies in that period; the details of all funding provided to social partnership bodies or persons associated with such bodies in the period and the purpose of these allocations. [40711/10]

**Minister of State at the Department of Enterprise, Trade and Innovation (Deputy Dara Calleary):** It has not been possible, in the time available, for my officials to compile the information requested. However, I will forward the information to the Deputy as soon as all the information has been compiled.

### **Employment Support Services**

270. **Deputy Richard Bruton** asked the Minister for Enterprise, Trade and Innovation if he has had meetings with the administration of an organisation (details supplied) to search for new buyers who would preserve the skills and experience of the workforce; if he will play a role in the approval of acquisitions or mergers; and if he will make a statement on the matter. [40730/10]

**Minister for Enterprise, Trade and Innovation (Deputy Batt O’Keeffe):** Immediately following the announcement of the impending redundancies in Quinn Insurance, I met with the Court appointed Administrators in the company of officials from Enterprise Ireland, IDA Ireland and FÁS. The Administrators briefed us on the situation within the company.

Following the redundancy announcement, I put in place an inter-agency group comprising the relevant state agencies and I appointed former chief executive of Enterprise Ireland, Dan Flinter as chair, to ensure that every possible resource was put in place to support the employment prospects of all those affected. The work of this group included provision of information in relation to further education and upskilling, seeking other employment opportunities as well as exploring their potential as regards setting up a new business. Under the merger provisions of the Competition Act, 2002 and subject to certain financial thresholds, proposed mergers and acquisitions require regulatory clearance from the Competition Authority. I have no role in this process, other than in the case of “media mergers” to which no threshold notification limitations apply.

### **Employment Rights**

271. **Deputy Richard Bruton** asked the Minister for Enterprise, Trade and Innovation the number of workers estimated to be employed at each of the various regulated wages, minimum

wage, joint labour committees, regulation orders and so on; the number of cases of non-compliance identified by the National Employment Rights Authority; the number of workers involved; if he will indicate whether cases of non-compliance arose from inability to pay or merely a refusal to respect the provisions. [40732/10]

**Minister of State at the Department of Enterprise; Trade and Innovation (Deputy Dara Calleary):** Reliable data on the number of workers that come within the scope of Employment Regulation Orders, Registered Employment Agreements and other regulated wages are not available.

The table provides details of the number of employers inspected under the REA, ERO and NMW provisions. It shows the total number of employers that were found to be in breach of these provisions. It shows a breakdown between non-monetary breaches and monetary breaches. Non-monetary breaches largely relate to record keeping. These figures relate to all of 2009 and up to 22nd October 2010 and refer to breaches in respect of The National Minimum Wage, Registered Employment Agreements, and Statutory Instruments (Employment Regulation Orders) that were detected by the National Employment Rights Authority (NERA) in the course of inspections. The NERA Case Management System does not allow for the capture of details in relation to the numbers of workers involved, or the reasons why employers failed to comply with the respective provisions.

	2009			2010 (to 22 Oct)		
	No. of Employers inspected	Total No. in Breach	No. with Monetary Breaches	No. of Employers inspected	Total No. in Breach	No. with Monetary Breaches
NMW	2,981	200	165	1,235	83	50
REA	410	177	114	228	124	72
ERO	1,256	807	668	901	611	458
	4,537	1184	947	2,364	818	580

### Departmental Programmes

272. **Deputy Bernard J. Durkan** asked the Minister for Community, Equality and Gaeltacht Affairs his plans to address the problems experienced by those disadvantaged in rural areas in the coming year; and if he will make a statement on the matter. [39493/10]

273. **Deputy Bernard J. Durkan** asked the Minister for Community, Equality and Gaeltacht Affairs his plans to address the problems experienced by those in disadvantaged in urban areas in the coming year; and if he will make a statement on the matter. [39494/10]

276. **Deputy Bernard J. Durkan** asked the Minister for Community, Equality and Gaeltacht Affairs his plans to extend the CLÁR scheme to cater for the increasing needs arising from the economic situation; and if he will make a statement on the matter. [39497/10]

277. **Deputy Bernard J. Durkan** asked the Minister for Community, Equality and Gaeltacht Affairs his plans if any to extend the RAPID scheme to cater for the increasing needs arising from the economic situation; and if he will make a statement on the matter. [39498/10]

279. **Deputy Bernard J. Durkan** asked the Minister for Community, Equality and Gaeltacht Affairs the extent to which he has carried out an assessment of the emerging needs of rural



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communities with a view to how best to address such issues in the ongoing economic situation; and if he will make a statement on the matter. [39500/10]

280. **Deputy Bernard J. Durkan** asked the Minister for Community, Equality and Gaeltacht Affairs the extent to which he has carried out an assessment of the emerging needs of urban communities with a view to how best to address such issues in the ongoing economic situation; and if he will make a statement on the matter. [39501/10]

282. **Deputy Bernard J. Durkan** asked the Minister for Community, Equality and Gaeltacht Affairs the extent to which he intends to expand or extend the range of schemes operated directly by his Department or groups or bodies under its aegis to assist community based groups involved in the campaign against drugs; and if he will make a statement on the matter. [39503/10]

283. **Deputy Bernard J. Durkan** asked the Minister for Community, Equality and Gaeltacht Affairs his plans to modify urban oriented schemes operated by his Department to meet requirements of the continuing economic situation; and if he will make a statement on the matter. [39504/10]

**Minister for Community, Equality and Gaeltacht Affairs (Deputy Pat Carey):** I propose to take Questions Nos. 272, 273, 276, 277, 279, 280, 282 and 283 together.

As the Deputy is aware, in the current economic circumstances, we continue to be faced with difficult decisions. Over the course of the economic downturn, the Government has considered a number of measures to maintain not only a prudent fiscal outturn for 2010 but also to provide the basis for a sustainable approach to the current financial situation. Across Government, our approach has been to do this in as balanced a way as possible.

Notwithstanding these challenges, the Government and my Department remain very committed to the entire range of urban, rural, Gaeltacht and island communities we serve. Clearly, given the prevalent financial circumstances, objectives will have to be pursued with less resources than previously. However, we will continue to strive to achieve good outcomes and value for money against these constraints. The Deputy will appreciate that the individual 2011 allocations for my Department will not be decided until the Estimates process is completed within the framework of the forthcoming Budget. However, I will strive to protect, to the greatest extent possible, the daily front-line services provided with funding from my Department, especially those focused on the needs of the most socially deprived communities.

### **Grant Payments**

274. **Deputy Bernard J. Durkan** asked the Minister for Community, Equality and Gaeltacht Affairs the number of applicants for assistance for grant aid directly through his Department or groups or bodies under its aegis in each of the past two years in County Kildare; the extent of the response; the extent to which provision is likely to be made for such schemes in the coming year; and if he will make a statement on the matter. [39495/10]

275. **Deputy Bernard J. Durkan** asked the Minister for Community, Equality and Gaeltacht Affairs the number of applicants for assistance for grant aid directly through his Department or groups or bodies under its aegis in each of the past two years; the extent of the response; the extent to which provision is likely to be made for such schemes in the coming year; and if he will make a statement on the matter. [39496/10]

278. **Deputy Bernard J. Durkan** asked the Minister for Community, Equality and Gaeltacht Affairs the full extent of recipients of various forms of grant aid or assistance through schemes operated through or by his Department in the past 12 months; the position regarding such schemes in the current year; and if he will make a statement on the matter. [39499/10]

281. **Deputy Bernard J. Durkan** asked the Minister for Community, Equality and Gaeltacht Affairs the full range of schemes or incentives operated by his Department or bodies under its aegis with a view to addressing the needs of rural communities affected by the ongoing economic situation; and if he will make a statement on the matter. [39502/10]

**Minister for Community, Equality and Gaeltacht Affairs (Deputy Pat Carey):** I propose to take Questions Nos. 274, 275, 278 and 281 together.

As the Deputy is aware, my Department administers and delivers a wide range of programmes and measures, descriptions of which are available on our website at [www.pobail.ie](http://www.pobail.ie). In addition, details of payments made from subheads part-funded from the National Lottery are listed on my Department's website. My Department's gross expenditure outturn for 2008 was €540.421m and for 2009 was €458.863m. The Further Revised Estimate gross allocation for 2010 is €440.864m. The table provides a breakdown for each of my Department's programme areas.

Programme Area	Expenditure 2008	Expenditure 2009	Further Revised Estimate Allocations 2010
	€m	€m	€m
Developing Communities	171.142	160.843	131.785
Tackling Drugs Misuse	65.207	39.377	36.182
Rural Development	97.111	92.678	85.490
Gaeltacht and Islands Development	111.296	86.745	62.943
Promotion and Maintenance of the Irish Language	7.420	8.902	8.012
North-South Co-Operation	68.011	52.676	52.229
Equality	n/a	n/a	11.063
Disability	n/a	n/a	6.401
Other Services	n/a	n/a	27.218
Administration	20.234	17.465	19.541
<b>Total</b>	<b>540.421</b>	<b>458.863</b>	<b>440.864</b>

While expenditure under these programme areas takes place countrywide, it is not possible to give a full county-by-county breakdown of the funding. For example, a number of my Department's programmes are delivered through agencies and other intermediary bodies that operate across county boundaries and in respect of which there is no comprehensive or detailed breakdown on a county basis are held by my Department. In addition, groups and organisations that receive grants directly from my Department are not necessarily constituted on a single-county basis.

In view of the wide range of my Department's schemes and programmes and the large volumes of applications received thereunder on an ongoing basis, I am not satisfied that the work involved in compiling and collating the breakdown of expenditure sought by the Deputy would be feasible or justified. However, if the Deputy has any specific queries relating to a particular scheme, I would be glad to seek to provide him with the relevant information.

*Questions Nos. 276 and 277 answered with Question No. 272.*

*Question No. 278 answered with Question No. 274.*

*Questions Nos. 279 and 280 answered with Question No. 272.*

*Question No. 281 answered with Question No. 274,*

*Questions Nos. 282 and 283 answered with Question No. 272.*

### **Departmental Expenditure**

284. **Deputy Frank Feighan** asked the Minister for Community, Equality and Gaeltacht Affairs the implications the infrastructure investment projects, 2010 to 2016, will have for his Department; the projects that will be prioritised; and if he will make a statement on the matter. [39639/10]

**Minister for Community, Equality and Gaeltacht Affairs (Deputy Pat Carey):** Firstly, may I draw the attention of the Deputy to the fact that the figures set out in the document referred to by him relate solely to the capital allocations for my Department and do not take account of the significant amounts allocated to its currently-funded programmes. While the recently published Capital Review does propose a significant reduction in my Department's capital allocation from €105m in 2010 to €86m for each of the years 2011, 2012 and 2013, my understanding is that all of these figures will be subject to ongoing review. In addition, proposed allocations post-2013 will also be informed by a mid-term review. Furthermore, all of the figures are indicative at this time and the 2011 allocations will not be decided until the Estimates process is completed within the framework of the forthcoming Budget.

As the Deputy is aware, in the current economic circumstances we are faced with difficult decisions. The Government has considered a number of measures to maintain a prudent fiscal outturn, not only for 2010 but also to provide the basis for a sustainable approach to the current financial situation. Across Government, our approach has been to do this in as balanced a way as possible.

Within this context, my primary concern is to make every effort to ensure that the daily front-line services provided with funding from my Department are protected, especially those focused on the needs of the most socially deprived communities. In the prevalent financial circumstances, objectives will have to be pursued with less resources than previously. However, we will continue to strive to achieve good outcomes and value for money notwithstanding these constraints.

### **Anti-Poverty Strategy**

285. **Deputy Frank Feighan** asked the Minister for Community, Equality and Gaeltacht Affairs his views on the recently published Economic and Social Research Institute report on poverty trends; and if he will make a statement on the matter. [39640/10]

**Minister for Community, Equality and Gaeltacht Affairs (Deputy Pat Carey):** The findings of the ESRI report highlight the significant progress that was made in reducing poverty between 2004 and 2007 for all life cycle groups. Specifically, the consistent poverty rate fell from 6.6 per cent to 5.1 per cent of the population over three years, a reduction of a quarter. The at-risk-of-poverty rate declined from 19.4 per cent to 16.5 per cent, a fall of 15 per cent. There were significant improvements in the poverty rate for older people, younger children and children in larger households. Among the working age population, there were large decreases in poverty among lone parent families and single people. The report makes clear that these reductions in

poverty reflect the policies adopted by Government in the mid 2000s, notably higher welfare payments and increased employment.

Combating poverty and building an inclusive society remain key priorities. The overall goal of the *National Action Plan for Social Inclusion 2007-2016* is to reduce consistent poverty to between 2 and 4 per cent by 2012 and to eliminate it by 2016. The latest 2008 poverty results show the Government is on track to meet this target. Despite the altered economic and fiscal circumstances, the Government remains committed to building a socially inclusive and fair society. The overall goal is to restore economic growth, maximise employment and to protect those who are most vulnerable. I believe that the ESRI report will make an important contribution to shaping the policy responses formulated by Government to achieve this goal.

### Departmental Bodies

286. **Deputy Róisín Shortall** asked the Minister for Community, Equality and Gaeltacht Affairs if he will provide details of all bodies, committees or groups under his Department or any of the agencies within his Department's remit associated with social partnership established in the past 15 years; the details of all funding allocated to these bodies in that period; the details of all funding provided to social partnership bodies or persons associated with such bodies in the period and the purpose of these allocations. [40708/10]

**Minister for Community, Equality and Gaeltacht Affairs (Deputy Pat Carey):** I wish to advise the Deputy that it has not been possible in the time available to provide the information requested relating to certain payments made by my Department and by bodies funded from its Vote Group. I will arrange to have the information forwarded to the Deputy directly as soon as possible.

### Decentralisation Programme

287. **Deputy David Stanton** asked the Minister for Defence if his Department or the Defence Forces will be purchasing or providing bus services or other transport services to bring personnel affected by decentralisation to new offices in Newbridge, County Kildare; if so, the number of personnel involved and the estimated cost of same per week; and if he will make a statement on the matter. [40704/10]

**Minister for Defence (Deputy Tony Killeen):** The Department of Defence is moving to Newbridge, Co. Kildare under the decentralisation programme. All of the Department's Dublin based civil service staff will relocate to Newbridge. The Chief of Staff, the Deputy Chiefs of Staff and a number of other military personnel will also relocate. Relocation of staff to the new building has commenced and will be completed by 8 November 2010. There are no plans to organise, provide or purchase transport services for staff reporting to the new premises in Newbridge.

288. **Deputy David Stanton** asked the Minister for Defence if his Department or the Defence Forces are purchasing or providing bus or other transport services to bring personnel to work as a result of workplace location changes; if so, the number of personnel involved; the locations to which they are being transported; the cost of this transport respectively on a weekly basis; and if he will make a statement on the matter. [40705/10]

**Minister for Defence (Deputy Tony Killeen):** The Department of Defence is moving to Newbridge, Co. Kildare under the decentralisation programme. All of the Department's Dublin based civil service staff will relocate to Newbridge. The Chief of Staff, the Deputy Chiefs of

[Deputy Tony Killeen.]

Staff and a number of other military personnel will also relocate. There are no plans to organise, purchase or provide transport for staff as a result of workplace location changes.

### **Departmental Bodies**

289. **Deputy Róisín Shortall** asked the Minister for Defence if he will provide details of all bodies, committees or groups under his Department or any of the agencies within his Department's remit associated with social partnership established in the past 15 years; the details of all funding allocated to these bodies in that period; the details of all funding provided to social partnership bodies or persons associated with such bodies in the period and the purpose of these allocations. [40709/10]

**Minister for Defence (Deputy Tony Killeen):** There are no bodies, committees or groups under the Department of Defence or any of the agencies within the Department's remit associated with Social Partnership.